



Rep. Sara Feigenholtz

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1 AMENDMENT TO SENATE BILL 2655

2 AMENDMENT NO. _____. Amend Senate Bill 2655 on page 32,
3 immediately below line 11, by inserting the following:

4 "Section 6. The Custody Relinquishment Prevention Act is
5 amended by adding Sections 25, 30, and 40 as follows:

6 (20 ILCS 540/25 new)

7 Sec. 25. Specialized Family Support Program. For purposes
8 of addressing the problem of children remaining in psychiatric
9 hospitals beyond medical necessity, a child under 18 years of
10 age who has been diagnosed with a serious mental illness or
11 serious emotional disturbance and has been reported to, or is
12 at risk of being reported to the Department of Children and
13 Family Services Child Abuse Hotline as a minor at risk of
14 custody relinquishment shall be eligible for emergency access
15 to the Specialized Family Support Program for 90 days for
16 purposes of stabilizing the child and family, preventing a

1 psychiatric lockout, or custody relinquishment that leads to a
2 hospital stay beyond medical necessity.

3 (20 ILCS 540/30 new)

4 Sec. 30. Transition bed capacity.

5 (a) The Department of Healthcare and Family Services shall
6 use unspent or lapsed Individual Care Grant funds and Family
7 Support and Specialized Family Support Program funds to address
8 the shortage of Specialized Family Support Program transition
9 bed services for children that are appropriate for the acuity
10 level of the child's needs. The Department of Healthcare and
11 Family Services shall pay for increased capacity of Specialized
12 Family Support Program transition bed services beginning in
13 fiscal year 2019 using the Medicaid rate for residential
14 treatment plus consideration of an increased rate for capacity
15 building purposes. The Department of Healthcare and Family
16 Services shall work to develop this capacity in regions across
17 the State to ensure that a child is placed in a residential
18 treatment facility close to where the family resides to foster
19 family reunification. Within 60 days after the effective date
20 of this amendatory Act of the 100th General Assembly, the
21 Department of Healthcare and Family Services shall develop a
22 plan for increasing capacity for transitional bed services and
23 community-based treatment for the Family Support Program and
24 Specialized Family Support Program services that address the
25 acuity level of children in or at risk of psychiatric lockout

1 to ensure that the purchase of Specialized Family Support
2 Program transition bed services does not diminish the capacity
3 of longer term therapeutic residential treatment beds for youth
4 with high behavioral health needs. This report shall be
5 submitted to the General Assembly within 90 days after the
6 effective date of this amendatory Act of the 100th General
7 Assembly. The report to the General Assembly shall be filed
8 with the Clerk of the House of Representatives and the
9 Secretary of the Senate in electronic form only, in the manner
10 that the Clerk and the Secretary shall direct.

11 (b) Within 30 days after the effective date of this
12 amendatory Act of the 100th General Assembly the Department of
13 Children and Family Services shall increase its guaranteed
14 residential bed capacity by utilizing Department Rule Part 356
15 or the Illinois Purchased Care Review Board Rule.

16 (20 ILCS 540/40 new)

17 Sec. 40. Increasing awareness of the Family Support
18 Program.

19 (a) The Department of Healthcare and Family Services shall
20 undertake a one-year awareness campaign to educate hospitals
21 with in-patient psychiatric units for children on the
22 availability of services through the Family Support Program and
23 the Specialized Family Support Program for support of a child
24 with serious mental health needs. The campaign shall include
25 marketing materials for the programs, eligibility criteria,

1 information about the application process, and the value the
2 programs can bring to families to avoid psychiatric crises. The
3 Department shall begin this awareness campaign within 180 days
4 after the effective date of this amendatory Act of the 100th
5 General Assembly.

6 (b) This Section is repealed on July 15, 2020.

7 Section 7. The Mental Health and Developmental
8 Disabilities Administrative Act is amended by changing Section
9 7.1 as follows:

10 (20 ILCS 1705/7.1) (from Ch. 91 1/2, par. 100-7.1)

11 Sec. 7.1. Individual Care Grants.

12 (a) For the purposes of this Section 7.1, "Department"
13 means the Department of Healthcare and Family Services.

14 (b) To assist families in seeking intensive
15 community-based services or residential placement for children
16 with mental illness, for whom no appropriate care is available
17 in State-operated facilities, the Department shall supplement
18 the amount a family is able to pay, as determined by the
19 Department and the amount available from other sources,
20 provided the Department's share shall not exceed a uniform
21 maximum rate to be determined from time to time by the
22 Department. The Department may exercise the authority under
23 this Section as is necessary to implement the provisions of
24 Section 5-5.23 of the Illinois Public Aid Code and to

1 administer Individual Care Grants. The Department shall work
2 collaboratively with stakeholders and family representatives
3 in the implementation of this Section.

4 (c) A child shall continue to be eligible for an Individual
5 Care Grant if the child is placed in the temporary custody of
6 the Department of Children and Family Services under Article II
7 of the Juvenile Care Act of 1987 because the child was left at
8 a psychiatric hospital beyond medical necessity and an
9 application for the Family Support Program was pending with the
10 Department or an active application was being reviewed by the
11 Department when the petition under the Juvenile Court Act of
12 1987 was filed.

13 (d) If the Department determines that the child meets all
14 the eligibility criteria for Family Support Services and
15 approves the application, the Department shall notify the
16 parents and the Department of Children and Family Services. The
17 court hearing the child's case under the Juvenile Court Act of
18 1987 shall conduct a hearing within 14 days after all parties
19 have been notified and determine whether to vacate the custody
20 or guardianship of the Department of Children and Family
21 Services and return the child to the custody of his or her
22 parents with Family Support Services in place or whether the
23 child shall continue in the custody of the Department of
24 Children and Family Services and decline the Family Support
25 Program. The court shall conduct the hearing under Section 2-4b
26 of the Juvenile Court Act of 1987. If the court vacates the

1 custody or guardianship of the Department of Children and
2 Family Services and returns the child to the custody of the
3 respondent with Family Support Services, the Department shall
4 become fiscally responsible for providing services to the
5 child. If the court determines that the child shall continue in
6 the custody of the Department of Children and Family Services,
7 the Department of Children and Family Services shall remain
8 fiscally responsible for providing services to the child, the
9 Family Support Services shall be declined, and the child shall
10 no longer be eligible for Family Support Services.

11 (e) The Department shall provide an expedited review
12 process for applications for minors in the custody or
13 guardianship of the Department of Children and Family Services
14 who continue to remain eligible for Individual Care Grants. The
15 Department shall work collaboratively with stakeholders,
16 including legal representatives of minors in care, providers of
17 residential treatment services, and with the Department of
18 Children and Family Services, to ensure that minors who are
19 recipients of Individual Care Grants under this Section and
20 Section 2-4b of the Juvenile Court Act of 1987 do not
21 experience a disruption in services if the minor transitions
22 from one program to another. The Department shall adopt rules
23 to implement this Section no later than July 1, 2019.

24 (Source: P.A. 99-479, eff. 9-10-15.)"; and

25 on page 32, by replacing line 13 with "changing Sections 2-23

1 and 2-28 and by adding Section 2-4b as follows:

2 (705 ILCS 405/2-4b new)

3 Sec. 2-4b. Family Support Program services; hearing.

4 (a) Any minor who is placed in the custody or guardianship
5 of the Department of Children and Family Services under Article
6 II of this Act on the basis of a petition alleging that the
7 minor is dependent because the minor was left at a psychiatric
8 hospital beyond medical necessity, and for whom an application
9 for the Family Support Program was pending with the Department
10 of Healthcare and Family Services or an active application was
11 being reviewed by the Department of Healthcare and Family
12 Services at the time the petition was filed, shall continue to
13 be considered eligible for services if all other eligibility
14 criteria are met.

15 (b) The court shall conduct a hearing within 14 days upon
16 notification to all parties that an application for the Family
17 Support Program services has been approved and services are
18 available. At the hearing, the court shall determine whether to
19 vacate the custody or guardianship of the Department of
20 Children and Family Services and return the minor to the
21 custody of the respondent with Family Support Program services
22 or whether the minor shall continue to be in the custody or
23 guardianship of the Department of Children and Family Services
24 and decline the Family Support Program services. In making its
25 determination, the court shall consider the minor's best

1 interest, the involvement of the respondent in proceedings
2 under this Act, the involvement of the respondent in the
3 minor's treatment, the relationship between the minor and the
4 respondent, and any other factor the court deems relevant. If
5 the court vacates the custody or guardianship of the Department
6 of Children and Family Services and returns the minor the
7 custody of the respondent with Family Support Services, the
8 Department of Healthcare and Family Services shall become
9 fiscally responsible for providing services to the minor. If
10 the court determines that the minor shall continue in the
11 custody of the Department of Children and Family Services, the
12 Department of Children and Family Services shall remain fiscal
13 responsibility for providing services to the minor, the Family
14 Support Services shall be declined, and the minor shall no
15 longer be eligible for Family Support Services.

16 (c) This Section does not apply to a minor:

17 (1) for whom a petition has been filed under this Act
18 alleging that he or she is an abused or neglected minor;

19 (2) for whom the court has made a finding that he or
20 she is an abused or neglected minor under this Act; or

21 (3) who is in the temporary custody of the Department
22 of Children and Family Services and the minor has been the
23 subject of an indicated allegation of abuse or neglect,
24 other than for psychiatric lock-out, where a respondent was
25 the perpetrator within 5 years of the filing of the pending
26 petition.

1 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

2 Sec. 2-23. Kinds of dispositional orders.

3 (1) The following kinds of orders of disposition may be
4 made in respect of wards of the court:

5 (a) A minor under 18 years of age found to be neglected
6 or abused under Section 2-3 or dependent under Section 2-4
7 may be (1) continued in the custody of his or her parents,
8 guardian or legal custodian; (2) placed in accordance with
9 Section 2-27; (3) restored to the custody of the parent,
10 parents, guardian, or legal custodian, provided the court
11 shall order the parent, parents, guardian, or legal
12 custodian to cooperate with the Department of Children and
13 Family Services and comply with the terms of an after-care
14 plan or risk the loss of custody of the child and the
15 possible termination of their parental rights; or (4)
16 ordered partially or completely emancipated in accordance
17 with the provisions of the Emancipation of Minors Act.

18 However, in any case in which a minor is found by the
19 court to be neglected or abused under Section 2-3 of this
20 Act, custody of the minor shall not be restored to any
21 parent, guardian or legal custodian whose acts or omissions
22 or both have been identified, pursuant to subsection (1) of
23 Section 2-21, as forming the basis for the court's finding
24 of abuse or neglect, until such time as a hearing is held
25 on the issue of the best interests of the minor and the

1 fitness of such parent, guardian or legal custodian to care
2 for the minor without endangering the minor's health or
3 safety, and the court enters an order that such parent,
4 guardian or legal custodian is fit to care for the minor.

5 (b) A minor under 18 years of age found to be dependent
6 under Section 2-4 may be (1) placed in accordance with
7 Section 2-27 or (2) ordered partially or completely
8 emancipated in accordance with the provisions of the
9 Emancipation of Minors Act.

10 However, in any case in which a minor is found by the
11 court to be dependent under Section 2-4 of this Act,
12 custody of the minor shall not be restored to any parent,
13 guardian or legal custodian whose acts or omissions or both
14 have been identified, pursuant to subsection (1) of Section
15 2-21, as forming the basis for the court's finding of
16 dependency, until such time as a hearing is held on the
17 issue of the fitness of such parent, guardian or legal
18 custodian to care for the minor without endangering the
19 minor's health or safety, and the court enters an order
20 that such parent, guardian or legal custodian is fit to
21 care for the minor.

22 (b-1) A minor between the ages of 18 and 21 may be
23 placed pursuant to Section 2-27 of this Act if (1) the
24 court has granted a supplemental petition to reinstate
25 wardship of the minor pursuant to subsection (2) of Section
26 2-33, ~~or~~ (2) the court has adjudicated the minor a ward of

1 the court, permitted the minor to return home under an
2 order of protection, and subsequently made a finding that
3 it is in the minor's best interest to vacate the order of
4 protection and commit the minor to the Department of
5 Children and Family Services for care and service, or (3)
6 the court returned the minor to the custody of the
7 respondent under Section 2-4b of this Act without
8 terminating the proceedings under Section 2-31 of this Act,
9 and subsequently made a finding that it is in the minor's
10 best interest to commit the minor to the Department of
11 Children and Family Services for care and services.

12 (c) When the court awards guardianship to the
13 Department of Children and Family Services, the court shall
14 order the parents to cooperate with the Department of
15 Children and Family Services, comply with the terms of the
16 service plans, and correct the conditions that require the
17 child to be in care, or risk termination of their parental
18 rights.

19 (2) Any order of disposition may provide for protective
20 supervision under Section 2-24 and may include an order of
21 protection under Section 2-25.

22 Unless the order of disposition expressly so provides, it
23 does not operate to close proceedings on the pending petition,
24 but is subject to modification, not inconsistent with Section
25 2-28, until final closing and discharge of the proceedings
26 under Section 2-31.

1 (3) The court also shall enter any other orders necessary
2 to fulfill the service plan, including, but not limited to, (i)
3 orders requiring parties to cooperate with services, (ii)
4 restraining orders controlling the conduct of any party likely
5 to frustrate the achievement of the goal, and (iii) visiting
6 orders. When the child is placed separately from a sibling, the
7 court shall review the Sibling Contact Support Plan developed
8 under subsection (f) of Section 7.4 of the Children and Family
9 Services Act, if applicable. If the Department has not convened
10 a meeting to develop a Sibling Contact Support Plan, or if the
11 court finds that the existing Plan is not in the child's best
12 interest, the court may enter an order requiring the Department
13 to develop and implement a Sibling Contact Support Plan under
14 subsection (f) of Section 7.4 of the Children and Family
15 Services Act or order mediation. Unless otherwise specifically
16 authorized by law, the court is not empowered under this
17 subsection (3) to order specific placements, specific
18 services, or specific service providers to be included in the
19 plan. If, after receiving evidence, the court determines that
20 the services contained in the plan are not reasonably
21 calculated to facilitate achievement of the permanency goal,
22 the court shall put in writing the factual basis supporting the
23 determination and enter specific findings based on the
24 evidence. The court also shall enter an order for the
25 Department to develop and implement a new service plan or to
26 implement changes to the current service plan consistent with

1 the court's findings. The new service plan shall be filed with
2 the court and served on all parties within 45 days after the
3 date of the order. The court shall continue the matter until
4 the new service plan is filed. Except as authorized by
5 subsection (3.5) of this Section or authorized by law, the
6 court is not empowered under this Section to order specific
7 placements, specific services, or specific service providers
8 to be included in the service plan.

9 (3.5) If, after reviewing the evidence, including evidence
10 from the Department, the court determines that the minor's
11 current or planned placement is not necessary or appropriate to
12 facilitate achievement of the permanency goal, the court shall
13 put in writing the factual basis supporting its determination
14 and enter specific findings based on the evidence. If the court
15 finds that the minor's current or planned placement is not
16 necessary or appropriate, the court may enter an order
17 directing the Department to implement a recommendation by the
18 minor's treating clinician or a clinician contracted by the
19 Department to evaluate the minor or a recommendation made by
20 the Department. If the Department places a minor in a placement
21 under an order entered under this subsection (3.5), the
22 Department has the authority to remove the minor from that
23 placement when a change in circumstances necessitates the
24 removal to protect the minor's health, safety, and best
25 interest. If the Department determines removal is necessary,
26 the Department shall notify the parties of the planned

1 placement change in writing no later than 10 days prior to the
2 implementation of its determination unless remaining in the
3 placement poses an imminent risk of harm to the minor, in which
4 case the Department shall notify the parties of the placement
5 change in writing immediately following the implementation of
6 its decision. The Department shall notify others of the
7 decision to change the minor's placement as required by
8 Department rule.

9 (4) In addition to any other order of disposition, the
10 court may order any minor adjudicated neglected with respect to
11 his or her own injurious behavior to make restitution, in
12 monetary or non-monetary form, under the terms and conditions
13 of Section 5-5-6 of the Unified Code of Corrections, except
14 that the "presentence hearing" referred to therein shall be the
15 dispositional hearing for purposes of this Section. The parent,
16 guardian or legal custodian of the minor may pay some or all of
17 such restitution on the minor's behalf.

18 (5) Any order for disposition where the minor is committed
19 or placed in accordance with Section 2-27 shall provide for the
20 parents or guardian of the estate of such minor to pay to the
21 legal custodian or guardian of the person of the minor such
22 sums as are determined by the custodian or guardian of the
23 person of the minor as necessary for the minor's needs. Such
24 payments may not exceed the maximum amounts provided for by
25 Section 9.1 of the Children and Family Services Act.

26 (6) Whenever the order of disposition requires the minor to

1 attend school or participate in a program of training, the
2 truant officer or designated school official shall regularly
3 report to the court if the minor is a chronic or habitual
4 truant under Section 26-2a of the School Code.

5 (7) The court may terminate the parental rights of a parent
6 at the initial dispositional hearing if all of the conditions
7 in subsection (5) of Section 2-21 are met.

8 (Source: P.A. 100-45, eff. 8-11-17.); and

9 on page 48, immediately below line 21, by inserting the
10 following:

11 "Section 99. Effective date. This Act takes effect upon
12 becoming law."