



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4204

by Rep. LaShawn K. Ford

SYNOPSIS AS INTRODUCED:

See Index

Amends the Children and Family Services Act and the Juvenile Court Act of 1987. Provides that the Department of Children and Family Services shall establish, by contracts with private or public vendors, regional crisis residential centers with semi-secure facilities. Provides that these facilities shall be structured group care facilities licensed under rules adopted by the Department of Children and Family Services and shall have an average of at least 4 adult staff members and in no event less than 3 adult staff members to every 8 minors. Provides that a minor requiring authoritative intervention or a truant minor in need of supervision may be placed in a regional crisis residential center or a secure crisis residential center. Provides that within available funds appropriated for this purpose, the Department of Children and Family Services shall establish, by contracts with private or public vendors, regional crisis residential centers with secure facilities. Provides that these facilities shall be facilities licensed under rules adopted by the Department. Provides that these centers may also include semi-secure facilities. Provides that a minor admitted to a secure facility shall remain in the facility for at least 24 hours after admission but for not more than 5 consecutive days. Provides that if the minor admitted is transferred between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed 5 consecutive days per admission. Changes the requirements for which a minor may be adjudicated as requiring authoritative intervention.

LRB095 14861 RLC 41129 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning minors.

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

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

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

7 (Text of Section after amendment by P.A. 95-642)

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

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

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

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

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

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

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

25 (D) restoring to their families children who have
26 been removed, by the provision of services to the child

1 and the families when the child can be cared for at
2 home without endangering the child's health and
3 safety;

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

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

17 (G) (blank);

18 (H) (blank); and

19 (I) placing and maintaining children in facilities
20 that provide separate living quarters for children
21 under the age of 18 and for children 18 years of age
22 and older, unless a child 18 years of age is in the
23 last year of high school education or vocational
24 training, in an approved individual or group treatment
25 program, in a licensed shelter facility, or secure
26 child care facility. The Department is not required to

1 place or maintain children:

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

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

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

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

12 (b) Nothing in this Section shall be construed to authorize
13 the expenditure of public funds for the purpose of performing
14 abortions.

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

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

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

12 (e) (Blank).

13 (f) (Blank).

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

18 (1) adoption;

19 (2) foster care;

20 (3) family counseling;

21 (4) protective services;

22 (5) (blank);

23 (6) homemaker service;

24 (7) return of runaway children;

25 (8) (blank);

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

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

4 (10) interstate services.

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

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

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

26 (1) case management;

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

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

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

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

15 (j) The Department may provide categories of financial
16 assistance and education assistance grants, and shall
17 establish rules and regulations concerning the assistance and
18 grants, to persons who adopt physically or mentally
19 handicapped, older and other hard-to-place children who (i)
20 immediately prior to their adoption were legal wards of the
21 Department or (ii) were determined eligible for financial
22 assistance with respect to a prior adoption and who become
23 available for adoption because the prior adoption has been
24 dissolved and the parental rights of the adoptive parents have
25 been terminated or because the child's adoptive parents have
26 died. The Department may continue to provide financial

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

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

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

25 (j-5) The Department shall not deny or delay the placement
26 of a child for adoption if an approved family is available

1 either outside of the Department region handling the case, or
2 outside of the State of Illinois.

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

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

26 The Department shall notify the child and his family of the

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

19 The Department may, at its discretion except for those
20 children also adjudicated neglected or dependent, accept for
21 care and training any child who has been adjudicated addicted,
22 as a truant minor in need of supervision or as a minor
23 requiring authoritative intervention, under the Juvenile Court
24 Act or the Juvenile Court Act of 1987, but no such child shall
25 be committed to the Department by any court without the
26 approval of the Department. A minor charged with a criminal

1 offense under the Criminal Code of 1961 or adjudicated
2 delinquent shall not be placed in the custody of or committed
3 to the Department by any court, except a minor less than 15
4 years of age committed to the Department under Section 5-710 of
5 the Juvenile Court Act of 1987 or a minor for whom an
6 independent basis of abuse, neglect, or dependency exists,
7 which must be defined by departmental rule. An independent
8 basis exists when the allegations or adjudication of abuse,
9 neglect, or dependency do not arise from the same facts,
10 incident, or circumstances which give rise to a charge or
11 adjudication of delinquency.

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

25 When determining reasonable efforts to be made with respect
26 to a child, as described in this subsection, and in making such

1 reasonable efforts, the child's health and safety shall be the
2 paramount concern.

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

15 A decision to place a child in substitute care shall be
16 made with considerations of the child's health, safety, and
17 best interests. At the time of placement, consideration should
18 also be given so that if reunification fails or is delayed, the
19 placement made is the best available placement to provide
20 permanency for the child.

21 The Department shall adopt rules addressing concurrent
22 planning for reunification and permanency. The Department
23 shall consider the following factors when determining
24 appropriateness of concurrent planning:

- 25 (1) the likelihood of prompt reunification;
26 (2) the past history of the family;

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

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

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

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

8 (7) the age of the child;

9 (8) placement of siblings.

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

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

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

19 If the child is found in his or her residence without a parent,
20 guardian, custodian or responsible caretaker, the Department
21 may, instead of removing the child and assuming temporary
22 custody, place an authorized representative of the Department
23 in that residence until such time as a parent, guardian or
24 custodian enters the home and expresses a willingness and
25 apparent ability to ensure the child's health and safety and
26 resume permanent charge of the child, or until a relative

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

1 custody of the Department who would have custody of the child
2 if he were not in the temporary custody of the Department may
3 deliver to the Department a signed request that the Department
4 surrender the temporary custody of the child. The Department
5 may retain temporary custody of the child for 10 days after the
6 receipt of the request, during which period the Department may
7 cause to be filed a petition pursuant to the Juvenile Court Act
8 of 1987. If a petition is so filed, the Department shall retain
9 temporary custody of the child until the court orders
10 otherwise. If a petition is not filed within the 10 day period,
11 the child shall be surrendered to the custody of the requesting
12 parent, guardian or custodian not later than the expiration of
13 the 10 day period, at which time the authority and duties of
14 the Department with respect to the temporary custody of the
15 child shall terminate.

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

1 before being subject to placement in a correctional facility
2 and a court of competent jurisdiction has ordered placement of
3 the child in a secure care facility.

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

1 assignment, sale, attachment, garnishment or otherwise.

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

21 (p) There is hereby created the Department of Children and
22 Family Services Emergency Assistance Fund from which the
23 Department may provide special financial assistance to
24 families which are in economic crisis when such assistance is
25 not available through other public or private sources and the
26 assistance is deemed necessary to prevent dissolution of the

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

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

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

1 the account, unless disbursed in accordance with this
2 subsection.

3 In disbursing funds from children's accounts, the
4 Department shall:

5 (1) Establish standards in accordance with State and
6 federal laws for disbursing money from children's
7 accounts. In all circumstances, the Department's
8 "Guardianship Administrator" or his or her designee must
9 approve disbursements from children's accounts. The
10 Department shall be responsible for keeping complete
11 records of all disbursements for each account for any
12 purpose.

13 (2) Calculate on a monthly basis the amounts paid from
14 State funds for the child's board and care, medical care
15 not covered under Medicaid, and social services; and
16 utilize funds from the child's account, as covered by
17 regulation, to reimburse those costs. Monthly,
18 disbursements from all children's accounts, up to 1/12 of
19 \$13,000,000, shall be deposited by the Department into the
20 General Revenue Fund and the balance over 1/12 of
21 \$13,000,000 into the DCFS Children's Services Fund.

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

1 (r) The Department shall promulgate regulations
2 encouraging all adoption agencies to voluntarily forward to the
3 Department or its agent names and addresses of all persons who
4 have applied for and have been approved for adoption of a
5 hard-to-place or handicapped child and the names of such
6 children who have not been placed for adoption. A list of such
7 names and addresses shall be maintained by the Department or
8 its agent, and coded lists which maintain the confidentiality
9 of the person seeking to adopt the child and of the child shall
10 be made available, without charge, to every adoption agency in
11 the State to assist the agencies in placing such children for
12 adoption. The Department may delegate to an agent its duty to
13 maintain and make available such lists. The Department shall
14 ensure that such agent maintains the confidentiality of the
15 person seeking to adopt the child and of the child.

16 (s) The Department of Children and Family Services may
17 establish and implement a program to reimburse Department and
18 private child welfare agency foster parents licensed by the
19 Department of Children and Family Services for damages
20 sustained by the foster parents as a result of the malicious or
21 negligent acts of foster children, as well as providing third
22 party coverage for such foster parents with regard to actions
23 of foster children to other individuals. Such coverage will be
24 secondary to the foster parent liability insurance policy, if
25 applicable. The program shall be funded through appropriations
26 from the General Revenue Fund, specifically designated for such

1 purposes.

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

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

8 (2) the court has ordered one or both of the parties to
9 the proceeding to reimburse the Department for its
10 reasonable costs for providing such services in accordance
11 with Department rules, or has determined that neither party
12 is financially able to pay.

13 The Department shall provide written notification to the
14 court of the specific arrangements for supervised visitation
15 and projected monthly costs within 60 days of the court order.
16 The Department shall send to the court information related to
17 the costs incurred except in cases where the court has
18 determined the parties are financially unable to pay. The court
19 may order additional periodic reports as appropriate.

20 (u) In addition to other information that must be provided,
21 whenever the Department places a child with a prospective
22 adoptive parent or parents or in a licensed foster home, group
23 home, child care institution, or in a relative home, the
24 Department shall provide to the prospective adoptive parent or
25 parents or other caretaker:

26 (1) available detailed information concerning the

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

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

10 (3) information containing details of the child's
11 individualized educational plan when the child is
12 receiving special education services.

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

1 subsection.

2 The information described in this subsection shall be
3 provided in writing. In the case of emergency placements when
4 time does not allow prior review, preparation, and collection
5 of written information, the Department shall provide such
6 information as it becomes available. Within 10 business days
7 after placement, the Department shall obtain from the
8 prospective adoptive parent or parents or other caretaker a
9 signed verification of receipt of the information provided.
10 Within 10 business days after placement, the Department shall
11 provide to the child's guardian ad litem a copy of the
12 information provided to the prospective adoptive parent or
13 parents or other caretaker. The information provided to the
14 prospective adoptive parent or parents or other caretaker shall
15 be reviewed and approved regarding accuracy at the supervisory
16 level.

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

1 denied or until September 30, 1995, whichever occurs first.

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

24 (v-1) Prior to final approval for placement of a child, the
25 Department shall conduct a criminal records background check of
26 the prospective foster or adoptive parent, including

1 fingerprint-based checks of national crime information
2 databases. Final approval for placement shall not be granted if
3 the record check reveals a felony conviction for child abuse or
4 neglect, for spousal abuse, for a crime against children, or
5 for a crime involving violence, including rape, sexual assault,
6 or homicide, but not including other physical assault or
7 battery, or if there is a felony conviction for physical
8 assault, battery, or a drug-related offense committed within
9 the past 5 years.

10 (v-2) Prior to final approval for placement of a child, the
11 Department shall check its child abuse and neglect registry for
12 information concerning prospective foster and adoptive
13 parents, and any adult living in the home. If any prospective
14 foster or adoptive parent or other adult living in the home has
15 resided in another state in the preceding 5 years, the
16 Department shall request a check of that other state's child
17 abuse and neglect registry.

18 (w) Within 120 days of August 20, 1995 (the effective date
19 of Public Act 89-392), the Department shall prepare and submit
20 to the Governor and the General Assembly, a written plan for
21 the development of in-state licensed secure child care
22 facilities that care for children who are in need of secure
23 living arrangements for their health, safety, and well-being.
24 For purposes of this subsection, secure care facility shall
25 mean a facility that is designed and operated to ensure that
26 all entrances and exits from the facility, a building or a

1 distinct part of the building, are under the exclusive control
2 of the staff of the facility, whether or not the child has the
3 freedom of movement within the perimeter of the facility,
4 building, or distinct part of the building. The plan shall
5 include descriptions of the types of facilities that are needed
6 in Illinois; the cost of developing these secure care
7 facilities; the estimated number of placements; the potential
8 cost savings resulting from the movement of children currently
9 out-of-state who are projected to be returned to Illinois; the
10 necessary geographic distribution of these facilities in
11 Illinois; and a proposed timetable for development of such
12 facilities.

13 (x) The Department shall carry out the duties prescribed in
14 Sections 3-6.1 through 3-6.5 of the Juvenile Court Act of 1987.
15 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;
16 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;
17 revised 10-30-07.)

18 Section 10. The Juvenile Court Act of 1987 is amended by
19 changing Sections 1-3, 3-3, 3-4, 3-5, 3-6, 3-7, 3-24, 3-28, and
20 3-33.5 and by adding Sections 3-6.1, 3-6.2, 3-6.3, 3-6.4, and
21 3-6.5 as follows:

22 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

23 Sec. 1-3. Definitions. Terms used in this Act, unless the
24 context otherwise requires, have the following meanings

1 ascribed to them:

2 (1) "Adjudicatory hearing" means a hearing to determine
3 whether the allegations of a petition under Section 2-13, 3-15
4 or 4-12 that a minor under 18 years of age is abused, neglected
5 or dependent, or requires authoritative intervention, or
6 addicted, respectively, are supported by a preponderance of the
7 evidence or whether the allegations of a petition under Section
8 5-520 that a minor is delinquent are proved beyond a reasonable
9 doubt.

10 (2) "Adult" means a person 21 years of age or older.

11 (3) "Agency" means a public or private child care facility
12 legally authorized or licensed by this State for placement or
13 institutional care or for both placement and institutional
14 care.

15 (4) "Association" means any organization, public or
16 private, engaged in welfare functions which include services to
17 or on behalf of children but does not include "agency" as
18 herein defined.

19 (4.05) Whenever a "best interest" determination is
20 required, the following factors shall be considered in the
21 context of the child's age and developmental needs:

22 (a) the physical safety and welfare of the child,
23 including food, shelter, health, and clothing;

24 (b) the development of the child's identity;

25 (c) the child's background and ties, including
26 familial, cultural, and religious;

- 1 (d) the child's sense of attachments, including:
- 2 (i) where the child actually feels love,
- 3 attachment, and a sense of being valued (as opposed to
- 4 where adults believe the child should feel such love,
- 5 attachment, and a sense of being valued);
- 6 (ii) the child's sense of security;
- 7 (iii) the child's sense of familiarity;
- 8 (iv) continuity of affection for the child;
- 9 (v) the least disruptive placement alternative for
- 10 the child;
- 11 (e) the child's wishes and long-term goals;
- 12 (f) the child's community ties, including church,
- 13 school, and friends;
- 14 (g) the child's need for permanence which includes the
- 15 child's need for stability and continuity of relationships
- 16 with parent figures and with siblings and other relatives;
- 17 (h) the uniqueness of every family and child;
- 18 (i) the risks attendant to entering and being in
- 19 substitute care; and
- 20 (j) the preferences of the persons available to care
- 21 for the child.

22 (4.06) "Chronic runaway" means a minor requiring

23 authoritative intervention under Section 3-3.

24 (4.1) "Chronic truant" shall have the definition ascribed

25 to it in Section 26-2a of the School Code.

26 (5) "Court" means the circuit court in a session or

1 division assigned to hear proceedings under this Act.

2 (5.1) "Crisis residential center" means a secure or
3 semi-secure facility established under Section 3-6.1.

4 (6) "Dispositional hearing" means a hearing to determine
5 whether a minor should be adjudged to be a ward of the court,
6 and to determine what order of disposition should be made in
7 respect to a minor adjudged to be a ward of the court.

8 (7) "Emancipated minor" means any minor 16 years of age or
9 over who has been completely or partially emancipated under the
10 Emancipation of Minors Act or under this Act.

11 (8) "Guardianship of the person" of a minor means the duty
12 and authority to act in the best interests of the minor,
13 subject to residual parental rights and responsibilities, to
14 make important decisions in matters having a permanent effect
15 on the life and development of the minor and to be concerned
16 with his or her general welfare. It includes but is not
17 necessarily limited to:

18 (a) the authority to consent to marriage, to enlistment
19 in the armed forces of the United States, or to a major
20 medical, psychiatric, and surgical treatment; to represent
21 the minor in legal actions; and to make other decisions of
22 substantial legal significance concerning the minor;

23 (b) the authority and duty of reasonable visitation,
24 except to the extent that these have been limited in the
25 best interests of the minor by court order;

26 (c) the rights and responsibilities of legal custody

1 except where legal custody has been vested in another
2 person or agency; and

3 (d) the power to consent to the adoption of the minor,
4 but only if expressly conferred on the guardian in
5 accordance with Section 2-29, 3-30, or 4-27.

6 (9) "Legal custody" means the relationship created by an
7 order of court in the best interests of the minor which imposes
8 on the custodian the responsibility of physical possession of a
9 minor and the duty to protect, train and discipline him and to
10 provide him with food, shelter, education and ordinary medical
11 care, except as these are limited by residual parental rights
12 and responsibilities and the rights and responsibilities of the
13 guardian of the person, if any.

14 (10) "Minor" means a person under the age of 21 years
15 subject to this Act.

16 (10.5) "Multidisciplinary team" means a group formed to
17 provide assistance and support to a minor who is an at-risk
18 youth or a child in need of services and his or her parent. The
19 team shall include the parent, a Department of Children and
20 Family Services case worker, a local government representative
21 when authorized by the local government, and when appropriate,
22 members from the mental health and substance abuse disciplines.
23 The team may also include, but is not limited to, the following
24 persons: educators, law enforcement personnel, probation
25 officers, employers, persons representing religious
26 organizations, therapists, medical personnel, social service

1 providers, placement providers, and extended family members.
2 The team members shall be volunteers who do not receive
3 compensation while acting in a capacity as a team member,
4 unless the member's employer chooses to provide compensation or
5 the member is a State employee.

6 (11) "Parent" means the father or mother of a child and
7 includes any adoptive parent. It also includes a man (i) whose
8 paternity is presumed or has been established under the law of
9 this or another jurisdiction or (ii) who has registered with
10 the Putative Father Registry in accordance with Section 12.1 of
11 the Adoption Act and whose paternity has not been ruled out
12 under the law of this or another jurisdiction. It does not
13 include a parent whose rights in respect to the minor have been
14 terminated in any manner provided by law.

15 (11.1) "Permanency goal" means a goal set by the court as
16 defined in subdivision (2) of Section 2-28.

17 (11.2) "Permanency hearing" means a hearing to set the
18 permanency goal and to review and determine (i) the
19 appropriateness of the services contained in the plan and
20 whether those services have been provided, (ii) whether
21 reasonable efforts have been made by all the parties to the
22 service plan to achieve the goal, and (iii) whether the plan
23 and goal have been achieved.

24 (12) "Petition" means the petition provided for in Section
25 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
26 thereunder in Section 3-15, 4-12 or 5-520.

1 (13) "Residual parental rights and responsibilities" means
2 those rights and responsibilities remaining with the parent
3 after the transfer of legal custody or guardianship of the
4 person, including, but not necessarily limited to, the right to
5 reasonable visitation (which may be limited by the court in the
6 best interests of the minor as provided in subsection (8) (b) of
7 this Section), the right to consent to adoption, the right to
8 determine the minor's religious affiliation, and the
9 responsibility for his support.

10 (13.1) "Secure facility" or "secure crisis residential
11 center" means a crisis residential center, or portion thereof,
12 that has locking doors, locking windows, or a secured
13 perimeter, designed and operated to prevent a child from
14 leaving without permission of the facility staff.

15 (13.2) "Semi-secure facility" means any facility,
16 including but not limited to crisis residential centers or
17 specialized foster family homes, operated in a manner to
18 reasonably ensure that minors placed there will not run away.
19 Pursuant to rules established by the Department of Children and
20 Family Services, the facility administrator shall establish
21 reasonable hours for residents to come and go from the facility
22 such that no residents are free to come and go at all hours of
23 the day and night. To prevent residents from taking
24 unreasonable actions, the facility administrator, where
25 appropriate, may condition a resident's leaving the facility
26 upon the resident being accompanied by the administrator or the

1 administrator's designee and the resident may be required to
2 notify the administrator or the administrator's designee of any
3 intent to leave, his or her intended destination, and the
4 probable time of his or her return to the center.

5 (14) "Shelter" means the temporary care of a minor in
6 physically unrestricting facilities pending court disposition
7 or execution of court order for placement.

8 (15) "Station adjustment" means the informal handling of an
9 alleged offender by a juvenile police officer.

10 (16) "Ward of the court" means a minor who is so adjudged
11 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
12 requisite jurisdictional facts, and thus is subject to the
13 dispositional powers of the court under this Act.

14 (17) "Juvenile police officer" means a sworn police officer
15 who has completed a Basic Recruit Training Course, has been
16 assigned to the position of juvenile police officer by his or
17 her chief law enforcement officer and has completed the
18 necessary juvenile officers training as prescribed by the
19 Illinois Law Enforcement Training Standards Board, or in the
20 case of a State police officer, juvenile officer training
21 approved by the Director of the Department of State Police.

22 (18) "Secure child care facility" means any child care
23 facility licensed by the Department of Children and Family
24 Services to provide secure living arrangements for children
25 under 18 years of age who are subject to placement in
26 facilities under the Children and Family Services Act and who

1 are not subject to placement in facilities for whom standards
2 are established by the Department of Corrections under Section
3 3-15-2 of the Unified Code of Corrections. "Secure child care
4 facility" also means a facility that is designed and operated
5 to ensure that all entrances and exits from the facility, a
6 building, or a distinct part of the building are under the
7 exclusive control of the staff of the facility, whether or not
8 the child has the freedom of movement within the perimeter of
9 the facility, building, or distinct part of the building.

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (705 ILCS 405/3-3) (from Ch. 37, par. 803-3)

12 Sec. 3-3. Minor requiring authoritative intervention.
13 Those requiring authoritative intervention include any minor
14 under 18 years of age (1) who is (a) absent from home without
15 consent of parent, guardian or custodian, or (b) beyond the
16 control of his or her parent, guardian or custodian, in
17 circumstances which constitute a substantial or immediate
18 danger to the minor's physical safety; and (2) who, after being
19 taken into limited custody for the period provided for in this
20 Section and offered interim crisis intervention services,
21 where available, refuses to return home after the minor and his
22 or her parent, guardian or custodian cannot agree to an
23 arrangement for an alternative voluntary residential placement
24 or to the continuation of such placement. Any minor taken into
25 limited custody for the reasons specified in this Section may

1 not be adjudicated a minor requiring authoritative
2 intervention until the following number of days have elapsed
3 from his or her having been taken into limited custody: 21 days
4 for the first instance of being taken into limited custody and
5 5 days for the second or 7 ~~third, or fourth~~ instances of being
6 taken into limited custody. For the fourth ~~fifth~~ or any
7 subsequent instance of being taken into limited custody for the
8 reasons specified in this Section, the minor may be adjudicated
9 as requiring authoritative intervention without any specified
10 period of time expiring after his or her being taken into
11 limited custody, without the minor's being offered interim
12 crisis intervention services, and without the minor's being
13 afforded an opportunity to agree to an arrangement for an
14 alternative voluntary residential placement. Notwithstanding
15 any other provision of this Section, for the first instance in
16 which a minor is taken into limited custody where one year has
17 elapsed from the last instance of his having been taken into
18 limited custody, the minor may not be adjudicated a minor
19 requiring authoritative intervention until 21 days have passed
20 since being taken into limited custody.

21 (Source: P.A. 85-601.)

22 (705 ILCS 405/3-4) (from Ch. 37, par. 803-4)

23 Sec. 3-4. Taking into limited custody.

24 (a) A law enforcement officer may, without a warrant, take
25 into limited custody a minor who the law enforcement officer

1 reasonably determines is (i) absent from home without consent
2 of the minor's parent, guardian or custodian, or (ii) beyond
3 the control of his or her parent, guardian or custodian, in
4 circumstances which constitute a substantial or immediate
5 danger to the minor's physical safety.

6 (b) A law enforcement officer who takes a minor into
7 limited custody shall (i) immediately inform the minor of the
8 reasons for such limited custody, and (ii) make a prompt,
9 reasonable effort to inform the minor's parents, guardian, or
10 custodian that the minor has been taken into limited custody
11 and where the minor is being kept.

12 (c) If the minor consents, the law enforcement officer
13 shall make a reasonable effort to transport, arrange for the
14 transportation of or otherwise release the minor to the parent,
15 guardian or custodian. Upon release of a minor who is believed
16 to need or would benefit from medical, psychological,
17 psychiatric or social services, the law enforcement officer may
18 inform the minor and the person to whom the minor is released
19 of the nature and location of appropriate services and shall,
20 if requested, assist in establishing contact between the family
21 and an agency or association providing such services.

22 (d) If the law enforcement officer is unable by all
23 reasonable efforts to contact a parent, custodian, relative or
24 other responsible person; or if the person contacted lives an
25 unreasonable distance away; or if the minor refuses to be taken
26 to his or her home or other appropriate residence; or if the

1 officer is otherwise unable despite all reasonable efforts to
2 make arrangements for the safe release of the minor taken into
3 limited custody, the law enforcement officer shall take or make
4 reasonable arrangements for transporting the minor to an agency
5 or association providing crisis intervention services, or,
6 where appropriate, to a crisis residential center, secure
7 crisis residential center, or mental health or developmental
8 disabilities facility for screening for voluntary or
9 involuntary admission under Section 3-500 et seq. of the
10 Illinois Mental Health and Developmental Disabilities Code;
11 provided that where no crisis intervention services exist, the
12 minor may be transported for services to court service
13 departments or probation departments under the court's
14 administration.

15 (e) No minor shall be involuntarily subject to limited
16 custody for more than 6 hours from the time of the minor's
17 initial contact with the law enforcement officer.

18 (f) No minor taken into limited custody shall be placed in
19 a jail, municipal lockup, detention center or secure
20 correctional facility, but may be ordered to a crisis
21 residential center or to a secure crisis residential center.

22 (g) The taking of a minor into limited custody under this
23 Section is not an arrest nor does it constitute a police
24 record; and the records of law enforcement officers concerning
25 all minors taken into limited custody under this Section shall
26 be maintained separate from the records of arrest and may not

1 be inspected by or disclosed to the public except by order of
2 the court. However, such records may be disclosed to the agency
3 or association providing interim crisis intervention services
4 for the minor.

5 (h) Any law enforcement agency, juvenile officer or other
6 law enforcement officer acting reasonably and in good faith in
7 the care of a minor in limited custody shall be immune from any
8 civil or criminal liability resulting from such custody.

9 (Source: P.A. 87-1154.)

10 (705 ILCS 405/3-5) (from Ch. 37, par. 803-5)

11 Sec. 3-5. Interim crisis intervention services.

12 (a) Any minor who is taken into limited custody, or who
13 independently requests or is referred for assistance, may be
14 provided crisis intervention services by an agency or
15 association, as defined in this Act, provided the association
16 or agency staff (i) immediately investigate the circumstances
17 of the minor and the facts surrounding the minor being taken
18 into custody and promptly explain these facts and circumstances
19 to the minor, and (ii) make a reasonable effort to inform the
20 minor's parent, guardian or custodian of the fact that the
21 minor has been taken into limited custody and where the minor
22 is being kept, and (iii) if the minor consents, make a
23 reasonable effort to transport, arrange for the transportation
24 of, or otherwise release the minor to the parent, guardian or
25 custodian. Upon release of the child who is believed to need or

1 benefit from medical, psychological, psychiatric or social
2 services, the association or agency may inform the minor and
3 the person to whom the minor is released of the nature and
4 location of appropriate services and shall, if requested,
5 assist in establishing contact between the family and other
6 associations or agencies providing such services. If the agency
7 or association is unable by all reasonable efforts to contact a
8 parent, guardian or custodian, or if the person contacted lives
9 an unreasonable distance away, or if the minor refuses to be
10 taken to his or her home or other appropriate residence, or if
11 the agency or association is otherwise unable despite all
12 reasonable efforts to make arrangements for the safe return of
13 the minor, or the minor is assessed and determined to be a
14 chronic truant or a chronic runaway, the minor may be taken to
15 a temporary living arrangement which is in compliance with the
16 Child Care Act of 1969, which is a crisis residential center or
17 a secure crisis residential center, or which is with persons
18 agreed to by the parents and the agency or association.

19 (b) An agency or association is authorized to permit a
20 minor to be sheltered in a temporary living arrangement
21 provided the agency seeks to effect the minor's return home or
22 alternative living arrangements agreeable to the minor and the
23 parent, guardian or custodian as soon as practicable. No minor
24 shall be sheltered in a temporary living arrangement for more
25 than 48 hours, excluding Saturdays, Sundays, and
26 court-designated holidays, except in a crisis residential

1 center or a secure crisis residential center, when the agency
2 has reported the minor as neglected or abused because the
3 parent, guardian, or custodian refuses to permit the child to
4 return home, provided that in all other instances the minor may
5 be sheltered when the agency obtains the consent of the parent,
6 guardian, or custodian or documents its unsuccessful efforts to
7 obtain the consent or authority of the parent, guardian, or
8 custodian, including recording the date and the staff involved
9 in all telephone calls, telegrams, letters, and personal
10 contacts to obtain the consent or authority, in which instances
11 the minor may be so sheltered for not more than 21 days. If the
12 parent, guardian or custodian refuses to permit the minor to
13 return home, and no other living arrangement agreeable to the
14 parent, guardian, or custodian can be made, and the parent,
15 guardian, or custodian has not made any other appropriate
16 living arrangement for the child, the agency may deem the minor
17 to be neglected and report the neglect to the Department of
18 Children and Family Services as provided in the Abused and
19 Neglected Child Reporting Act. The Child Protective Service
20 Unit of the Department of Children and Family Services shall
21 begin an investigation of the report within 24 hours after
22 receiving the report and shall determine whether to file a
23 petition alleging that the minor is neglected or abused as
24 described in Section 2-3 of this Act. The Subject ~~to~~
25 ~~appropriation, the~~ Department may take the minor into temporary
26 protective custody at any time after receiving the report,

1 provided that the Department shall take temporary protective
2 custody within 48 hours of receiving the report if its
3 investigation is not completed. If the Department of Children
4 and Family Services determines that the minor is not a
5 neglected minor because the minor is an immediate physical
6 danger to himself, herself, or others living in the home, then
7 the Department shall take immediate steps to either secure the
8 minor's immediate admission to a mental health facility, crisis
9 residential center, or secure crisis residential center,
10 arrange for law enforcement authorities to take temporary
11 custody of the minor as a delinquent minor, or take other
12 appropriate action to assume protective custody in order to
13 safeguard the minor or others living in the home from immediate
14 physical danger.

15 (c) Any agency or association or employee thereof acting
16 reasonably and in good faith in the care of a minor being
17 provided interim crisis intervention services and shelter care
18 shall be immune from any civil or criminal liability resulting
19 from such care.

20 (Source: P.A. 95-443, eff. 1-1-08.)

21 (705 ILCS 405/3-6) (from Ch. 37, par. 803-6)

22 Sec. 3-6. Alternative voluntary residential placement. (a)
23 A minor and his or her parent, guardian or custodian may agree
24 to an arrangement for alternative voluntary residential
25 placement, in compliance with the "Child Care Act of 1969",

1 including placement in a crisis residential center or a secure
2 crisis residential center, without court order. Such placement
3 may continue as long as there is agreement.

4 (b) If the minor and his or her parent, guardian or
5 custodian cannot agree to an arrangement for alternative
6 voluntary residential placement in the first instance, or
7 cannot agree to the continuation of such placement, and the
8 minor refuses to return home, the minor or his or her parent,
9 guardian or custodian, or a person properly acting at the
10 minor's request, may file with the court a petition alleging
11 that the minor requires authoritative intervention as
12 described in Section 3-3.

13 (Source: P.A. 85-601.)

14 (705 ILCS 405/3-6.1 new)

15 Sec. 3-6.1. Crisis residential centers.

16 (a) The Department of Children and Family Services shall
17 establish, by contracts with private or public vendors,
18 regional crisis residential centers with semi-secure
19 facilities. These facilities shall be structured group care
20 facilities licensed under rules adopted by the Department and
21 shall have an average of at least 4 adult staff members and in
22 no event less than 3 adult staff members to every 8 minors.

23 (b) Within available funds appropriated for this purpose,
24 the Department shall establish, by contracts with private or
25 public vendors, regional crisis residential centers with

1 secure facilities. These facilities shall be facilities
2 licensed under rules adopted by the Department. These centers
3 may also include semi-secure facilities and to such extent
4 shall be subject to subsection (a) of this Section.

5 (c) The Department shall, in addition to the facilities
6 established under subsections (a) and (b) of this Section,
7 establish additional crisis residential centers pursuant to
8 contract with licensed private group care facilities.

9 (d) The staff at the facilities established under this
10 Section shall be trained so that they may effectively counsel
11 minors admitted to the centers, provide treatment,
12 supervision, and structure to the minors that recognize the
13 need for support and the varying circumstances that cause
14 minors to leave their families, and carry out the
15 responsibilities stated in Section 3-6.2. The responsibilities
16 stated in Section 3-6.2 may, in any of the centers, be carried
17 out by the Department.

18 (e) The secure facilities located within crisis
19 residential centers shall be operated to conform with the
20 definition in Section 1-3. The facilities shall have an average
21 of no less than one adult staff member to every 10 minors. The
22 staffing ratio shall continue to ensure the safety of the
23 minors.

24 (f) If a secure crisis residential center is located in or
25 adjacent to a secure juvenile detention facility, the center
26 shall be operated in a manner that prevents in-person contact

1 between the residents of the center and the persons held in
2 such facility.

3 (705 ILCS 405/3-6.2 new)

4 Sec. 3-6.2. Duty to inform parents; transportation to
5 minor's home or out-of-home placement; notice to Department of
6 Children and Family Services.

7 (a) The administrator of a designated crisis residential
8 center or the Department of Children and Family Services shall
9 perform the duties under subsection (c) of this Section:

10 (1) upon admitting a minor who has been brought to the
11 center by a law enforcement officer under Section 3-7;

12 (2) upon admitting a minor who has run away from home
13 or has requested admittance to the center;

14 (3) upon learning from a person that the person is
15 providing shelter to a minor absent from home; or

16 (4) upon learning that a minor has been placed with a
17 responsible adult pursuant to Section 3-28.

18 (b) Transportation expenses of the minor shall be at the
19 parent's expense to the extent of his or her ability to pay,
20 with any unmet transportation expenses assumed by the
21 Department.

22 (c) When any of the circumstances under subsection (a) of
23 this Section are present, the administrator of a center or the
24 Department of Children and Family Services shall perform the
25 following duties:

1 (1) immediately notify the minor's parent of the
2 minor's whereabouts, physical and emotional condition, and
3 the circumstances surrounding his or her placement;

4 (2) initially notify the parent that it is the
5 paramount concern of the family reconciliation service
6 personnel to achieve a reconciliation between the parent
7 and minor to reunify the family and inform the parent as to
8 the procedures to be followed under this Act;

9 (3) inform the parent whether a referral to the
10 Department of Children and Family Services has been made
11 and, if so, inform the parent of the standard pursuant to
12 Section 2-3 governing abuse and neglect of minors in this
13 State; and either

14 (4) (A) arrange transportation for the minor to the
15 residence of the parent, as soon as practicable, when the
16 minor and his or her parent agrees to the minor's return
17 home or when the parent produces a copy of a court order
18 entered under this Act requiring the minor to reside in the
19 parent's home; or

20 (B) arrange transportation for the minor to: (i) an
21 out-of-home placement which may include a licensed group
22 care facility or foster family when agreed to by the minor
23 and parent; or (ii) a certified or licensed mental health
24 or chemical dependency program of the parent's choice.

25 (d) If the administrator of the crisis residential center
26 performs the duties listed in subsection (c) of this Section,

1 he or she shall also notify the Department of Children and
2 Family Services that a minor has been admitted to the crisis
3 residential center.

4 (705 ILCS 405/3-6.3 new)

5 Sec. 3-6.3. Minor admitted to secure facility; maximum
6 hours of custody; evaluation for semi-secure facility or
7 release to Department of Children and Family Services.

8 (a) A minor admitted to a secure facility shall remain in
9 the facility for at least 24 hours after admission but for not
10 more than 5 consecutive days. If the minor admitted under this
11 Section is transferred between secure and semi-secure
12 facilities, the aggregate length of time spent in all such
13 centers or facilities may not exceed 5 consecutive days per
14 admission.

15 (b) (1) (i) The facility administrator shall determine
16 within 24 hours after a minor's admission to a secure facility
17 whether the minor is likely to remain in a semi-secure facility
18 and may transfer the minor to a semi-secure facility or release
19 the minor to the Department of Children and Family Services.
20 The determination shall be based on: (A) the need for continued
21 assessment, protection, and treatment of the minor in a secure
22 facility; and (B) the likelihood the minor would remain at a
23 semi-secure facility until his or her parents can take the
24 minor home or a petition can be filed under this Article.

25 (ii) In making the determination the administrator shall

1 consider the following information if known: (A) The minor's
2 age and maturity; (B) the minor's condition upon arrival at the
3 center; (C) the circumstances that led to the minor's being
4 taken to the center; (D) whether the minor's behavior endangers
5 the health, safety, or welfare of the minor or any other
6 person; (E) the minor's history of running away; and (F) the
7 minor's willingness to cooperate in the assessment.

8 (2) If the administrator of a secure facility determines
9 the minor is unlikely to remain in a semi-secure facility, the
10 administrator shall keep the minor in the secure facility
11 pursuant to this Article and in order to provide for space for
12 the minor may transfer another minor who has been in the
13 facility for at least 72 hours to a semi-secure facility. The
14 administrator shall only make a transfer of a minor after
15 determining that the minor who may be transferred is likely to
16 remain at the semi-secure facility.

17 (3) A crisis residential center administrator is
18 authorized to transfer a minor to a crisis residential center
19 in the area where the minor's parents reside or where the
20 minor's lawfully prescribed residence is located.

21 (4) An administrator may transfer a minor from a
22 semi-secure facility to a secure facility whenever he or she
23 reasonably believes that the minor is likely to leave the
24 semi-secure facility and not return and after full
25 consideration of all factors in clauses (1) and (2) of this
26 subsection (b).

1 (c) If no parent is available or willing to remove the
2 minor during the first 72 hours following admission, the
3 Department of Children and Family Services shall consider the
4 filing of a petition under Section 3-15.

5 (d) Notwithstanding the provisions of subsection (a) of
6 this Section, the parents may remove the minor at any time
7 during the 5 day period unless the staff of the crisis
8 residential center has reasonable cause to believe that the
9 minor is absent from the home because he or she is abused or
10 neglected or if allegations of abuse or neglect have been made
11 against the parents. The Department of Children and Family
12 Services or any agency legally charged with the supervision of
13 a minor may remove a minor from a crisis residential center at
14 any time after the first 24-hour period after admission has
15 elapsed and only after full consideration by all parties of the
16 factors in subsection (b) of this Section.

17 (e) Crisis residential center staff shall make reasonable
18 efforts to protect the minor and achieve a reconciliation of
19 the family. If a reconciliation and voluntary return of the
20 minor has not been achieved within 48 hours from the time of
21 admission, and if the administrator of the center does not
22 consider it likely that reconciliation will be achieved within
23 the 5-day period, then the administrator shall inform the
24 parent and minor of:

25 (1) the availability of counseling services;

26 (2) the right to file a minor in need of services

1 petition for an out-of-home placement, the right of a
2 parent to file a petition under Section 3-15, and the right
3 of the parent and minor to obtain assistance in filing the
4 petition;

5 (3) the right to request the facility administrator or
6 his or her designee to form a multidisciplinary team;

7 (4) the right to request a review of any out-of-home
8 placement;

9 (5) the right to request a mental health or chemical
10 dependency evaluation by a county-designated professional
11 or a private treatment facility; and

12 (6) the right to request treatment in a program to
13 address the minor's at-risk behavior.

14 (f) At no time shall information regarding a parent's or
15 minor's rights be withheld. The Department of Children and
16 Family Services shall develop and distribute to all law
17 enforcement agencies and to each crisis residential center
18 administrator a written statement delineating the services and
19 rights. The administrator of the facility or his or her
20 designee shall provide every resident and parent with a copy of
21 the statement.

22 (g) Except for willful and wanton misconduct, a crisis
23 residential center and any person employed at the center acting
24 in good faith in carrying out the provisions of this Section
25 are immune from criminal or civil liability for such actions.
26 No contract may provide reimbursement or compensation to a

1 crisis residential center's secure facility for any service
2 delivered or provided to a resident minor after 5 consecutive
3 days of residence.

4 (705 ILCS 405/3-6.4 new)

5 Sec. 3-6.4. Crisis residential centers; removal from;
6 services available; unauthorized leave.

7 (a) If a resident of a center becomes by his or her
8 behavior disruptive to the facility's program, such resident
9 may be immediately removed to a separate area within the
10 facility and counseled on an individual basis until such time
11 as the minor regains his or her composure. The Department of
12 Children and Family Services may set rules establishing
13 additional procedures for dealing with severely disruptive
14 minors on the premises.

15 (b) When the minor resides in this facility, all services
16 deemed necessary to the minor's reentry to normal family life
17 shall be made available to the minor as required by law. In
18 assessing the minor and providing these services, the facility
19 staff shall:

20 (1) interview the minor as soon as possible;

21 (2) contact the minor's parents and arrange for a
22 counseling interview with the minor and his or her parents
23 as soon as possible;

24 (3) conduct counseling interviews with the minor and
25 his or her parents, to the end that resolution of the minor

1 and parent conflict is attained and the minor is returned
2 home as soon as possible;

3 (4) provide additional crisis counseling as needed, to
4 the end that placement of the minor in the crisis
5 residential center will be required for the shortest time
6 possible, but not to exceed 5 consecutive days; and

7 (5) convene, when appropriate, a multidisciplinary
8 team.

9 (c) Based on the assessments done under subsection (b) of
10 this Section the facility staff may refer any minor who, as the
11 result of a mental or emotional disorder, or intoxication by
12 alcohol or other drugs, is suicidal, seriously assaultive, or
13 seriously destructive toward others, or otherwise similarly
14 evidences an immediate need for emergency medical evaluation
15 and possible care, for evaluation to a mental health
16 professional, or to a chemical dependency specialist pursuant
17 to the Alcoholism and Other Drug Abuse and Dependency Act
18 (whenever such action is deemed appropriate and consistent with
19 law).

20 (d) A minor taking unauthorized leave from a facility shall
21 be apprehended and returned to it by law enforcement officers
22 or other persons designated as having this authority as
23 provided in this Article. If returned to the facility after
24 having taken unauthorized leave for a period of more than 24
25 hours a minor shall be supervised by such a facility for a
26 period, pursuant to this Article, which, unless where otherwise

1 provided, may not exceed 5 consecutive days on the premises.
2 Costs of housing minors admitted to crisis residential centers
3 shall be assumed by the Department for a period not to exceed 5
4 consecutive days.

5 (705 ILCS 405/3-6.5 new)

6 Sec. 3-6.5. Parental right to remove minor; reconciliation
7 effort; information to parent and minor; written statement of
8 services and rights; crisis residential center immunity from
9 liability.

10 (a) Crisis residential centers shall compile yearly
11 records which shall be transmitted to the Department of
12 Children and Family Services and which shall contain
13 information regarding population profiles of the minors
14 admitted to the centers during each past calendar year. Such
15 information shall include but shall not be limited to the
16 following:

17 (1) the number, age, and sex of minors admitted to
18 custody;

19 (2) who brought the minors to the center;

20 (3) services provided to minors admitted to the center;

21 (4) the circumstances which necessitated the minors
22 being brought to the center;

23 (5) the ultimate disposition of cases;

24 (6) the number of minors admitted to custody who ran
25 away from the center and their ultimate disposition, if

1 any;

2 (7) length of stay.

3 (b) The Department of Children and Family Services may
4 require the provision of additional information and may require
5 each center to provide all such necessary information in a
6 uniform manner. A center may, in addition to being licensed as
7 such, also be licensed as a family foster home or group care
8 facility and may house on the premises minors assigned for
9 foster or group care.

10 (c) The administrator of a designated crisis residential
11 center or the Department of Children and Family Services shall
12 perform the duties under this subsection:

13 (1) upon admitting a minor who has been brought to the
14 center by a law enforcement officer under Section 3-7;

15 (2) upon admitting a child who has run away from home
16 or has requested admittance to the center;

17 (3) upon learning from a person that the person is
18 providing shelter to a child absent from home; or

19 (4) upon learning that a child has been placed with a
20 responsible adult pursuant to Section 3-28.

21 (d) Transportation expenses of the child shall be at the
22 parent's expense to the extent of his or her ability to pay,
23 with any unmet transportation expenses assumed by the
24 Department of Children and family Services.

25 (e) When any of the circumstances under subsection (c) of
26 this Section are present, the administrator of a center or the

1 Department shall perform the following duties:

2 (1) immediately notify the child's parent of the
3 child's whereabouts, physical and emotional condition, and
4 the circumstances surrounding his or her placement;

5 (2) initially notify the parent that it is the
6 paramount concern of the family reconciliation service
7 personnel to achieve a reconciliation between the parent
8 and child to reunify the family and inform the parent as to
9 the procedures to be followed under this Article;

10 (3) inform the parent whether a referral to children's
11 protective services has been made and, if so, inform the
12 parent of the standard pursuant to Section 2-3 governing
13 abuse and neglect of a minor in this State; and either

14 (4) (i) arrange transportation for the child to the
15 residence of the parent, as soon as practicable, when the
16 child and his or her parent agrees to the child's return
17 home or when the parent produces a copy of a court order
18 entered under this Article requiring the child to reside in
19 the parent's home; or (ii) arrange transportation for the
20 child to: (A) an out-of-home placement which may include a
21 licensed group care facility or foster family when agreed
22 to by the child and parent; or (B) a certified or licensed
23 mental health or chemical dependency program of the
24 parent's choice.

25 (f) If the administrator of the crisis residential center
26 performs the duties listed in subsection (c) of this Section,

1 he or she shall also notify the Department that a child has been
2 admitted to the crisis residential center.

3 (705 ILCS 405/3-7) (from Ch. 37, par. 803-7)

4 Sec. 3-7. Taking into temporary custody.

5 (1) A law enforcement officer may, without a warrant, take
6 into temporary custody a minor (a) whom the officer with
7 reasonable cause believes to be a minor requiring authoritative
8 intervention; (b) who has been adjudged a ward of the court and
9 has escaped from any commitment ordered by the court under this
10 Act; or (c) who is found in any street or public place
11 suffering from any sickness or injury which requires care,
12 medical treatment or hospitalization.

13 (2) Whenever a petition has been filed under Section 3-15
14 and the court finds that the conduct and behavior of the minor
15 may endanger the health, person, welfare, or property of
16 himself or others or that the circumstances of his home
17 environment may endanger his health, person, welfare or
18 property, a warrant may be issued immediately to take the minor
19 into custody.

20 (3) The taking of a minor into temporary custody under this
21 Section is not an arrest nor does it constitute a police
22 record.

23 (4) No minor taken into temporary custody shall be placed
24 in a jail, municipal lockup, detention center, or secure
25 correctional facility.

1 (5) A minor taken into temporary custody may be placed in a
2 crisis residential center or a secure crisis residential
3 center.

4 (Source: P.A. 87-1154.)

5 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

6 Sec. 3-24. Kinds of dispositional orders.

7 (1) The following kinds of orders of disposition may be
8 made in respect to wards of the court: A minor found to be
9 requiring authoritative intervention under Section 3-3 may be

10 (a) committed to the Department of Children and Family
11 Services, subject to Section 5 of the Children and Family
12 Services Act; (b) placed under supervision and released to his
13 or her parents, guardian or legal custodian; (c) placed in
14 accordance with Section 3-28 with or without also being placed
15 under supervision. Conditions of supervision may be modified or
16 terminated by the court if it deems that the best interests of
17 the minor and the public will be served thereby; (d) ordered
18 partially or completely emancipated in accordance with the
19 provisions of the Emancipation of Minors Act; ~~or~~ (e) subject to
20 having his or her driver's license or driving privilege
21 suspended for such time as determined by the Court but only
22 until he or she attains 18 years of age; or (f) placed in a
23 crisis residential center or a secure crisis residential
24 center.

25 (2) Any order of disposition may provide for protective

1 supervision under Section 3-25 and may include an order of
2 protection under Section 3-26.

3 (3) Unless the order of disposition expressly so provides,
4 it does not operate to close proceedings on the pending
5 petition, but is subject to modification until final closing
6 and discharge of the proceedings under Section 3-32.

7 (4) In addition to any other order of disposition, the
8 court may order any person found to be a minor requiring
9 authoritative intervention under Section 3-3 to make
10 restitution, in monetary or non-monetary form, under the terms
11 and conditions of Section 5-5-6 of the Unified Code of
12 Corrections, except that the "presentence hearing" referred to
13 therein shall be the dispositional hearing for purposes of this
14 Section. The parent, guardian or legal custodian of the minor
15 may pay some or all of such restitution on the minor's behalf.

16 (5) Any order for disposition where the minor is committed
17 or placed in accordance with Section 3-28 shall provide for the
18 parents or guardian of the estate of such minor to pay to the
19 legal custodian or guardian of the person of the minor such
20 sums as are determined by the custodian or guardian of the
21 person of the minor as necessary for the minor's needs. Such
22 payments may not exceed the maximum amounts provided for by
23 Section 9.1 of the Children and Family Services Act.

24 (6) Whenever the order of disposition requires the minor to
25 attend school or participate in a program of training, the
26 truant officer or designated school official shall regularly

1 report to the court if the minor is a chronic or habitual
2 truant under Section 26-2a of the School Code.

3 (7) The court must impose upon a minor under an order of
4 continuance under supervision or an order of disposition under
5 this Article III, as a condition of the order, a fee of \$25 for
6 each month or partial month of supervision with a probation
7 officer. If the court determines the inability of the minor, or
8 the parent, guardian, or legal custodian of the minor to pay
9 the fee, the court may impose a lesser fee. The court may not
10 impose the fee on a minor who is made a ward of the State under
11 this Act. The fee may be imposed only upon a minor who is
12 actively supervised by the probation and court services
13 department. The fee must be collected by the clerk of the
14 circuit court. The clerk of the circuit court must pay all
15 monies collected from this fee to the county treasurer for
16 deposit into the probation and court services fund under
17 Section 15.1 of the Probation and Probation Officers Act.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 (705 ILCS 405/3-28) (from Ch. 37, par. 803-28)

20 Sec. 3-28. Placement; legal custody or guardianship.

21 (1) If the court finds that the parents, guardian or legal
22 custodian of a minor adjudged a ward of the court are unfit or
23 are unable, for some reason other than financial circumstances
24 alone, to care for, protect, train or discipline the minor or
25 are unwilling to do so, and that appropriate services aimed at

1 family preservation and family reunification have been
2 unsuccessful in rectifying the conditions which have led to
3 such a finding of unfitness or inability to care for, protect,
4 train or discipline the minor, and that it is in the best
5 interest of the minor to take him from the custody of his
6 parents, guardian or custodian, the court may:

7 (a) place him in the custody of a suitable relative or
8 other person;

9 (b) place him under the guardianship of a probation
10 officer;

11 (c) commit him to an agency for care or placement,
12 except an institution under the authority of the Department
13 of Corrections or of the Department of Children and Family
14 Services;

15 (d) commit him to some licensed training school or
16 industrial school; ~~or~~

17 (e) commit him to any appropriate institution having
18 among its purposes the care of delinquent children,
19 including a child protective facility maintained by a Child
20 Protection District serving the county from which
21 commitment is made, but not including any institution under
22 the authority of the Department of Corrections or of the
23 Department of Children and Family Services; or -

24 (f) placed in a crisis residential center or a secure
25 crisis residential center.

26 (2) When making such placement, the court, wherever

1 possible, shall select a person holding the same religious
2 belief as that of the minor or a private agency controlled by
3 persons of like religious faith of the minor and shall require
4 the Department of Children and Family Services to otherwise
5 comply with Section 7 of the Children and Family Services Act
6 in placing the child. In addition, whenever alternative plans
7 for placement are available, the court shall ascertain and
8 consider, to the extent appropriate in the particular case, the
9 views and preferences of the minor.

10 (3) When a minor is placed with a suitable relative or
11 other person, the court shall appoint him the legal custodian
12 or guardian of the person of the minor. When a minor is
13 committed to any agency, the court shall appoint the proper
14 officer or representative thereof as legal custodian or
15 guardian of the person of the minor. Legal custodians and
16 guardians of the person of the minor have the respective rights
17 and duties set forth in paragraph (9) of Section 1-3 except as
18 otherwise provided by order of the court; but no guardian of
19 the person may consent to adoption of the minor unless that
20 authority is conferred upon him in accordance with Section
21 3-30. An agency whose representative is appointed guardian of
22 the person or legal custodian of the minor may place him in any
23 child care facility, but such facility must be licensed under
24 the Child Care Act of 1969 or have been approved by the
25 Department of Children and Family Services as meeting the
26 standards established for such licensing. No agency may place

1 such minor in a child care facility unless such placement is in
2 compliance with the rules and regulations for placement under
3 this Section promulgated by the Department of Children and
4 Family Services under Section 5 of "An Act creating the
5 Department of Children and Family Services, codifying its
6 powers and duties, and repealing certain Acts and Sections
7 herein named". Like authority and restrictions shall be
8 conferred by the court upon any probation officer who has been
9 appointed guardian of the person of a minor.

10 (4) No placement by any probation officer or agency whose
11 representative is appointed guardian of the person or legal
12 custodian of a minor may be made in any out of State child care
13 facility unless it complies with the Interstate Compact on the
14 Placement of Children.

15 (5) The clerk of the court shall issue to such legal
16 custodian or guardian of the person a certified copy of the
17 order of the court, as proof of his authority. No other process
18 is necessary as authority for the keeping of the minor.

19 (6) Custody or guardianship granted hereunder continues
20 until the court otherwise directs, but not after the minor
21 reaches the age of 19 years except as set forth in Section
22 3-32.

23 (Source: P.A. 89-422.)

24 (705 ILCS 405/3-33.5)

25 Sec. 3-33.5. Truant minors in need of supervision.

1 (a) Definition. A minor who is reported by the office of
2 the regional superintendent of schools, or, in cities of over
3 500,000 inhabitants, by the Office of Chronic Truant
4 Adjudication, as a chronic truant may be subject to a petition
5 for adjudication and adjudged a truant minor in need of
6 supervision, provided that prior to the filing of the petition,
7 the office of the regional superintendent of schools, the
8 Office of Chronic Truant Adjudication, or a community truancy
9 review board certifies that the local school has provided
10 appropriate truancy intervention services to the truant minor
11 and his or her family. For purposes of this Section, "truancy
12 intervention services" means services designed to assist the
13 minor's return to an educational program, and includes but is
14 not limited to: assessments, counseling, mental health
15 services, shelter, optional and alternative education
16 programs, tutoring, and educational advocacy. If, after review
17 by the regional office of education, the Office of Chronic
18 Truant Adjudication, or community truancy review board it is
19 determined the local school did not provide the appropriate
20 interventions, then the minor shall be referred to a
21 comprehensive community based youth service agency for truancy
22 intervention services. If the comprehensive community based
23 youth service agency is incapable to provide intervention
24 services, then this requirement for services is not applicable.
25 The comprehensive community based youth service agency shall
26 submit reports to the office of the regional superintendent of

1 schools, the Office of Chronic Truant Adjudication, or truancy
2 review board within 20, 40, and 80 school days of the initial
3 referral or at any other time requested by the office of the
4 regional superintendent of schools, the Office of Chronic
5 Truant Adjudication, or truancy review board, which reports
6 each shall certify the date of the minor's referral and the
7 extent of the minor's progress and participation in truancy
8 intervention services provided by the comprehensive community
9 based youth service agency. In addition, if, after referral by
10 the office of the regional superintendent of schools, the
11 Office of Chronic Truant Adjudication, or community truancy
12 review board, the minor declines or refuses to fully
13 participate in truancy intervention services provided by the
14 comprehensive community based youth service agency, then the
15 agency shall immediately certify such facts to the office of
16 the regional superintendent of schools, the Office of Chronic
17 Truant Adjudication, or community truancy review board.

18 (a-1) There is a rebuttable presumption that a chronic
19 truant is a truant minor in need of supervision.

20 (a-2) There is a rebuttable presumption that school records
21 of a minor's attendance at school are authentic.

22 (a-3) For purposes of this Section, "chronic truant" means
23 a minor subject to compulsory school attendance and who is
24 absent without valid cause from such attendance for 10% or more
25 of the previous 180 regular attendance days and has the meaning
26 ascribed to it in Section 26-2a of the School Code.

1 (a-4) For purposes of this Section, a "community truancy
2 review board" is a local community based board comprised of but
3 not limited to: representatives from local comprehensive
4 community based youth service agencies, representatives from
5 court service agencies, representatives from local schools,
6 representatives from health service agencies, and
7 representatives from local professional and community
8 organizations as deemed appropriate by the office of the
9 regional superintendent of schools, or, in cities of over
10 500,000 inhabitants, by the Office of Chronic Truant
11 Adjudication. The regional superintendent of schools, or, in
12 cities of over 500,000 inhabitants, the Office of Chronic
13 Truant Adjudication, must approve the establishment and
14 organization of a community truancy review board and the
15 regional superintendent of schools or his or her designee, or,
16 in cities of over 500,000 inhabitants, the general
17 superintendent of schools or his or her designee, shall chair
18 the board.

19 (a-5) Nothing in this Section shall be construed to create
20 a private cause of action or right of recovery against a
21 regional office of education or the Office of Chronic Truant
22 Adjudication, its superintendent, or its staff with respect to
23 truancy intervention services where the determination to
24 provide the services is made in good faith.

25 (b) Kinds of dispositional orders. A minor found to be a
26 truant minor in need of supervision may be:

1 (1) committed to the appropriate regional
2 superintendent of schools for a student assistance team
3 staffing, a service plan, or referral to a comprehensive
4 community based youth service agency;

5 (2) required to comply with a service plan as
6 specifically provided by the appropriate regional
7 superintendent of schools;

8 (3) ordered to obtain counseling or other supportive
9 services;

10 (4) subject to a fine in an amount in excess of \$5, but
11 not exceeding \$100, and each day of absence without valid
12 cause as defined in Section 26-2a of The School Code is a
13 separate offense;

14 (5) required to perform some reasonable public service
15 work such as, but not limited to, the picking up of litter
16 in public parks or along public highways or the maintenance
17 of public facilities; ~~or~~

18 (6) subject to having his or her driver's license or
19 driving privilege suspended for a period of time as
20 determined by the court but only until he or she attains 18
21 years of age; or -

22 (7) placed in a crisis residential center or a secure
23 crisis residential center.

24 A dispositional order may include a fine, public service,
25 or suspension of a driver's license or privilege only if the
26 court has made an express written finding that a truancy

1 prevention program has been offered by the school, regional
2 superintendent of schools, or a comprehensive community based
3 youth service agency to the truant minor in need of
4 supervision.

5 (c) Orders entered under this Section may be enforced by
6 contempt proceedings.

7 (Source: P.A. 94-1011, eff. 7-7-06.)

1		INDEX
2		Statutes amended in order of appearance
3	20 ILCS 505/5	from Ch. 23, par. 5005
4	705 ILCS 405/1-3	from Ch. 37, par. 801-3
5	705 ILCS 405/3-3	from Ch. 37, par. 803-3
6	705 ILCS 405/3-4	from Ch. 37, par. 803-4
7	705 ILCS 405/3-5	from Ch. 37, par. 803-5
8	705 ILCS 405/3-6	from Ch. 37, par. 803-6
9	705 ILCS 405/3-6.1 new	
10	705 ILCS 405/3-6.2 new	
11	705 ILCS 405/3-6.3 new	
12	705 ILCS 405/3-6.4 new	
13	705 ILCS 405/3-6.5 new	
14	705 ILCS 405/3-7	from Ch. 37, par. 803-7
15	705 ILCS 405/3-24	from Ch. 37, par. 803-24
16	705 ILCS 405/3-28	from Ch. 37, par. 803-28
17	705 ILCS 405/3-33.5	