



Sen. Julie A. Morrison

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1 AMENDMENT TO SENATE BILL 2296

2 AMENDMENT NO. _____. Amend Senate Bill 2296 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 5 as follows:

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of
8 Children and Family Services. To provide direct child welfare
9 services when not available through other public or private
10 child care or program facilities.

11 (a) For purposes of this Section:

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

15 (A) were committed to the Department pursuant to
16 the Juvenile Court Act or the Juvenile Court Act of

1 1987, ~~as amended,~~ and who continue under the
2 jurisdiction of the court; or

3 (B) were accepted for care, service and training by
4 the Department prior to the age of 18 and whose best
5 interest in the discretion of the Department would be
6 served by continuing that care, service and training
7 because of severe emotional disturbances, physical
8 disability, social adjustment or any combination
9 thereof, or because of the need to complete an
10 educational or vocational training program.

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

15 (3) "Child welfare services" means public social
16 services which are directed toward the accomplishment of
17 the following purposes:

18 (A) protecting and promoting the health, safety
19 and welfare of children, including homeless,
20 dependent, l or neglected children;

21 (B) remedying, or assisting in the solution of
22 problems which may result in, the neglect, abuse,
23 exploitation, l or delinquency of children;

24 (C) preventing the unnecessary separation of
25 children from their families by identifying family
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family
2 where the prevention of child removal is desirable and
3 possible when the child can be cared for at home
4 without endangering the child's health and safety;

5 (D) restoring to their families children who have
6 been removed, by the provision of services to the child
7 and the families when the child can be cared for at
8 home without endangering the child's health and
9 safety;

10 (E) placing children in suitable adoptive homes,
11 in cases where restoration to the biological family is
12 not safe, possible, or appropriate;

13 (F) assuring safe and adequate care of children
14 away from their homes, in cases where the child cannot
15 be returned home or cannot be placed for adoption. At
16 the time of placement, the Department shall consider
17 concurrent planning, as described in subsection (1-1)
18 of this Section so that permanency may occur at the
19 earliest opportunity. Consideration should be given so
20 that if reunification fails or is delayed, the
21 placement made is the best available placement to
22 provide permanency for the child;

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age
2 and older, unless a child 18 years of age is in the
3 last year of high school education or vocational
4 training, in an approved individual or group treatment
5 program, in a licensed shelter facility, or secure
6 child care facility. The Department is not required to
7 place or maintain children:

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

9 (ii) who are persons with a developmental
10 disability, as defined in the Mental Health and
11 Developmental Disabilities Code, or

12 (iii) who are female children who are
13 pregnant, pregnant and parenting, or parenting, or

14 (iv) who are siblings, in facilities that
15 provide separate living quarters for children 18
16 years of age and older and for children under 18
17 years of age.

18 (b) (Blank).

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

24 (d) The Director may authorize advance disbursements for
25 any new program initiative to any agency contracting with the
26 Department. As a prerequisite for an advance disbursement, the

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

16 (e) (Blank).

17 (f) (Blank).

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

22 (1) adoption;

23 (2) foster care;

24 (3) family counseling;

25 (4) protective services;

26 (5) (blank);

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

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

20 (h) If the Department finds that there is no appropriate
21 program or facility within or available to the Department for a
22 youth in care and that no licensed private facility has an
23 adequate and appropriate program or none agrees to accept the
24 youth in care, the Department shall create an appropriate
25 individualized, program-oriented plan for such youth in care.
26 The plan may be developed within the Department or through

1 purchase of services by the Department to the extent that it is
2 within its statutory authority to do.

3 (i) Service programs shall be available throughout the
4 State and shall include but not be limited to the following
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

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

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the
19 services it makes available to children or families or for
20 which it refers children or families.

21 (j) The Department may provide categories of financial
22 assistance and education assistance grants, and shall
23 establish rules and regulations concerning the assistance and
24 grants, to persons who adopt children with physical or mental
25 disabilities, children who are older, or other hard-to-place
26 children who (i) immediately prior to their adoption were youth

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

20 The amount of assistance may vary, depending upon the needs
21 of the child and the adoptive parents, as set forth in the
22 annual assistance agreement. Special purpose grants are
23 allowed where the child requires special service but such costs
24 may not exceed the amounts which similar services would cost
25 the Department if it were to provide or secure them as guardian
26 of the child.

1 Any financial assistance provided under this subsection is
2 inalienable by assignment, sale, execution, attachment,
3 garnishment, or any other remedy for recovery or collection of
4 a judgment or debt.

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

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

13 (l) The Department shall offer family preservation
14 services, as defined in Section 8.2 of the Abused and Neglected
15 Child Reporting Act, to help families, including adoptive and
16 extended families. Family preservation services shall be
17 offered (i) to prevent the placement of children in substitute
18 care when the children can be cared for at home or in the
19 custody of the person responsible for the children's welfare,
20 (ii) to reunite children with their families, or (iii) to
21 maintain an adoptive placement. Family preservation services
22 shall only be offered when doing so will not endanger the
23 children's health or safety. With respect to children who are
24 in substitute care pursuant to the Juvenile Court Act of 1987,
25 family preservation services shall not be offered if a goal
26 other than those of subdivisions (A), (B), or (B-1) of

1 subsection (2) of Section 2-28 of that Act has been set, except
2 that reunification services may be offered as provided in
3 paragraph (F) of subsection (2) of Section 2-28 of that Act.
4 Nothing in this paragraph shall be construed to create a
5 private right of action or claim on the part of any individual
6 or child welfare agency, except that when a child is the
7 subject of an action under Article II of the Juvenile Court Act
8 of 1987 and the child's service plan calls for services to
9 facilitate achievement of the permanency goal, the court
10 hearing the action under Article II of the Juvenile Court Act
11 of 1987 may order the Department to provide the services set
12 out in the plan, if those services are not provided with
13 reasonable promptness and if those services are available.

14 The Department shall notify the child and his family of the
15 Department's responsibility to offer and provide family
16 preservation services as identified in the service plan. The
17 child and his family shall be eligible for services as soon as
18 the report is determined to be "indicated". The Department may
19 offer services to any child or family with respect to whom a
20 report of suspected child abuse or neglect has been filed,
21 prior to concluding its investigation under Section 7.12 of the
22 Abused and Neglected Child Reporting Act. However, the child's
23 or family's willingness to accept services shall not be
24 considered in the investigation. The Department may also
25 provide services to any child or family who is the subject of
26 any report of suspected child abuse or neglect or may refer

1 such child or family to services available from other agencies
2 in the community, even if the report is determined to be
3 unfounded, if the conditions in the child's or family's home
4 are reasonably likely to subject the child or family to future
5 reports of suspected child abuse or neglect. Acceptance of such
6 services shall be voluntary. However, if a family chooses to
7 receive family preservation services and there are children
8 under the age of 6 living in the household, those children
9 shall be enrolled in appropriate early childhood education
10 services. The Department may also provide services to any child
11 or family after completion of a family assessment, as an
12 alternative to an investigation, as provided under the
13 "differential response program" provided for in subsection
14 (a-5) of Section 7.4 of the Abused and Neglected Child
15 Reporting Act.

16 The Department may, at its discretion except for those
17 children also adjudicated neglected or dependent, accept for
18 care and training any child who has been adjudicated addicted,
19 as a truant minor in need of supervision or as a minor
20 requiring authoritative intervention, under the Juvenile Court
21 Act or the Juvenile Court Act of 1987, but no such child shall
22 be committed to the Department by any court without the
23 approval of the Department. On and after January 1, 2015 (the
24 effective date of Public Act 98-803) and before January 1,
25 2017, a minor charged with a criminal offense under the
26 Criminal Code of 1961 or the Criminal Code of 2012 or

1 adjudicated delinquent shall not be placed in the custody of or
2 committed to the Department by any court, except (i) a minor
3 less than 16 years of age committed to the Department under
4 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
5 for whom an independent basis of abuse, neglect, or dependency
6 exists, which must be defined by departmental rule, or (iii) a
7 minor for whom the court has granted a supplemental petition to
8 reinstate wardship pursuant to subsection (2) of Section 2-33
9 of the Juvenile Court Act of 1987. On and after January 1,
10 2017, a minor charged with a criminal offense under the
11 Criminal Code of 1961 or the Criminal Code of 2012 or
12 adjudicated delinquent shall not be placed in the custody of or
13 committed to the Department by any court, except (i) a minor
14 less than 15 years of age committed to the Department under
15 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
16 for whom an independent basis of abuse, neglect, or dependency
17 exists, which must be defined by departmental rule, or (iii) a
18 minor for whom the court has granted a supplemental petition to
19 reinstate wardship pursuant to subsection (2) of Section 2-33
20 of the Juvenile Court Act of 1987. An independent basis exists
21 when the allegations or adjudication of abuse, neglect, or
22 dependency do not arise from the same facts, incident, or
23 circumstances which give rise to a charge or adjudication of
24 delinquency. The Department shall assign a caseworker to attend
25 any hearing involving a youth in the care and custody of the
26 Department who is placed on aftercare release, including

1 hearings involving sanctions for violation of aftercare
2 release conditions and aftercare release revocation hearings.

3 As soon as is possible after August 7, 2009 (the effective
4 date of Public Act 96-134), the Department shall develop and
5 implement a special program of family preservation services to
6 support intact, foster, and adoptive families who are
7 experiencing extreme hardships due to the difficulty and stress
8 of caring for a child who has been diagnosed with a pervasive
9 developmental disorder if the Department determines that those
10 services are necessary to ensure the health and safety of the
11 child. The Department may offer services to any family whether
12 or not a report has been filed under the Abused and Neglected
13 Child Reporting Act. The Department may refer the child or
14 family to services available from other agencies in the
15 community if the conditions in the child's or family's home are
16 reasonably likely to subject the child or family to future
17 reports of suspected child abuse or neglect. Acceptance of
18 these services shall be voluntary. However, if a family chooses
19 to receive family preservation services and there are children
20 under the age of 6 living in the household, those children
21 shall be enrolled in appropriate early childhood education
22 services. The Department shall develop and implement a public
23 information campaign to alert health and social service
24 providers and the general public about these special family
25 preservation services. The nature and scope of the services
26 offered and the number of families served under the special

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

9 (1-1) The legislature recognizes that the best interests of
10 the child require that the child be placed in the most
11 permanent living arrangement as soon as is practically
12 possible. To achieve this goal, the legislature directs the
13 Department of Children and Family Services to conduct
14 concurrent planning so that permanency may occur at the
15 earliest opportunity. Permanent living arrangements may
16 include prevention of placement of a child outside the home of
17 the family when the child can be cared for at home without
18 endangering the child's health or safety; reunification with
19 the family, when safe and appropriate, if temporary placement
20 is necessary; or movement of the child toward the most
21 permanent living arrangement and permanent legal status.

22 When determining reasonable efforts to be made with respect
23 to a child, as described in this subsection, and in making such
24 reasonable efforts, the child's health and safety shall be the
25 paramount concern.

26 When a child is placed in foster care, the Department shall

1 ensure and document that reasonable efforts were made to
2 prevent or eliminate the need to remove the child from the
3 child's home. The Department must make reasonable efforts to
4 reunify the family when temporary placement of the child occurs
5 unless otherwise required, pursuant to the Juvenile Court Act
6 of 1987. At any time after the dispositional hearing where the
7 Department believes that further reunification services would
8 be ineffective, it may request a finding from the court that
9 reasonable efforts are no longer appropriate. The Department is
10 not required to provide further reunification services after
11 such a finding.

12 A decision to place a child in substitute care shall be
13 made with considerations of the child's health, safety, and
14 best interests. At the time of placement, consideration should
15 also be given so that if reunification fails or is delayed, the
16 placement made is the best available placement to provide
17 permanency for the child.

18 The Department shall adopt rules addressing concurrent
19 planning for reunification and permanency. The Department
20 shall consider the following factors when determining
21 appropriateness of concurrent planning:

22 (1) the likelihood of prompt reunification;

23 (2) the past history of the family;

24 (3) the barriers to reunification being addressed by
25 the family;

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

1 (5) the foster parents' willingness to work with the
2 family to reunite;

3 (6) the willingness and ability of the foster family to
4 provide an adoptive home or long-term placement;

5 (7) the age of the child;

6 (8) placement of siblings.

7 (m) The Department may assume temporary custody of any
8 child if:

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

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

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

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

6 The Department shall have the authority, responsibilities
7 and duties that a legal custodian of the child would have
8 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
9 Act of 1987. Whenever a child is taken into temporary custody
10 pursuant to an investigation under the Abused and Neglected
11 Child Reporting Act, or pursuant to a referral and acceptance
12 under the Juvenile Court Act of 1987 of a minor in limited
13 custody, the Department, during the period of temporary custody
14 and before the child is brought before a judicial officer as
15 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
16 Court Act of 1987, shall have the authority, responsibilities
17 and duties that a legal custodian of the child would have under
18 subsection (9) of Section 1-3 of the Juvenile Court Act of
19 1987.

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

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

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

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

1 (n) The Department may place children under 18 years of age
2 in licensed child care facilities when in the opinion of the
3 Department, appropriate services aimed at family preservation
4 have been unsuccessful and cannot ensure the child's health and
5 safety or are unavailable and such placement would be for their
6 best interest. Payment for board, clothing, care, training and
7 supervision of any child placed in a licensed child care
8 facility may be made by the Department, by the parents or
9 guardians of the estates of those children, or by both the
10 Department and the parents or guardians, except that no
11 payments shall be made by the Department for any child placed
12 in a licensed child care facility for board, clothing, care,
13 training and supervision of such a child that exceed the
14 average per capita cost of maintaining and of caring for a
15 child in institutions for dependent or neglected children
16 operated by the Department. However, such restriction on
17 payments does not apply in cases where children require
18 specialized care and treatment for problems of severe emotional
19 disturbance, physical disability, social adjustment, or any
20 combination thereof and suitable facilities for the placement
21 of such children are not available at payment rates within the
22 limitations set forth in this Section. All reimbursements for
23 services delivered shall be absolutely inalienable by
24 assignment, sale, attachment, or 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 under
9 this Section through the Department of Children and Family
10 Services or by referral from the Department of Human Services.
11 Youth participating in services under this Section shall
12 cooperate with the assigned case manager in developing an
13 agreement identifying the services to be provided and how the
14 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. The
21 Department of Children and Family Services shall create clear,
22 readable notice of the rights of former foster youth to child
23 welfare services under this Section and how such services may
24 be obtained. The Department of Children and Family Services and
25 the Department of Human Services shall disseminate this
26 information statewide. The Department shall adopt regulations

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

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

26 (p) (Blank).

1 (q) The Department may receive and use, in their entirety,
2 for the benefit of children any gift, donation, or bequest of
3 money or other property which is received on behalf of such
4 children, or any financial benefits to which such children are
5 or may become entitled while under the jurisdiction or care of
6 the Department.

7 The Department shall set up and administer no-cost,
8 interest-bearing accounts in appropriate financial
9 institutions for children for whom the Department is legally
10 responsible and who have been determined eligible for Veterans'
11 Benefits, Social Security benefits, assistance allotments from
12 the armed forces, court ordered payments, parental voluntary
13 payments, Supplemental Security Income, Railroad Retirement
14 payments, Black Lung benefits, or other miscellaneous
15 payments. Interest earned by each account shall be credited to
16 the account, unless disbursed in accordance with this
17 subsection.

18 In disbursing funds from children's accounts, the
19 Department shall:

20 (1) Establish standards in accordance with State and
21 federal laws for disbursing money from children's
22 accounts. In all circumstances, the Department's
23 "Guardianship Administrator" or his or her designee must
24 approve disbursements from children's accounts. The
25 Department shall be responsible for keeping complete
26 records of all disbursements for each account for any

1 purpose.

2 (2) Calculate on a monthly basis the amounts paid from
3 State funds for the child's board and care, medical care
4 not covered under Medicaid, and social services; and
5 utilize funds from the child's account, as covered by
6 regulation, to reimburse those costs. Monthly,
7 disbursements from all children's accounts, up to 1/12 of
8 \$13,000,000, shall be deposited by the Department into the
9 General Revenue Fund and the balance over 1/12 of
10 \$13,000,000 into the DCFS Children's Services Fund.

11 (3) Maintain any balance remaining after reimbursing
12 for the child's costs of care, as specified in item (2).
13 The balance shall accumulate in accordance with relevant
14 State and federal laws and shall be disbursed to the child
15 or his or her guardian, or to the issuing agency.

16 (r) The Department shall promulgate regulations
17 encouraging all adoption agencies to voluntarily forward to the
18 Department or its agent names and addresses of all persons who
19 have applied for and have been approved for adoption of a
20 hard-to-place child or child with a disability and the names of
21 such children who have not been placed for adoption. A list of
22 such names and addresses shall be maintained by the Department
23 or its agent, and coded lists which maintain the
24 confidentiality of the person seeking to adopt the child and of
25 the child shall be made available, without charge, to every
26 adoption agency in the State to assist the agencies in placing

1 such children for adoption. The Department may delegate to an
2 agent its duty to maintain and make available such lists. The
3 Department shall ensure that such agent maintains the
4 confidentiality of the person seeking to adopt the child and of
5 the child.

6 (s) The Department of Children and Family Services may
7 establish and implement a program to reimburse Department and
8 private child welfare agency foster parents licensed by the
9 Department of Children and Family Services for damages
10 sustained by the foster parents as a result of the malicious or
11 negligent acts of foster children, as well as providing third
12 party coverage for such foster parents with regard to actions
13 of foster children to other individuals. Such coverage will be
14 secondary to the foster parent liability insurance policy, if
15 applicable. The program shall be funded through appropriations
16 from the General Revenue Fund, specifically designated for such
17 purposes.

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

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

24 (2) the court has ordered one or both of the parties to
25 the proceeding to reimburse the Department for its
26 reasonable costs for providing such services in accordance

1 with Department rules, or has determined that neither party
2 is financially able to pay.

3 The Department shall provide written notification to the
4 court of the specific arrangements for supervised visitation
5 and projected monthly costs within 60 days of the court order.
6 The Department shall send to the court information related to
7 the costs incurred except in cases where the court has
8 determined the parties are financially unable to pay. The court
9 may order additional periodic reports as appropriate.

10 (u) In addition to other information that must be provided,
11 whenever the Department places a child with a prospective
12 adoptive parent or parents, ~~or~~ in a licensed foster home, group
13 home, or child care institution, or in a relative home, the
14 Department shall provide to the prospective adoptive parent or
15 parents or other caretaker:

16 (1) available detailed information concerning the
17 child's educational and health history, copies of
18 immunization records (including insurance and medical card
19 information), a history of the child's previous
20 placements, if any, and reasons for placement changes
21 excluding any information that identifies or reveals the
22 location of any previous caretaker;

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

26 (3) information containing details of the child's

1 individualized educational plan when the child is
2 receiving special education services.

3 The caretaker shall be informed of any known social or
4 behavioral information (including, but not limited to,
5 criminal background, fire setting, perpetuation of sexual
6 abuse, destructive behavior, and substance abuse) necessary to
7 care for and safeguard the children to be placed or currently
8 in the home. The Department may prepare a written summary of
9 the information required by this paragraph, which may be
10 provided to the foster or prospective adoptive parent in
11 advance of a placement. The foster or prospective adoptive
12 parent may review the supporting documents in the child's file
13 in the presence of casework staff. In the case of an emergency
14 placement, casework staff shall at least provide known
15 information verbally, if necessary, and must subsequently
16 provide the information in writing as required by this
17 subsection.

18 The information described in this subsection shall be
19 provided in writing. In the case of emergency placements when
20 time does not allow prior review, preparation, and collection
21 of written information, the Department shall provide such
22 information as it becomes available. Within 10 business days
23 after placement, the Department shall obtain from the
24 prospective adoptive parent or parents or other caretaker a
25 signed verification of receipt of the information provided.
26 Within 10 business days after placement, the Department shall

1 provide to the child's guardian ad litem a copy of the
2 information provided to the prospective adoptive parent or
3 parents or other caretaker. The information provided to the
4 prospective adoptive parent or parents or other caretaker shall
5 be reviewed and approved regarding accuracy at the supervisory
6 level.

7 (u-5) Effective July 1, 1995, only foster care placements
8 licensed as foster family homes pursuant to the Child Care Act
9 of 1969 shall be eligible to receive foster care payments from
10 the Department. Relative caregivers who, as of July 1, 1995,
11 were approved pursuant to approved relative placement rules
12 previously promulgated by the Department at 89 Ill. Adm. Code
13 335 and had submitted an application for licensure as a foster
14 family home may continue to receive foster care payments only
15 until the Department determines that they may be licensed as a
16 foster family home or that their application for licensure is
17 denied or until September 30, 1995, whichever occurs first.

18 (v) The Department shall access criminal history record
19 information as defined in the Illinois Uniform Conviction
20 Information Act and information maintained in the adjudicatory
21 and dispositional record system as defined in Section 2605-355
22 of the Department of State Police Law (20 ILCS 2605/2605-355)
23 if the Department determines the information is necessary to
24 perform its duties under the Abused and Neglected Child
25 Reporting Act, the Child Care Act of 1969, and the Children and
26 Family Services Act. The Department shall provide for

1 interactive computerized communication and processing
2 equipment that permits direct on-line communication with the
3 Department of State Police's central criminal history data
4 repository. The Department shall comply with all certification
5 requirements and provide certified operators who have been
6 trained by personnel from the Department of State Police. In
7 addition, one Office of the Inspector General investigator
8 shall have training in the use of the criminal history
9 information access system and have access to the terminal. The
10 Department of Children and Family Services and its employees
11 shall abide by rules and regulations established by the
12 Department of State Police relating to the access and
13 dissemination of this information.

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

26 (v-2) Prior to final approval for placement of a child, the

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

8 (w) Within 120 days of August 20, 1995 (the effective date
9 of Public Act 89-392), the Department shall prepare and submit
10 to the Governor and the General Assembly, a written plan for
11 the development of in-state licensed secure child care
12 facilities that care for children who are in need of secure
13 living arrangements for their health, safety, and well-being.
14 For purposes of this subsection, secure care facility shall
15 mean a facility that is designed and operated to ensure that
16 all entrances and exits from the facility, a building or a
17 distinct part of the building, are under the exclusive control
18 of the staff of the facility, whether or not the child has the
19 freedom of movement within the perimeter of the facility,
20 building, or distinct part of the building. The plan shall
21 include descriptions of the types of facilities that are needed
22 in Illinois; the cost of developing these secure care
23 facilities; the estimated number of placements; the potential
24 cost savings resulting from the movement of children currently
25 out-of-state who are projected to be returned to Illinois; the
26 necessary geographic distribution of these facilities in

1 Illinois; and a proposed timetable for development of such
2 facilities.

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

15 (y) Beginning on July 22, 2010 (the effective date of
16 Public Act 96-1189), a child with a disability who receives
17 residential and educational services from the Department shall
18 be eligible to receive transition services in accordance with
19 Article 14 of the School Code from the age of 14.5 through age
20 21, inclusive, notwithstanding the child's residential
21 services arrangement. For purposes of this subsection, "child
22 with a disability" means a child with a disability as defined
23 by the federal Individuals with Disabilities Education
24 Improvement Act of 2004.

25 (z) The Department shall access criminal history record
26 information as defined as "background information" in this

1 subsection and criminal history record information as defined
2 in the Illinois Uniform Conviction Information Act for each
3 Department employee or Department applicant. Each Department
4 employee or Department applicant shall submit his or her
5 fingerprints to the Department of State Police in the form and
6 manner prescribed by the Department of State Police. These
7 fingerprints shall be checked against the fingerprint records
8 now and hereafter filed in the Department of State Police and
9 the Federal Bureau of Investigation criminal history records
10 databases. The Department of State Police shall charge a fee
11 for conducting the criminal history record check, which shall
12 be deposited into the State Police Services Fund and shall not
13 exceed the actual cost of the record check. The Department of
14 State Police shall furnish, pursuant to positive
15 identification, all Illinois conviction information to the
16 Department of Children and Family Services.

17 For purposes of this subsection:

18 "Background information" means all of the following:

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

26 (ii) Information obtained by the Department of

1 Children and Family Services after performing a check of
2 the Department of State Police's Sex Offender Database, as
3 authorized by Section 120 of the Sex Offender Community
4 Notification Law, concerning a Department employee or
5 Department applicant.

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

10 "Department employee" means a full-time or temporary
11 employee coded or certified within the State of Illinois
12 Personnel System.

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

22 (Source: P.A. 100-159, eff. 8-18-17; 100-522, eff. 9-22-17;
23 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-978, eff.
24 8-19-18; 101-13, eff. 6-12-19; 101-79, eff. 7-12-19; 101-81,
25 eff. 7-12-19; revised 8-1-19.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".