

1 AN ACT concerning children.

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 Sections 5, 5a, and 9.9 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
17 1987, as amended, prior to the age of 18 and who
18 continue under the jurisdiction of the court; or

19 (B) were accepted for care, service and training by
20 the Department prior to the age of 18 and whose best
21 interest in the discretion of the Department would be
22 served by continuing that care, service and training
23 because of severe emotional disturbances, physical

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

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

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

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

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

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

24 (D) restoring to their families children who have
25 been removed, by the provision of services to the child
26 and the families when the child can be cared for at

1 home without endangering the child's health and
2 safety;

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

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

16 (G) (blank);

17 (H) (blank); and

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

- 1 (i) who are in a foster home, or
2 (ii) who are persons with a developmental
3 disability, as defined in the Mental Health and
4 Developmental Disabilities Code, or
5 (iii) who are female children who are
6 pregnant, pregnant and parenting or parenting, or
7 (iv) who are siblings, in facilities that
8 provide separate living quarters for children 18
9 years of age and older and for children under 18
10 years of age.

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

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

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

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

11 (e) (Blank).

12 (f) (Blank).

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

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court
26 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

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

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

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

25 (1) case management;

26 (2) homemakers;

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

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

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

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

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

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

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

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

24 (j-5) The Department shall not deny or delay the placement
25 of a child for adoption if an approved family is available
26 either outside of the Department region handling the case, or

1 outside of the State of Illinois.

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

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

25 The Department shall notify the child and his family of the
26 Department's responsibility to offer and provide family

1 preservation services as identified in the service plan. The
2 child and his family shall be eligible for services as soon as
3 the report is determined to be "indicated". The Department may
4 offer services to any child or family with respect to whom a
5 report of suspected child abuse or neglect has been filed,
6 prior to concluding its investigation under Section 7.12 of the
7 Abused and Neglected Child Reporting Act. However, the child's
8 or family's willingness to accept services shall not be
9 considered in the investigation. The Department may also
10 provide services to any child or family who is the subject of
11 any report of suspected child abuse or neglect or may refer
12 such child or family to services available from other agencies
13 in the community, even if the report is determined to be
14 unfounded, if the conditions in the child's or family's home
15 are reasonably likely to subject the child or family to future
16 reports of suspected child abuse or neglect. Acceptance of such
17 services shall be voluntary. The Department may also provide
18 services to any child or family after completion of a family
19 assessment, as an alternative to an investigation, as provided
20 under the "differential response program" provided for in
21 subsection (a-5) of Section 7.4 of the Abused and Neglected
22 Child Reporting Act.

23 The Department may, at its discretion except for those
24 children also adjudicated neglected or dependent, accept for
25 care and training any child who has been adjudicated addicted,
26 as a truant minor in need of supervision or as a minor

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

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

1 is necessary; or movement of the child toward the most
2 permanent living arrangement and permanent legal status.

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

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

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

25 The Department shall adopt rules addressing concurrent
26 planning for reunification and permanency. The Department

1 shall consider the following factors when determining
2 appropriateness of concurrent planning:

3 (1) the likelihood of prompt reunification;

4 (2) the past history of the family;

5 (3) the barriers to reunification being addressed by
6 the family;

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

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

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

12 (7) the age of the child;

13 (8) placement of siblings.

14 (m) The Department may assume temporary custody of any
15 child if:

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

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

23 If the child is found in his or her residence without a parent,
24 guardian, custodian or responsible caretaker, the Department
25 may, instead of removing the child and assuming temporary
26 custody, place an authorized representative of the Department

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

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

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

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

20 (m-1) The Department may place children under 18 years of
21 age in a secure child care facility licensed by the Department
22 that cares for children who are in need of secure living
23 arrangements for their health, safety, and well-being after a
24 determination is made by the facility director and the Director
25 or the Director's designate prior to admission to the facility
26 subject to Section 2-27.1 of the Juvenile Court Act of 1987.

1 This subsection (m-1) does not apply to a child who is subject
2 to placement in a correctional facility operated pursuant to
3 Section 3-15-2 of the Unified Code of Corrections, unless the
4 child is a ward who was placed under the care of the Department
5 before being subject to placement in a correctional facility
6 and a court of competent jurisdiction has ordered placement of
7 the child in a secure care facility.

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

1 combination thereof and suitable facilities for the placement
2 of such children are not available at payment rates within the
3 limitations set forth in this Section. All reimbursements for
4 services delivered shall be absolutely inalienable by
5 assignment, sale, attachment, garnishment or otherwise.

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

25 (p) There is hereby created the Department of Children and
26 Family Services Emergency Assistance Fund from which the

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

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

22 The Department shall set up and administer no-cost,
23 interest-bearing accounts in appropriate financial
24 institutions for children for whom the Department is legally
25 responsible and who have been determined eligible for Veterans'
26 Benefits, Social Security benefits, assistance allotments from

1 the armed forces, court ordered payments, parental voluntary
2 payments, Supplemental Security Income, Railroad Retirement
3 payments, Black Lung benefits, or other miscellaneous
4 payments. Interest earned by each account shall be credited to
5 the account, unless disbursed in accordance with this
6 subsection.

7 In disbursing funds from children's accounts, the
8 Department shall:

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

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

26 (3) Maintain any balance remaining after reimbursing

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

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

20 (s) The Department of Children and Family Services may
21 establish and implement a program to reimburse Department and
22 private child welfare agency foster parents licensed by the
23 Department of Children and Family Services for damages
24 sustained by the foster parents as a result of the malicious or
25 negligent acts of foster children, as well as providing third
26 party coverage for such foster parents with regard to actions

1 of foster children to other individuals. Such coverage will be
2 secondary to the foster parent liability insurance policy, if
3 applicable. The program shall be funded through appropriations
4 from the General Revenue Fund, specifically designated for such
5 purposes.

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

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

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

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

24 (u) In addition to other information that must be provided,
25 whenever the Department places a child with a prospective
26 adoptive parent or parents or in a licensed foster home, group

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

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

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

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

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

1 in the presence of casework staff. In the case of an emergency
2 placement, casework staff shall at least provide known
3 information verbally, if necessary, and must subsequently
4 provide the information in writing as required by this
5 subsection.

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

21 (u-5) Effective July 1, 1995, only foster care placements
22 licensed as foster family homes pursuant to the Child Care Act
23 of 1969 shall be eligible to receive foster care payments from
24 the Department. Relative caregivers who, as of July 1, 1995,
25 were approved pursuant to approved relative placement rules
26 previously promulgated by the Department at 89 Ill. Adm. Code

1 335 and had submitted an application for licensure as a foster
2 family home may continue to receive foster care payments only
3 until the Department determines that they may be licensed as a
4 foster family home or that their application for licensure is
5 denied or until September 30, 1995, whichever occurs first.

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

1 dissemination of this information.

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

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

22 (w) Within 120 days of August 20, 1995 (the effective date
23 of Public Act 89-392), the Department shall prepare and submit
24 to the Governor and the General Assembly, a written plan for
25 the development of in-state licensed secure child care
26 facilities that care for children who are in need of secure

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

17 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;
18 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;
19 95-876, eff. 8-21-08.)

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

21 Sec. 5a. Reimbursable services for which the Department of
22 Children and Family Services shall pay 100% of the reasonable
23 cost pursuant to a written contract negotiated between the
24 Department and the agency furnishing the services (which shall
25 include but not be limited to the determination of reasonable

1 cost, the services being purchased and the duration of the
2 agreement) include, but are not limited to:

3 SERVICE ACTIVITIES

4 Adjunctive Therapy;
5 Child Care Service, including day care;
6 Clinical Therapy;
7 Custodial Service;
8 Field Work Students;
9 Food Service;
10 Normal Education;
11 In-Service Training;
12 Intake or Evaluation, or both;
13 Medical Services;
14 Recreation;
15 Social Work or Counselling, or both;
16 Supportive Staff;
17 Volunteers.

18 OBJECT EXPENSES

19 Professional Fees and Contract Service Payments;
20 Supplies;
21 Telephone and Telegram;
22 Occupancy;
23 Local Transportation;
24 Equipment and Other Fixed Assets, including amortization

1 of same;
2 Miscellaneous.

3 ADMINISTRATIVE COSTS

4 Program Administration;
5 Supervision and Consultation;
6 Inspection and Monitoring for purposes of issuing
7 licenses;
8 Determination of Children who are eligible
9 for federal or other reimbursement;
10 Postage and Shipping;
11 Outside Printing, Artwork, etc.;
12 Subscriptions and Reference Publications;
13 Management and General Expense.

14 Reimbursement of administrative costs other than inspection
15 and monitoring for purposes of issuing licenses may not exceed
16 20% of the costs for other services.

17 The Department may offer services to any child or family
18 with respect to whom a report of suspected child abuse or
19 neglect has been called in to the hotline after completion of a
20 family assessment as provided under subsection (a-5) of Section
21 7.4 of the Abused and Neglected Child Reporting Act and the
22 Department has determined that services are needed to address
23 the safety of the child and other family members and the risk
24 of subsequent maltreatment. Acceptance of such services shall
25 be voluntary.

1 All Object Expenses, Service Activities and Administrative
2 Costs are allowable.

3 If a survey instrument is used in the rate setting process:

4 (a) with respect to any day care centers, it shall be
5 limited to those agencies which receive reimbursement from
6 the State;

7 (b) the cost survey instrument shall be promulgated by
8 rule;

9 (c) any requirements of the respondents shall be
10 promulgated by rule;

11 (d) all screens, limits or other tests of
12 reasonableness, allowability and reimbursability shall be
13 promulgated by rule;

14 (e) adjustments may be made by the Department to rates
15 when it determines that reported wage and salary levels are
16 insufficient to attract capable caregivers in sufficient
17 numbers.

18 The Department of Children and Family Services may pay 100%
19 of the reasonable costs of research and valuation focused
20 exclusively on services to wards of the Department. Such
21 research projects must be approved, in advance, by the Director
22 of the Department.

23 In addition to reimbursements otherwise provided for in
24 this Section, the Department of Human Services shall, in
25 accordance with annual written agreements, make advance
26 quarterly disbursements to local public agencies for child day

1 care services with funds appropriated from the Local Effort Day
2 Care Fund.

3 Neither the Department of Children and Family Services nor
4 the Department of Human Services shall pay or approve
5 reimbursement for day care in a facility which is operating
6 without a valid license or permit, except in the case of day
7 care homes or day care centers which are exempt from the
8 licensing requirements of the "Child Care Act of 1969".

9 (Source: P.A. 89-507, eff. 7-1-97.)

10 (20 ILCS 505/9.9) (from Ch. 23, par. 5009.9)

11 Sec. 9.9. Review under Administrative Review Law. Any
12 responsible parent or guardian affected by a final
13 administrative decision of the Department in a hearing,
14 conducted pursuant to this Act, may have the decision reviewed
15 only under and in accordance with the Administrative Review Law
16 as amended. The provisions of the Administrative Review Law,
17 and the rules adopted pursuant thereto, shall apply to and
18 govern all proceedings for the judicial review of such final
19 administrative decisions of the Department. The term
20 "administrative decision", is defined as in Section 3-101 of
21 the Code of Civil Procedure.

22 Review of a final administrative decision under the
23 Administrative Review Law is not applicable to a decision to
24 conduct a family assessment as provided under subsection (a-5)
25 of Section 7.4 of the Abused and Neglected Child Reporting Act

1 because no determination concerning child abuse or neglect is
2 made and nothing is reported to the central register.

3 Appeals from all final orders and judgments entered by a
4 court upon review of the Department's orders in any case may be
5 taken by either party to the proceeding and shall be governed
6 by the rules applicable to appeals in civil cases.

7 The remedy herein provided for appeal shall be exclusive,
8 and no court shall have jurisdiction to review the subject
9 matter of any order made by the Department except as herein
10 provided.

11 (Source: P.A. 83-1037.)

12 Section 10. The Abused and Neglected Child Reporting Act is
13 amended by changing Sections 7.4 and 11.6 as follows:

14 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

15 Sec. 7.4. (a) The Department shall be capable of receiving
16 reports of suspected child abuse or neglect 24 hours a day, 7
17 days a week. Whenever the Department receives a report alleging
18 that a child is a truant as defined in Section 26-2a of The
19 School Code, as now or hereafter amended, the Department shall
20 notify the superintendent of the school district in which the
21 child resides and the appropriate superintendent of the
22 educational service region. The notification to the
23 appropriate officials by the Department shall not be considered
24 an allegation of abuse or neglect under this Act.

1 (a-5) Beginning January 1, 2010, the Department of Children
2 and Family Services may implement a 5-year demonstration of a
3 "differential response program" in accordance with criteria,
4 standards, and procedures prescribed by rule. The program may
5 provide that, upon receiving a report, the Department shall
6 determine whether to conduct a family assessment or an
7 investigation as appropriate to prevent or provide a remedy for
8 child abuse or neglect.

9 For purposes of this subsection (a-5), "family assessment"
10 means a comprehensive assessment of child safety, risk of
11 subsequent child maltreatment, and family strengths and needs
12 that is applied to a child maltreatment report that does not
13 allege substantial child endangerment. "Family assessment"
14 does not include a determination as to whether child
15 maltreatment occurred but does determine the need for services
16 to address the safety of family members and the risk of
17 subsequent maltreatment.

18 For purposes of this subsection (a-5), "investigation"
19 means fact-gathering related to the current safety of a child
20 and the risk of subsequent abuse or neglect that determines
21 whether a report of suspected child abuse or neglect should be
22 indicated or unfounded and whether child protective services
23 are needed.

24 Under the "differential response program" implemented
25 under this subsection (a-5), the Department:

26 (1) Shall conduct an investigation on reports

1 involving substantial child abuse or neglect.

2 (2) Shall begin an immediate investigation if, at any
3 time when it is using a family assessment response, it
4 determines that there is reason to believe that substantial
5 child abuse or neglect or a serious threat to the child's
6 safety exists.

7 (3) May conduct a family assessment for reports that do
8 not allege substantial child endangerment. In determining
9 that a family assessment is appropriate, the Department may
10 consider issues including, but not limited to, child
11 safety, parental cooperation, and the need for an immediate
12 response.

13 (4) Shall promulgate criteria, standards, and
14 procedures that shall be applied in making this
15 determination, taking into consideration the Child
16 Endangerment Risk Assessment Protocol of the Department.

17 (5) May conduct a family assessment on a report that
18 was initially screened and assigned for an investigation.

19 In determining that a complete investigation is not
20 required, the Department must document the reason for
21 terminating the investigation and notify the local law
22 enforcement agency or the Department of State Police if the
23 local law enforcement agency or Department of State Police is
24 conducting a joint investigation.

25 Once it is determined that a "family assessment" will be
26 implemented, the case shall not be reported to the central

1 register of abuse and neglect reports.

2 During a family assessment, the Department shall collect
3 any available and relevant information to determine child
4 safety, risk of subsequent abuse or neglect, and family
5 strengths.

6 Information collected includes, but is not limited to, when
7 relevant: information with regard to the person reporting the
8 alleged abuse or neglect, including the nature of the
9 reporter's relationship to the child and to the alleged
10 offender, and the basis of the reporter's knowledge for the
11 report; the child allegedly being abused or neglected; the
12 alleged offender; the child's caretaker; and other collateral
13 sources having relevant information related to the alleged
14 abuse or neglect. Information relevant to the assessment must
15 be asked for, and may include:

16 (A) The child's sex and age, prior reports of abuse or
17 neglect, information relating to developmental
18 functioning, credibility of the child's statement, and
19 whether the information provided under this paragraph (A)
20 is consistent with other information collected during the
21 course of the assessment or investigation.

22 (B) The alleged offender's age, a record check for
23 prior reports of abuse or neglect, and criminal charges and
24 convictions. The alleged offender may submit supporting
25 documentation relevant to the assessment.

26 (C) Collateral source information regarding the

1 alleged abuse or neglect and care of the child. Collateral
2 information includes, when relevant: (i) a medical
3 examination of the child; (ii) prior medical records
4 relating to the alleged maltreatment or care of the child
5 maintained by any facility, clinic, or health care
6 professional, and an interview with the treating
7 professionals; and (iii) interviews with the child's
8 caretakers, including the child's parent, guardian, foster
9 parent, child care provider, teachers, counselors, family
10 members, relatives, and other persons who may have
11 knowledge regarding the alleged maltreatment and the care
12 of the child.

13 (D) Information on the existence of domestic abuse and
14 violence in the home of the child, and substance abuse.

15 Nothing in this subsection (a-5) precludes the Department
16 from collecting other relevant information necessary to
17 conduct the assessment or investigation. Nothing in this
18 subsection (a-5) shall be construed to allow the name or
19 identity of a reporter to be disclosed in violation of the
20 protections afforded under Section 7.19 of this Act.

21 After conducting the family assessment, the Department
22 shall determine whether services are needed to address the
23 safety of the child and other family members and the risk of
24 subsequent abuse or neglect.

25 Upon completion of the family assessment, if the Department
26 concludes that no services shall be offered, then the case

1 shall be closed. If the Department concludes that services
2 shall be offered, the Department shall develop a family
3 preservation plan and offer or refer services to the family.

4 At any time during a family assessment, if the Department
5 believes there is any reason to stop the assessment and conduct
6 an investigation based on the information discovered, the
7 Department shall do so.

8 The procedures available to the Department in conducting
9 investigations under this Act shall be followed as appropriate
10 during a family assessment.

11 The Department shall arrange for an independent evaluation
12 of the "differential response program" authorized and
13 implemented under this subsection (a-5) to determine whether it
14 is meeting the goals in accordance with Section 2 of this Act.
15 The Department may adopt administrative rules necessary for the
16 execution of this Section, in accordance with Section 4 of the
17 Children and Family Services Act.

18 The demonstration conducted under this subsection (a-5)
19 shall become a permanent program on January 1, 2015, upon
20 completion of the demonstration project period.

21 (b) (1) The following procedures shall be followed in the
22 investigation of all reports of suspected abuse or neglect
23 of a child, except as provided in subsection (c) of this
24 Section.

25 (2) If, during a family assessment authorized by
26 subsection (a-5) or an investigation, it appears that the

1 immediate safety or well-being of a child is endangered,
2 that the family may flee or the child disappear, or that
3 the facts otherwise so warrant, the Child Protective
4 Service Unit shall commence an investigation immediately,
5 regardless of the time of day or night. All other
6 investigations ~~In all other cases, investigation~~ shall be
7 commenced within 24 hours of receipt of the report. Upon
8 receipt of a report, the Child Protective Service Unit
9 shall conduct a family assessment authorized by subsection
10 (a-5) or begin ~~make~~ an initial investigation and make an
11 initial determination whether the report is a good faith
12 indication of alleged child abuse or neglect.

13 (3) Based on an initial investigation, if ~~if~~ the Unit
14 determines the report is a good faith indication of alleged
15 child abuse or neglect, then a formal investigation shall
16 commence and, pursuant to Section 7.12 of this Act, may or
17 may not result in an indicated report. The formal
18 investigation shall include: direct contact with the
19 subject or subjects of the report as soon as possible after
20 the report is received; an evaluation of the environment of
21 the child named in the report and any other children in the
22 same environment; a determination of the risk to such
23 children if they continue to remain in the existing
24 environments, as well as a determination of the nature,
25 extent and cause of any condition enumerated in such
26 report; the name, age and condition of other children in

1 the environment; and an evaluation as to whether there
2 would be an immediate and urgent necessity to remove the
3 child from the environment if appropriate family
4 preservation services were provided. After seeing to the
5 safety of the child or children, the Department shall
6 forthwith notify the subjects of the report in writing, of
7 the existence of the report and their rights existing under
8 this Act in regard to amendment or expungement. To fulfill
9 the requirements of this Section, the Child Protective
10 Service Unit shall have the capability of providing or
11 arranging for comprehensive emergency services to children
12 and families at all times of the day or night.

13 (4) If (i) at the conclusion of the Unit's initial
14 investigation of a report, the Unit determines the report
15 to be a good faith indication of alleged child abuse or
16 neglect that warrants a formal investigation by the Unit,
17 the Department, any law enforcement agency or any other
18 responsible agency and (ii) the person who is alleged to
19 have caused the abuse or neglect is employed or otherwise
20 engaged in an activity resulting in frequent contact with
21 children and the alleged abuse or neglect are in the course
22 of such employment or activity, then the Department shall,
23 except in investigations where the Director determines
24 that such notification would be detrimental to the
25 Department's investigation, inform the appropriate
26 supervisor or administrator of that employment or activity

1 that the Unit has commenced a formal investigation pursuant
2 to this Act, which may or may not result in an indicated
3 report. The Department shall also notify the person being
4 investigated, unless the Director determines that such
5 notification would be detrimental to the Department's
6 investigation.

7 (c) In an investigation of a report of suspected abuse or
8 neglect of a child by a school employee at a school or on
9 school grounds, the Department shall make reasonable efforts to
10 follow the following procedures:

11 (1) Investigations involving teachers shall not, to
12 the extent possible, be conducted when the teacher is
13 scheduled to conduct classes. Investigations involving
14 other school employees shall be conducted so as to minimize
15 disruption of the school day. The school employee accused
16 of child abuse or neglect may have his superior, his
17 association or union representative and his attorney
18 present at any interview or meeting at which the teacher or
19 administrator is present. The accused school employee
20 shall be informed by a representative of the Department, at
21 any interview or meeting, of the accused school employee's
22 due process rights and of the steps in the investigation
23 process. The information shall include, but need not
24 necessarily be limited to the right, subject to the
25 approval of the Department, of the school employee to
26 confront the accuser, if the accuser is 14 years of age or

1 older, or the right to review the specific allegations
2 which gave rise to the investigation, and the right to
3 review all materials and evidence that have been submitted
4 to the Department in support of the allegation. These due
5 process rights shall also include the right of the school
6 employee to present countervailing evidence regarding the
7 accusations.

8 (2) If a report of neglect or abuse of a child by a
9 teacher or administrator does not involve allegations of
10 sexual abuse or extreme physical abuse, the Child
11 Protective Service Unit shall make reasonable efforts to
12 conduct the initial investigation in coordination with the
13 employee's supervisor.

14 If the Unit determines that the report is a good faith
15 indication of potential child abuse or neglect, it shall
16 then commence a formal investigation under paragraph (3) of
17 subsection (b) of this Section.

18 (3) If a report of neglect or abuse of a child by a
19 teacher or administrator involves an allegation of sexual
20 abuse or extreme physical abuse, the Child Protective Unit
21 shall commence an investigation under paragraph (2) of
22 subsection (b) of this Section.

23 (c-5) In any instance in which a report is made or caused
24 to made by a school district employee involving the conduct of
25 a person employed by the school district, at the time the
26 report was made, as required under Section 4 of this Act, the

1 Child Protective Service Unit shall send a copy of its final
2 finding report to the general superintendent of that school
3 district.

4 (d) If the Department has contact with an employer, or with
5 a religious institution or religious official having
6 supervisory or hierarchical authority over a member of the
7 clergy accused of the abuse of a child, in the course of its
8 investigation, the Department shall notify the employer or the
9 religious institution or religious official, in writing, when a
10 report is unfounded so that any record of the investigation can
11 be expunged from the employee's or member of the clergy's
12 personnel or other records. The Department shall also notify
13 the employee or the member of the clergy, in writing, that
14 notification has been sent to the employer or to the
15 appropriate religious institution or religious official
16 informing the employer or religious institution or religious
17 official that the Department's investigation has resulted in an
18 unfounded report.

19 (e) Upon request by the Department, the Department of State
20 Police and law enforcement agencies are authorized to provide
21 criminal history record information as defined in the Illinois
22 Uniform Conviction Information Act and information maintained
23 in the adjudicatory and dispositional record system as defined
24 in Section 2605-355 of the Department of State Police Law (20
25 ILCS 2605/2605-355) to properly designated employees of the
26 Department of Children and Family Services if the Department

1 determines the information is necessary to perform its duties
2 under the Abused and Neglected Child Reporting Act, the Child
3 Care Act of 1969, and the Children and Family Services Act. The
4 request shall be in the form and manner required by the
5 Department of State Police. Any information obtained by the
6 Department of Children and Family Services under this Section
7 is confidential and may not be transmitted outside the
8 Department of Children and Family Services other than to a
9 court of competent jurisdiction or unless otherwise authorized
10 by law. Any employee of the Department of Children and Family
11 Services who transmits confidential information in violation
12 of this Section or causes the information to be transmitted in
13 violation of this Section is guilty of a Class A misdemeanor
14 unless the transmittal of the information is authorized by this
15 Section or otherwise authorized by law.

16 (Source: P.A. 95-908, eff. 8-26-08.)

17 (325 ILCS 5/11.6) (from Ch. 23, par. 2061.6)

18 Sec. 11.6. All final administrative decisions of the
19 Department under this Act are subject to judicial review under
20 the Administrative Review Law, as now or hereafter amended, and
21 the rules adopted pursuant thereto. The term "administrative
22 decision" is defined as in Section 3-101 of the Code of Civil
23 Procedure.

24 Review of a final administrative decision under the
25 Administrative Review Law is not applicable to a decision to

1 conduct a family assessment under subsection (a-5) of Section
2 7.4 because no determination concerning child abuse or neglect
3 is made and nothing is reported to the central register.

4 (Source: P.A. 82-783.)