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1 AMENDMENT TO HOUSE BILL 258

2 AMENDMENT NO. _____. Amend House Bill 258 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by changing Section 5 as follows:

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

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

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who
13 are under the age of 18 years. The term also includes
14 persons under age 19 who:

15 (A) were committed to the Department pursuant to
16 the Juvenile Court Act or the Juvenile Court Act of
17 1987, as amended, prior to the age of 18 and who
18 continue under the jurisdiction of the court; or

19 (B) were accepted for care, service and training by
20 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
24 disability, social adjustment or any combination

1 thereof, or because of the need to complete an
2 educational or vocational training program.

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

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

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

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

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

23 (D) restoring to their families children who have
24 been removed, by the provision of services to the child
25 and the families when the child can be cared for at
26 home without endangering the child's health and
27 safety;

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

31 (F) assuring safe and adequate care of children
32 away from their homes, in cases where the child cannot
33 be returned home or cannot be placed for adoption. At
34 the time of placement, the Department shall consider

1 concurrent planning, as described in subsection (1-1)
2 of this Section so that permanency may occur at the
3 earliest opportunity. Consideration should be given so
4 that if reunification fails or is delayed, the
5 placement made is the best available placement to
6 provide permanency for the child;

7 (G) (blank);

8 (H) (blank); and

9 (I) placing and maintaining children in facilities
10 that provide separate living quarters for children
11 under the age of 18 and for children 18 years of age
12 and older, unless a child 18 years of age is in the
13 last year of high school education or vocational
14 training, in an approved individual or group treatment
15 program, in a licensed shelter facility, or secure
16 child care facility. The Department is not required to
17 place or maintain children:

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

19 (ii) who are persons with a developmental
20 disability, as defined in the Mental Health and
21 Developmental Disabilities Code, or

22 (iii) who are female children who are
23 pregnant, pregnant and parenting or parenting, or

24 (iv) who are siblings,

25 in facilities that provide separate living quarters
26 for children 18 years of age and older and for children
27 under 18 years of age.

28 (b) Nothing in this Section shall be construed to authorize
29 the expenditure of public funds for the purpose of performing
30 abortions.

31 (c) The Department shall establish and maintain
32 tax-supported child welfare services and extend and seek to
33 improve voluntary services throughout the State, to the end
34 that services and care shall be available on an equal basis

1 throughout the State to children requiring such services.

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

20 (e) (Blank).

21 (f) (Blank).

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

26 (1) adoption;

27 (2) foster care;

28 (3) family counseling;

29 (4) protective services;

30 (5) (blank);

31 (6) homemaker service;

32 (7) return of runaway children;

33 (8) (blank);

34 (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 alcohol and drug abuse screening techniques
9 approved by the Department of Human Services, as a successor to
10 the Department of Alcoholism and Substance Abuse, for the
11 purpose of identifying children and adults who should be
12 referred to an alcohol and drug abuse treatment program for
13 professional evaluation.

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

23 (i) Service programs shall be available throughout the
24 State and shall include but not be limited to the following
25 services:

- 26 (1) case management;
- 27 (2) homemakers;
- 28 (3) counseling;
- 29 (4) parent education;
- 30 (5) day care; and
- 31 (6) emergency assistance and advocacy.

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

- 34 (1) comprehensive family-based services;

- 1 (2) assessments;
- 2 (3) respite care; and
- 3 (4) in-home health services.

4 The Department shall provide transportation for any of the
5 services it makes available to children or families or for
6 which it refers children or families.

7 (j) The Department may provide categories of financial
8 assistance and education assistance grants, and shall
9 establish rules and regulations concerning the assistance and
10 grants, to persons who adopt physically or mentally
11 handicapped, older and other hard-to-place children who (i)
12 immediately prior to their adoption were legal wards of the
13 Department or (ii) were determined eligible for financial
14 assistance with respect to a prior adoption and who become
15 available for adoption because the prior adoption has been
16 dissolved and the parental rights of the adoptive parents have
17 been terminated or because the child's adoptive parents have
18 died. The Department may also provide categories of financial
19 assistance and education assistance grants, and shall
20 establish rules and regulations for the assistance and grants,
21 to persons appointed guardian of the person under Section 5-7
22 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740
23 of the Juvenile Court Act of 1987 for children who were wards
24 of the Department for 12 months immediately prior to the
25 appointment of the guardian.

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

33 Any financial assistance provided under this subsection is
34 inalienable by assignment, sale, execution, attachment,

1 garnishment, or any other remedy for recovery or collection of
2 a judgment or debt.

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

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

11 (l) Before July 1, 2000, the Department may provide, and
12 beginning July 1, 2000, the Department shall offer family
13 preservation services, as defined in Section 8.2 of the Abused
14 and Neglected Child Reporting Act, to help families, including
15 adoptive and extended families. Family preservation services
16 shall be offered (i) to prevent the placement of children in
17 substitute care when the children can be cared for at home or
18 in the custody of the person responsible for the children's
19 welfare, (ii) to reunite children with their families, or (iii)
20 to maintain an adoptive placement. Family preservation
21 services shall only be offered when doing so will not endanger
22 the children's health or safety. With respect to children who
23 are in substitute care pursuant to the Juvenile Court Act of
24 1987, family preservation services shall not be offered if a
25 goal other than those of subdivisions (A), (B), or (B-1) of
26 subsection (2) of Section 2-28 of that Act has been set.
27 Nothing in this paragraph shall be construed to create a
28 private right of action or claim on the part of any individual
29 or child welfare agency.

30 The Department shall notify the child and his family of the
31 Department's responsibility to offer and provide family
32 preservation services as identified in the service plan. The
33 child and his family shall be eligible for services as soon as
34 the report is determined to be "indicated". The Department may

1 offer services to any child or family with respect to whom a
2 report of suspected child abuse or neglect has been filed,
3 prior to concluding its investigation under Section 7.12 of the
4 Abused and Neglected Child Reporting Act. However, the child's
5 or family's willingness to accept services shall not be
6 considered in the investigation. The Department may also
7 provide services to any child or family who is the subject of
8 any report of suspected child abuse or neglect or may refer
9 such child or family to services available from other agencies
10 in the community, even if the report is determined to be
11 unfounded, if the conditions in the child's or family's home
12 are reasonably likely to subject the child or family to future
13 reports of suspected child abuse or neglect. Acceptance of such
14 services shall be voluntary.

15 The Department may, at its discretion except for those
16 children also adjudicated neglected or dependent, accept for
17 care and training any child who has been adjudicated addicted,
18 as a truant minor in need of supervision or as a minor
19 requiring authoritative intervention, under the Juvenile Court
20 Act or the Juvenile Court Act of 1987, but no such child shall
21 be committed to the Department by any court without the
22 approval of the Department. A minor charged with a criminal
23 offense under the Criminal Code of 1961 or adjudicated
24 delinquent shall not be placed in the custody of or committed
25 to the Department by any court, except a minor less than 13
26 years of age committed to the Department under Section 5-710 of
27 the Juvenile Court Act of 1987.

28 (1-1) The legislature recognizes that the best interests of
29 the child require that the child be placed in the most
30 permanent living arrangement as soon as is practically
31 possible. To achieve this goal, the legislature directs the
32 Department of Children and Family Services to conduct
33 concurrent planning so that permanency may occur at the
34 earliest opportunity. Permanent living arrangements may

1 include prevention of placement of a child outside the home of
2 the family when the child can be cared for at home without
3 endangering the child's health or safety; reunification with
4 the family, when safe and appropriate, if temporary placement
5 is necessary; or movement of the child toward the most
6 permanent living arrangement and permanent legal status.

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

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

23 A decision to place a child in substitute care shall be
24 made with considerations of the child's health, safety, and
25 best interests. At the time of placement, consideration should
26 also be given so that if reunification fails or is delayed, the
27 placement made is the best available placement to provide
28 permanency for the child.

29 The Department shall adopt rules addressing concurrent
30 planning for reunification and permanency. The Department
31 shall consider the following factors when determining
32 appropriateness of concurrent planning:

- 33 (1) the likelihood of prompt reunification;
34 (2) the past history of the family;

1 (3) the barriers to reunification being addressed by
2 the family;

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

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

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

8 (7) the age of the child;

9 (8) placement of siblings.

10 (m) The Department may assume temporary custody of any
11 child if:

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

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

19 If the child is found in his or her residence without a parent,
20 guardian, custodian or responsible caretaker, the Department
21 may, instead of removing the child and assuming temporary
22 custody, place an authorized representative of the Department
23 in that residence until such time as a parent, guardian or
24 custodian enters the home and expresses a willingness and
25 apparent ability to ensure the child's health and safety and
26 resume permanent charge of the child, or until a relative
27 enters the home and is willing and able to ensure the child's
28 health and safety and assume charge of the child until a
29 parent, guardian or custodian enters the home and expresses
30 such willingness and ability to ensure the child's safety and
31 resume permanent charge. After a caretaker has remained in the
32 home for a period not to exceed 12 hours, the Department must
33 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
34 5-415 of the Juvenile Court Act of 1987.

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

15 The Department shall ensure that any child taken into
16 custody is scheduled for an appointment for a medical
17 examination.

18 A parent, guardian or custodian of a child in the temporary
19 custody of the Department who would have custody of the child
20 if he were not in the temporary custody of the Department may
21 deliver to the Department a signed request that the Department
22 surrender the temporary custody of the child. The Department
23 may retain temporary custody of the child for 10 days after the
24 receipt of the request, during which period the Department may
25 cause to be filed a petition pursuant to the Juvenile Court Act
26 of 1987. If a petition is so filed, the Department shall retain
27 temporary custody of the child until the court orders
28 otherwise. If a petition is not filed within the 10 day period,
29 the child shall be surrendered to the custody of the requesting
30 parent, guardian or custodian not later than the expiration of
31 the 10 day period, at which time the authority and duties of
32 the Department with respect to the temporary custody of the
33 child shall terminate.

34 (m-1) The Department may place children under 18 years of

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

14 (n) The Department may place children under 18 years of age
15 in licensed child care facilities when in the opinion of the
16 Department, appropriate services aimed at family preservation
17 have been unsuccessful and cannot ensure the child's health and
18 safety or are unavailable and such placement would be for their
19 best interest. Payment for board, clothing, care, training and
20 supervision of any child placed in a licensed child care
21 facility may be made by the Department, by the parents or
22 guardians of the estates of those children, or by both the
23 Department and the parents or guardians, except that no
24 payments shall be made by the Department for any child placed
25 in a licensed child care facility for board, clothing, care,
26 training and supervision of such a child that exceed the
27 average per capita cost of maintaining and of caring for a
28 child in institutions for dependent or neglected children
29 operated by the Department. However, such restriction on
30 payments does not apply in cases where children require
31 specialized care and treatment for problems of severe emotional
32 disturbance, physical disability, social adjustment, or any
33 combination thereof and suitable facilities for the placement
34 of such children are not available at payment rates within the

1 limitations set forth in this Section. All reimbursements for
2 services delivered shall be absolutely inalienable by
3 assignment, sale, attachment, garnishment or otherwise.

4 (o) The Department shall establish an administrative
5 review and appeal process for children and families who request
6 or receive child welfare services from the Department. Children
7 who are wards of the Department and are placed by private child
8 welfare agencies, and foster families with whom those children
9 are placed, shall be afforded the same procedural and appeal
10 rights as children and families in the case of placement by the
11 Department, including the right to an initial review of a
12 private agency decision by that agency. The Department shall
13 insure that any private child welfare agency, which accepts
14 wards of the Department for placement, affords those rights to
15 children and foster families. The Department shall accept for
16 administrative review and an appeal hearing a complaint made by
17 (i) a child or foster family concerning a decision following an
18 initial review by a private child welfare agency or (ii) a
19 prospective adoptive parent who alleges a violation of
20 subsection (j-5) of this Section. An appeal of a decision
21 concerning a change in the placement of a child shall be
22 conducted in an expedited manner.

23 (p) There is hereby created the Department of Children and
24 Family Services Emergency Assistance Fund from which the
25 Department may provide special financial assistance to
26 families which are in economic crisis when such assistance is
27 not available through other public or private sources and the
28 assistance is deemed necessary to prevent dissolution of the
29 family unit or to reunite families which have been separated
30 due to child abuse and neglect. The Department shall establish
31 administrative rules specifying the criteria for determining
32 eligibility for and the amount and nature of assistance to be
33 provided. The Department may also enter into written agreements
34 with private and public social service agencies to provide

1 emergency financial services to families referred by the
2 Department. Special financial assistance payments shall be
3 available to a family no more than once during each fiscal year
4 and the total payments to a family may not exceed \$500 during a
5 fiscal year.

6 (q) The Department may receive and use, in their entirety,
7 for the benefit of children any gift, donation, or bequest of
8 money or other property which is received on behalf of such
9 children, or any financial benefits to which such children are
10 or may become entitled while under the jurisdiction or care of
11 the Department. If the person who gives, donates, or bequeaths
12 money or other property that is received by the Department for
13 the benefit of children provides in writing that the money or
14 other property is for a specific purpose, the Department shall
15 use the money or other property only for that purpose.

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

27 In disbursing funds from children's accounts, the ~~The~~
28 Department shall:

29 (1) establish standards in accordance with State and
30 federal laws for disbursing money from children's
31 accounts. In all circumstances, the Department's
32 "Guardianship Administrator" or his or her designee must
33 approve disbursements from children's accounts. The
34 Department shall be responsible for keeping complete

1 records of all disbursements for each account for any
2 purpose.

3 (2) Calculate on a monthly basis the amounts paid from
4 State funds for the child's board and care, medical care
5 not covered under Medicaid, and social services; and
6 utilize funds from the child's account, as covered by
7 regulation, to reimburse those costs. Monthly,
8 disbursements from all children's accounts, up to 1/12 of
9 \$13,000,000, shall be deposited by the Department into the
10 General Revenue Fund and the balance over 1/12 of
11 \$13,000,000 into the DCFS Children's Services Fund.

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

17 On and after October 1, 2005, all youths emancipated from
18 the Department are eligible to receive a payment from the
19 Department not to exceed \$1,500 for the purpose of promoting
20 successful transition outcomes by supporting initial housing
21 and living expenses for the recipient. Prior to October 1,
22 2005, the Department shall establish by rule (i) eligibility
23 criteria for the receipt of funds under this paragraph and (ii)
24 a process for disseminating the payments.

25 (r) The Department shall promulgate regulations
26 encouraging all adoption agencies to voluntarily forward to the
27 Department or its agent names and addresses of all persons who
28 have applied for and have been approved for adoption of a
29 hard-to-place or handicapped child and the names of such
30 children who have not been placed for adoption. A list of such
31 names and addresses shall be maintained by the Department or
32 its agent, and coded lists which maintain the confidentiality
33 of the person seeking to adopt the child and of the child shall
34 be made available, without charge, to every adoption agency in

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

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

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

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

24 (2) the court has ordered one or both of the parties to
25 the proceeding to reimburse the Department for its
26 reasonable costs for providing such services in accordance
27 with Department rules, or has determined that neither party
28 is financially able to pay.

29 The Department shall provide written notification to the
30 court of the specific arrangements for supervised visitation
31 and projected monthly costs within 60 days of the court order.
32 The Department shall send to the court information related to
33 the costs incurred except in cases where the court has
34 determined the parties are financially unable to pay. The court

1 may order additional periodic reports as appropriate.

2 (u) Whenever the Department places a child in a licensed
3 foster home, group home, child care institution, or in a
4 relative home, the Department shall provide to the caretaker:

5 (1) available detailed information concerning the
6 child's educational and health history, copies of
7 immunization records (including insurance and medical card
8 information), a history of the child's previous
9 placements, if any, and reasons for placement changes
10 excluding any information that identifies or reveals the
11 location of any previous caretaker;

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

15 (3) information containing details of the child's
16 individualized educational plan when the child is
17 receiving special education services.

18 The caretaker shall be informed of any known social or
19 behavioral information (including, but not limited to,
20 criminal background, fire setting, perpetuation of sexual
21 abuse, destructive behavior, and substance abuse) necessary to
22 care for and safeguard the child.

23 (u-5) Effective July 1, 1995, only foster care placements
24 licensed as foster family homes pursuant to the Child Care Act
25 of 1969 shall be eligible to receive foster care payments from
26 the Department. Relative caregivers who, as of July 1, 1995,
27 were approved pursuant to approved relative placement rules
28 previously promulgated by the Department at 89 Ill. Adm. Code
29 335 and had submitted an application for licensure as a foster
30 family home may continue to receive foster care payments only
31 until the Department determines that they may be licensed as a
32 foster family home or that their application for licensure is
33 denied or until September 30, 1995, whichever occurs first.

34 (v) The Department shall access criminal history record

1 information as defined in the Illinois Uniform Conviction
2 Information Act and information maintained in the adjudicatory
3 and dispositional record system as defined in Section 2605-355
4 of the Department of State Police Law (20 ILCS 2605/2605-355)
5 if the Department determines the information is necessary to
6 perform its duties under the Abused and Neglected Child
7 Reporting Act, the Child Care Act of 1969, and the Children and
8 Family Services Act. The Department shall provide for
9 interactive computerized communication and processing
10 equipment that permits direct on-line communication with the
11 Department of State Police's central criminal history data
12 repository. The Department shall comply with all certification
13 requirements and provide certified operators who have been
14 trained by personnel from the Department of State Police. In
15 addition, one Office of the Inspector General investigator
16 shall have training in the use of the criminal history
17 information access system and have access to the terminal. The
18 Department of Children and Family Services and its employees
19 shall abide by rules and regulations established by the
20 Department of State Police relating to the access and
21 dissemination of this information.

22 (w) Within 120 days of August 20, 1995 (the effective date
23 of Public Act 89-392), the Department shall prepare and submit
24 to the Governor and the General Assembly, a written plan for
25 the development of in-state licensed secure child care
26 facilities that care for children who are in need of secure
27 living arrangements for their health, safety, and well-being.
28 For purposes of this subsection, secure care facility shall
29 mean a facility that is designed and operated to ensure that
30 all entrances and exits from the facility, a building or a
31 distinct part of the building, are under the exclusive control
32 of the staff of the facility, whether or not the child has the
33 freedom of movement within the perimeter of the facility,
34 building, or distinct part of the building. The plan shall

1 include descriptions of the types of facilities that are needed
2 in Illinois; the cost of developing these secure care
3 facilities; the estimated number of placements; the potential
4 cost savings resulting from the movement of children currently
5 out-of-state who are projected to be returned to Illinois; the
6 necessary geographic distribution of these facilities in
7 Illinois; and a proposed timetable for development of such
8 facilities.

9 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
10 91-812, eff. 6-13-00; 92-154, eff. 1-1-02.)

11 Section 99. Effective date. This Act takes effect January
12 1, 2006."