



Filed: 1/8/2009

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1 AMENDMENT TO SENATE BILL 381

2 AMENDMENT NO. _____. Amend Senate Bill 381 by replacing
3 everything after the enacting clause with the following:

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

1 families and by the child welfare service system to keep
2 children with relatives whenever possible.

3 (3) Grandparents and older relatives providing primary
4 care for at-risk children may experience unique resultant
5 problems, such as financial stress due to limited incomes,
6 emotional difficulties dealing with the loss of the child's
7 parents or the child's unique behaviors, and decreased
8 physical stamina coupled with a much higher incidence of
9 chronic illness.

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

15 (5) Grandparents and other relatives providing primary
16 care for children lack appropriate information about the
17 issues of kinship care, the special needs (both physical
18 and psychological) of children born to a substance-abusing
19 mother or at risk of child abuse, neglect, or abandonment,
20 and the support resources currently available to them.

21 (6) An increasing number of grandparents and other
22 relatives age 60 or older are adopting or becoming the
23 subsidized guardians of children placed in their care by
24 the Department. Some of these children will experience the
25 death of their adoptive parent or guardian before reaching
26 the age of 18. For most of these children, no legal plan

1 has been made for the child's future care and custody in
2 the event of the caregiver's death or incapacity.

3 (7) Grandparents and other relatives providing primary
4 care for children lack appropriate information about
5 future care and custody planning for children in their
6 care. They also lack access to resources that may assist
7 them in developing future legal care and custody plans for
8 children in their legal custody.

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

21 (1) The most prevalent causes of kinship care,
22 especially the risk of substance exposure or child abuse,
23 neglect, or abandonment.

24 (2) The problems experienced by children being raised
25 by nonparent caregivers.

26 (3) The problems experienced by grandparents and other

1 nonparent relatives providing primary care for children
2 who have special needs.

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

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

7 (6) A list of support groups and resources located
8 throughout the State.

9 The brochure may be distributed through hospitals, public
10 health nurses, child protective services, medical professional
11 offices, elementary and secondary schools, senior citizen
12 centers, public libraries, community action agencies selected
13 by the Department, and the Department of Human Services.

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

23 (1) Develop a protocol for identification of persons
24 age 60 or over and others who may be in need of future care
25 and custody plans, including ill caregivers, who are
26 adoptive parents, prospective adoptive parents, guardians,

1 or prospective guardians of children who are or have been
2 in Department custody.

3 (2) Provide outreach to caregivers before and after
4 adoption and guardianship, and to the families of deceased
5 caregivers, regarding Illinois legal options for future
6 care and custody of children.

7 (3) Provide training for Department and private agency
8 staff on methods of assisting caregivers before and after
9 adoption and guardianship, and the families of older and
10 ill caregivers, who wish to make future care and custody
11 plans for children who have been wards of the Department
12 and who are or will be adopted by or are or will become
13 wards of those caregivers.

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

23 (5) Ensure that any designated future caregiver and the
24 family of a deceased caregiver have information on the
25 financial needs of the child and future resources that may
26 be available to support the child, including any adoption

1 assistance and subsidized guardianship for which the child
2 is or may be eligible.

3 (6) With respect to programs of social work and legal
4 services:

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

25 (ii) Through a program of contracted legal
26 services, assist older and ill caregivers, and the

1 families of deceased caregivers, with the goal of
2 securing court-ordered future care and custody plans
3 for children in their care. Court-ordered future care
4 and custody plans may include: standby guardianship,
5 successor guardianship, standby adoption, and
6 successor adoption. The program will also study ways in
7 which to provide timely and cost-effective legal
8 services to older and ill caregivers, and to families
9 of deceased caregivers in order to ensure permanency
10 for children in their care.

11 (7) Ensure that future caregivers designated by
12 adoptive parents or guardians, and the families of deceased
13 caregivers, understand their rights and potential
14 responsibilities and shall be able to provide adequate
15 support and education for children who may become their
16 legal responsibility.

17 (8) Ensure that future caregivers designated by
18 adoptive parents and guardians, and the families of
19 deceased caregivers, understand the problems of children
20 who have experienced multiple caregivers and who may have
21 experienced abuse, neglect, or abandonment or may have been
22 born to substance-abusing mothers.

23 (9) Ensure that future caregivers designated by
24 adoptive parents and guardians, and the families of
25 deceased caregivers, understand the problems experienced
26 by older and ill caregivers of children, including children

1 with special needs, such as financial stress due to limited
2 income and increased financial responsibility, emotional
3 difficulties associated with the loss of a child's parent
4 or the child's unique behaviors, the special needs of a
5 child who may come into their custody or whose parent or
6 guardian is already deceased, and decreased physical
7 stamina and a higher rate of chronic illness and other
8 health concerns.

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

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

17 (e) Rulemaking authority to implement this amendatory Act
18 of the 95th General Assembly, if any, is conditioned on the
19 rules being adopted in accordance with all provisions of the
20 Illinois Administrative Procedure Act and all rules and
21 procedures of the Joint Committee on Administrative Rules; any
22 purported rule not so adopted, for whatever reason, is
23 unauthorized.

24 (Source: P.A. 88-229; 88-670, eff. 12-2-94; 89-507, eff.
25 7-1-97.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".