

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. 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
13 who 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
17 1987 and who continue under the jurisdiction of the
18 court; or

19 (B) were accepted for care, service and training
20 by the Department prior to the age of 18 and whose best
21 interest in the discretion of the Department would be
22 served by continuing that care, service and training
23 because of severe emotional disturbances, physical

1 disability, social adjustment or any combination
2 thereof, or because of the need to complete an
3 educational or vocational training program.

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

8 (3) "Child welfare services" means public social
9 services which are directed toward the accomplishment of
10 the following purposes:

11 (A) protecting and promoting the health, safety
12 and welfare of children, including homeless,
13 dependent, or neglected children;

14 (B) remedying, or assisting in the solution of
15 problems which may result in, the neglect, abuse,
16 exploitation, or delinquency of children;

17 (C) preventing the unnecessary separation of
18 children from their families by identifying family
19 problems, assisting families in resolving their
20 problems, and preventing the breakup of the family
21 where the prevention of child removal is desirable and
22 possible when the child can be cared for at home
23 without endangering the child's health and safety;

24 (D) restoring to their families children who have
25 been removed, by the provision of services to the
26 child and the families when the child can be cared for

1 at home without endangering the child's health and
2 safety;

3 (E) placing children in suitable permanent family
4 arrangements, through guardianship or adoption
5 ~~adoptive homes~~, in cases where restoration to the
6 biological family is not safe, possible, or
7 appropriate;

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

18 (G) (blank);

19 (H) (blank); and

20 (I) placing and maintaining children in facilities
21 that provide separate living quarters for children
22 under the age of 18 and for children 18 years of age
23 and older, unless a child 18 years of age is in the
24 last year of high school education or vocational
25 training, in an approved individual or group treatment
26 program, in a licensed shelter facility, or secure

1 child care facility. The Department is not required to
2 place or maintain children:

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

4 (ii) who are persons with a developmental
5 disability, as defined in the Mental Health and
6 Developmental Disabilities Code, or

7 (iii) who are female children who are
8 pregnant, pregnant and parenting, or parenting, or

9 (iv) who are siblings, in facilities that
10 provide separate living quarters for children 18
11 years of age and older and for children under 18
12 years of age.

13 (b) (Blank).

14 (c) The Department shall establish and maintain
15 tax-supported child welfare services and extend and seek to
16 improve voluntary services throughout the State, to the end
17 that services and care shall be available on an equal basis
18 throughout the State to children requiring such services.

19 (d) The Director may authorize advance disbursements for
20 any new program initiative to any agency contracting with the
21 Department. As a prerequisite for an advance disbursement, the
22 contractor must post a surety bond in the amount of the advance
23 disbursement and have a purchase of service contract approved
24 by the Department. The Department may pay up to 2 months
25 operational expenses in advance. The amount of the advance
26 disbursement shall be prorated over the life of the contract

1 or the remaining months of the fiscal year, whichever is less,
2 and the installment amount shall then be deducted from future
3 bills. Advance disbursement authorizations for new initiatives
4 shall not be made to any agency after that agency has operated
5 during 2 consecutive fiscal years. The requirements of this
6 Section concerning advance disbursements shall not apply with
7 respect to the following: payments to local public agencies
8 for child day care services as authorized by Section 5a of this
9 Act; and youth service programs receiving grant funds under
10 Section 17a-4.

11 (e) (Blank).

12 (f) (Blank).

13 (g) The Department shall establish rules and regulations
14 concerning its operation of programs designed to meet the
15 goals of child safety and protection, family preservation,
16 family reunification, and adoption, including, but not limited
17 to:

18 (1) adoption;

19 (2) foster care;

20 (3) family counseling;

21 (4) protective services;

22 (5) (blank);

23 (6) homemaker service;

24 (7) return of runaway children;

25 (8) (blank);

26 (9) placement under Section 5-7 of the Juvenile Court

1 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
2 Court Act of 1987 in accordance with the federal Adoption
3 Assistance and Child Welfare Act of 1980; and

4 (10) interstate services.

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

16 (h) If the Department finds that there is no appropriate
17 program or facility within or available to the Department for
18 a youth in care and that no licensed private facility has an
19 adequate and appropriate program or none agrees to accept the
20 youth in care, the Department shall create an appropriate
21 individualized, program-oriented plan for such youth in care.
22 The plan may be developed within the Department or through
23 purchase of services by the Department to the extent that it is
24 within its statutory authority to do.

25 (i) Service programs shall be available throughout the
26 State and shall include but not be limited to the following

1 services:

- 2 (1) case management;
- 3 (2) homemakers;
- 4 (3) counseling;
- 5 (4) parent education;
- 6 (5) day care; and
- 7 (6) emergency assistance and advocacy.

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

- 10 (1) comprehensive family-based services;
- 11 (2) assessments;
- 12 (3) respite care; and
- 13 (4) in-home health services.

14 The Department shall provide transportation for any of the
15 services it makes available to children or families or for
16 which it refers children or families.

17 (j) The Department may provide categories of financial
18 assistance and education assistance grants, and shall
19 establish rules and regulations concerning the assistance and
20 grants, to persons who adopt children with physical or mental
21 disabilities, children who are older, or other hard-to-place
22 children who (i) immediately prior to their adoption were
23 youth in care or (ii) were determined eligible for financial
24 assistance with respect to a prior adoption and who become
25 available for adoption because the prior adoption has been
26 dissolved and the parental rights of the adoptive parents have

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

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

23 Any financial assistance provided under this subsection is
24 inalienable by assignment, sale, execution, attachment,
25 garnishment, or any other remedy for recovery or collection of
26 a judgment or debt.

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

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

9 (l) The Department shall offer family preservation
10 services, as defined in Section 8.2 of the Abused and
11 Neglected Child Reporting Act, to help families, including
12 adoptive and extended families. Family preservation services
13 shall be offered (i) to prevent the placement of children in
14 substitute care when the children can be cared for at home or
15 in the custody of the person responsible for the children's
16 welfare, (ii) to reunite children with their families, or
17 (iii) to maintain an adoptive placement. Family preservation
18 services shall only be offered when doing so will not endanger
19 the children's health or safety. With respect to children who
20 are in substitute care pursuant to the Juvenile Court Act of
21 1987, family preservation services shall not be offered if a
22 goal other than those of subdivisions (A), (B), or (B-1) of
23 subsection (2) of Section 2-28 of that Act has been set, except
24 that reunification services may be offered as provided in
25 paragraph (F) of subsection (2) of Section 2-28 of that Act.
26 Nothing in this paragraph shall be construed to create a

1 private right of action or claim on the part of any individual
2 or child welfare agency, except that when a child is the
3 subject of an action under Article II of the Juvenile Court Act
4 of 1987 and the child's service plan calls for services to
5 facilitate achievement of the permanency goal, the court
6 hearing the action under Article II of the Juvenile Court Act
7 of 1987 may order the Department to provide the services set
8 out in the plan, if those services are not provided with
9 reasonable promptness and if those services are available.

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

1 reports of suspected child abuse or neglect. Acceptance of
2 such services shall be voluntary. The Department may also
3 provide services to any child or family after completion of a
4 family assessment, as an alternative to an investigation, as
5 provided under the "differential response program" provided
6 for in subsection (a-5) of Section 7.4 of the Abused and
7 Neglected Child Reporting Act.

8 The Department may, at its discretion except for those
9 children also adjudicated neglected or dependent, accept for
10 care and training any child who has been adjudicated addicted,
11 as a truant minor in need of supervision or as a minor
12 requiring authoritative intervention, under the Juvenile Court
13 Act or the Juvenile Court Act of 1987, but no such child shall
14 be committed to the Department by any court without the
15 approval of the Department. On and after January 1, 2015 (the
16 effective date of Public Act 98-803) and before January 1,
17 2017, a minor charged with a criminal offense under the
18 Criminal Code of 1961 or the Criminal Code of 2012 or
19 adjudicated delinquent shall not be placed in the custody of
20 or committed to the Department by any court, except (i) a minor
21 less than 16 years of age committed to the Department under
22 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
23 for whom an independent basis of abuse, neglect, or dependency
24 exists, which must be defined by departmental rule, or (iii) a
25 minor for whom the court has granted a supplemental petition
26 to reinstate wardship pursuant to subsection (2) of Section

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

21 As soon as is possible after August 7, 2009 (the effective
22 date of Public Act 96-134), the Department shall develop and
23 implement a special program of family preservation services to
24 support intact, foster, and adoptive families who are
25 experiencing extreme hardships due to the difficulty and
26 stress of caring for a child who has been diagnosed with a

1 pervasive developmental disorder if the Department determines
2 that those services are necessary to ensure the health and
3 safety of the child. The Department may offer services to any
4 family whether or not a report has been filed under the Abused
5 and Neglected Child Reporting Act. The Department may refer
6 the child or family to services available from other agencies
7 in the community if the conditions in the child's or family's
8 home are reasonably likely to subject the child or family to
9 future reports of suspected child abuse or neglect. Acceptance
10 of these services shall be voluntary. The Department shall
11 develop and implement a public information campaign to alert
12 health and social service providers and the general public
13 about these special family preservation services. The nature
14 and scope of the services offered and the number of families
15 served under the special program implemented under this
16 paragraph shall be determined by the level of funding that the
17 Department annually allocates for this purpose. The term
18 "pervasive developmental disorder" under this paragraph means
19 a neurological condition, including, but not limited to,
20 Asperger's Syndrome and autism, as defined in the most recent
21 edition of the Diagnostic and Statistical Manual of Mental
22 Disorders of the American Psychiatric Association.

23 (1-1) The legislature recognizes that the best interests
24 of the child require that the child be placed in the most
25 permanent living arrangement as soon as is practically
26 possible. To achieve this goal, the legislature directs the

1 Department of Children and Family Services to conduct
2 concurrent planning so that permanency may occur at the
3 earliest opportunity. Permanent living arrangements may
4 include prevention of placement of a child outside the home of
5 the family when the child can be cared for at home without
6 endangering the child's health or safety; reunification with
7 the family, when safe and appropriate, if temporary placement
8 is necessary; or movement of the child toward the most
9 permanent living arrangement and permanent legal status.

10 When determining reasonable efforts to be made with
11 respect to a child, as described in this subsection, and in
12 making such reasonable efforts, the child's health and safety
13 shall be the paramount concern.

14 When a child is placed in foster care, the Department
15 shall ensure and document that reasonable efforts were made to
16 prevent or eliminate the need to remove the child from the
17 child's home. The Department must make reasonable efforts to
18 reunify the family when temporary placement of the child
19 occurs unless otherwise required, pursuant to the Juvenile
20 Court Act of 1987. At any time after the dispositional hearing
21 where the Department believes that further reunification
22 services would be ineffective, it may request a finding from
23 the court that reasonable efforts are no longer appropriate.
24 The Department is not required to provide further
25 reunification services after such a finding.

26 A decision to place a child in substitute care shall be

1 made with considerations of the child's health, safety, and
2 best interests. At the time of placement, consideration should
3 also be given so that if reunification fails or is delayed, the
4 placement made is the best available placement to provide
5 permanency for the child.

6 The Department shall adopt rules addressing concurrent
7 planning for reunification and permanency. The Department
8 shall consider the following factors when determining
9 appropriateness of concurrent planning:

- 10 (1) the likelihood of prompt reunification;
- 11 (2) the past history of the family;
- 12 (3) the barriers to reunification being addressed by
13 the family;
- 14 (4) the level of cooperation of the family;
- 15 (5) the foster parents' willingness to work with the
16 family to reunite;
- 17 (6) the willingness and ability of the foster family
18 to provide an adoptive home or long-term placement;
- 19 (7) the age of the child;
- 20 (8) placement of siblings.

21 (m) The Department may assume temporary custody of any
22 child if:

- 23 (1) it has received a written consent to such
24 temporary custody signed by the parents of the child or by
25 the parent having custody of the child if the parents are
26 not living together or by the guardian or custodian of the

1 child if the child is not in the custody of either parent,
2 or

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

6 If the child is found in his or her residence without a parent,
7 guardian, custodian, or responsible caretaker, the Department
8 may, instead of removing the child and assuming temporary
9 custody, place an authorized representative of the Department
10 in that residence until such time as a parent, guardian, or
11 custodian enters the home and expresses a willingness and
12 apparent ability to ensure the child's health and safety and
13 resume permanent charge of the child, or until a relative
14 enters the home and is willing and able to ensure the child's
15 health and safety and assume charge of the child until a
16 parent, guardian, or custodian enters the home and expresses
17 such willingness and ability to ensure the child's safety and
18 resume permanent charge. After a caretaker has remained in the
19 home for a period not to exceed 12 hours, the Department must
20 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
21 5-415 of the Juvenile Court Act of 1987.

22 The Department shall have the authority, responsibilities
23 and duties that a legal custodian of the child would have
24 pursuant to subsection (9) of Section 1-3 of the Juvenile
25 Court Act of 1987. Whenever a child is taken into temporary
26 custody pursuant to an investigation under the Abused and

1 Neglected Child Reporting Act, or pursuant to a referral and
2 acceptance under the Juvenile Court Act of 1987 of a minor in
3 limited custody, the Department, during the period of
4 temporary custody and before the child is brought before a
5 judicial officer as required by Section 2-9, 3-11, 4-8, or
6 5-415 of the Juvenile Court Act of 1987, shall have the
7 authority, responsibilities and duties that a legal custodian
8 of the child would have under subsection (9) of Section 1-3 of
9 the Juvenile Court Act of 1987.

10 The Department shall ensure that any child taken into
11 custody is scheduled for an appointment for a medical
12 examination.

13 A parent, guardian, or custodian of a child in the
14 temporary custody of the Department who would have custody of
15 the child if he were not in the temporary custody of the
16 Department may deliver to the Department a signed request that
17 the Department surrender the temporary custody of the child.
18 The Department may retain temporary custody of the child for
19 10 days after the receipt of the request, during which period
20 the Department may cause to be filed a petition pursuant to the
21 Juvenile Court Act of 1987. If a petition is so filed, the
22 Department shall retain temporary custody of the child until
23 the court orders otherwise. If a petition is not filed within
24 the 10-day period, the child shall be surrendered to the
25 custody of the requesting parent, guardian, or custodian not
26 later than the expiration of the 10-day period, at which time

1 the authority and duties of the Department with respect to the
2 temporary custody of the child shall terminate.

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

17 (n) The Department may place children under 18 years of
18 age in licensed child care facilities when in the opinion of
19 the Department, appropriate services aimed at family
20 preservation have been unsuccessful and cannot ensure the
21 child's health and safety or are unavailable and such
22 placement would be for their best interest. Payment for board,
23 clothing, care, training and supervision of any child placed
24 in a licensed child care facility may be made by the
25 Department, by the parents or guardians of the estates of
26 those children, or by both the Department and the parents or

1 guardians, except that no payments shall be made by the
2 Department for any child placed in a licensed child care
3 facility for board, clothing, care, training and supervision
4 of such a child that exceed the average per capita cost of
5 maintaining and of caring for a child in institutions for
6 dependent or neglected children operated by the Department.
7 However, such restriction on payments does not apply in cases
8 where children require specialized care and treatment for
9 problems of severe emotional disturbance, physical disability,
10 social adjustment, or any combination thereof and suitable
11 facilities for the placement of such children are not
12 available at payment rates within the limitations set forth in
13 this Section. All reimbursements for services delivered shall
14 be absolutely inalienable by assignment, sale, attachment, or
15 garnishment or otherwise.

16 (n-1) The Department shall provide or authorize child
17 welfare services, aimed at assisting minors to achieve
18 sustainable self-sufficiency as independent adults, for any
19 minor eligible for the reinstatement of wardship pursuant to
20 subsection (2) of Section 2-33 of the Juvenile Court Act of
21 1987, whether or not such reinstatement is sought or allowed,
22 provided that the minor consents to such services and has not
23 yet attained the age of 21. The Department shall have
24 responsibility for the development and delivery of services
25 under this Section. An eligible youth may access services
26 under this Section through the Department of Children and

1 Family Services or by referral from the Department of Human
2 Services. Youth participating in services under this Section
3 shall cooperate with the assigned case manager in developing
4 an agreement identifying the services to be provided and how
5 the youth will increase skills to achieve self-sufficiency. A
6 homeless shelter is not considered appropriate housing for any
7 youth receiving child welfare services under this Section. The
8 Department shall continue child welfare services under this
9 Section to any eligible minor until the minor becomes 21 years
10 of age, no longer consents to participate, or achieves
11 self-sufficiency as identified in the minor's service plan.
12 The Department of Children and Family Services shall create
13 clear, readable notice of the rights of former foster youth to
14 child welfare services under this Section and how such
15 services may be obtained. The Department of Children and
16 Family Services and the Department of Human Services shall
17 disseminate this information statewide. The Department shall
18 adopt regulations describing services intended to assist
19 minors in achieving sustainable self-sufficiency as
20 independent adults.

21 (o) The Department shall establish an administrative
22 review and appeal process for children and families who
23 request or receive child welfare services from the Department.
24 Youth in care who are placed by private child welfare
25 agencies, and foster families with whom those youth are
26 placed, shall be afforded the same procedural and appeal

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

19 (p) (Blank).

20 (q) The Department may receive and use, in their entirety,
21 for the benefit of children any gift, donation, or bequest of
22 money or other property which is received on behalf of such
23 children, or any financial benefits to which such children are
24 or may become entitled while under the jurisdiction or care of
25 the Department, except that the benefits described in Section
26 5.46 must be used and conserved consistent with the provisions

1 under Section 5.46.

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

13 In disbursing funds from children's accounts, the
14 Department shall:

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

23 (2) Calculate on a monthly basis the amounts paid from
24 State funds for the child's board and care, medical care
25 not covered under Medicaid, and social services; and
26 utilize funds from the child's account, as covered by

1 regulation, to reimburse those costs. Monthly,
2 disbursements from all children's accounts, up to 1/12 of
3 \$13,000,000, shall be deposited by the Department into the
4 General Revenue Fund and the balance over 1/12 of
5 \$13,000,000 into the DCFS Children's Services Fund.

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

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

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

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

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

19 (2) the court has ordered one or both of the parties to
20 the proceeding to reimburse the Department for its
21 reasonable costs for providing such services in accordance
22 with Department rules, or has determined that neither
23 party is financially able to pay.

24 The Department shall provide written notification to the
25 court of the specific arrangements for supervised visitation
26 and projected monthly costs within 60 days of the court order.

1 The Department shall send to the court information related to
2 the costs incurred except in cases where the court has
3 determined the parties are financially unable to pay. The
4 court may order additional periodic reports as appropriate.

5 (u) In addition to other information that must be
6 provided, whenever the Department places a child with a
7 prospective adoptive parent or parents, in a licensed foster
8 home, group home, or child care institution, or in a relative
9 home, the Department shall provide to the prospective adoptive
10 parent or parents or other caretaker:

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

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

22 (3) information containing details of the child's
23 individualized educational plan when the child is
24 receiving special education services.

25 The caretaker shall be informed of any known social or
26 behavioral information (including, but not limited to,

1 criminal background, fire setting, perpetuation of sexual
2 abuse, destructive behavior, and substance abuse) necessary to
3 care for and safeguard the children to be placed or currently
4 in the home. The Department may prepare a written summary of
5 the information required by this paragraph, which may be
6 provided to the foster or prospective adoptive parent in
7 advance of a placement. The foster or prospective adoptive
8 parent may review the supporting documents in the child's file
9 in the presence of casework staff. In the case of an emergency
10 placement, casework staff shall at least provide known
11 information verbally, if necessary, and must subsequently
12 provide the information in writing as required by this
13 subsection.

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

1 shall be reviewed and approved regarding accuracy at the
2 supervisory level.

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

14 (v) The Department shall access criminal history record
15 information as defined in the Illinois Uniform Conviction
16 Information Act and information maintained in the adjudicatory
17 and dispositional record system as defined in Section 2605-355
18 of the Illinois State Police Law if the Department determines
19 the information is necessary to perform its duties under the
20 Abused and Neglected Child Reporting Act, the Child Care Act
21 of 1969, and the Children and Family Services Act. The
22 Department shall provide for interactive computerized
23 communication and processing equipment that permits direct
24 on-line communication with the Illinois State Police's central
25 criminal history data repository. The Department shall comply
26 with all certification requirements and provide certified

1 operators who have been trained by personnel from the Illinois
2 State Police. In addition, one Office of the Inspector General
3 investigator shall have training in the use of the criminal
4 history information access system and have access to the
5 terminal. The Department of Children and Family Services and
6 its employees shall abide by rules and regulations established
7 by the Illinois State Police relating to the access and
8 dissemination of this information.

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

21 (v-2) Prior to final approval for placement of a child,
22 the Department shall check its child abuse and neglect
23 registry for information concerning prospective foster and
24 adoptive parents, and any adult living in the home. If any
25 prospective foster or adoptive parent or other adult living in
26 the home has resided in another state in the preceding 5 years,

1 the Department shall request a check of that other state's
2 child abuse and neglect registry.

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

24 (x) The Department shall conduct annual credit history
25 checks to determine the financial history of children placed
26 under its guardianship pursuant to the Juvenile Court Act of

1 1987. The Department shall conduct such credit checks starting
2 when a youth in care turns 12 years old and each year
3 thereafter for the duration of the guardianship as terminated
4 pursuant to the Juvenile Court Act of 1987. The Department
5 shall determine if financial exploitation of the child's
6 personal information has occurred. If financial exploitation
7 appears to have taken place or is presently ongoing, the
8 Department shall notify the proper law enforcement agency, the
9 proper State's Attorney, or the Attorney General.

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

20 (z) The Department shall access criminal history record
21 information as defined as "background information" in this
22 subsection and criminal history record information as defined
23 in the Illinois Uniform Conviction Information Act for each
24 Department employee or Department applicant. Each Department
25 employee or Department applicant shall submit his or her
26 fingerprints to the Illinois State Police in the form and

1 manner prescribed by the Illinois State Police. These
2 fingerprints shall be checked against the fingerprint records
3 now and hereafter filed in the Illinois State Police and the
4 Federal Bureau of Investigation criminal history records
5 databases. The Illinois State Police shall charge a fee for
6 conducting the criminal history record check, which shall be
7 deposited into the State Police Services Fund and shall not
8 exceed the actual cost of the record check. The Illinois State
9 Police shall furnish, pursuant to positive identification, all
10 Illinois conviction information to the Department of Children
11 and Family Services.

12 For purposes of this subsection:

13 "Background information" means all of the following:

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

21 (ii) Information obtained by the Department of
22 Children and Family Services after performing a check of
23 the Illinois State Police's Sex Offender Database, as
24 authorized by Section 120 of the Sex Offender Community
25 Notification Law, concerning a Department employee or
26 Department applicant.

1 (iii) Information obtained by the Department of
2 Children and Family Services after performing a check of
3 the Child Abuse and Neglect Tracking System (CANTS)
4 operated and maintained by the Department.

5 "Department employee" means a full-time or temporary
6 employee coded or certified within the State of Illinois
7 Personnel System.

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

17 (Source: P.A. 101-13, eff. 6-12-19; 101-79, eff. 7-12-19;
18 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-558, eff.
19 8-20-21; 102-1014, eff. 5-27-22.)

20 (20 ILCS 505/17a-11 rep.)

21 Section 5. The Children and Family Services Act is amended
22 by repealing Section 17a-11.