



Rep. Lakesia Collins

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1 AMENDMENT TO HOUSE BILL 4304

2 AMENDMENT NO. _____. Amend House Bill 4304 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is
5 amended by adding Sections 5.26 and 17a-16 as follows:

6 (20 ILCS 505/5.26 new)

7 Sec. 5.26. Foster children; exit interviews.

8 (a) Unless clinically contraindicated, the Department
9 shall ensure that an exit interview is conducted with every
10 child age 5 and over who leaves a foster home.

11 (1) The interview shall be conducted by a caseworker,
12 mental health provider, or clinician from the Department's
13 Division of Clinical Practice.

14 (2) The interview shall be conducted within 5 days of
15 the child's removal from the home.

16 (3) The interviewer shall comply with the provisions

1 of the Abused and Neglected Child Reporting Act if the
2 child discloses abuse or neglect as defined by that Act.

3 (4) The interviewer shall immediately inform the
4 licensing agency if the child discloses any information
5 that would constitute a potential licensing violation.

6 (5) Documentation of the interview shall be (i)
7 maintained in the foster parent's licensing file, (ii)
8 maintained in the child's case file, (iii) included in the
9 service plan for the child, and (iv) and provided to the
10 child's guardian ad litem and attorney appointed under
11 Section 2-17 of the Juvenile Court Act of 1987.

12 (6) The determination that an interview in compliance
13 with this Section is clinically contraindicated shall be
14 made by the caseworker, in consultation with the child's
15 mental health provider, if any, and the caseworker's
16 supervisor. If the child does not have a mental health
17 provider, the caseworker shall request a consultation with
18 the Department's Division of Clinical Practice regarding
19 whether an interview is clinically contraindicated. The
20 decision and the basis for the decision shall be
21 documented in writing and shall be (i) maintained in the
22 foster parent's licensing file, (ii) maintained in the
23 child's case file, and (iii) attached as part of the
24 service plan for the child.

25 (7) The information gathered during the interview
26 shall be dependent on the age and maturity of the child and

1 the circumstances of the child's removal. The
2 interviewer's observations and any information relevant to
3 understanding the child's responses shall be recorded on
4 the interview form. At a minimum, the interview shall
5 address the following areas:

6 (A) How the child's basic needs were met in the
7 home: who prepared food and was there sufficient food;
8 whether the child had appropriate clothing; sleeping
9 arrangements; supervision appropriate to the child's
10 age and special needs; was the child enrolled in
11 school, and did the child receive the support needed
12 to complete his or her school work.

13 (B) Access to caseworker, therapist, or guardian
14 ad litem: whether the child was able to contact these
15 professionals and how.

16 (C) Safety and comfort in the home: how did the
17 child feel in the home; was the foster parent
18 affirming of the child's identity; did anything happen
19 that made the child happy; did anything happen that
20 was scary or sad; what happened when the child did
21 something he or she should not have done; if relevant,
22 how does the child think the foster parent felt about
23 the child's family of origin, including parents and
24 siblings; and was the foster parent supportive of the
25 permanency goal.

26 (D) Normalcy: whether the child felt included in

1 the family; whether the child participated in
2 extracurricular activities; whether the foster parent
3 participated in planning for the child, including
4 child and family team meetings and school meetings.

5 (b) The Department shall develop procedures, including an
6 interview form, no later than January 1, 2023, to implement
7 this Section.

8 (c) Beginning July 1, 2023 and quarterly thereafter, the
9 Department shall post on its webpage a report summarizing the
10 details of the exit interviews.

11 (20 ILCS 505/17a-16 new)

12 Sec. 17a-16. Foster Care Investigative Reports Commission.

13 (a) As used in this Section:

14 "Commission" means the Foster Care Investigative Reports
15 Commission.

16 "Department" means the Department of Children and Family
17 Services.

18 "Director" means the Director of the Foster Care
19 Investigative Reports Commission.

20 (b) The Foster Care Investigative Reports Commission is
21 created as an executive agency of State government to
22 investigate all adverse reports submitted by foster parents to
23 the Department of Children and Family Services concerning the
24 children placed in their care.

25 (c) The Commission shall consist of 9 members appointed by

1 the Governor with the advice and consent of the Senate.
2 Members appointed to the Commission shall either (i) have a
3 professional background in foster care services or a notable
4 interest in foster care services or (ii) be a foster child or
5 the adopted parent of a former foster child. The Commission
6 shall elect its own chairperson on an annual basis. Commission
7 members shall serve without compensation but may be reimbursed
8 for expenses incurred in the performance of their duties. Each
9 member shall serve a term of 2 years or until his or her
10 successor is appointed. Vacancies shall be filled in the same
11 manner as original appointments. The Commission shall meet
12 quarterly at the call of the chairperson beginning as soon as
13 practicable after the effective date of this amendatory Act of
14 the 102nd General Assembly.

15 (d) Subject to appropriation, the Commission shall hire a
16 Director and staff to process and investigate all adverse
17 reports referred by the Department to the Commission as
18 provided in subsection (e). The Director and staff shall also
19 carry out any other powers and duties of the Commission in
20 accordance with this Section and the rules adopted by the
21 Commission. All staff other than the Director shall be subject
22 to the Personnel Code.

23 (e) Every adverse report submitted by a licensed foster
24 parent to the Department shall be sent to the Director for
25 review. Upon receipt of an adverse report, the Director and
26 his or her staff shall conduct an investigation to determine

1 whether the information and allegations set forth in the
2 report are true or false. After the conclusion of the
3 investigation, the Director shall report his or her findings
4 and recommendations to the Commission in a written
5 investigative summary report. The Commission shall review and
6 consider the Director's findings and recommendations before
7 making a final determination as to the foster parent's adverse
8 report. If, after its review, the Commission determines by
9 majority vote that there is sufficient evidence to believe
10 that the foster parent's adverse report is false or
11 inaccurate, the Commission shall issue a final written report
12 that sets forth the specific reasons for why it determined the
13 foster parent's report to be false or inaccurate. A copy of the
14 Commission's final written report shall be sent to the
15 Department to be filed with the foster child's official
16 records. If, after its review, the Commission determines by
17 majority vote that there is sufficient evidence to believe
18 that the foster parent's adverse report is true or accurate,
19 the Commission shall issue a written statement of its decision
20 and send a copy of its written statement to the Department to
21 be filed with the foster child's official records.

22 (f) In the course of an investigation, the Director, the
23 Director's staff, and the Commission may inspect and copy any
24 materials relevant to the investigation that are in the
25 possession of the Department. Any information obtained under
26 this Section by the Director, the Director's staff, or the

1 Commission is confidential and may not be disclosed to any
2 third party unless otherwise authorized by law. Any person who
3 transmits confidential information in violation of this
4 Section or causes the information to be transmitted in
5 violation of this Section is guilty of a Class A misdemeanor
6 unless the transmittal of the information is authorized by
7 this Section or otherwise authorized by law.

8 (g) The Commission shall prepare an annual report on its
9 operations and submit the report to the Governor and the
10 General Assembly.

11 (h) The Commission shall adopt any rules necessary to
12 implement the provisions of this Section. Rules adopted by the
13 Commission shall be subject to the provisions of the Illinois
14 Administrative Procedure Act.

15
16 Section 10. The Child Care Act of 1969 is amended by
17 changing Sections 2.22a and 4 as follows:

18 (225 ILCS 10/2.22a)

19 Sec. 2.22a. Quality of care concerns applicant. "Quality
20 of care concerns applicant" means an applicant for a foster
21 care license or renewal of a foster care license where the
22 applicant or any person living in the applicant's household:

23 (1) has had a license issued under this Act revoked;

24 (2) has surrendered a license issued under this Act

1 for cause;

2 (3) has had a license issued under this Act expire or
3 has surrendered a license, while either an abuse or
4 neglect investigation or licensing investigation was
5 pending or an involuntary placement hold was placed on the
6 home;

7 (4) has been the subject of allegations of abuse or
8 neglect;

9 (5) has an indicated report of abuse or neglect; ~~or~~

10 (6) has been the subject of certain types of
11 involuntary placement holds or has been involved in
12 certain types of substantiated licensing complaints, as
13 specified and defined by Department rule; or -

14 (7) has requested a youth in care's removal from the
15 home, either orally or in writing, on 5 or more occasions.

16 (Source: P.A. 99-779, eff. 1-1-17.)

17 (225 ILCS 10/4) (from Ch. 23, par. 2214)

18 Sec. 4. License requirement; application; notice.

19 (a) Any person, group of persons or corporation who or
20 which receives children or arranges for care or placement of
21 one or more children unrelated to the operator must apply for a
22 license to operate one of the types of facilities defined in
23 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
24 relative, as defined in Section 2.17 of this Act, who receives
25 a child or children for placement by the Department on a

1 full-time basis may apply for a license to operate a foster
2 family home as defined in Section 2.17 of this Act.

3 (a-5) Any agency, person, group of persons, association,
4 organization, corporation, institution, center, or group
5 providing adoption services must be licensed by the Department
6 as a child welfare agency as defined in Section 2.08 of this
7 Act. "Providing adoption services" as used in this Act,
8 includes facilitating or engaging in adoption services.

9 (b) Application for a license to operate a child care
10 facility must be made to the Department in the manner and on
11 forms prescribed by it. An application to operate a foster
12 family home shall include, at a minimum: a completed written
13 form; written authorization by the applicant and all adult
14 members of the applicant's household to conduct a criminal
15 background investigation; medical evidence in the form of a
16 medical report, on forms prescribed by the Department, that
17 the applicant and all members of the household are free from
18 communicable diseases or physical and mental conditions that
19 affect their ability to provide care for the child or
20 children; the names and addresses of at least 3 persons not
21 related to the applicant who can attest to the applicant's
22 moral character; the name and address of at least one relative
23 who can attest to the applicant's capability to care for the
24 child or children; and fingerprints submitted by the applicant
25 and all adult members of the applicant's household.

26 (b-5) Prior to submitting an application for a foster

1 family home license, a quality of care concerns applicant as
2 defined in Section 2.22a of this Act must submit a preliminary
3 application to the Department in the manner and on forms
4 prescribed by it. The Department shall explain to the quality
5 of care concerns applicant the grounds for requiring a
6 preliminary application. The preliminary application shall
7 include a list of (i) all children placed in the home by the
8 Department who were removed by the Department for reasons
9 other than returning to a parent and the circumstances under
10 which they were removed and (ii) all children placed by the
11 Department who were subsequently adopted by or placed in the
12 private guardianship of the quality of care concerns applicant
13 who are currently under 18 and who no longer reside in the home
14 and the reasons why they no longer reside in the home. The
15 preliminary application shall also include, if the quality of
16 care concerns applicant chooses to submit, (1) a response to
17 the quality of care concerns, including any reason the
18 concerns are invalid, have been addressed or ameliorated, or
19 no longer apply and (2) affirmative documentation
20 demonstrating that the quality of care concerns applicant's
21 home does not pose a risk to children and that the family will
22 be able to meet the physical and emotional needs of children.
23 The Department shall verify the information in the preliminary
24 application and review (i) information regarding any prior
25 licensing complaints, (ii) information regarding any prior
26 child abuse or neglect investigations, ~~and~~ (iii) information

1 regarding any involuntary foster home holds placed on the home
2 by the Department, and (iv) information regarding all child
3 exit interviews, as provided in Section 5.26 of the Children
4 and Family Services Act, regarding the home. Foster home
5 applicants with quality of care concerns are presumed
6 unsuitable for future licensure.

7 Notwithstanding the provisions of this subsection (b-5),
8 the Department may make an exception and issue a foster family
9 license to a quality of care concerns applicant if the
10 Department is satisfied that the foster family home does not
11 pose a risk to children and that the foster family will be able
12 to meet the physical and emotional needs of children. In
13 making this determination, the Department must obtain and
14 carefully review all relevant documents and shall obtain
15 consultation from its Clinical Division as appropriate and as
16 prescribed by Department rule and procedure. The Department
17 has the authority to deny a preliminary application based on
18 the record of quality of care concerns of the foster family
19 home. In the alternative, the Department may (i) approve the
20 preliminary application, (ii) approve the preliminary
21 application subject to obtaining additional information or
22 assessments, or (iii) approve the preliminary application for
23 purposes of placing a particular child or children only in the
24 foster family home. If the Department approves a preliminary
25 application, the foster family shall submit an application for
26 licensure as described in subsection (b) of this Section. The

1 Department shall notify the quality of care concerns applicant
2 of its decision and the basis for its decision in writing.

3 (c) The Department shall notify the public when a child
4 care institution, maternity center, or group home licensed by
5 the Department undergoes a change in (i) the range of care or
6 services offered at the facility, (ii) the age or type of
7 children served, or (iii) the area within the facility used by
8 children. The Department shall notify the public of the change
9 in a newspaper of general circulation in the county or
10 municipality in which the applicant's facility is or is
11 proposed to be located.

12 (d) If, upon examination of the facility and investigation
13 of persons responsible for care of children and, in the case of
14 a foster home, taking into account information obtained for
15 purposes of evaluating a preliminary application, if
16 applicable, the Department is satisfied that the facility and
17 responsible persons reasonably meet standards prescribed for
18 the type of facility for which application is made, it shall
19 issue a license in proper form, designating on that license
20 the type of child care facility and, except for a child welfare
21 agency, the number of children to be served at any one time.

22 (e) The Department shall not issue or renew the license of
23 any child welfare agency providing adoption services, unless
24 the agency (i) is officially recognized by the United States
25 Internal Revenue Service as a tax-exempt organization
26 described in Section 501(c)(3) of the Internal Revenue Code of

1 1986 (or any successor provision of federal tax law) and (ii)
2 is in compliance with all of the standards necessary to
3 maintain its status as an organization described in Section
4 501(c)(3) of the Internal Revenue Code of 1986 (or any
5 successor provision of federal tax law). The Department shall
6 grant a grace period of 24 months from the effective date of
7 this amendatory Act of the 94th General Assembly for existing
8 child welfare agencies providing adoption services to obtain
9 501(c)(3) status. The Department shall permit an existing
10 child welfare agency that converts from its current structure
11 in order to be recognized as a 501(c)(3) organization as
12 required by this Section to either retain its current license
13 or transfer its current license to a newly formed entity, if
14 the creation of a new entity is required in order to comply
15 with this Section, provided that the child welfare agency
16 demonstrates that it continues to meet all other licensing
17 requirements and that the principal officers and directors and
18 programs of the converted child welfare agency or newly
19 organized child welfare agency are substantially the same as
20 the original. The Department shall have the sole discretion to
21 grant a one year extension to any agency unable to obtain
22 501(c)(3) status within the timeframe specified in this
23 subsection (e), provided that such agency has filed an
24 application for 501(c)(3) status with the Internal Revenue
25 Service within the 2-year timeframe specified in this
26 subsection (e).

1 (Source: P.A. 101-63, eff. 7-12-19.)".