

# HB4212



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4212**

by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/34.11

Amends the Children and Family Services Act. Requires the Department of Children and Family Services to develop and administer a program of information and services for caregivers, particularly older caregivers, of children previously in Department custody, with respect to the future care and custody of those children. Effective immediately.

LRB095 15402 JAM 41394 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended  
5 by changing Section 34.11 as follows:

6 (20 ILCS 505/34.11)

7 Sec. 34.11. Lou Jones Grandparent Child Care Program  
8 ~~Grandparent child care program.~~

9 (a) The General Assembly finds and declares the following:

10 (1) An increasing number of children under the age of  
11 18, including many children who would otherwise be at risk  
12 of abuse or neglect, are in the care of a grandparent or  
13 other nonparent relative.

14 (2) The principal causes of this increase include  
15 parental substance abuse, child abuse, mental illness,  
16 poverty, and death, as well as concerted efforts by  
17 families and by the child welfare service system to keep  
18 children with relatives whenever possible.

19 (3) Grandparents and older relatives providing primary  
20 care for at-risk children may experience unique resultant  
21 problems, such as financial stress due to limited incomes,  
22 emotional difficulties dealing with the loss of the child's  
23 parents or the child's unique behaviors, and decreased

1 physical stamina coupled with a much higher incidence of  
2 chronic illness.

3 (4) Many children being raised by nonparent relatives  
4 experience one or a combination of emotional, behavioral,  
5 psychological, academic, or medical problems, especially  
6 those born to a substance-abusing mother or at risk of  
7 child abuse, neglect, or abandonment.

8 (5) Grandparents and other relatives providing primary  
9 care for children lack appropriate information about the  
10 issues of kinship care, the special needs (both physical  
11 and psychological) of children born to a substance-abusing  
12 mother or at risk of child abuse, neglect, or abandonment,  
13 and the support resources currently available to them.

14 (6) An increasing number of grandparents and other  
15 relatives age 60 or older are adopting or becoming the  
16 subsidized guardians of children placed in their care by  
17 the Department. Some of these children will experience the  
18 death of their adoptive parent or guardian before reaching  
19 the age of 18. For most of these children, no legal plan  
20 has been made for the child's future care and custody in  
21 the event of the caregiver's death or incapacity.

22 (7) Grandparents and other relatives providing primary  
23 care for children lack appropriate information about  
24 future care and custody planning for children in their  
25 care. They also lack access to resources that may assist  
26 them in developing future legal care and custody plans for

1       children in their legal custody.

2       (b) The Department may establish an informational and  
3 educational program for grandparents and other relatives who  
4 provide primary care for children who are at risk of child  
5 abuse, neglect, or abandonment or who were born to  
6 substance-abusing mothers. As a part of the program, the  
7 Department may develop, publish, and distribute an  
8 informational brochure for grandparents and other relatives  
9 who provide primary care for children who are at risk of child  
10 abuse, neglect, or abandonment or who were born to  
11 substance-abusing mothers. The information provided under the  
12 program authorized by this Section may include, but is not  
13 limited to the following:

14           (1) The most prevalent causes of kinship care,  
15 especially the risk of substance exposure or child abuse,  
16 neglect, or abandonment.

17           (2) The problems experienced by children being raised  
18 by nonparent caregivers.

19           (3) The problems experienced by grandparents and other  
20 nonparent relatives providing primary care for children  
21 who have special needs.

22           (4) The legal system as it relates to children and  
23 their nonparent primary caregivers.

24           (5) The benefits available to children and their  
25 nonparent primary caregivers.

26           (6) A list of support groups and resources located

1 throughout the State.

2 The brochure may be distributed through hospitals, public  
3 health nurses, child protective services, medical professional  
4 offices, elementary and secondary schools, senior citizen  
5 centers, public libraries, community action agencies selected  
6 by the Department, and the Department of Human Services.

7 (c) In addition to other provisions of this Section, the  
8 Department shall establish a program of information, social  
9 work services, and legal services for any person age 60 or over  
10 and any other person who may be in need of a future legal care  
11 and custody plan who adopt, have adopted, take guardianship of,  
12 or have taken guardianship of children previously in the  
13 Department's custody. This program shall also assist families  
14 of deceased adoptive parents and guardians. As part of the  
15 program, the Department shall:

16 (1) Develop a protocol for identification of persons  
17 age 60 or over and others who may be in need of future care  
18 and custody plans, including ill caregivers, who are  
19 adoptive parents, prospective adoptive parents, guardians,  
20 or prospective guardians of children who are or have been  
21 in Department custody.

22 (2) Provide outreach to caregivers before and after  
23 adoption and guardianship, and to the families of deceased  
24 caregivers, regarding Illinois legal options for future  
25 care and custody of children.

26 (3) Provide training for Department and private agency

1 staff on methods of assisting caregivers before and after  
2 adoption and guardianship, and the families of older and  
3 ill caregivers, who wish to make future care and custody  
4 plans for children who have been wards of the Department  
5 and who are or will be adopted by or are or will become  
6 wards of those caregivers.

7 (4) Ensure that all caregivers age 60 or over who will  
8 adopt or will become guardians of children previously in  
9 Department custody have specifically designated future  
10 caregivers for children in their care. The Department shall  
11 document this designation, and the Department shall also  
12 document acceptance of this responsibility by any future  
13 caregiver. Documentation of future care designation shall  
14 be included in each child's case file and adoption or  
15 guardianship subsidy files as applicable to the child.

16 (5) Ensure that any designated future caregiver and the  
17 family of a deceased caregiver have information on the  
18 financial needs of the child and future resources that may  
19 be available to support the child, including any adoption  
20 assistance and subsidized guardianship for which the child  
21 is or may be eligible.

22 (6) With respect to programs of social work and legal  
23 services:

24 (i) Provide contracted social work services to  
25 older and ill caregivers, and the families of deceased  
26 caregivers, including those who will or have adopted or

1 will take or have taken guardianship of children  
2 previously in Department custody. Social work services  
3 to caregivers will have the goal of securing a future  
4 care and custody plan for children in their care. Such  
5 services will include providing information to the  
6 caregivers and families on standby guardianship,  
7 guardianship, standby adoption, and adoption. The  
8 Department will assist the caregiver in developing a  
9 plan for the child if the caregiver becomes  
10 incapacitated or terminally ill, or dies while the  
11 child is a minor. The Department shall develop a form  
12 to document the information given to caregivers and to  
13 document plans for future custody, in addition to the  
14 documentation described in subsection (b) (4). This  
15 form shall be included in each child's case file and  
16 adoption or guardianship subsidy files as applicable  
17 to the child.

18 (ii) Through a program of contracted legal  
19 services, assist older and ill caregivers, and the  
20 families of deceased caregivers, with the goal of  
21 securing court-ordered future care and custody plans  
22 for children in their care. Court-ordered future care  
23 and custody plans may include: standby guardianship,  
24 successor guardianship, standby adoption, and  
25 successor adoption. The program will also study ways in  
26 which to provide timely and cost-effective legal

1 services to older and ill caregivers, and to families  
2 of deceased caregivers in order to ensure permanency  
3 for children in their care.

4 (7) Ensure that future caregivers designated by  
5 adoptive parents or guardians, and the families of deceased  
6 caregivers, understand their rights and potential  
7 responsibilities and shall be able to provide adequate  
8 support and education for children who may become their  
9 legal responsibility.

10 (8) Ensure that future caregivers designated by  
11 adoptive parents and guardians, and the families of  
12 deceased caregivers, understand the problems of children  
13 who have experienced multiple caregivers and who may have  
14 experienced abuse, neglect, or abandonment or may have been  
15 born to substance-abusing mothers.

16 (9) Ensure that future caregivers designated by  
17 adoptive parents and guardians, and the families of  
18 deceased caregivers, understand the problems experienced  
19 by older and ill caregivers of children, including children  
20 with special needs, such as financial stress due to limited  
21 income and increased financial responsibility, emotional  
22 difficulties associated with the loss of a child's parent  
23 or the child's unique behaviors, the special needs of a  
24 child who may come into their custody or whose parent or  
25 guardian is already deceased, and decreased physical  
26 stamina and a higher rate of chronic illness and other



1 health concerns.

2 (10) Provide additional services as needed to families  
3 in which a designated caregiver appointed by the court or a  
4 caregiver designated in a will or other legal document  
5 cannot or will not fulfill the responsibilities as adoptive  
6 parent, guardian, or legal custodian of the child.

7 (d) The Department shall consult with the Department on  
8 Aging and any other agency it deems appropriate as the  
9 Department develops the program required by subsection (c).

10 No later than January 1, 2008, the Department shall adopt  
11 rules to implement subsection (c).

12 (Source: P.A. 88-229; 88-670, eff. 12-2-94; 89-507, eff.  
13 7-1-97.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.