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LRB094 14135 DRJ 55461 a

1 AMENDMENT TO HOUSE BILL 4186

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4186 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 Sections 5 and 35.1 and by adding Sections 5.30 and  
6 7.5 as follows:

7 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

12 (a) For purposes of this Section:

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

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

20 (B) were accepted for care, service and training by  
21 the Department prior to the age of 18 and whose best  
22 interest in the discretion of the Department would be  
23 served by continuing that care, service and training  
24 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, dependent  
13           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 child  
26           and the families when the child can be cared for at  
27           home without endangering the child's health and  
28           safety;

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

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

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

8 (G) (blank);

9 (H) (blank); and

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

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

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

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

25 (iv) who are siblings, in facilities that  
26 provide separate living quarters for children 18  
27 years of age and older and for children under 18  
28 years of age.

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

32 (c) The Department shall establish and maintain  
33 tax-supported child welfare services and extend and seek to  
34 improve voluntary services throughout the State, to the end

1 that services and care shall be available on an equal basis  
2 throughout the State to children requiring such services.

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

21 (e) (Blank).

22 (f) (Blank).

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

27 (1) adoption;

28 (2) foster care;

29 (3) family counseling;

30 (4) protective services;

31 (5) (blank);

32 (6) homemaker service;

33 (7) return of runaway children;

34 (8) (blank);

1           (9) placement under Section 5-7 of the Juvenile Court  
2 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile  
3 Court Act of 1987 in accordance with the federal Adoption  
4 Assistance and Child Welfare Act of 1980; and

5           (10) interstate services.

6           Rules and regulations established by the Department shall  
7 include provisions for training Department staff and the staff  
8 of Department grantees, through contracts with other agencies  
9 or resources, in alcohol and drug abuse screening techniques  
10 approved by the Department of Human Services, as a successor to  
11 the Department of Alcoholism and Substance Abuse, for the  
12 purpose of identifying children and adults who should be  
13 referred to an alcohol and drug abuse treatment program for  
14 professional evaluation.

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

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

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

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

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

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

8 (j) The Department may provide categories of financial  
9 assistance and education assistance grants, and shall  
10 establish rules and regulations concerning the assistance and  
11 grants, to persons who adopt physically or mentally  
12 handicapped, older and other hard-to-place children who (i)  
13 immediately prior to their adoption were legal wards of the  
14 Department or (ii) were determined eligible for financial  
15 assistance with respect to a prior adoption and who become  
16 available for adoption because the prior adoption has been  
17 dissolved and the parental rights of the adoptive parents have  
18 been terminated or because the child's adoptive parents have  
19 died. The Department may, subject to federal financial  
20 participation in the cost, continue to provide financial  
21 assistance and education assistance grants for a child who was  
22 determined eligible for financial assistance under this  
23 subsection (j) in the interim period beginning when the child's  
24 adoptive parents died and ending with the finalization of the  
25 new adoption of the child by another adoptive parent or  
26 parents. The Department may also provide categories of  
27 financial assistance and education assistance grants, and  
28 shall establish rules and regulations for the assistance and  
29 grants, to persons appointed guardian of the person under  
30 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
31 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
32 who were wards of the Department for 12 months immediately  
33 prior to the appointment of the guardian.

34 The amount of assistance may vary, depending upon the needs

1 of the child and the adoptive parents, as set forth in the  
2 annual assistance agreement. Special purpose grants are  
3 allowed where the child requires special service but such costs  
4 may not exceed the amounts which similar services would cost  
5 the Department if it were to provide or secure them as guardian  
6 of the child.

7 Any financial assistance provided under this subsection is  
8 inalienable by assignment, sale, execution, attachment,  
9 garnishment, or any other remedy for recovery or collection of  
10 a judgment or debt.

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

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

19 (l) Before July 1, 2000, the Department may provide, and  
20 beginning July 1, 2000, the Department shall offer family  
21 preservation services, as defined in Section 8.2 of the Abused  
22 and Neglected Child Reporting Act, to help families, including  
23 adoptive and extended families. Family preservation services  
24 shall be offered (i) to prevent the placement of children in  
25 substitute care when the children can be cared for at home or  
26 in the custody of the person responsible for the children's  
27 welfare, (ii) to reunite children with their families, or (iii)  
28 to maintain an adoptive placement. Family preservation  
29 services shall only be offered when doing so will not endanger  
30 the children's health or safety. With respect to children who  
31 are in substitute care pursuant to the Juvenile Court Act of  
32 1987, family preservation services shall not be offered if a  
33 goal other than those of subdivisions (A), (B), or (B-1) of  
34 subsection (2) of Section 2-28 of that Act has been set.

1 Nothing in this paragraph shall be construed to create a  
2 private right of action or claim on the part of any individual  
3 or child welfare agency.

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

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



1 the Juvenile Court Act of 1987.

2 (1-1) The legislature recognizes that the best interests of  
3 the child require that the child be placed in the most  
4 permanent living arrangement as soon as is practically  
5 possible. To achieve this goal, the legislature directs the  
6 Department of Children and Family Services to conduct  
7 concurrent planning so that permanency may occur at the  
8 earliest opportunity. Permanent living arrangements may  
9 include prevention of placement of a child outside the home of  
10 the family when the child can be cared for at home without  
11 endangering the child's health or safety; reunification with  
12 the family, when safe and appropriate, if temporary placement  
13 is necessary; or movement of the child toward the most  
14 permanent living arrangement and permanent legal status.

15 When determining reasonable efforts to be made with respect  
16 to a child, as described in this subsection, and in making such  
17 reasonable efforts, the child's health and safety shall be the  
18 paramount concern.

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

31 A decision to place a child in substitute care shall be  
32 made with considerations of the child's health, safety, and  
33 best interests. At the time of placement, consideration should  
34 also be given so that if reunification fails or is delayed, the

1 placement made is the best available placement to provide  
2 permanency for the child.

3 The Department shall adopt rules addressing concurrent  
4 planning for reunification and permanency. The Department  
5 shall consider the following factors when determining  
6 appropriateness of concurrent planning:

7 (1) the likelihood of prompt reunification;

8 (2) the past history of the family;

9 (3) the barriers to reunification being addressed by  
10 the family;

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

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

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

16 (7) the age of the child;

17 (8) placement of siblings.

18 (m) The Department may assume temporary custody of any  
19 child if:

20 (1) it has received a written consent to such temporary  
21 custody signed by the parents of the child or by the parent  
22 having custody of the child if the parents are not living  
23 together or by the guardian or custodian of the child if  
24 the child is not in the custody of either parent, or

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

27 If the child is found in his or her residence without a parent,  
28 guardian, custodian or responsible caretaker, the Department  
29 may, instead of removing the child and assuming temporary  
30 custody, place an authorized representative of the Department  
31 in that residence until such time as a parent, guardian or  
32 custodian enters the home and expresses a willingness and  
33 apparent ability to ensure the child's health and safety and  
34 resume permanent charge of the child, or until a relative

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

9 The Department shall have the authority, responsibilities  
10 and duties that a legal custodian of the child would have  
11 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
12 Act of 1987. Whenever a child is taken into temporary custody  
13 pursuant to an investigation under the Abused and Neglected  
14 Child Reporting Act, or pursuant to a referral and acceptance  
15 under the Juvenile Court Act of 1987 of a minor in limited  
16 custody, the Department, during the period of temporary custody  
17 and before the child is brought before a judicial officer as  
18 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
19 Court Act of 1987, shall have the authority, responsibilities  
20 and duties that a legal custodian of the child would have under  
21 subsection (9) of Section 1-3 of the Juvenile Court Act of  
22 1987.

23 The Department shall ensure that any child taken into  
24 custody is scheduled for an appointment for a medical  
25 examination.

26 A parent, guardian or custodian of a child in the temporary  
27 custody of the Department who would have custody of the child  
28 if he were not in the temporary custody of the Department may  
29 deliver to the Department a signed request that the Department  
30 surrender the temporary custody of the child. The Department  
31 may retain temporary custody of the child for 10 days after the  
32 receipt of the request, during which period the Department may  
33 cause to be filed a petition pursuant to the Juvenile Court Act  
34 of 1987. If a petition is so filed, the Department shall retain

1 temporary custody of the child until the court orders  
2 otherwise. If a petition is not filed within the 10 day period,  
3 the child shall be surrendered to the custody of the requesting  
4 parent, guardian or custodian not later than the expiration of  
5 the 10 day period, at which time the authority and duties of  
6 the Department with respect to the temporary custody of the  
7 child shall terminate.

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

22 (n) The Department may place children under 18 years of age  
23 in licensed child care facilities when in the opinion of the  
24 Department, appropriate services aimed at family preservation  
25 have been unsuccessful and cannot ensure the child's health and  
26 safety or are unavailable and such placement would be for their  
27 best interest. Payment for board, clothing, care, training and  
28 supervision of any child placed in a licensed child care  
29 facility may be made by the Department, by the parents or  
30 guardians of the estates of those children, or by both the  
31 Department and the parents or guardians, except that no  
32 payments shall be made by the Department for any child placed  
33 in a licensed child care facility for board, clothing, care,  
34 training and supervision of such a child that exceed the

1 average per capita cost of maintaining and of caring for a  
2 child in institutions for dependent or neglected children  
3 operated by the Department. However, such restriction on  
4 payments does not apply in cases where children require  
5 specialized care and treatment for problems of severe emotional  
6 disturbance, physical disability, social adjustment, or any  
7 combination thereof and suitable facilities for the placement  
8 of such children are not available at payment rates within the  
9 limitations set forth in this Section. All reimbursements for  
10 services delivered shall be absolutely inalienable by  
11 assignment, sale, attachment, garnishment or otherwise.

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

31 (p) There is hereby created the Department of Children and  
32 Family Services Emergency Assistance Fund from which the  
33 Department may provide special financial assistance to  
34 families which are in economic crisis when such assistance is

1 not available through other public or private sources and the  
2 assistance is deemed necessary to prevent dissolution of the  
3 family unit or to reunite families which have been separated  
4 due to child abuse and neglect. The Department shall establish  
5 administrative rules specifying the criteria for determining  
6 eligibility for and the amount and nature of assistance to be  
7 provided. The Department may also enter into written agreements  
8 with private and public social service agencies to provide  
9 emergency financial services to families referred by the  
10 Department. Special financial assistance payments shall be  
11 available to a family no more than once during each fiscal year  
12 and the total payments to a family may not exceed \$500 during a  
13 fiscal year.

14 (q) The Department may receive and use, in their entirety,  
15 for the benefit of children any gift, donation or bequest of  
16 money or other property which is received on behalf of such  
17 children, or any financial benefits to which such children are  
18 or may become entitled while under the jurisdiction or care of  
19 the Department.

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

31 In disbursing funds from children's accounts, the  
32 Department shall:

- 33 (1) Establish standards in accordance with State and  
34 federal laws for disbursing money from children's

1 accounts. In all circumstances, the Department's  
2 "Guardianship Administrator" or his or her designee must  
3 approve disbursements from children's accounts. The  
4 Department shall be responsible for keeping complete  
5 records of all disbursements for each account for any  
6 purpose.

7 (2) Calculate on a monthly basis the amounts paid from  
8 State funds for the child's board and care, medical care  
9 not covered under Medicaid, and social services; and  
10 utilize funds from the child's account, as covered by  
11 regulation, to reimburse those costs. Monthly,  
12 disbursements from all children's accounts, up to 1/12 of  
13 \$13,000,000, shall be deposited by the Department into the  
14 General Revenue Fund and the balance over 1/12 of  
15 \$13,000,000 into the DCFS Children's Services Fund.

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

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

1 person seeking to adopt the child and of the child.

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

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

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

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

25 The Department shall provide written notification to the  
26 court of the specific arrangements for supervised visitation  
27 and projected monthly costs within 60 days of the court order.  
28 The Department shall send to the court information related to  
29 the costs incurred except in cases where the court has  
30 determined the parties are financially unable to pay. The court  
31 may order additional periodic reports as appropriate.

32 (u) In addition to other information that must be provided,  
33 whenever ~~Whenever~~ the Department places a child with a  
34 prospective adoptive parent or parents or in a licensed foster



1 home, group home, child care institution, or in a relative  
2 home, the Department shall provide to the prospective adoptive  
3 parent or parents or other caretaker:

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

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

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

17 The caretaker shall be informed of any known social or  
18 behavioral information (including, but not limited to,  
19 criminal background, fire setting, perpetuation of sexual  
20 abuse, destructive behavior, and substance abuse) necessary to  
21 care for and safeguard the children to be placed or currently  
22 in the home child. The Department may prepare a written summary  
23 of the information required by this paragraph, which may be  
24 provided to the foster or prospective adoptive parent in  
25 advance of a placement. The foster or prospective adoptive  
26 parent may review the supporting documents in the child's file  
27 in the presence of casework staff. In the case of an emergency  
28 placement, casework staff shall at least provide known  
29 information verbally, if necessary, and must subsequently  
30 provide the information in writing as required by this  
31 subsection.

32 The information described in this subsection shall be  
33 provided in writing. In the case of emergency placements when  
34 time does not allow prior review, preparation, and collection

1 of written information, the Department shall provide such  
2 information as it becomes available. Within 10 business days  
3 after placement, the Department shall obtain from the  
4 prospective adoptive parent or parents or other caretaker a  
5 signed verification of receipt of the information provided.  
6 Within 10 business days after placement, the Department shall  
7 provide to the child's guardian ad litem a copy of the  
8 information provided to the prospective adoptive parent or  
9 parents or other caretaker. The information provided to the  
10 prospective adoptive parent or parents or other caretaker shall  
11 be reviewed and approved regarding accuracy at the supervisory  
12 level.

13 (u-5) Effective July 1, 1995, only foster care placements  
14 licensed as foster family homes pursuant to the Child Care Act  
15 of 1969 shall be eligible to receive foster care payments from  
16 the Department. Relative caregivers who, as of July 1, 1995,  
17 were approved pursuant to approved relative placement rules  
18 previously promulgated by the Department at 89 Ill. Adm. Code  
19 335 and had submitted an application for licensure as a foster  
20 family home may continue to receive foster care payments only  
21 until the Department determines that they may be licensed as a  
22 foster family home or that their application for licensure is  
23 denied or until September 30, 1995, whichever occurs first.

24 (v) The Department shall access criminal history record  
25 information as defined in the Illinois Uniform Conviction  
26 Information Act and information maintained in the adjudicatory  
27 and dispositional record system as defined in Section 2605-355  
28 of the Department of State Police Law (20 ILCS 2605/2605-355)  
29 if the Department determines the information is necessary to  
30 perform its duties under the Abused and Neglected Child  
31 Reporting Act, the Child Care Act of 1969, and the Children and  
32 Family Services Act. The Department shall provide for  
33 interactive computerized communication and processing  
34 equipment that permits direct on-line communication with the

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

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

33 (Source: P.A. 94-215, eff. 1-1-06.)

1 (20 ILCS 505/5.30 new)

2 Sec. 5.30. Specialized care.

3 (a) Not later than July 1, 2007, the Department shall adopt  
4 a rule, or an amendment to a rule then in effect, regarding the  
5 provision of specialized care to a child in the custody or  
6 guardianship of the Department, or to a child being placed in a  
7 subsidized guardianship arrangement or under an adoption  
8 assistance agreement, who requires such services due to  
9 emotional, behavioral, developmental, or medical needs, or any  
10 combination thereof, or any other needs which require special  
11 intervention services, the primary goal being to maintain the  
12 child in foster care or in a permanency setting. The rule or  
13 amendment to a rule shall establish, at a minimum, the  
14 criteria, standards, and procedures for the following:

15 (1) The determination that a child requires  
16 specialization.

17 (2) The determination of the level of care required to  
18 meet the child's special needs.

19 (3) The approval of a plan of care that will meet the  
20 child's special needs.

21 (4) The monitoring of the specialized care provided to  
22 the child and review of the plan to ensure quality of care  
23 and effectiveness in meeting the child's needs, to be  
24 conducted at least annually.

25 (5) The determination, approval, and implementation of  
26 amendments to the plan of care.

27 (6) The establishment and maintenance of the  
28 qualifications, including specialized training, of  
29 caretakers of specialized children.

30 The rule or amendment to a rule adopted under this  
31 subsection shall establish the minimum services to be provided  
32 to children eligible for specialized care under this Section.  
33 The Department shall also adopt rules providing for the  
34 training of Department and public or private agency staff

1 involved in implementing the rule. Within 6 months after the  
2 effective date of this amendatory Act of the 94th General  
3 Assembly, the Director of Children and Family Services shall  
4 appoint a multidisciplinary advisory committee to advise the  
5 Department in developing and implementing the requirements of  
6 this Section. On or before September 1 of 2007 and each year  
7 thereafter, the Department shall submit to the General Assembly  
8 an annual report on the implementation of this Section.

9 (b) Not later than January 1, 2007, the Department shall  
10 adopt an emergency rule in accordance with the provisions of  
11 Section 5-45 of the Illinois Administrative Procedure Act,  
12 regarding the provision of specialized care to children who are  
13 at that time in the custody or guardianship of the Department  
14 or who are to be placed in a subsidized guardianship  
15 arrangement or under an adoption assistance agreement. The  
16 emergency rule required by this subsection shall amend or  
17 replace the rules, policies, and procedures in effect  
18 immediately before the adoption of that emergency rule to  
19 incorporate criteria, standards, and procedures that are  
20 substantially similar to the criteria, standards, and  
21 procedures for determining eligibility and authorization for  
22 specialized foster care under Policy Guide 2001.03 (Review of  
23 Specialized and Treatment Foster Care Cases Level of Care  
24 Assessment) effective from February 15, 2001 through May 2,  
25 2002. For purposes of the Illinois Administrative Procedure  
26 Act, the adoption of rules to implement this Section as added  
27 by this amendatory Act of the 94th General Assembly shall be  
28 deemed an emergency and necessary for the public interest,  
29 safety, and welfare.

30 (c) No payments in effect for the specialized treatment or  
31 care of a child, nor the level of care being provided to a  
32 child prior to the effective date of this amendatory Act of the  
33 94th General Assembly, shall be reduced under the criteria,  
34 standards, and procedures adopted and implemented under this

1 Section.

2 (20 ILCS 505/7.5 new)

3 Sec. 7.5. Notice of post-adoption reunion services.

4 (a) For purposes of this Section, "post-adoption reunion  
5 services" means services provided by the Department to  
6 facilitate contact between adoptees and their siblings when one  
7 or more is still in the Department's care or adopted elsewhere,  
8 with the notarized consent of the adoptive parents of a minor  
9 child, when such contact has been established to be necessary  
10 to the adoptee's best interests and when all involved parties,  
11 including the adoptive parent of a child under 21 years of age,  
12 have provided written consent for such contact.

13 (b) The Department shall provide to all adoptive parents of  
14 children receiving monthly adoption assistance under  
15 subsection (j) of Section 5 of this Act a notice that includes  
16 a description of the Department's post-adoption reunion  
17 services and an explanation of how to access those services.  
18 The notice to adoptive parents shall be provided at least once  
19 per year until such time as the adoption assistance payments  
20 cease.

21 The Department shall also provide to all former wards of  
22 the Department, at the time of their emancipation from foster  
23 care, the notice described in this Section.

24 (c) The Department shall adopt a rule regarding the  
25 provision of search and reunion services to wards and former  
26 wards.

27 (20 ILCS 505/35.1) (from Ch. 23, par. 5035.1)

28 Sec. 35.1. The case and clinical records of patients in  
29 Department supervised facilities, wards of the Department,  
30 children receiving or applying for child welfare services,  
31 persons receiving or applying for other services of the  
32 Department, and Department reports of injury or abuse to

1 children shall not be open to the general public. Such case and  
2 clinical records and reports or the information contained  
3 therein shall be disclosed by the Director of the Department to  
4 juvenile authorities when necessary for the discharge of their  
5 official duties who request information concerning the minor  
6 and who certify in writing that the information will not be  
7 disclosed to any other party except as provided under law or  
8 order of court. For purposes of this Section, "juvenile  
9 authorities" means: (i) a judge of the circuit court and  
10 members of the staff of the court designated by the judge; (ii)  
11 parties to the proceedings under the Juvenile Court Act of 1987  
12 and their attorneys; (iii) probation officers and court  
13 appointed advocates for the juvenile authorized by the judge  
14 hearing the case; (iv) any individual, public or private agency  
15 having custody of the child pursuant to court order or pursuant  
16 to placement of the child by the Department; (v) any  
17 individual, public or private agency providing education,  
18 medical or mental health service to the child when the  
19 requested information is needed to determine the appropriate  
20 service or treatment for the minor; (vi) any potential  
21 placement provider when such release is authorized by the court  
22 for the limited purpose of determining the appropriateness of  
23 the potential placement; (vii) law enforcement officers and  
24 prosecutors; (viii) adult and juvenile prisoner review boards;  
25 (ix) authorized military personnel; (x) individuals authorized  
26 by court; (xi) the Illinois General Assembly or any committee  
27 or commission thereof. This Section does not apply to the  
28 Department's fiscal records, other records of a purely  
29 administrative nature, or any forms, documents or other records  
30 required of facilities subject to licensure by the Department  
31 except as may otherwise be provided under the Child Care Act of  
32 1969.

33 Nothing contained in this Act prevents the sharing or  
34 disclosure of information or records relating or pertaining to

1 juveniles subject to the provisions of the Serious Habitual  
2 Offender Comprehensive Action Program when that information is  
3 used to assist in the early identification and treatment of  
4 habitual juvenile offenders.

5 Nothing contained in this Act prevents the sharing or  
6 disclosure of information or records relating or pertaining to  
7 the death of a minor under the care of or receiving services  
8 from the Department and under the jurisdiction of the juvenile  
9 court with the juvenile court, the State's Attorney, and the  
10 minor's attorney.

11 Nothing contained in this Section prohibits or prevents any  
12 individual dealing with or providing services to a minor from  
13 sharing information with another individual dealing with or  
14 providing services to a minor for the purpose of coordinating  
15 efforts on behalf of the minor. The sharing of such information  
16 is only for the purpose stated herein and is to be consistent  
17 with the intent and purpose of the confidentiality provisions  
18 of the Juvenile Court Act of 1987. This provision does not  
19 abrogate any recognized privilege. Sharing information does  
20 not include copying of records, reports or case files unless  
21 authorized herein.

22 Nothing in this Section prohibits or prevents the  
23 re-disclosure of records, reports, or other information that  
24 reveals malfeasance or nonfeasance on the part of the  
25 Department, its employees, or its agents. Nothing in this  
26 Section prohibits or prevents the Department or a party in a  
27 proceeding under the Juvenile Court Act of 1987 from copying  
28 records, reports, or case files for the purpose of sharing  
29 those documents with other parties to the litigation.

30 (Source: P.A. 90-15, eff. 6-13-97; 90-590, eff. 1-1-00; 91-812,  
31 eff. 6-13-00.)

32 Section 10. The Foster Parent Law is amended by changing  
33 Section 1-15 as follows:



1 (20 ILCS 520/1-15)

2 Sec. 1-15. Foster parent rights. A foster parent's rights  
3 include, but are not limited to, the following:

4 (1) The right to be treated with dignity, respect, and  
5 consideration as a professional member of the child welfare  
6 team.

7 (2) The right to be given standardized pre-service  
8 training and appropriate ongoing training to meet mutually  
9 assessed needs and improve the foster parent's skills.

10 (3) The right to be informed as to how to contact the  
11 appropriate child placement agency in order to receive  
12 information and assistance to access supportive services  
13 for children in the foster parent's care.

14 (4) The right to receive timely financial  
15 reimbursement commensurate with the care needs of the child  
16 as specified in the service plan.

17 (5) The right to be provided a clear, written  
18 understanding of a placement agency's plan concerning the  
19 placement of a child in the foster parent's home. Inherent  
20 in this right is the foster parent's responsibility to  
21 support activities that will promote the child's right to  
22 relationships with his or her own family and cultural  
23 heritage.

24 (6) The right to be provided a fair, timely, and  
25 impartial investigation of complaints concerning the  
26 foster parent's licensure, to be provided the opportunity  
27 to have a person of the foster parent's choosing present  
28 during the investigation, and to be provided due process  
29 during the investigation; the right to be provided the  
30 opportunity to request and receive mediation or an  
31 administrative review of decisions that affect licensing  
32 parameters, or both mediation and an administrative  
33 review; and the right to have decisions concerning a

1           licensing corrective action plan specifically explained  
2           and tied to the licensing standards violated.

3           (7) The right, at any time during which a child is  
4           placed with the foster parent, to receive additional or  
5           necessary information that is relevant to the care of the  
6           child.

7           (7.5) The right to be given information concerning a  
8           child (i) from the Department as required under subsection  
9           (u) of Section 5 of the Children and Family Services Act  
10           and (ii) from a child welfare agency as required under  
11           subsection (c-5) of Section 7.4 of the Child Care Act of  
12           1969.

13           (8) The right to be notified of scheduled meetings and  
14           staffings concerning the foster child in order to actively  
15           participate in the case planning and decision-making  
16           process regarding the child, including individual service  
17           planning meetings, administrative case reviews,  
18           interdisciplinary staffings, and individual educational  
19           planning meetings; the right to be informed of decisions  
20           made by the courts or the child welfare agency concerning  
21           the child; the right to provide input concerning the plan  
22           of services for the child and to have that input given full  
23           consideration in the same manner as information presented  
24           by any other professional on the team; and the right to  
25           communicate with other professionals who work with the  
26           foster child within the context of the team, including  
27           therapists, physicians, and teachers.

28           (9) The right to be given, in a timely and consistent  
29           manner, any information a case worker has regarding the  
30           child and the child's family which is pertinent to the care  
31           and needs of the child and to the making of a permanency  
32           plan for the child. Disclosure of information concerning  
33           the child's family shall be limited to that information  
34           that is essential for understanding the needs of and

1 providing care to the child in order to protect the rights  
2 of the child's family. When a positive relationship exists  
3 between the foster parent and the child's family, the  
4 child's family may consent to disclosure of additional  
5 information.

6 (10) The right to be given reasonable written notice of  
7 (i) any change in a child's case plan, (ii) plans to  
8 terminate the placement of the child with the foster  
9 parent, and (iii) the reasons for the change or termination  
10 in placement. The notice shall be waived only in cases of a  
11 court order or when the child is determined to be at  
12 imminent risk of harm.

13 (11) The right to be notified in a timely and complete  
14 manner of all court hearings, including notice of the date  
15 and time of the court hearing, the name of the judge or  
16 hearing officer hearing the case, the location of the  
17 hearing, and the court docket number of the case; and the  
18 right to intervene in court proceedings or to seek mandamus  
19 under the Juvenile Court Act of 1987.

20 (12) The right to be considered as a placement option  
21 when a foster child who was formerly placed with the foster  
22 parent is to be re-entered into foster care, if that  
23 placement is consistent with the best interest of the child  
24 and other children in the foster parent's home.

25 (13) The right to have timely access to the child  
26 placement agency's existing appeals process and the right  
27 to be free from acts of harassment and retaliation by any  
28 other party when exercising the right to appeal.

29 (14) The right to be informed of the Foster Parent  
30 Hotline established under Section 35.6 of the Children and  
31 Family Services Act and all of the rights accorded to  
32 foster parents concerning reports of misconduct by  
33 Department employees, service providers, or contractors,  
34 confidential handling of those reports, and investigation

1 by the Inspector General appointed under Section 35.5 of  
2 the Children and Family Services Act.

3 (Source: P.A. 89-19, eff. 6-3-95.)

4 Section 15. The Child Care Act of 1969 is amended by  
5 changing Sections 7.4, 8, and 15 as follows:

6 (225 ILCS 10/7.4)

7 Sec. 7.4. Disclosures.

8 (a) Every child welfare agency providing adoption services  
9 and licensed by the Department shall provide to all prospective  
10 clients and to the public written disclosures with respect to  
11 its adoption services, policies, and practices, including  
12 general eligibility criteria, fees, and the mutual rights and  
13 responsibilities of clients, including biological parents and  
14 adoptive parents. The written disclosure shall be posted on any  
15 website maintained by the child welfare agency that relates to  
16 adoption services. The Department shall adopt rules relating to  
17 the contents of the written disclosures. Eligible agencies may  
18 be deemed compliant with this subsection (a).

19 (b) Every licensed child welfare agency providing adoption  
20 services shall provide to all applicants, prior to application,  
21 a written schedule of estimated fees, expenses, and refund  
22 policies. Every child welfare agency providing adoption  
23 services shall have a written policy that shall be part of its  
24 standard adoption contract and state that it will not charge  
25 additional fees and expenses beyond those disclosed in the  
26 adoption contract unless additional fees are reasonably  
27 required by the circumstances and are disclosed to the adoptive  
28 parents or parent before they are incurred. The Department  
29 shall adopt rules relating to the contents of the written  
30 schedule and policy. Eligible agencies may be deemed compliant  
31 with this subsection (b).

32 (c) Every licensed child welfare agency providing adoption

1 services must make full and fair disclosure to its clients,  
2 including biological parents and adoptive parents, of all  
3 circumstances material to the placement of a child for  
4 adoption. The Department shall adopt rules necessary for the  
5 implementation and regulation of the requirements of this  
6 subsection (c).

7 (c-5) Whenever a licensed child welfare agency places a  
8 child in a licensed foster family home, the agency shall  
9 provide the following to the caretaker:

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

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

20 (3) Information containing details of the child's  
21 individualized educational plan when the child is  
22 receiving special education services.

23 (4) Any known social or behavioral information  
24 (including, but not limited to, criminal background, fire  
25 setting, perpetration of sexual abuse, destructive  
26 behavior, and substance abuse) necessary to care for and  
27 safeguard the child.

28 The agency may prepare a written summary of the information  
29 required by this subsection, which may be provided to the  
30 foster or prospective adoptive parent in advance of a  
31 placement. The foster or prospective adoptive parent may review  
32 the supporting documents in the child's file in the presence of  
33 casework staff. In the case of an emergency placement, casework  
34 staff shall at least provide information verbally, if

1 necessary, and must subsequently provide the information in  
2 writing as required by this subsection. In the case of  
3 emergency placements when time does not allow prior review,  
4 preparation, and collection of written information, the agency  
5 shall provide such information as it becomes available.

6 The Department shall adopt rules necessary for the  
7 implementation and regulation of the requirements of this  
8 subsection (c-5).

9 (d) Every licensed child welfare agency providing adoption  
10 services shall meet minimum standards set forth by the  
11 Department concerning the taking or acknowledging of a consent  
12 prior to taking or acknowledging a consent from a prospective  
13 biological parent. The Department shall adopt rules concerning  
14 the minimum standards required by agencies under this Section.

15 (Source: P.A. 94-586, eff. 8-15-05.)

16 (225 ILCS 10/8) (from Ch. 23, par. 2218)

17 Sec. 8. The Department may revoke or refuse to renew the  
18 license of any child care facility or child welfare agency or  
19 refuse to issue full license to the holder of a permit should  
20 the licensee or holder of a permit:

21 (1) fail to maintain standards prescribed and  
22 published by the Department;

23 (2) violate any of the provisions of the license  
24 issued;

25 (3) furnish or make any misleading or any false  
26 statement or report to the Department;

27 (4) refuse to submit to the Department any reports or  
28 refuse to make available to the Department any records  
29 required by the Department in making investigation of the  
30 facility for licensing purposes;

31 (5) fail or refuse to submit to an investigation by the  
32 Department;

33 (6) fail or refuse to admit authorized representatives

1 of the Department at any reasonable time for the purpose of  
2 investigation;

3 (7) fail to provide, maintain, equip and keep in safe  
4 and sanitary condition premises established or used for  
5 child care as required under standards prescribed by the  
6 Department, or as otherwise required by any law, regulation  
7 or ordinance applicable to the location of such facility;

8 (8) refuse to display its license or permit;

9 (9) be the subject of an indicated report under Section  
10 3 of the Abused and Neglected Child Reporting Act or fail  
11 to discharge or sever affiliation with the child care  
12 facility of an employee or volunteer at the facility with  
13 direct contact with children who is the subject of an  
14 indicated report under Section 3 of that Act;

15 (10) fail to comply with the provisions of Section 7.1;

16 (11) fail to exercise reasonable care in the hiring,  
17 training and supervision of facility personnel;

18 (12) fail to report suspected abuse or neglect of  
19 children within the facility, as required by the Abused and  
20 Neglected Child Reporting Act;

21 (12.5) fail to comply with subsection (c-5) of Section  
22 7.4;

23 (13) fail to comply with Section 5.1 or 5.2 of this  
24 Act; or

25 (14) be identified in an investigation by the  
26 Department as an addict or alcoholic, as defined in the  
27 Alcoholism and Other Drug Abuse and Dependency Act, or be a  
28 person whom the Department knows has abused alcohol or  
29 drugs, and has not successfully participated in treatment,  
30 self-help groups or other suitable activities, and the  
31 Department determines that because of such abuse the  
32 licensee, holder of the permit, or any other person  
33 directly responsible for the care and welfare of the  
34 children served, does not comply with standards relating to

1 character, suitability or other qualifications established  
2 under Section 7 of this Act.

3 (Source: P.A. 94-586, eff. 8-15-05.)

4 (225 ILCS 10/15) (from Ch. 23, par. 2225)

5 Sec. 15. Every child care facility must keep and maintain  
6 such records as the Department may prescribe pertaining to the  
7 admission, progress, health and discharge of children under the  
8 care of the facility and shall report relative thereto to the  
9 Department whenever called for, upon forms prescribed by the  
10 Department. All records regarding children and all facts  
11 learned about children and their relatives must be kept  
12 confidential both by the child care facility and by the  
13 Department.

14 Nothing contained in this Act prevents the sharing or  
15 disclosure of information or records relating or pertaining to  
16 juveniles subject to the provisions of the Serious Habitual  
17 Offender Comprehensive Action Program when that information is  
18 used to assist in the early identification and treatment of  
19 habitual juvenile offenders.

20 Nothing contained in this Act prevents the disclosure of  
21 information or records by a licensed child welfare agency as  
22 required under subsection (c-5) of Section 7.4.

23 (Source: P.A. 87-928.)

24 Section 20. The Abused and Neglected Child Reporting Act is  
25 amended by changing Section 11.1 as follows:

26 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

27 Sec. 11.1. Access to records.

28 (a) A person shall have access to the records described in  
29 Section 11 only in furtherance of purposes directly connected  
30 with the administration of this Act or the Intergovernmental  
31 Missing Child Recovery Act of 1984. Those persons and purposes



1 for access include:

2 (1) Department staff in the furtherance of their  
3 responsibilities under this Act, or for the purpose of  
4 completing background investigations on persons or  
5 agencies licensed by the Department or with whom the  
6 Department contracts for the provision of child welfare  
7 services.

8 (2) A law enforcement agency investigating known or  
9 suspected child abuse or neglect, known or suspected  
10 involvement with child pornography, known or suspected  
11 criminal sexual assault, known or suspected criminal  
12 sexual abuse, or any other sexual offense when a child is  
13 alleged to be involved.

14 (3) The Department of State Police when administering  
15 the provisions of the Intergovernmental Missing Child  
16 Recovery Act of 1984.

17 (4) A physician who has before him a child whom he  
18 reasonably suspects may be abused or neglected.

19 (5) A person authorized under Section 5 of this Act to  
20 place a child in temporary protective custody when such  
21 person requires the information in the report or record to  
22 determine whether to place the child in temporary  
23 protective custody.

24 (6) A person having the legal responsibility or  
25 authorization to care for, treat, or supervise a child, or  
26 a parent, prospective adoptive parent, foster parent,  
27 guardian, or other person responsible for the child's  
28 welfare, who is the subject of a report.

29 (7) Except in regard to harmful or detrimental  
30 information as provided in Section 7.19, any subject of the  
31 report, and if the subject of the report is a minor, his  
32 guardian or guardian ad litem.

33 (8) A court, upon its finding that access to such  
34 records may be necessary for the determination of an issue

1 before such court; however, such access shall be limited to  
2 in camera inspection, unless the court determines that  
3 public disclosure of the information contained therein is  
4 necessary for the resolution of an issue then pending  
5 before it.

6 (8.1) A probation officer or other authorized  
7 representative of a probation or court services department  
8 conducting an investigation ordered by a court under the  
9 Juvenile Court Act of 1987.

10 (9) A grand jury, upon its determination that access to  
11 such records is necessary in the conduct of its official  
12 business.

13 (10) Any person authorized by the Director, in writing,  
14 for audit or bona fide research purposes.

15 (11) Law enforcement agencies, coroners or medical  
16 examiners, physicians, courts, school superintendents and  
17 child welfare agencies in other states who are responsible  
18 for child abuse or neglect investigations or background  
19 investigations.

20 (12) The Department of Professional Regulation, the  
21 State Board of Education and school superintendents in  
22 Illinois, who may use or disclose information from the  
23 records as they deem necessary to conduct investigations or  
24 take disciplinary action, as provided by law.

25 (13) A coroner or medical examiner who has reason to  
26 believe that a child has died as the result of abuse or  
27 neglect.

28 (14) The Director of a State-operated facility when an  
29 employee of that facility is the perpetrator in an  
30 indicated report.

31 (15) The operator of a licensed child care facility or  
32 a facility licensed by the Department of Human Services (as  
33 successor to the Department of Alcoholism and Substance  
34 Abuse) in which children reside when a current or

1 prospective employee of that facility is the perpetrator in  
2 an indicated child abuse or neglect report, pursuant to  
3 Section 4.3 of the Child Care Act of 1969.

4 (16) Members of a multidisciplinary team in the  
5 furtherance of its responsibilities under subsection (b)  
6 of Section 7.1. All reports concerning child abuse and  
7 neglect made available to members of such  
8 multidisciplinary teams and all records generated as a  
9 result of such reports shall be confidential and shall not  
10 be disclosed, except as specifically authorized by this Act  
11 or other applicable law. It is a Class A misdemeanor to  
12 permit, assist or encourage the unauthorized release of any  
13 information contained in such reports or records. Nothing  
14 contained in this Section prevents the sharing of reports  
15 or records relating or pertaining to the death of a minor  
16 under the care of or receiving services from the Department  
17 of Children and Family Services and under the jurisdiction  
18 of the juvenile court with the juvenile court, the State's  
19 Attorney, and the minor's attorney.

20 (17) The Department of Human Services, as provided in  
21 Section 17 of the Disabled Persons Rehabilitation Act.

22 (18) Any other agency or investigative body, including  
23 the Department of Public Health and a local board of  
24 health, authorized by State law to conduct an investigation  
25 into the quality of care provided to children in hospitals  
26 and other State regulated care facilities. The access to  
27 and release of information from such records shall be  
28 subject to the approval of the Director of the Department  
29 or his designee.

30 (19) The person appointed, under Section 2-17 of the  
31 Juvenile Court Act of 1987, as the guardian ad litem of a  
32 minor who is the subject of a report or records under this  
33 Act.

34 (20) The Department of Human Services, as provided in

1 Section 10 of the Early Intervention Services System Act,  
2 and the operator of a facility providing early intervention  
3 services pursuant to that Act, for the purpose of  
4 determining whether a current or prospective employee who  
5 provides or may provide direct services under that Act is  
6 the perpetrator in an indicated report of child abuse or  
7 neglect filed under this Act.

8 (b) Nothing contained in this Act prevents the sharing or  
9 disclosure of information or records relating or pertaining to  
10 juveniles subject to the provisions of the Serious Habitual  
11 Offender Comprehensive Action Program when that information is  
12 used to assist in the early identification and treatment of  
13 habitual juvenile offenders.

14 (c) To the extent that persons or agencies are given access  
15 to information pursuant to this Section, those persons or  
16 agencies may give this information to and receive this  
17 information from each other in order to facilitate an  
18 investigation conducted by those persons or agencies.

19 (Source: P.A. 93-147, eff. 1-1-04.)

20 Section 25. The Mental Health and Developmental  
21 Disabilities Confidentiality Act is amended by changing  
22 Section 11 as follows:

23 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

24 Sec. 11. Disclosure of records and communications. Records  
25 and communications may be disclosed:

26 (i) in accordance with the provisions of the Abused and  
27 Neglected Child Reporting Act, the Standards for Privacy of  
28 Individually Identifiable Health Information adopted by  
29 the U.S. Department of Health and Human Services under the  
30 Health Insurance Portability and Accountability Act of  
31 1996, subsection (u) of Section 5 of the Children and  
32 Family Services Act, or Section 7.4 of the Child Care Act

1       of 1969;

2           (ii) when, and to the extent, a therapist, in his or  
3 her sole discretion, determines that disclosure is  
4 necessary to initiate or continue civil commitment  
5 proceedings under the laws of this State or to otherwise  
6 protect the recipient or other person against a clear,  
7 imminent risk of serious physical or mental injury or  
8 disease or death being inflicted upon the recipient or by  
9 the recipient on himself or another;

10          (iii) when, and to the extent disclosure is, in the  
11 sole discretion of the therapist, necessary to the  
12 provision of emergency medical care to a recipient who is  
13 unable to assert or waive his or her rights hereunder;

14          (iv) when disclosure is necessary to collect sums or  
15 receive third party payment representing charges for  
16 mental health or developmental disabilities services  
17 provided by a therapist or agency to a recipient under  
18 Chapter V of the Mental Health and Developmental  
19 Disabilities Code or to transfer debts under the  
20 Uncollected State Claims Act; however, disclosure shall be  
21 limited to information needed to pursue collection, and the  
22 information so disclosed shall not be used for any other  
23 purposes nor shall it be redisclosed except in connection  
24 with collection activities;

25          (v) when requested by a family member, the Department  
26 of Human Services may assist in the location of the  
27 interment site of a deceased recipient who is interred in a  
28 cemetery established under Section 100-26 of the Mental  
29 Health and Developmental Disabilities Administrative Act;

30          (vi) in judicial proceedings under Article VIII of  
31 Chapter III and Article V of Chapter IV of the Mental  
32 Health and Developmental Disabilities Code and proceedings  
33 and investigations preliminary thereto, to the State's  
34 Attorney for the county or residence of a person who is the

1 subject of such proceedings, or in which the person is  
2 found, or in which the facility is located, to the attorney  
3 representing the recipient in the judicial proceedings, to  
4 any person or agency providing mental health services that  
5 are the subject of the proceedings and to that person's or  
6 agency's attorney, to any court personnel, including but  
7 not limited to judges and circuit court clerks, and to a  
8 guardian ad litem if one has been appointed by the court,  
9 provided that the information so disclosed shall not be  
10 utilized for any other purpose nor be redisclosed except in  
11 connection with the proceedings or investigations;

12 (vii) when, and to the extent disclosure is necessary  
13 to comply with the requirements of the Census Bureau in  
14 taking the federal Decennial Census;

15 (viii) when, and to the extent, in the therapist's sole  
16 discretion, disclosure is necessary to warn or protect a  
17 specific individual against whom a recipient has made a  
18 specific threat of violence where there exists a  
19 therapist-recipient relationship or a special  
20 recipient-individual relationship;

21 (ix) in accordance with the Sex Offender Registration  
22 Act; and

23 (x) in accordance with the Rights of Crime Victims and  
24 Witnesses Act.

25 Any person, institution, or agency, under this Act,  
26 participating in good faith in the making of a report under the  
27 Abused and Neglected Child Reporting Act or in the disclosure  
28 of records and communications under this Section, shall have  
29 immunity from any liability, civil, criminal or otherwise, that  
30 might result by reason of such action. For the purpose of any  
31 proceeding, civil or criminal, arising out of a report or  
32 disclosure under this Section, the good faith of any person,  
33 institution, or agency so reporting or disclosing shall be  
34 presumed.

1 (Source: P.A. 90-423, eff. 8-15-97; 90-538, eff. 12-1-97;  
2 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

3 Section 30. The Adoption Act is amended by changing Section  
4 18.3a as follows:

5 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

6 Sec. 18.3a. Confidential intermediary.

7 (a) General purposes. Notwithstanding any other provision  
8 of this Act, any adopted or surrendered person 21 years of age  
9 or over, any adoptive parent or legal guardian of an adopted or  
10 surrendered person under the age of 21, or any birth parent of  
11 an adopted or surrendered person who is 21 years of age or over  
12 may petition the court in any county in the State of Illinois  
13 for appointment of a confidential intermediary as provided in  
14 this Section for the purpose of exchanging medical information  
15 with one or more mutually consenting biological relatives,  
16 obtaining identifying information about one or more mutually  
17 consenting biological relatives, or arranging contact with one  
18 or more mutually consenting biological relatives.  
19 Additionally, in cases where an adopted or surrendered person  
20 is deceased, an adult child of the adopted or surrendered  
21 person or his or her adoptive parents or surviving spouse may  
22 file a petition under this Section and in cases where the birth  
23 parent is deceased, an adult birth sibling of the adopted or  
24 surrendered person or of the deceased birth parent may file a  
25 petition under this Section for the purpose of exchanging  
26 medical information with one or more mutually consenting  
27 biological relatives of the adopted or surrendered person,  
28 obtaining identifying information about one or more mutually  
29 consenting biological relatives of the adopted or surrendered  
30 person, or arranging contact with one or more mutually  
31 consenting biological relatives of the adopted or surrendered  
32 person. Beginning January 1, 2006, any adopted or surrendered

1 person 21 years of age or over; any adoptive parent or legal  
2 guardian of an adopted or surrendered person under the age of  
3 21; any birth parent, birth sibling, birth aunt, or birth uncle  
4 of an adopted or surrendered person over the age of 21; any  
5 surviving child, adoptive parent, or surviving spouse of a  
6 deceased adopted or surrendered person who wishes to petition  
7 the court for the appointment of a confidential intermediary  
8 shall be required to accompany their petition with proof of  
9 registration with the Illinois Adoption Registry and Medical  
10 Information Exchange.

11 (b) Petition. Upon petition by an adopted or surrendered  
12 person 21 years of age or over, an adoptive parent or legal  
13 guardian of an adopted or surrendered person under the age of  
14 21, or a birth parent of an adopted or surrendered person who  
15 is 21 years of age or over, the court shall appoint a  
16 confidential intermediary. Upon petition by an adult child,  
17 adoptive parent or surviving spouse of an adopted or  
18 surrendered person who is deceased, by an adult birth sibling  
19 of an adopted or surrendered person whose common birth parent  
20 is deceased and whose adopted or surrendered birth sibling is  
21 21 years of age or over, or by an adult sibling of a birth  
22 parent who is deceased, and whose surrendered child is 21 years  
23 of age or over, the court may appoint a confidential  
24 intermediary if the court finds that the disclosure is of  
25 greater benefit than nondisclosure. The petition shall state  
26 which biological relative or relatives are being sought and  
27 shall indicate if the petitioner wants to do any one or more of  
28 the following: exchange medical information with the  
29 biological relative or relatives, obtain identifying  
30 information from the biological relative or relatives, or to  
31 arrange contact with the biological relative.

32 (c) Order. The order appointing the confidential  
33 intermediary shall allow that intermediary to conduct a search  
34 for the sought-after relative by accessing those records



1 described in subsection (g) of this Section.

2 (d) Fees and expenses. The court shall condition the  
3 appointment of the confidential intermediary on the  
4 petitioner's payment of the intermediary's fees and expenses in  
5 advance of the commencement of the work of the confidential  
6 intermediary.

7 (e) Eligibility of intermediary. The court may appoint as  
8 confidential intermediary any person certified by the  
9 Department of Children and Family Services as qualified to  
10 serve as a confidential intermediary. Certification shall be  
11 dependent upon the confidential intermediary completing a  
12 course of training including, but not limited to, applicable  
13 federal and State privacy laws.

14 (f) Confidential Intermediary Council. There shall be  
15 established under the Department of Children and Family  
16 Services a Confidential Intermediary Advisory Council. One  
17 member shall be an attorney representing the Attorney General's  
18 Office appointed by the Attorney General. One member shall be a  
19 currently certified confidential intermediary appointed by the  
20 Director of the Department of Children and Family Services. The  
21 Director shall also appoint 5 additional members. When making  
22 those appointments, the Director shall consider advocates for  
23 adopted persons, adoptive parents, birth parents, lawyers who  
24 represent clients in private adoptions, lawyers specializing  
25 in privacy law, and representatives of agencies involved in  
26 adoptions. The Director shall appoint one of the 7 members as  
27 the chairperson. An attorney from the Department of Children  
28 and Family Services and the person directly responsible for  
29 administering the confidential intermediary program shall  
30 serve as ex-officio, non-voting advisors to the Council.  
31 Council members shall serve at the discretion of the Director  
32 and shall receive no compensation other than reasonable  
33 expenses approved by the Director. The Council shall meet no  
34 less than twice yearly, and shall make recommendations to the

1 Director regarding the development of rules, procedures, and  
2 forms that will ensure efficient and effective operation of the  
3 confidential intermediary process, including:

4 (1) Standards for certification for confidential  
5 intermediaries.

6 (2) Oversight of methods used to verify that  
7 intermediaries are complying with the appropriate laws.

8 (3) Training for confidential intermediaries,  
9 including training with respect to federal and State  
10 privacy laws.

11 (4) The relationship between confidential  
12 intermediaries and the court system, including the  
13 development of sample orders defining the scope of the  
14 intermediaries' access to information.

15 (5) Any recent violations of policy or procedures by  
16 confidential intermediaries and remedial steps, including  
17 decertification, to prevent future violations.

18 (g) Access. Subject to the limitations of subsection (i)  
19 of this Section, the confidential intermediary shall have  
20 access to vital records maintained by the Department of Public  
21 Health and its local designees for the maintenance of vital  
22 records and all records of the court or any adoption agency,  
23 public or private, as limited in this Section, which relate to  
24 the adoption or the identity and location of an adopted or  
25 surrendered person, of an adult child or surviving spouse of a  
26 deceased adopted or surrendered person, or of a birth parent,  
27 birth sibling, or the sibling of a deceased birth parent. The  
28 confidential intermediary shall not have access to any personal  
29 health information protected by the Standards for Privacy of  
30 Individually Identifiable Health Information adopted by the  
31 U.S. Department of Health and Human Services under the Health  
32 Insurance Portability and Accountability Act of 1996 unless the  
33 confidential intermediary has obtained written consent from  
34 the person whose information is being sought or, if that person

1 is a minor child, that person's parent or guardian.  
2 Confidential intermediaries shall be authorized to inspect  
3 confidential relinquishment and adoption records. The  
4 confidential intermediary shall not be authorized to access  
5 medical records, financial records, credit records, banking  
6 records, home studies, attorney file records, or other personal  
7 records. In cases where a birth parent is being sought, an  
8 adoption agency shall inform the confidential intermediary of  
9 any statement filed pursuant to Section 18.3, hereinafter  
10 referred to as "the 18.3 statement", indicating a desire of the  
11 surrendering birth parent to have identifying information  
12 shared or to not have identifying information shared. If there  
13 was a clear statement of intent by the sought-after birth  
14 parent not to have identifying information shared, the  
15 confidential intermediary shall discontinue the search and  
16 inform the petitioning party of the sought-after relative's  
17 intent. Information provided to the confidential intermediary  
18 by an adoption agency shall be restricted to the full name,  
19 date of birth, place of birth, last known address, last known  
20 telephone number of the sought-after relative or, if  
21 applicable, of the children or siblings of the sought-after  
22 relative, and the 18.3 statement.

23 (h) Adoption agency disclosure of medical information. If  
24 the petitioner is an adult adopted or surrendered person or the  
25 adoptive parent of a minor and if the petitioner has signed a  
26 written authorization to disclose personal medical  
27 information, an adoption agency disclosing information to a  
28 confidential intermediary shall disclose available medical  
29 information about the adopted or surrendered person from birth  
30 through adoption.

31 (i) Duties of confidential intermediary in conducting a  
32 search. In conducting a search under this Section, the  
33 confidential intermediary shall first confirm that there is no  
34 Denial of Information Exchange on file with the Illinois

1 Adoption Registry. If the petitioner is an adult child of an  
2 adopted or surrendered person who is deceased, the confidential  
3 intermediary shall additionally confirm that the adopted or  
4 surrendered person did not file a Denial of Information  
5 Exchange with the Illinois Adoption Registry during his or her  
6 life. If the petitioner is an adult birth sibling of an adopted  
7 or surrendered person or an adult sibling of a birth parent who  
8 is deceased, the confidential intermediary shall additionally  
9 confirm that the birth parent did not file a Denial of  
10 Information Exchange with the Registry during his or her life.  
11 If the confidential intermediary learns that a sought-after  
12 birth parent signed a statement indicating his or her intent  
13 not to have identifying information shared, and did not later  
14 file an Information Exchange Authorization with the Adoption  
15 Registry, the confidential intermediary shall discontinue the  
16 search and inform the petitioning party of the birth parent's  
17 intent.

18 In conducting a search under this Section, the confidential  
19 intermediary shall attempt to locate the relative or relatives  
20 from whom the petitioner has requested information. If the  
21 sought-after relative is deceased or cannot be located after a  
22 diligent search, the confidential intermediary may contact  
23 other adult relatives of the sought-after relative.

24 The confidential intermediary shall contact a sought-after  
25 relative on behalf of the petitioner in a manner that respects  
26 the sought-after relative's privacy and shall inform the  
27 sought-after relative of the petitioner's request for medical  
28 information, identifying information or contact as stated in  
29 the petition. Based upon the terms of the petitioner's request,  
30 the confidential intermediary shall contact a sought-after  
31 relative on behalf of the petitioner and inform the  
32 sought-after relative of the following options:

- 33 (1) The sought-after relative may totally reject one or  
34 all of the requests for medical information, identifying

1 information or contact. The sought-after relative shall be  
2 informed that they can provide a medical questionnaire to  
3 be forwarded to the petitioner without releasing any  
4 identifying information. The confidential intermediary  
5 shall inform the petitioner of the sought-after relative's  
6 decision to reject the sharing of information or contact.

7 (2) The sought-after relative may consent to  
8 completing a medical questionnaire only. In this case, the  
9 confidential intermediary shall provide the questionnaire  
10 and ask the sought-after relative to complete it. The  
11 confidential intermediary shall forward the completed  
12 questionnaire to the petitioner and inform the petitioner  
13 of the sought-after relative's desire to not provide any  
14 additional information.

15 (3) The sought-after relative may communicate with the  
16 petitioner without having his or her identity disclosed. In  
17 this case, the confidential intermediary shall arrange the  
18 desired communication in a manner that protects the  
19 identity of the sought-after relative. The confidential  
20 intermediary shall inform the petitioner of the  
21 sought-after relative's decision to communicate but not  
22 disclose his or her identity.

23 (4) The sought after relative may consent to initiate  
24 contact with the petitioner. If both the petitioner and the  
25 sought-after relative or relatives are eligible to  
26 register with the Illinois Adoption Registry, the  
27 confidential intermediary shall provide the necessary  
28 application forms and request that the sought-after  
29 relative register with the Illinois Adoption Registry. If  
30 either the petitioner or the sought-after relative or  
31 relatives are ineligible to register with the Illinois  
32 Adoption Registry, the confidential intermediary shall  
33 obtain written consents from both parties that they wish to  
34 disclose their identities to each other and to have contact

1 with each other.

2 (j) Oath. The confidential intermediary shall sign an oath  
3 of confidentiality substantially as follows: "I, .....,  
4 being duly sworn, on oath depose and say: As a condition of  
5 appointment as a confidential intermediary, I affirm that:

6 (1) I will not disclose to the petitioner, directly or  
7 indirectly, any confidential information except in a  
8 manner consistent with the law.

9 (2) I recognize that violation of this oath subjects me  
10 to civil liability and to a potential finding of contempt  
11 of court. ....

12 SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert  
13 date)

14 ....."

15 (k) Sanctions.

16 (1) Any confidential intermediary who improperly  
17 discloses confidential information identifying a  
18 sought-after relative shall be liable to the sought-after  
19 relative for damages and may also be found in contempt of  
20 court.

21 (2) Any person who learns a sought-after relative's  
22 identity, directly or indirectly, through the use of  
23 procedures provided in this Section and who improperly  
24 discloses information identifying the sought-after  
25 relative shall be liable to the sought-after relative for  
26 actual damages plus minimum punitive damages of \$10,000.

27 (3) The Department shall fine any confidential  
28 intermediary who improperly discloses confidential  
29 information in violation of item (1) or (2) of this  
30 subsection (k) an amount up to \$2,000 per improper  
31 disclosure. This fine does not affect civil liability under  
32 item (2) of this subsection (k). The Department shall  
33 deposit all fines and penalties collected under this  
34 Section into the Illinois Adoption Registry and Medical

1 Information Fund.

2 (l) Death of person being sought. Notwithstanding any other  
3 provision of this Act, if the confidential intermediary  
4 discovers that the person being sought has died, he or she  
5 shall report this fact to the court, along with a copy of the  
6 death certificate.

7 (m) Any confidential information obtained by the  
8 confidential intermediary during the course of his or her  
9 search shall be kept strictly confidential and shall be used  
10 for the purpose of arranging contact between the petitioner and  
11 the sought-after birth relative. At the time the case is  
12 closed, all identifying information shall be returned to the  
13 court for inclusion in the impounded adoption file.

14 (n) If the petitioner is an adopted or surrendered person  
15 21 years of age or over or the adoptive parent or legal  
16 guardian of an adopted or surrendered person under the age of  
17 21, any non-identifying information, as defined in Section  
18 18.4, that is ascertained during the course of the search may  
19 be given in writing to the petitioner before the case is  
20 closed.

21 (o) Except as provided in subsection (k) of this Section,  
22 no liability shall accrue to the State, any State agency, any  
23 judge, any officer or employee of the court, any certified  
24 confidential intermediary, or any agency designated to oversee  
25 confidential intermediary services for acts, omissions, or  
26 efforts made in good faith within the scope of this Section.

27 (p) An adoption agency that has received a request from a  
28 confidential intermediary for the full name, date of birth,  
29 last known address, or last known telephone number of a  
30 sought-after relative pursuant to subsection (g) of Section  
31 18.3, or for medical information regarding a sought-after  
32 relative pursuant to subsection (h) of Section 18.3, must  
33 satisfactorily comply with this court order within a period of  
34 45 days. The court shall order the adoption agency to reimburse

1 the petitioner in an amount equal to all payments made by the  
2 petitioner to the confidential intermediary, and the adoption  
3 agency shall be subject to a civil monetary penalty of \$1,000  
4 to be paid to the Department of Children and Family Services.  
5 Following the issuance of a court order finding that the  
6 adoption agency has not complied with Section 18.3, the  
7 adoption agency shall be subject to a monetary penalty of \$500  
8 per day for each subsequent day of non-compliance.

9 Any reimbursements and fines, notwithstanding any  
10 reimbursement directly to the petitioner, paid under this  
11 subsection are in addition to other remedies a court may  
12 otherwise impose by law.

13 Proceeds from the penalties paid to the Department of  
14 Children and Family Services shall be deposited into the DCFS  
15 Children's Services Fund. The Department of Children and Family  
16 Services shall submit reports to the Confidential Intermediary  
17 Advisory Council by July 1 and January 1 of each year in order  
18 to report the penalties assessed and collected under this  
19 subsection, the amounts of related deposits into the DCFS  
20 Children's Services Fund, and any expenditures from such  
21 deposits.

22 (Source: P.A. 93-189, eff. 1-1-04; 94-173, eff. 1-1-06.)

23 Section 99. Effective date. This Act takes effect October  
24 1, 2006."