

AN ACT concerning State government.

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

Section 5. The Children and Family Services Act is amended by adding Section 5.26 as follows:

(20 ILCS 505/5.26 new)

Sec. 5.26. Foster children; exit interviews.

(a) Unless clinically contraindicated, the Department shall ensure that an exit interview is conducted with every child age 5 and over who leaves a foster home.

(1) The interview shall be conducted by a caseworker, mental health provider, or clinician from the Department's Division of Clinical Practice.

(2) The interview shall be conducted within 5 days of the child's removal from the home.

(3) The interviewer shall comply with the provisions of the Abused and Neglected Child Reporting Act if the child discloses abuse or neglect as defined by that Act.

(4) The interviewer shall immediately inform the licensing agency if the child discloses any information that would constitute a potential licensing violation.

(5) Documentation of the interview shall be (i) maintained in the foster parent's licensing file, (ii)

maintained in the child's case file, (iii) included in the service plan for the child, and (iv) and provided to the child's guardian ad litem and attorney appointed under Section 2-17 of the Juvenile Court Act of 1987.

(6) The determination that an interview in compliance with this Section is clinically contraindicated shall be made by the caseworker, in consultation with the child's mental health provider, if any, and the caseworker's supervisor. If the child does not have a mental health provider, the caseworker shall request a consultation with the Department's Division of Clinical Practice regarding whether an interview is clinically contraindicated. The decision and the basis for the decision shall be documented in writing and shall be (i) maintained in the foster parent's licensing file, (ii) maintained in the child's case file, and (iii) attached as part of the service plan for the child.

(7) The information gathered during the interview shall be dependent on the age and maturity of the child and the circumstances of the child's removal. The interviewer's observations and any information relevant to understanding the child's responses shall be recorded on the interview form. At a minimum, the interview shall address the following areas:

(A) How the child's basic needs were met in the home: who prepared food and was there sufficient food;

whether the child had appropriate clothing; sleeping arrangements; supervision appropriate to the child's age and special needs; was the child enrolled in school; and did the child receive the support needed to complete his or her school work.

(B) Access to caseworker, therapist, or guardian ad litem: whether the child was able to contact these professionals and how.

(C) Safety and comfort in the home: how did the child feel in the home; was the foster parent affirming of the child's identity; did anything happen that made the child happy; did anything happen that was scary or sad; what happened when the child did something he or she should not have done; if relevant, how does the child think the foster parent felt about the child's family of origin, including parents and siblings; and was the foster parent supportive of the permanency goal.

(D) Normalcy: whether the child felt included in the family; whether the child participated in extracurricular activities; whether the foster parent participated in planning for the child, including child and family team meetings and school meetings.

(b) The Department shall develop procedures, including an interview form, no later than January 1, 2023, to implement this Section.

(c) Beginning July 1, 2023 and quarterly thereafter, the Department shall post on its webpage a report summarizing the details of the exit interviews.

Section 10. The Child Care Act of 1969 is amended by changing Sections 2.22a and 4 as follows:

(225 ILCS 10/2.22a)

Sec. 2.22a. Quality of care concerns applicant. "Quality of care concerns applicant" means an applicant for a foster care license or renewal of a foster care license where the applicant or any person living in the applicant's household:

- (1) has had a license issued under this Act revoked;
- (2) has surrendered a license issued under this Act for cause;
- (3) has had a license issued under this Act expire or has surrendered a license, while either an abuse or neglect investigation or licensing investigation was pending or an involuntary placement hold was placed on the home;
- (4) has been the subject of allegations of abuse or neglect;
- (5) has an indicated report of abuse or neglect; ~~or~~
- (6) has been the subject of certain types of involuntary placement holds or has been involved in certain types of substantiated licensing complaints, as

specified and defined by Department rule; or -

(7) has requested a youth in care's removal from the home, either orally or in writing, on 5 or more occasions.

(Source: P.A. 99-779, eff. 1-1-17.)

(225 ILCS 10/4) (from Ch. 23, par. 2214)

Sec. 4. License requirement; application; notice.

(a) Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any relative, as defined in Section 2.17 of this Act, who receives a child or children for placement by the Department on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of this Act.

(a-5) Any agency, person, group of persons, association, organization, corporation, institution, center, or group providing adoption services must be licensed by the Department as a child welfare agency as defined in Section 2.08 of this Act. "Providing adoption services" as used in this Act, includes facilitating or engaging in adoption services.

(b) Application for a license to operate a child care facility must be made to the Department in the manner and on forms prescribed by it. An application to operate a foster family home shall include, at a minimum: a completed written

form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; the name and address of at least one relative who can attest to the applicant's capability to care for the child or children; and fingerprints submitted by the applicant and all adult members of the applicant's household.

(b-5) Prior to submitting an application for a foster family home license, a quality of care concerns applicant as defined in Section 2.22a of this Act must submit a preliminary application to the Department in the manner and on forms prescribed by it. The Department shall explain to the quality of care concerns applicant the grounds for requiring a preliminary application. The preliminary application shall include a list of (i) all children placed in the home by the Department who were removed by the Department for reasons other than returning to a parent and the circumstances under which they were removed and (ii) all children placed by the Department who were subsequently adopted by or placed in the private guardianship of the quality of care concerns applicant

who are currently under 18 and who no longer reside in the home and the reasons why they no longer reside in the home. The preliminary application shall also include, if the quality of care concerns applicant chooses to submit, (1) a response to the quality of care concerns, including any reason the concerns are invalid, have been addressed or ameliorated, or no longer apply and (2) affirmative documentation demonstrating that the quality of care concerns applicant's home does not pose a risk to children and that the family will be able to meet the physical and emotional needs of children. The Department shall verify the information in the preliminary application and review (i) information regarding any prior licensing complaints, (ii) information regarding any prior child abuse or neglect investigations, ~~and~~ (iii) information regarding any involuntary foster home holds placed on the home by the Department, and (iv) information regarding all child exit interviews, as provided in Section 5.26 of the Children and Family Services Act, regarding the home. Foster home applicants with quality of care concerns are presumed unsuitable for future licensure.

Notwithstanding the provisions of this subsection (b-5), the Department may make an exception and issue a foster family license to a quality of care concerns applicant if the Department is satisfied that the foster family home does not pose a risk to children and that the foster family will be able to meet the physical and emotional needs of children. In

making this determination, the Department must obtain and carefully review all relevant documents and shall obtain consultation from its Clinical Division as appropriate and as prescribed by Department rule and procedure. The Department has the authority to deny a preliminary application based on the record of quality of care concerns of the foster family home. In the alternative, the Department may (i) approve the preliminary application, (ii) approve the preliminary application subject to obtaining additional information or assessments, or (iii) approve the preliminary application for purposes of placing a particular child or children only in the foster family home. If the Department approves a preliminary application, the foster family shall submit an application for licensure as described in subsection (b) of this Section. The Department shall notify the quality of care concerns applicant of its decision and the basis for its decision in writing.

(c) The Department shall notify the public when a child care institution, maternity center, or group home licensed by the Department undergoes a change in (i) the range of care or services offered at the facility, (ii) the age or type of children served, or (iii) the area within the facility used by children. The Department shall notify the public of the change in a newspaper of general circulation in the county or municipality in which the applicant's facility is or is proposed to be located.

(d) If, upon examination of the facility and investigation

of persons responsible for care of children and, in the case of a foster home, taking into account information obtained for purposes of evaluating a preliminary application, if applicable, the Department is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, it shall issue a license in proper form, designating on that license the type of child care facility and, except for a child welfare agency, the number of children to be served at any one time.

(e) The Department shall not issue or renew the license of any child welfare agency providing adoption services, unless the agency (i) is officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) and (ii) is in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). The Department shall grant a grace period of 24 months from the effective date of this amendatory Act of the 94th General Assembly for existing child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license

or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original. The Department shall have the sole discretion to grant a one year extension to any agency unable to obtain 501(c)(3) status within the timeframe specified in this subsection (e), provided that such agency has filed an application for 501(c)(3) status with the Internal Revenue Service within the 2-year timeframe specified in this subsection (e).

(Source: P.A. 101-63, eff. 7-12-19.)