



Sen. Michael Bond

**Filed: 3/25/2009**

09600SB0340sam001

LRB096 06374 JAM 24567 a

1 AMENDMENT TO SENATE BILL 340

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 340 by replacing  
3 everything after the enacting clause with the following:

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

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

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

11 (a) For purposes of this Section:

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

15 (A) were committed to the Department pursuant to  
16 the Juvenile Court Act or the Juvenile Court Act of

1           1987, as amended, prior to the age of 18 and who  
2           continue under the jurisdiction of the court; or

3           (B) were accepted for care, service and training by  
4           the Department prior to the age of 18 and whose best  
5           interest in the discretion of the Department would be  
6           served by continuing that care, service and training  
7           because of severe emotional disturbances, physical  
8           disability, social adjustment or any combination  
9           thereof, or because of the need to complete an  
10          educational or vocational training program.

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

15          (3) "Child welfare services" means public social  
16          services which are directed toward the accomplishment of  
17          the following purposes:

18                (A) protecting and promoting the health, safety  
19                and welfare of children, including homeless, dependent  
20                or neglected children;

21                (B) remedying, or assisting in the solution of  
22                problems which may result in, the neglect, abuse,  
23                exploitation or delinquency of children;

24                (C) preventing the unnecessary separation of  
25                children from their families by identifying family  
26                problems, assisting families in resolving their

1           problems, and preventing the breakup of the family  
2           where the prevention of child removal is desirable and  
3           possible when the child can be cared for at home  
4           without endangering the child's health and safety;

5           (D) restoring to their families children who have  
6           been removed, by the provision of services to the child  
7           and the families when the child can be cared for at  
8           home without endangering the child's health and  
9           safety;

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

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

23          (G) (blank);

24          (H) (blank); and

25          (I) placing and maintaining children in facilities  
26          that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age  
2 and older, unless a child 18 years of age is in the  
3 last year of high school education or vocational  
4 training, in an approved individual or group treatment  
5 program, in a licensed shelter facility, or secure  
6 child care facility. The Department is not required to  
7 place or maintain children:

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

9 (ii) who are persons with a developmental  
10 disability, as defined in the Mental Health and  
11 Developmental Disabilities Code, or

12 (iii) who are female children who are  
13 pregnant, pregnant and parenting or parenting, or

14 (iv) who are siblings, in facilities that  
15 provide separate living quarters for children 18  
16 years of age and older and for children under 18  
17 years of age.

18 (b) Nothing in this Section shall be construed to authorize  
19 the expenditure of public funds for the purpose of performing  
20 abortions.

21 (c) The Department shall establish and maintain  
22 tax-supported child welfare services and extend and seek to  
23 improve voluntary services throughout the State, to the end  
24 that services and care shall be available on an equal basis  
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for

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

18 (e) (Blank).

19 (f) (Blank).

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

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

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

20 (h) If the Department finds that there is no appropriate  
21 program or facility within or available to the Department for a  
22 ward and that no licensed private facility has an adequate and  
23 appropriate program or none agrees to accept the ward, the  
24 Department shall create an appropriate individualized,  
25 program-oriented plan for such ward. The plan may be developed  
26 within the Department or through purchase of services by the

1 Department to the extent that it is within its statutory  
2 authority to do.

3 (i) Service programs shall be available throughout the  
4 State and shall include but not be limited to the following  
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

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

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the  
19 services it makes available to children or families or for  
20 which it refers children or families.

21 (j) The Department may provide categories of financial  
22 assistance and education assistance grants, and shall  
23 establish rules and regulations concerning the assistance and  
24 grants, to persons who adopt physically or mentally  
25 handicapped, older and other hard-to-place children who (i)  
26 immediately prior to their adoption were legal wards of the

1 Department or (ii) were determined eligible for financial  
2 assistance with respect to a prior adoption and who become  
3 available for adoption because the prior adoption has been  
4 dissolved and the parental rights of the adoptive parents have  
5 been terminated or because the child's adoptive parents have  
6 died. The Department may continue to provide financial  
7 assistance and education assistance grants for a child who was  
8 determined eligible for financial assistance under this  
9 subsection (j) in the interim period beginning when the child's  
10 adoptive parents died and ending with the finalization of the  
11 new adoption of the child by another adoptive parent or  
12 parents. The Department may also provide categories of  
13 financial assistance and education assistance grants, and  
14 shall establish rules and regulations for the assistance and  
15 grants, to persons appointed guardian of the person under  
16 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
17 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
18 who were wards of the Department for 12 months immediately  
19 prior to the appointment of the guardian.

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



1 Any financial assistance provided under this subsection is  
2 inalienable by assignment, sale, execution, attachment,  
3 garnishment, or any other remedy for recovery or collection of  
4 a judgment or debt.

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

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

13 (l) Before July 1, 2000, the Department may provide, and  
14 beginning July 1, 2000, the Department shall offer family  
15 preservation services, as defined in Section 8.2 of the Abused  
16 and Neglected Child Reporting Act, to help families, including  
17 adoptive and extended families. Family preservation services  
18 shall be offered (i) to prevent the placement of children in  
19 substitute care when the children can be cared for at home or  
20 in the custody of the person responsible for the children's  
21 welfare, (ii) to reunite children with their families, or (iii)  
22 to maintain an adoptive placement. Family preservation  
23 services shall only be offered when doing so will not endanger  
24 the children's health or safety. With respect to children who  
25 are in substitute care pursuant to the Juvenile Court Act of  
26 1987, family preservation services shall not be offered if a

1 goal other than those of subdivisions (A), (B), or (B-1) of  
2 subsection (2) of Section 2-28 of that Act has been set.  
3 Nothing in this paragraph shall be construed to create a  
4 private right of action or claim on the part of any individual  
5 or child welfare agency.

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

25 The Department may, at its discretion except for those  
26 children also adjudicated neglected or dependent, accept for

1 care and training any child who has been adjudicated addicted,  
2 as a truant minor in need of supervision or as a minor  
3 requiring authoritative intervention, under the Juvenile Court  
4 Act or the Juvenile Court Act of 1987, but no such child shall  
5 be committed to the Department by any court without the  
6 approval of the Department. A minor charged with a criminal  
7 offense under the Criminal Code of 1961 or adjudicated  
8 delinquent shall not be placed in the custody of or committed  
9 to the Department by any court, except a minor less than 15  
10 years of age committed to the Department under Section 5-710 of  
11 the Juvenile Court Act of 1987 or a minor for whom an  
12 independent basis of abuse, neglect, or dependency exists,  
13 which must be defined by departmental rule. An independent  
14 basis exists when the allegations or adjudication of abuse,  
15 neglect, or dependency do not arise from the same facts,  
16 incident, or circumstances which give rise to a charge or  
17 adjudication of delinquency.

18 (1-1) The legislature recognizes that the best interests of  
19 the child require that the child be placed in the most  
20 permanent living arrangement as soon as is practically  
21 possible. To achieve this goal, the legislature directs the  
22 Department of Children and Family Services to conduct  
23 concurrent planning so that permanency may occur at the  
24 earliest opportunity. Permanent living arrangements may  
25 include prevention of placement of a child outside the home of  
26 the family when the child can be cared for at home without

1 endangering the child's health or safety; reunification with  
2 the family, when safe and appropriate, if temporary placement  
3 is necessary; or movement of the child toward the most  
4 permanent living arrangement and permanent legal status.

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

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

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

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

5           (1) the likelihood of prompt reunification;

6           (2) the past history of the family;

7           (3) the barriers to reunification being addressed by  
8 the family;

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

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

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

14           (7) the age of the child;

15           (8) placement of siblings.

16           (m) The Department may assume temporary custody of any  
17 child if:

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

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

25 If the child is found in his or her residence without a parent,  
26 guardian, custodian or responsible caretaker, the Department

1 may, instead of removing the child and assuming temporary  
2 custody, place an authorized representative of the Department  
3 in that residence until such time as a parent, guardian or  
4 custodian enters the home and expresses a willingness and  
5 apparent ability to ensure the child's health and safety and  
6 resume permanent charge of the child, or until a relative  
7 enters the home and is willing and able to ensure the child's  
8 health and safety and assume charge of the child until a  
9 parent, guardian or custodian enters the home and expresses  
10 such willingness and ability to ensure the child's safety and  
11 resume permanent charge. After a caretaker has remained in the  
12 home for a period not to exceed 12 hours, the Department must  
13 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
14 5-415 of the Juvenile Court Act of 1987.

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

1 subsection (9) of Section 1-3 of the Juvenile Court Act of  
2 1987.

3 The Department shall ensure that any child taken into  
4 custody is scheduled for an appointment for a medical  
5 examination.

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

22 (m-1) The Department may place children under 18 years of  
23 age in a secure child care facility licensed by the Department  
24 that cares for children who are in need of secure living  
25 arrangements for their health, safety, and well-being after a  
26 determination is made by the facility director and the Director

1 or the Director's designate prior to admission to the facility  
2 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
3 This subsection (m-1) does not apply to a child who is subject  
4 to placement in a correctional facility operated pursuant to  
5 Section 3-15-2 of the Unified Code of Corrections, unless the  
6 child is a ward who was placed under the care of the Department  
7 before being subject to placement in a correctional facility  
8 and a court of competent jurisdiction has ordered placement of  
9 the child in a secure care facility.

10 (n) The Department may place children under 18 years of age  
11 in licensed child care facilities when in the opinion of the  
12 Department, appropriate services aimed at family preservation  
13 have been unsuccessful and cannot ensure the child's health and  
14 safety or are unavailable and such placement would be for their  
15 best interest. Payment for board, clothing, care, training and  
16 supervision of any child placed in a licensed child care  
17 facility may be made by the Department, by the parents or  
18 guardians of the estates of those children, or by both the  
19 Department and the parents or guardians, except that no  
20 payments shall be made by the Department for any child placed  
21 in a licensed child care facility for board, clothing, care,  
22 training and supervision of such a child that exceed the  
23 average per capita cost of maintaining and of caring for a  
24 child in institutions for dependent or neglected children  
25 operated by the Department. However, such restriction on  
26 payments does not apply in cases where children require



1 specialized care and treatment for problems of severe emotional  
2 disturbance, physical disability, social adjustment, or any  
3 combination thereof and suitable facilities for the placement  
4 of such children are not available at payment rates within the  
5 limitations set forth in this Section. All reimbursements for  
6 services delivered shall be absolutely inalienable by  
7 assignment, sale, attachment, garnishment or otherwise.

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

1           (p) There is hereby created the Department of Children and  
2 Family Services Emergency Assistance Fund from which the  
3 Department may provide special financial assistance to  
4 families which are in economic crisis when such assistance is  
5 not available through other public or private sources and the  
6 assistance is deemed necessary to prevent dissolution of the  
7 family unit or to reunite families which have been separated  
8 due to child abuse and neglect. The Department shall establish  
9 administrative rules specifying the criteria for determining  
10 eligibility for and the amount and nature of assistance to be  
11 provided. The Department may also enter into written agreements  
12 with private and public social service agencies to provide  
13 emergency financial services to families referred by the  
14 Department. Special financial assistance payments shall be  
15 available to a family no more than once during each fiscal year  
16 and the total payments to a family may not exceed \$500 during a  
17 fiscal year.

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

24           The Department shall set up and administer no-cost,  
25 interest-bearing accounts in appropriate financial  
26 institutions for children for whom the Department is legally

1 responsible and who have been determined eligible for Veterans'  
2 Benefits, Social Security benefits, assistance allotments from  
3 the armed forces, court ordered payments, parental voluntary  
4 payments, Supplemental Security Income, Railroad Retirement  
5 payments, Black Lung benefits, or other miscellaneous  
6 payments. Interest earned by each account shall be credited to  
7 the account, unless disbursed in accordance with this  
8 subsection.

9 In disbursing funds from children's accounts, the  
10 Department shall:

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

19 (2) Calculate on a monthly basis the amounts paid from  
20 State funds for the child's board and care, medical care  
21 not covered under Medicaid, and social services; and  
22 utilize funds from the child's account, as covered by  
23 regulation, to reimburse those costs. Monthly,  
24 disbursements from all children's accounts, up to 1/12 of  
25 \$13,000,000, shall be deposited by the Department into the  
26 General Revenue Fund and the balance over 1/12 of

1           \$13,000,000 into the DCFS Children's Services Fund.

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

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

22          (s) The Department of Children and Family Services may  
23          establish and implement a program to reimburse Department and  
24          private child welfare agency foster parents licensed by the  
25          Department of Children and Family Services for damages  
26          sustained by the foster parents as a result of the malicious or

1 negligent acts of foster children, as well as providing third  
2 party coverage for such foster parents with regard to actions  
3 of foster children to other individuals. Such coverage will be  
4 secondary to the foster parent liability insurance policy, if  
5 applicable. The program shall be funded through appropriations  
6 from the General Revenue Fund, specifically designated for such  
7 purposes.

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

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

14 (2) the court has ordered one or both of the parties to  
15 the proceeding to reimburse the Department for its  
16 reasonable costs for providing such services in accordance  
17 with Department rules, or has determined that neither party  
18 is financially able to pay.

19 The Department shall provide written notification to the  
20 court of the specific arrangements for supervised visitation  
21 and projected monthly costs within 60 days of the court order.  
22 The Department shall send to the court information related to  
23 the costs incurred except in cases where the court has  
24 determined the parties are financially unable to pay. The court  
25 may order additional periodic reports as appropriate.

26 (u) In addition to other information that must be provided,

1 whenever the Department places a child with a prospective  
2 adoptive parent or parents or in a licensed foster home, group  
3 home, child care institution, or in a relative home, the  
4 Department shall provide to the prospective adoptive parent or  
5 parents or other caretaker:

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

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

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

19 The caretaker shall be informed of any known social or  
20 behavioral information (including, but not limited to,  
21 criminal background, fire setting, perpetuation of sexual  
22 abuse, destructive behavior, and substance abuse) necessary to  
23 care for and safeguard the children to be placed or currently  
24 in the home. The Department may prepare a written summary of  
25 the information required by this paragraph, which may be  
26 provided to the foster or prospective adoptive parent in

1 advance of a placement. The foster or prospective adoptive  
2 parent may review the supporting documents in the child's file  
3 in the presence of casework staff. In the case of an emergency  
4 placement, casework staff shall at least provide known  
5 information verbally, if necessary, and must subsequently  
6 provide the information in writing as required by this  
7 subsection.

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

23 (u-5) Effective July 1, 1995, only foster care placements  
24 licensed as foster family homes pursuant to the Child Care Act  
25 of 1969 shall be eligible to receive foster care payments from  
26 the Department. Relative caregivers who, as of July 1, 1995,

1 were approved pursuant to approved relative placement rules  
2 previously promulgated by the Department at 89 Ill. Adm. Code  
3 335 and had submitted an application for licensure as a foster  
4 family home may continue to receive foster care payments only  
5 until the Department determines that they may be licensed as a  
6 foster family home or that their application for licensure is  
7 denied or until September 30, 1995, whichever occurs first.

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



1 shall abide by rules and regulations established by the  
2 Department of State Police relating to the access and  
3 dissemination of this information.

4 (v-1) Prior to final approval for placement of a child, the  
5 Department shall conduct a criminal records background check of  
6 the prospective foster or adoptive parent, including  
7 fingerprint-based checks of national crime information  
8 databases. Final approval for placement shall not be granted if  
9 the record check reveals a felony conviction for child abuse or  
10 neglect, for spousal abuse, for a crime against children, or  
11 for a crime involving violence, including rape, sexual assault,  
12 or homicide, but not including other physical assault or  
13 battery, or if there is a felony conviction for physical  
14 assault, battery, or a drug-related offense committed within  
15 the past 5 years.

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

24 (w) Within 120 days of August 20, 1995 (the effective date  
25 of Public Act 89-392), the Department shall prepare and submit  
26 to the Governor and the General Assembly, a written plan for

1 the development of in-state licensed secure child care  
2 facilities that care for children who are in need of secure  
3 living arrangements for their health, safety, and well-being.  
4 For purposes of this subsection, secure care facility shall  
5 mean a facility that is designed and operated to ensure that  
6 all entrances and exits from the facility, a building or a  
7 distinct part of the building, are under the exclusive control  
8 of the staff of the facility, whether or not the child has the  
9 freedom of movement within the perimeter of the facility,  
10 building, or distinct part of the building. The plan shall  
11 include descriptions of the types of facilities that are needed  
12 in Illinois; the cost of developing these secure care  
13 facilities; the estimated number of placements; the potential  
14 cost savings resulting from the movement of children currently  
15 out-of-state who are projected to be returned to Illinois; the  
16 necessary geographic distribution of these facilities in  
17 Illinois; and a proposed timetable for development of such  
18 facilities.

19 (x) The Department shall conduct annual credit history  
20 checks to determine the financial history of children receiving  
21 child welfare services. The Department shall determine if  
22 financial exploitation of the child's personal information has  
23 occurred. If financial exploitation of a child receiving child  
24 welfare services appears to have taken place, or is presently  
25 on-going, the Department shall notify the proper law  
26 enforcement agency or State's Attorney office.

1 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;  
2 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;  
3 95-876, eff. 8-21-08.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law."