

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.