



Sen. Chapin Rose

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1 AMENDMENT TO SENATE BILL 1746

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1746 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended  
5 by changing Section 7 as follows:

6 (20 ILCS 505/7) (from Ch. 23, par. 5007)

7 Sec. 7. Placement of children; considerations.

8 (a) In placing any child under this Act, the Department  
9 shall place the child, as far as possible, in the care and  
10 custody of some individual holding the same religious belief as  
11 the parents of the child, or with some child care facility  
12 which is operated by persons of like religious faith as the  
13 parents of such child.

14 (a-5) In placing a child under this Act, the Department  
15 shall place the child with the child's sibling or siblings  
16 under Section 7.4 of this Act unless the placement is not in

1 each child's best interest, or is otherwise not possible under  
2 the Department's rules. If the child is not placed with a  
3 sibling under the Department's rules, the Department shall  
4 consider placements that are likely to develop, preserve,  
5 nurture, and support sibling relationships, where doing so is  
6 in each child's best interest.

7 (b) In placing a child under this Act, the Department may  
8 place a child with a relative if the Department determines that  
9 the relative will be able to adequately provide for the child's  
10 safety and welfare based on the factors set forth in the  
11 Department's rules governing relative placements, and that the  
12 placement is consistent with the child's best interests, taking  
13 into consideration the factors set out in subsection (4.05) of  
14 Section 1-3 of the Juvenile Court Act of 1987.

15 When the Department first assumes custody of a child, in  
16 placing that child under this Act, the Department shall make  
17 reasonable efforts to identify, locate, and provide notice to  
18 all adult grandparents and other adult relatives of the child  
19 who are ready, willing, and able to care for the child. At a  
20 minimum, these efforts shall be renewed each time the child  
21 requires a placement change and it is appropriate for the child  
22 to be cared for in a home environment. The Department must  
23 document its efforts to identify, locate, and provide notice to  
24 such potential relative placements and maintain the  
25 documentation in the child's case file.

26 If the Department determines that a placement with any

1 identified relative is not in the child's best interests or  
2 that the relative does not meet the requirements to be a  
3 relative caregiver, as set forth in Department rules or by  
4 statute, the Department must document the basis for that  
5 decision and maintain the documentation in the child's case  
6 file.

7 If, pursuant to the Department's rules, any person files an  
8 administrative appeal of the Department's decision not to place  
9 a child with a relative, it is the Department's burden to prove  
10 that the decision is consistent with the child's best  
11 interests.

12 When the Department determines that the child requires  
13 placement in an environment, other than a home environment, the  
14 Department shall continue to make reasonable efforts to  
15 identify and locate relatives to serve as visitation resources  
16 for the child and potential future placement resources, except  
17 when the Department determines that those efforts would be  
18 futile or inconsistent with the child's best interests.

19 If the Department determines that efforts to identify and  
20 locate relatives would be futile or inconsistent with the  
21 child's best interests, the Department shall document the basis  
22 of its determination and maintain the documentation in the  
23 child's case file.

24 If the Department determines that an individual or a group  
25 of relatives are inappropriate to serve as visitation resources  
26 or possible placement resources, the Department shall document

1 the basis of its determination and maintain the documentation  
2 in the child's case file.

3 When the Department determines that an individual or a  
4 group of relatives are appropriate to serve as visitation  
5 resources or possible future placement resources, the  
6 Department shall document the basis of its determination,  
7 maintain the documentation in the child's case file, create a  
8 visitation or transition plan, or both, and incorporate the  
9 visitation or transition plan, or both, into the child's case  
10 plan. For the purpose of this subsection, any determination as  
11 to the child's best interests shall include consideration of  
12 the factors set out in subsection (4.05) of Section 1-3 of the  
13 Juvenile Court Act of 1987.

14 The Department may not place a child with a relative, with  
15 the exception of certain circumstances which may be waived as  
16 defined by the Department in rules, if the results of a check  
17 of the Law Enforcement Agencies Data System (LEADS) identifies  
18 a prior criminal conviction of the relative or any adult member  
19 of the relative's household for any of the following offenses  
20 under the Criminal Code of 1961 or the Criminal Code of 2012:

- 21 (1) murder;
- 22 (1.1) solicitation of murder;
- 23 (1.2) solicitation of murder for hire;
- 24 (1.3) intentional homicide of an unborn child;
- 25 (1.4) voluntary manslaughter of an unborn child;
- 26 (1.5) involuntary manslaughter;

- 1 (1.6) reckless homicide;
- 2 (1.7) concealment of a homicidal death;
- 3 (1.8) involuntary manslaughter of an unborn child;
- 4 (1.9) reckless homicide of an unborn child;
- 5 (1.10) drug-induced homicide;
- 6 (2) a sex offense under Article 11, except offenses
- 7 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
- 8 11-40, and 11-45;
- 9 (3) kidnapping;
- 10 (3.1) aggravated unlawful restraint;
- 11 (3.2) forcible detention;
- 12 (3.3) aiding and abetting child abduction;
- 13 (4) aggravated kidnapping;
- 14 (5) child abduction;
- 15 (6) aggravated battery of a child as described in
- 16 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 17 (7) criminal sexual assault;
- 18 (8) aggravated criminal sexual assault;
- 19 (8.1) predatory criminal sexual assault of a child;
- 20 (9) criminal sexual abuse;
- 21 (10) aggravated sexual abuse;
- 22 (11) heinous battery as described in Section 12-4.1 or
- 23 subdivision (a) (2) of Section 12-3.05;
- 24 (12) aggravated battery with a firearm as described in
- 25 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 26 (e) (4) of Section 12-3.05;

- 1 (13) tampering with food, drugs, or cosmetics;
- 2 (14) drug-induced infliction of great bodily harm as  
3 described in Section 12-4.7 or subdivision (g)(1) of  
4 Section 12-3.05;
- 5 (15) aggravated stalking;
- 6 (16) home invasion;
- 7 (17) vehicular invasion;
- 8 (18) criminal transmission of HIV;
- 9 (19) criminal abuse or neglect of an elderly person or  
10 person with a disability as described in Section 12-21 or  
11 subsection (b) of Section 12-4.4a;
- 12 (20) child abandonment;
- 13 (21) endangering the life or health of a child;
- 14 (22) ritual mutilation;
- 15 (23) ritualized abuse of a child;
- 16 (24) an offense in any other state the elements of  
17 which are similar and bear a substantial relationship to  
18 any of the foregoing offenses.
- 19 For the purpose of this subsection, "relative" shall  
20 include any person, 21 years of age or over, other than the  
21 parent, who (i) is currently related to the child in any of the  
22 following ways by blood or adoption: grandparent, sibling,  
23 great-grandparent, uncle, aunt, nephew, niece, first cousin,  
24 second cousin, godparent, great-uncle, or great-aunt; or (ii)  
25 is the spouse of such a relative; or (iii) is the child's  
26 step-father, step-mother, or adult step-brother or

1 step-sister; or (iv) is a fictive kin; "relative" also includes  
2 a person related in any of the foregoing ways to a sibling of a  
3 child, even though the person is not related to the child, when  
4 the child and its sibling are placed together with that person.  
5 For children who have been in the guardianship of the  
6 Department, have been adopted, and are subsequently returned to  
7 the temporary custody or guardianship of the Department, a  
8 "relative" may also include any person who would have qualified  
9 as a relative under this paragraph prior to the adoption, but  
10 only if the Department determines, and documents, that it would  
11 be in the child's best interests to consider this person a  
12 relative, based upon the factors for determining best interests  
13 set forth in subsection (4.05) of Section 1-3 of the Juvenile  
14 Court Act of 1987. A relative with whom a child is placed  
15 pursuant to this subsection may, but is not required to, apply  
16 for licensure as a foster family home pursuant to the Child  
17 Care Act of 1969; provided, however, that as of July 1, 1995,  
18 foster care payments shall be made only to licensed foster  
19 family homes pursuant to the terms of Section 5 of this Act.

20 Notwithstanding any other provision under this subsection  
21 to the contrary, a fictive kin with whom a child is placed  
22 pursuant to this subsection shall apply for licensure as a  
23 foster family home pursuant to the Child Care Act of 1969  
24 within 6 months of the child's placement with the fictive kin.  
25 The Department shall not remove a child from the home of a  
26 fictive kin on the basis that the fictive kin fails to apply

1 for licensure within 6 months of the child's placement with the  
2 fictive kin, or fails to meet the standard for licensure. All  
3 other requirements established under the rules and procedures  
4 of the Department concerning the placement of a child, for whom  
5 the Department is legally responsible, with a relative shall  
6 apply. By June 1, 2015, the Department shall promulgate rules  
7 establishing criteria and standards for placement,  
8 identification, and licensure of fictive kin.

9 For purposes of this subsection, "fictive kin" means any  
10 individual, unrelated by birth or marriage, who:

11 (i) is shown to have significant and close personal or  
12 emotional ties with the child or the child's family prior  
13 to the child's placement with the individual; or

14 (ii) is the current foster parent of a child in the  
15 custody or guardianship of the Department pursuant to this  
16 Act and the Juvenile Court Act of 1987, if the child has  
17 been placed in the home for at least one year and has  
18 established a significant and family-like relationship  
19 with the foster parent, and the foster parent has been  
20 identified by the Department as the child's permanent  
21 connection, as defined by Department rule.

22 The provisions added to this subsection (b) by Public Act  
23 98-846 shall become operative on and after June 1, 2015.

24 (c) In placing a child under this Act, the Department shall  
25 ensure that the child's health, safety, and best interests are  
26 met. In rejecting placement of a child with an identified



1 relative, the Department shall ensure that the child's health,  
2 safety, and best interests are met. In evaluating the best  
3 interests of the child, the Department shall take into  
4 consideration the factors set forth in subsection (4.05) of  
5 Section 1-3 of the Juvenile Court Act of 1987.

6 The Department shall consider the individual needs of the  
7 child and the capacity of the prospective foster or adoptive  
8 parents to meet the needs of the child. When a child must be  
9 placed outside his or her home and cannot be immediately  
10 returned to his or her parents or guardian, a comprehensive,  
11 individualized assessment shall be performed of that child at  
12 which time the needs of the child shall be determined. Only if  
13 race, color, or national origin is identified as a legitimate  
14 factor in advancing the child's best interests shall it be  
15 considered. Race, color, or national origin shall not be  
16 routinely considered in making a placement decision. The  
17 Department shall make special efforts for the diligent  
18 recruitment of potential foster and adoptive families that  
19 reflect the ethnic and racial diversity of the children for  
20 whom foster and adoptive homes are needed. "Special efforts"  
21 shall include contacting and working with community  
22 organizations and religious organizations and may include  
23 contracting with those organizations, utilizing local media  
24 and other local resources, and conducting outreach activities.

25 (c-1) At the time of placement, the Department shall  
26 consider concurrent planning, as described in subsection (1-1)

1 of Section 5, so that permanency may occur at the earliest  
2 opportunity. Consideration should be given so that if  
3 reunification fails or is delayed, the placement made is the  
4 best available placement to provide permanency for the child.  
5 To the extent that doing so is in the child's best interests as  
6 set forth in subsection (4.05) of Section 1-3 of the Juvenile  
7 Court Act of 1987, the Department should consider placements  
8 that will permit the child to maintain a meaningful  
9 relationship with his or her parents.

10 (d) The Department may accept gifts, grants, offers of  
11 services, and other contributions to use in making special  
12 recruitment efforts.

13 (e) The Department in placing children in adoptive or  
14 foster care homes may not, in any policy or practice relating  
15 to the placement of children for adoption or foster care,  
16 discriminate against any child or prospective adoptive or  
17 foster parent on the basis of race.

18 (Source: P.A. 98-846, eff. 1-1-15; 99-143, eff. 7-27-15;  
19 99-340, eff. 1-1-16; 99-642, eff. 7-28-16; 99-836, eff.  
20 1-1-17.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."