

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 7 as follows:

6 (20 ILCS 505/7) (from Ch. 23, par. 5007)

7 Sec. 7. Placement of children; considerations.

8 (a) In placing any child under this Act, the Department
9 shall place the child, as far as possible, in the care and
10 custody of some individual holding the same religious belief as
11 the parents of the child, or with some child care facility
12 which is operated by persons of like religious faith as the
13 parents of such child.

14 (a-5) In placing a child under this Act, the Department
15 shall place the child with the child's sibling or siblings
16 under Section 7.4 of this Act unless the placement is not in
17 each child's best interest, or is otherwise not possible under
18 the Department's rules. If the child is not placed with a
19 sibling under the Department's rules, the Department shall
20 consider placements that are likely to develop, preserve,
21 nurture, and support sibling relationships, where doing so is
22 in each child's best interest.

23 (b) In placing a child under this Act, the Department may

1 place a child with a relative if the Department determines that
2 the relative will be able to adequately provide for the child's
3 safety and welfare based on the factors set forth in the
4 Department's rules governing relative placements, and that the
5 placement is consistent with the child's best interests, taking
6 into consideration the factors set out in subsection (4.05) of
7 Section 1-3 of the Juvenile Court Act of 1987.

8 When the Department first assumes custody of a child, in
9 placing that child under this Act, the Department shall make
10 reasonable efforts to identify and locate a relative who is
11 ready, willing, and able to care for the child. At a minimum,
12 these efforts shall be renewed each time the child requires a
13 placement change and it is appropriate for the child to be
14 cared for in a home environment. The Department must document
15 its efforts to identify and locate such a relative placement
16 and maintain the documentation in the child's case file.

17 If the Department determines that a placement with any
18 identified relative is not in the child's best interests or
19 that the relative does not meet the requirements to be a
20 relative caregiver, as set forth in Department rules or by
21 statute, the Department must document the basis for that
22 decision and maintain the documentation in the child's case
23 file.

24 If, pursuant to the Department's rules, any person files an
25 administrative appeal of the Department's decision not to place
26 a child with a relative, it is the Department's burden to prove

1 that the decision is consistent with the child's best
2 interests.

3 When the Department determines that the child requires
4 placement in an environment, other than a home environment, the
5 Department shall continue to make reasonable efforts to
6 identify and locate relatives to serve as visitation resources
7 for the child and potential future placement resources, except
8 when the Department determines that those efforts would be
9 futile or inconsistent with the child's best interests.

10 If the Department determines that efforts to identify and
11 locate relatives would be futile or inconsistent with the
12 child's best interests, the Department shall document the basis
13 of its determination and maintain the documentation in the
14 child's case file.

15 If the Department determines that an individual or a group
16 of relatives are inappropriate to serve as visitation resources
17 or possible placement resources, the Department shall document
18 the basis of its determination and maintain the documentation
19 in the child's case file.

20 When the Department determines that an individual or a
21 group of relatives are appropriate to serve as visitation
22 resources or possible future placement resources, the
23 Department shall document the basis of its determination,
24 maintain the documentation in the child's case file, create a
25 visitation or transition plan, or both, and incorporate the
26 visitation or transition plan, or both, into the child's case

1 plan. For the purpose of this subsection, any determination as
2 to the child's best interests shall include consideration of
3 the factors set out in subsection (4.05) of Section 1-3 of the
4 Juvenile Court Act of 1987.

5 The Department may not place a child with a relative, with
6 the exception of certain circumstances which may be waived as
7 defined by the Department in rules, if the results of a check
8 of the Law Enforcement Agencies Data System (LEADS) identifies
9 a prior criminal conviction of the relative or any adult member
10 of the relative's household for any of the following offenses
11 under the Criminal Code of 1961 or the Criminal Code of 2012:

12 (1) murder;

13 (1.1) solicitation of murder;

14 (1.2) solicitation of murder for hire;

15 (1.3) intentional homicide of an unborn child;

16 (1.4) voluntary manslaughter of an unborn child;

17 (1.5) involuntary manslaughter;

18 (1.6) reckless homicide;

19 (1.7) concealment of a homicidal death;

20 (1.8) involuntary manslaughter of an unborn child;

21 (1.9) reckless homicide of an unborn child;

22 (1.10) drug-induced homicide;

23 (2) a sex offense under Article 11, except offenses
24 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
25 11-40, and 11-45;

26 (3) kidnapping;

- 1 (3.1) aggravated unlawful restraint;
- 2 (3.2) forcible detention;
- 3 (3.3) aiding and abetting child abduction;
- 4 (4) aggravated kidnapping;
- 5 (5) child abduction;
- 6 (6) aggravated battery of a child as described in
- 7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 8 (7) criminal sexual assault;
- 9 (8) aggravated criminal sexual assault;
- 10 (8.1) predatory criminal sexual assault of a child;
- 11 (9) criminal sexual abuse;
- 12 (10) aggravated sexual abuse;
- 13 (11) heinous battery as described in Section 12-4.1 or
- 14 subdivision (a) (2) of Section 12-3.05;
- 15 (12) aggravated battery with a firearm as described in
- 16 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 17 (e) (4) of Section 12-3.05;
- 18 (13) tampering with food, drugs, or cosmetics;
- 19 (14) drug-induced infliction of great bodily harm as
- 20 described in Section 12-4.7 or subdivision (g) (1) of
- 21 Section 12-3.05;
- 22 (15) aggravated stalking;
- 23 (16) home invasion;
- 24 (17) vehicular invasion;
- 25 (18) criminal transmission of HIV;
- 26 (19) criminal abuse or neglect of an elderly or

1 disabled person as described in Section 12-21 or subsection
2 (b) of Section 12-4.4a;

3 (20) child abandonment;

4 (21) endangering the life or health of a child;

5 (22) ritual mutilation;

6 (23) ritualized abuse of a child;

7 (24) an offense in any other state the elements of
8 which are similar and bear a substantial relationship to
9 any of the foregoing offenses.

10 For the purpose of this subsection, "relative" shall
11 include any person, 21 years of age or over, other than the
12 parent, who (i) is currently related to the child in any of the
13 following ways by blood or adoption: grandparent, sibling,
14 great-grandparent, uncle, aunt, nephew, niece, first cousin,
15 second cousin, godparent, great-uncle, or great-aunt; or (ii)
16 is the spouse of such a relative; or (iii) is the child's
17 step-father, step-mother, or adult step-brother or
18 step-sister; or (iv) is a fictive kin; "relative" also includes
19 a person related in any of the foregoing ways to a sibling of a
20 child, even though the person is not related to the child, when
21 the child and its sibling are placed together with that person.
22 For children who have been in the guardianship of the
23 Department, have been adopted, and are subsequently returned to
24 the temporary custody or guardianship of the Department, a
25 "relative" may also include any person who would have qualified
26 as a relative under this paragraph prior to the adoption, but

1 only if the Department determines, and documents, that it would
2 be in the child's best interests to consider this person a
3 relative, based upon the factors for determining best interests
4 set forth in subsection (4.05) of Section 1-3 of the Juvenile
5 Court Act of 1987. A relative with whom a child is placed
6 pursuant to this subsection may, but is not required to, apply
7 for licensure as a foster family home pursuant to the Child
8 Care Act of 1969; provided, however, that as of July 1, 1995,
9 foster care payments shall be made only to licensed foster
10 family homes pursuant to the terms of Section 5 of this Act.

11 Notwithstanding any other provision under this subsection
12 to the contrary, a fictive kin with whom a child is placed
13 pursuant to this subsection shall apply for licensure as a
14 foster family home pursuant to the Child Care Act of 1969
15 within 6 months of the child's placement with the fictive kin.
16 The Department shall not remove a child from the home of a
17 fictive kin on the basis that the fictive kin fails to apply
18 for licensure within 6 months of the child's placement with the
19 fictive kin, or fails to meet the standard for licensure. All
20 other requirements established under the rules and procedures
21 of the Department concerning the placement of a child, for whom
22 the Department is legally responsible, with a relative shall
23 apply. By June 1, 2015, the Department shall promulgate rules
24 establishing criteria and standards for placement,
25 identification, and licensure of fictive kin.

26 For purposes of this subsection, "fictive kin" means any

1 individual, unrelated by birth or marriage, who is shown to
2 have close personal or emotional ties with the child or the
3 child's family prior to the child's placement with the
4 individual.

5 The provisions added to this subsection (b) by this
6 amendatory Act of the 98th General Assembly shall become
7 operative on and after June 1, 2015.

8 (c) In placing a child under this Act, the Department shall
9 ensure that the child's health, safety, and best interests are
10 met. In rejecting placement of a child with an identified
11 relative, the Department shall ensure that the child's health,
12 safety, and best interests are met. In evaluating the best
13 interests of the child, the Department shall take into
14 consideration the factors set forth in subsection (4.05) of
15 Section 1-3 of the Juvenile Court Act of 1987.

16 The Department shall consider the individual needs of the
17 child and the capacity of the prospective foster or adoptive
18 parents to meet the needs of the child. When a child must be
19 placed outside his or her home and cannot be immediately
20 returned to his or her parents or guardian, a comprehensive,
21 individualized assessment shall be performed of that child at
22 which time the needs of the child shall be determined. Only if
23 race, color, or national origin is identified as a legitimate
24 factor in advancing the child's best interests shall it be
25 considered. Race, color, or national origin shall not be
26 routinely considered in making a placement decision. The

1 Department shall make special efforts for the diligent
2 recruitment of potential foster and adoptive families that
3 reflect the ethnic and racial diversity of the children for
4 whom foster and adoptive homes are needed. "Special efforts"
5 shall include contacting and working with community
6 organizations and religious organizations and may include
7 contracting with those organizations, utilizing local media
8 and other local resources, and conducting outreach activities.

9 (c-1) At the time of placement, the Department shall
10 consider concurrent planning, as described in subsection (1-1)
11 of Section 5, so that permanency may occur at the earliest
12 opportunity. Consideration should be given so that if
13 reunification fails or is delayed, the placement made is the
14 best available placement to provide permanency for the child.

15 (d) The Department may accept gifts, grants, offers of
16 services, and other contributions to use in making special
17 recruitment efforts.

18 (e) The Department in placing children in adoptive or
19 foster care homes may not, in any policy or practice relating
20 to the placement of children for adoption or foster care,
21 discriminate against any child or prospective adoptive or
22 foster parent on the basis of race.

23 (Source: P.A. 96-1551, Article 1, Section 900, eff. 7-1-11;
24 96-1551, Article 2, Section 920, eff. 7-1-11; 97-1076, eff.
25 8-24-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

1 Section 10. The Child Care Act of 1969 is amended by
2 changing Sections 2.04 and 2.17 as follows:

3 (225 ILCS 10/2.04) (from Ch. 23, par. 2212.04)

4 Sec. 2.04. "Related" means any of the following
5 relationships by blood, marriage, or adoption: parent,
6 grandparent, great-grandparent, great-uncle, great-aunt,
7 brother, sister, stepparent, stepbrother, stepsister, uncle,
8 aunt, nephew, niece, fictive kin as defined in Section 7 of the
9 Children and Family Services Act, or first cousin.

10 (Source: P.A. 80-459.)

11 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

12 Sec. 2.17. "Foster family home" means a facility for child
13 care in residences of families who receive no more than 8
14 children unrelated to them, unless all the children are of
15 common parentage, or residences of relatives who receive no
16 more than 8 related children placed by the Department, unless
17 the children are of common parentage, for the purpose of
18 providing family care and training for the children on a
19 full-time basis, except the Director of Children and Family
20 Services, pursuant to Department regulations, may waive the
21 limit of 8 children unrelated to an adoptive family for good
22 cause and only to facilitate an adoptive placement. The
23 family's or relative's own children, under 18 years of age,
24 shall be included in determining the maximum number of children

1 served. For purposes of this Section, a "relative" includes any
2 person, 21 years of age or over, other than the parent, who (i)
3 is currently related to the child in any of the following ways
4 by blood or adoption: grandparent, sibling, great-grandparent,
5 uncle, aunt, nephew, niece, first cousin, great-uncle, or
6 great-aunt; or (ii) is the spouse of such a relative; or (iii)
7 is a child's step-father, step-mother, or adult step-brother or
8 step-sister; or (iv) is a fictive kin; "relative" also includes
9 a person related in any of the foregoing ways to a sibling of a
10 child, even though the person is not related to the child, when
11 the child and its sibling are placed together with that person.
12 The term "foster family home" includes homes receiving children
13 from any State-operated institution for child care; or from any
14 agency established by a municipality or other political
15 subdivision of the State of Illinois authorized to provide care
16 for children outside their own homes. The term "foster family
17 home" does not include an "adoption-only home" as defined in
18 Section 2.23 of this Act. The types of foster family homes are
19 defined as follows:

20 (a) "Boarding home" means a foster family home which
21 receives payment for regular full-time care of a child or
22 children.

23 (b) "Free home" means a foster family home other than an
24 adoptive home which does not receive payments for the care of a
25 child or children.

26 (c) "Adoptive home" means a foster family home which

1 receives a child or children for the purpose of adopting the
2 child or children.

3 (d) "Work-wage home" means a foster family home which
4 receives a child or children who pay part or all of their board
5 by rendering some services to the family not prohibited by the
6 Child Labor Law or by standards or regulations of the
7 Department prescribed under this Act. The child or children may
8 receive a wage in connection with the services rendered the
9 foster family.

10 (e) "Agency-supervised home" means a foster family home
11 under the direct and regular supervision of a licensed child
12 welfare agency, of the Department of Children and Family
13 Services, of a circuit court, or of any other State agency
14 which has authority to place children in child care facilities,
15 and which receives no more than 8 children, unless of common
16 parentage, who are placed and are regularly supervised by one
17 of the specified agencies.

18 (f) "Independent home" means a foster family home, other
19 than an adoptive home, which receives no more than 4 children,
20 unless of common parentage, directly from parents, or other
21 legally responsible persons, by independent arrangement and
22 which is not subject to direct and regular supervision of a
23 specified agency except as such supervision pertains to
24 licensing by the Department.

25 (Source: P.A. 92-318, eff. 1-1-02.)