

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 changing Section 5 as follows:

(20 ILCS 505/5)

(Text of Section before amendment by P.A. 103-1061)

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

(a) For purposes of this Section:

(1) "Children" means persons found within the State  
who are under the age of 18 years. The term also includes  
persons under age 21 who:

(A) were committed to the Department pursuant to  
the Juvenile Court Act or the Juvenile Court Act of  
1987 and who continue under the jurisdiction of the  
court; or

(B) were accepted for care, service and training  
by the Department prior to the age of 18 and whose best  
interest in the discretion of the Department would be  
served by continuing that care, service and training

because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.

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

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

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

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

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

(D) restoring to their families children who have been removed, by the provision of services to the

child and the families when the child can be cared for at home without endangering the child's health and safety;

(E) placing children in suitable permanent family arrangements, through guardianship or adoption, in cases where restoration to the birth family is not safe, possible, or appropriate;

(F) at the time of placement, conducting concurrent planning, as described in subsection (1-1) of this Section, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

(G) (blank);

(H) (blank); and

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

(i) who are in a foster home, or

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

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

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

(b) (Blank).

(b-5) The Department shall adopt rules to establish a process for all licensed residential providers in Illinois to submit data as required by the Department if they contract or receive reimbursement for children's mental health, substance use, and developmental disability services from the Department of Human Services, the Department of Juvenile Justice, or the Department of Healthcare and Family Services. The requested data must include, but is not limited to, capacity, staffing, and occupancy data for the purpose of establishing State need and placement availability.

All information collected, shared, or stored pursuant to this subsection shall be handled in accordance with all State and federal privacy laws and accompanying regulations and rules, including without limitation the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the Mental Health and Developmental

Disabilities Confidentiality Act.

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

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

(e) (Blank).

(f) (Blank).

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

- (1) adoption;
- (2) foster care;
- (3) family counseling;
- (4) protective services;
- (5) (blank);
- (6) homemaker service;
- (7) return of runaway children;
- (8) (blank);

(9) placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and

- (10) interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in screening techniques to identify substance use disorders, as defined in the Substance Use Disorder Act, approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be

referred for an assessment at an organization appropriately licensed by the Department of Human Services for substance use disorder treatment.

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

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

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

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

- (1) comprehensive family-based services;
- (2) assessments;
- (3) respite care; and

(4) in-home health services.

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

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt children with physical or mental disabilities, children who are older, or other hard-to-place children who (i) immediately prior to their adoption were youth in care or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,

4-25, or 5-740 of the Juvenile Court Act of 1987 for children who were youth in care for 12 months immediately prior to the appointment of the guardian.

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

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

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

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

(l) The Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services

shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set, except that reunification services may be offered as provided in paragraph (F) of subsection (2) of Section 2-28 of that Act. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency, except that when a child is the subject of an action under Article II of the Juvenile Court Act of 1987 and the child's service plan calls for services to facilitate achievement of the permanency goal, the court hearing the action under Article II of the Juvenile Court Act of 1987 may order the Department to provide the services set out in the plan, if those services are not provided with reasonable promptness and if those services are available.

The Department shall notify the child and the child's family of the Department's responsibility to offer and provide family preservation services as identified in the service

plan. The child and the child's family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary. The Department may also provide services to any child or family after completion of a family assessment, as an alternative to an investigation, as provided under the "differential response program" provided for in subsection (a-5) of Section 7.4 of the Abused and Neglected Child Reporting Act.

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

requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. On and after January 1, 2015 (the effective date of Public Act 98-803) and before January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 16 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987. On and after January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 15 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section

2-33 of the Juvenile Court Act of 1987. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency. The Department shall assign a caseworker to attend any hearing involving a youth in the care and custody of the Department who is placed on aftercare release, including hearings involving sanctions for violation of aftercare release conditions and aftercare release revocation hearings.

As soon as is possible after August 7, 2009 (the effective date of Public Act 96-134), the Department shall develop and implement a special program of family preservation services to support intact, foster, and adoptive families who are experiencing extreme hardships due to the difficulty and stress of caring for a child who has been diagnosed with a pervasive developmental disorder if the Department determines that those services are necessary to ensure the health and safety of the child. The Department may offer services to any family whether or not a report has been filed under the Abused and Neglected Child Reporting Act. The Department may refer the child or family to services available from other agencies in the community if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of these services shall be voluntary. The Department shall develop and implement a public information campaign to alert

health and social service providers and the general public about these special family preservation services. The nature and scope of the services offered and the number of families served under the special program implemented under this paragraph shall be determined by the level of funding that the Department annually allocates for this purpose. The term "pervasive developmental disorder" under this paragraph means a neurological condition, including, but not limited to, Asperger's Syndrome and autism, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(1-1) The General Assembly recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the General Assembly directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

When determining reasonable efforts to be made with respect to a child, as described in this subsection, and in

making such reasonable efforts, the child's health and safety shall be the paramount concern.

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

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

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

- (1) the likelihood of prompt reunification;
- (2) the past history of the family;

- (3) the barriers to reunification being addressed by the family;
  - (4) the level of cooperation of the family;
  - (5) the foster parents' willingness to work with the family to reunite;
  - (6) the willingness and ability of the foster family to provide an adoptive home or long-term placement;
  - (7) the age of the child;
  - (8) placement of siblings.
- (m) The Department may assume temporary custody of any child if:

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

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

If the child is found in the child's residence without a parent, guardian, custodian, or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian, or custodian enters the home and expresses a

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

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

The Department shall ensure that any child taken into custody is scheduled for an appointment for a medical

examination.

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

(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated

pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a youth in care who was placed in the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

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

available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, or garnishment or otherwise.

(n-1) The Department shall provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, for any minor eligible for the reinstatement of wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet attained the age of 21. The Department shall have responsibility for the development and delivery of services under this Section. An eligible youth may access services under this Section through the Department of Children and Family Services or by referral from the Department of Human Services. Youth participating in services under this Section shall cooperate with the assigned case manager in developing an agreement identifying the services to be provided and how the youth will increase skills to achieve self-sufficiency. A homeless shelter is not considered appropriate housing for any youth receiving child welfare services under this Section. The Department shall continue child welfare services under this Section to any eligible minor until the minor becomes 21 years of age, no longer consents to participate, or achieves self-sufficiency as identified in the minor's service plan.

The Department of Children and Family Services shall create clear, readable notice of the rights of former foster youth to child welfare services under this Section and how such services may be obtained. The Department of Children and Family Services and the Department of Human Services shall disseminate this information statewide. The Department shall adopt regulations describing services intended to assist minors in achieving sustainable self-sufficiency as independent adults.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Youth in care who are placed by private child welfare agencies, and foster families with whom those youth are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall ensure that any private child welfare agency, which accepts youth in care for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision

concerning a change in the placement of a child shall be conducted in an expedited manner. A court determination that a current foster home placement is necessary and appropriate under Section 2-28 of the Juvenile Court Act of 1987 does not constitute a judicial determination on the merits of an administrative appeal, filed by a former foster parent, involving a change of placement decision.

(p) (Blank).

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation, or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department, except that the benefits described in Section 5.46 must be used and conserved consistent with the provisions under Section 5.46.

The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance

with this subsection.

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

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

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

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

(r) The Department shall promulgate regulations

encouraging all adoption agencies to voluntarily forward to the Department or its agent names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place child or child with a disability and the names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program to reimburse Department and private child welfare agency foster parents licensed by the Department of Children and Family Services for damages sustained by the foster parents as a result of the malicious or negligent acts of foster children, as well as providing third party coverage for such foster parents with regard to actions of foster children to other individuals. Such coverage will be secondary to the foster parent liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for

such purposes.

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

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

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

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

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents, in a licensed foster home, group home, or child care institution, or in a relative home, the Department shall provide to the prospective adoptive parent or parents or other caretaker:

(1) available detailed information concerning the

child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caretaker;

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

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

The caretaker shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the children to be placed or currently in the home. The Department may prepare a written summary of the information required by this paragraph, which may be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide known information verbally, if necessary, and must subsequently

provide the information in writing as required by this subsection.

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

(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a

foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

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

(v-1) Prior to final approval for placement of a child, the Department shall conduct a criminal records background check of the prospective foster or adoptive parent, including

fingerprint-based checks of national crime information databases. Final approval for placement shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, or if there is a felony conviction for physical assault, battery, or a drug-related offense committed within the past 5 years.

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

(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a

distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(x) The Department shall conduct annual credit history checks to determine the financial history of children placed under its guardianship pursuant to the Juvenile Court Act of 1987. The Department shall conduct such credit checks starting when a youth in care turns 12 years old and each year thereafter for the duration of the guardianship as terminated pursuant to the Juvenile Court Act of 1987. The Department shall determine if financial exploitation of the child's personal information has occurred. If financial exploitation appears to have taken place or is presently ongoing, the Department shall notify the proper law enforcement agency, the proper State's Attorney, or the Attorney General.

(y) Beginning on July 22, 2010 (the effective date of Public Act 96-1189), a child with a disability who receives

residential and educational services from the Department shall be eligible to receive transition services in accordance with Article 14 of the School Code from the age of 14.5 through age 21, inclusive, notwithstanding the child's residential services arrangement. For purposes of this subsection, "child with a disability" means a child with a disability as defined by the federal Individuals with Disabilities Education Improvement Act of 2004.

(z) The Department shall access criminal history record information as defined as "background information" in this subsection and criminal history record information as defined in the Illinois Uniform Conviction Information Act for each Department employee or Department applicant. Each Department employee or Department applicant shall submit the employee's or applicant's fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and the Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. The Illinois State Police shall furnish, pursuant to positive identification, all Illinois conviction information to the Department of Children and Family Services.

For purposes of this subsection:

"Background information" means all of the following:

(i) Upon the request of the Department of Children and Family Services, conviction information obtained from the Illinois State Police as a result of a fingerprint-based criminal history records check of the Illinois criminal history records database and the Federal Bureau of Investigation criminal history records database concerning a Department employee or Department applicant.

(ii) Information obtained by the Department of Children and Family Services after performing a check of the Illinois State Police's Sex Offender Database, as authorized by Section 120 of the Sex Offender Community Notification Law, concerning a Department employee or Department applicant.

(iii) Information obtained by the Department of Children and Family Services after performing a check of the Child Abuse and Neglect Tracking System (CANTS) operated and maintained by the Department.

"Department employee" means a full-time or temporary employee coded or certified within the State of Illinois Personnel System.

"Department applicant" means an individual who has conditional Department full-time or part-time work, a contractor, an individual used to replace or supplement staff, an academic intern, a volunteer in Department offices or on

Department contracts, a work-study student, an individual or entity licensed by the Department, or an unlicensed service provider who works as a condition of a contract or an agreement and whose work may bring the unlicensed service provider into contact with Department clients or client records.

(Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff. 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

(Text of Section after amendment by P.A. 103-1061)

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

(a) For purposes of this Section:

(1) "Children" means persons found within the State who are under the age of 18 years. The term also includes persons under age 21 who:

(A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987 and who continue under the jurisdiction of the court; or

(B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training

because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.

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

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

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

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

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

(D) restoring to their families children who have been removed, by the provision of services to the

child and the families when the child can be cared for at home without endangering the child's health and safety;

(E) placing children in suitable permanent family arrangements, through guardianship or adoption, in cases where restoration to the birth family is not safe, possible, or appropriate;

(F) at the time of placement, conducting concurrent planning, as described in subsection (1-1) of this Section, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

(G) (blank);

(H) (blank); and

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

(i) who are in a foster home, or

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

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

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

(b) (Blank).

(b-5) The Department shall adopt rules to establish a process for all licensed residential providers in Illinois to submit data as required by the Department if they contract or receive reimbursement for children's mental health, substance use, and developmental disability services from the Department of Human Services, the Department of Juvenile Justice, or the Department of Healthcare and Family Services. The requested data must include, but is not limited to, capacity, staffing, and occupancy data for the purpose of establishing State need and placement availability.

All information collected, shared, or stored pursuant to this subsection shall be handled in accordance with all State and federal privacy laws and accompanying regulations and rules, including without limitation the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the Mental Health and Developmental

Disabilities Confidentiality Act.

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

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

(e) (Blank).

(f) (Blank).

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

- (1) reunification, guardianship, and adoption;
- (2) relative and licensed foster care;
- (3) family counseling;
- (4) protective services;
- (5) (blank);
- (6) homemaker service;
- (7) return of runaway children;
- (8) (blank);

(9) placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and

- (10) interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in screening techniques to identify substance use disorders, as defined in the Substance Use Disorder Act, approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be referred for an assessment at an organization appropriately

licensed by the Department of Human Services for substance use disorder treatment.

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

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

- (1) case management;
- (2) homemakers;
- (3) counseling;
- (4) parent education;
- (5) day care;
- (6) emergency assistance and advocacy; and
- (7) kinship navigator and relative caregiver supports.

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

- (1) comprehensive family-based services;
- (2) assessments;
- (3) respite care; and

(4) in-home health services.

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

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt or become subsidized guardians of children with physical or mental disabilities, children who are older, or other hard-to-place children who (i) immediately prior to their adoption or subsidized guardianship were youth in care or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under

Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile Court Act of 1987 for children who were youth in care for 12 months immediately prior to the appointment of the guardian.

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

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

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

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

(l) The Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including

adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoption or subsidized guardianship. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2.3) of Section 2-28 of that Act has been set, except that reunification services may be offered as provided in paragraph (F) of subsection (2.3) of Section 2-28 of that Act. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency, except that when a child is the subject of an action under Article II of the Juvenile Court Act of 1987 and the child's service plan calls for services to facilitate achievement of the permanency goal, the court hearing the action under Article II of the Juvenile Court Act of 1987 may order the Department to provide the services set out in the plan, if those services are not provided with reasonable promptness and if those services are available.

The Department shall notify the child and the child's

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

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

care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. On and after January 1, 2015 (the effective date of Public Act 98-803) and before January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 16 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987. On and after January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 15 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a

minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency. The Department shall assign a caseworker to attend any hearing involving a youth in the care and custody of the Department who is placed on aftercare release, including hearings involving sanctions for violation of aftercare release conditions and aftercare release revocation hearings.

As soon as is possible, the Department shall develop and implement a special program of family preservation services to support intact, relative, foster, and adoptive families who are experiencing extreme hardships due to the difficulty and stress of caring for a child who has been diagnosed with a pervasive developmental disorder if the Department determines that those services are necessary to ensure the health and safety of the child. The Department may offer services to any family whether or not a report has been filed under the Abused and Neglected Child Reporting Act. The Department may refer the child or family to services available from other agencies in the community if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of these services shall be voluntary. The Department shall

develop and implement a public information campaign to alert health and social service providers and the general public about these special family preservation services. The nature and scope of the services offered and the number of families served under the special program implemented under this paragraph shall be determined by the level of funding that the Department annually allocates for this purpose. The term "pervasive developmental disorder" under this paragraph means a neurological condition, including, but not limited to, Asperger's Syndrome and autism, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(1-1) The General Assembly recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement that is an appropriate option for the child, consistent with the child's best interest, using the factors set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987 as soon as is practically possible. To achieve this goal, the General Assembly directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if

temporary placement is necessary; or movement of the child toward the most appropriate living arrangement and legal status.

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

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

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. The Department shall make diligent efforts to place the child with a relative, document those diligent efforts, and document reasons for any failure or inability to secure such a relative placement. If the primary issue preventing an emergency placement of a child with a relative

is a lack of resources, including, but not limited to, concrete goods, safety modifications, and services, the Department shall make diligent efforts to assist the relative in obtaining the necessary resources. No later than July 1, 2025, the Department shall adopt rules defining what is diligent and necessary in providing supports to potential relative placements. At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement has the potential to be an appropriate permanent placement for the child.

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

- (1) the likelihood of prompt reunification;
- (2) the past history of the family;
- (3) the barriers to reunification being addressed by the family;
- (4) the level of cooperation of the family;
- (4.5) the child's wishes;
- (5) the caregivers' willingness to work with the family to reunite;
- (6) the willingness and ability of the caregivers' to provide a permanent placement;
- (7) the age of the child;
- (8) placement of siblings; and

(9) the wishes of the parent or parents unless the parental preferences are contrary to the best interests of the child.

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

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

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

If the child is found in the child's residence without a parent, guardian, custodian, or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian, or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian, or custodian enters the home and expresses such willingness and ability to ensure the child's safety and

resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

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

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

A parent, guardian, or custodian of a child in the temporary custody of the Department who would have custody of the child if the child were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child.

The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10-day period, the child shall be surrendered to the custody of the requesting parent, guardian, or custodian not later than the expiration of the 10-day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a youth in care who was placed in the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of

age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training, and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, or garnishment or otherwise.

(n-1) The Department shall provide or authorize child welfare services, aimed at assisting minors to achieve

sustainable self-sufficiency as independent adults, for any minor eligible for the reinstatement of wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet attained the age of 21. The Department shall have responsibility for the development and delivery of services under this Section. An eligible youth may access services under this Section through the Department of Children and Family Services or by referral from the Department of Human Services. Youth participating in services under this Section shall cooperate with the assigned case manager in developing an agreement identifying the services to be provided and how the youth will increase skills to achieve self-sufficiency. A homeless shelter is not considered appropriate housing for any youth receiving child welfare services under this Section. The Department shall continue child welfare services under this Section to any eligible minor until the minor becomes 21 years of age, no longer consents to participate, or achieves self-sufficiency as identified in the minor's service plan. The Department of Children and Family Services shall create clear, readable notice of the rights of former foster youth to child welfare services under this Section and how such services may be obtained. The Department of Children and Family Services and the Department of Human Services shall disseminate this information statewide. The Department shall

adopt regulations describing services intended to assist minors in achieving sustainable self-sufficiency as independent adults.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Youth in care who are placed by private child welfare agencies, and caregivers with whom those youth are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall ensure that any private child welfare agency, which accepts youth in care for placement, affords those rights to children and caregivers with whom those children are placed. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or caregiver with whom the child is placed concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner. A court determination that a current placement is necessary and appropriate under Section 2-28 of the Juvenile Court Act of 1987 does not constitute a judicial determination on the merits of an administrative

appeal, filed by a former caregiver, involving a change of placement decision. No later than July 1, 2025, the Department shall adopt rules to develop a reconsideration process to review: a denial of certification of a relative, a denial of placement with a relative, and a denial of visitation with an identified relative. Rules shall include standards and criteria for reconsideration that incorporate the best interests of the child under subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987, address situations where multiple relatives seek certification, and provide that all rules regarding placement changes shall be followed. The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of the 103rd General Assembly.

(p) (Blank).

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation, or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department, except that the benefits described in Section 5.46 must be used and conserved consistent with the provisions under Section 5.46.

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

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

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

- (1) Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's Guardianship Administrator or the Guardianship Administrator's designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.

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

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

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

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

(s) The Department of Children and Family Services may establish and implement a program to reimburse caregivers licensed, certified, or otherwise approved by the Department of Children and Family Services for damages sustained by the

caregivers as a result of the malicious or negligent acts of children placed by the Department, as well as providing third party coverage for such caregivers with regard to actions of children placed by the Department to other individuals. Such coverage will be secondary to the caregiver's liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

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

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

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

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

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents, in a licensed foster home, group home, or child care institution, in a relative home, or in a certified relative caregiver home, the Department shall provide to the caregiver, appropriate facility staff, or prospective adoptive parent or parents:

(1) available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caregiver or adoptive parents;

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

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

The caregiver, appropriate facility staff, or prospective adoptive parent or parents, shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to

care for and safeguard the children to be placed or currently in the home or setting. The Department may prepare a written summary of the information required by this paragraph, which may be provided to the caregiver, appropriate facility staff, or prospective adoptive parent in advance of a placement. The caregiver, appropriate facility staff, or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide known information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection.

The information described in this subsection shall be provided in writing. In the case of emergency placements when time does not allow prior review, preparation, and collection of written information, the Department shall provide such information as it becomes available. Within 10 business days after placement, the Department shall obtain from the caregiver, appropriate facility staff, or prospective adoptive parent or parents a signed verification of receipt of the information provided. Within 10 business days after placement, the Department shall provide to the child's guardian ad litem a copy of the information provided to the caregiver, appropriate facility staff, or prospective adoptive parent or parents. The information provided to the caregiver, appropriate facility staff, or prospective adoptive parent or

parents shall be reviewed and approved regarding accuracy at the supervisory level.

(u-5) Beginning July 1, 2025, certified relative caregiver homes under Section 3.4 of the Child Care Act of 1969 shall be eligible to receive foster care maintenance payments from the Department in an amount no less than payments made to licensed foster family homes. Beginning July 1, 2025, relative homes providing care to a child placed by the Department that are not a certified relative caregiver home under Section 3.4 of the Child Care Act of 1969 or a licensed foster family home shall be eligible to receive payments from the Department in an amount no less 90% of the payments made to licensed foster family homes and certified relative caregiver homes.

(u-6) To assist relative and certified relative caregivers, no later than July 1, 2025, the Department shall adopt rules to implement a relative support program, as follows:

(1) For relative and certified relative caregivers, the Department is authorized to reimburse or prepay reasonable expenditures to remedy home conditions necessary to fulfill the home safety-related requirements of relative caregiver homes.

(2) The Department may provide short-term emergency funds to relative and certified relative caregiver homes experiencing extreme hardships due to the difficulty and stress associated with adding youth in care as new

household members.

(3) Consistent with federal law, the Department shall include in any State Plan made in accordance with the Adoption Assistance and Child Welfare Act of 1980, Titles IV-E and XIX of the Social Security Act, and any other applicable federal laws the provision of kinship navigator program services. The Department shall apply for and administer all relevant federal aid in accordance with law. Federal funds acquired for the kinship navigator program shall be used for the development, implementation, and operation of kinship navigator program services. The kinship navigator program services may provide information, referral services, support, and assistance to relative and certified relative caregivers of youth in care to address their unique needs and challenges. Until the Department is approved to receive federal funds for these purposes, the Department shall publicly post on the Department's website semi-annual updates regarding the Department's progress in pursuing federal funding. Whenever the Department publicly posts these updates on its website, the Department shall notify the General Assembly through the General Assembly's designee.

(u-7) To support finding permanency for children through subsidized guardianship and adoption and to prevent disruption in guardianship and adoptive placements, the Department shall establish and maintain accessible subsidized guardianship and

adoption support services for all children under 18 years of age placed in guardianship or adoption who, immediately preceding the guardianship or adoption, were in the custody or guardianship of the Department under Article II of the Juvenile Court Act of 1987.

The Department shall establish and maintain a toll-free number to respond to requests from the public about its subsidized guardianship and adoption support services under this subsection and shall staff the toll-free number so that calls are answered on a timely basis, but in no event more than one business day after the receipt of a request. These requests from the public may be made anonymously. To meet this obligation, the Department may utilize the same toll-free number the Department operates to respond to post-adoption requests under subsection (b-5) of Section 18.9 of the Adoption Act. The Department shall publicize information about the Department's subsidized guardianship support services and toll-free number as follows:

- (1) it shall post information on the Department's website;

- (2) it shall provide the information to every licensed child welfare agency and any entity providing subsidized guardianship support services in Illinois courts;

- (3) it shall reference such information in the materials the Department provides to caregivers pursuing subsidized guardianship to inform them of their rights and

responsibilities under the Child Care Act of 1969 and this Act;

(4) it shall provide the information, including the Department's Post Adoption and Guardianship Services booklet, to eligible caregivers as part of its guardianship training and at the time they are presented with the Permanency Commitment form;

(5) it shall include, in each annual notification letter mailed to subsidized guardians, a short, 2-sided flier or news bulletin in plain language that describes access to post-guardianship services, how to access services under the Family Support Program, formerly known as the Individual Care Grant Program, the webpage address to the Post Adoption and Guardianship Services booklet, information on how to request that a copy of the booklet be mailed; and

(6) it shall ensure that kinship navigator programs of this State, when established, have this information to include in materials the programs provide to caregivers.

No later than July 1, 2026, the Department shall provide a mechanism for the public to make information requests by electronic means.

The Department shall review and update annually all information relating to its subsidized guardianship support services, including its Post Adoption and Guardianship Services booklet, to include updated information on Family

Support Program services eligibility and subsidized guardianship support services that are available through the medical assistance program established under Article V of the Illinois Public Aid Code or any other State program for mental health services. The Department and the Department of Healthcare and Family Services shall coordinate their efforts in the development of these resources.

Every licensed child welfare agency and any entity providing kinship navigator programs funded by the Department shall provide the Department's website address and link to the Department's subsidized guardianship support services information set forth in subsection (d), including the Department's toll-free number, to every relative who is or will be providing guardianship placement for a child placed by the Department.

(v) The Department shall access criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Illinois State Police Law if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall provide for interactive computerized communication and processing equipment that permits direct on-line communication with the Illinois State Police's central

criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Illinois State Police. In addition, one Office of the Inspector General investigator shall have training in the use of the criminal history information access system and have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Illinois State Police relating to the access and dissemination of this information.

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

(v-2) Prior to final approval for placement of a child with a foster or adoptive parent, the Department shall check its child abuse and neglect registry for information

concerning prospective foster and adoptive parents, and any adult living in the home. If any prospective foster or adoptive parent or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry.

(v-3) Prior to the final approval of final placement of a related child in a certified relative caregiver home as defined in Section 2.37 of the Child Care Act of 1969, the Department shall ensure that the background screening meets the standards required under subsection (c) of Section 3.4 of the Child Care Act of 1969.

(v-4) Prior to final approval for placement of a child with a relative, as defined in Section 4d of this Act, who is not a licensed foster parent, has declined to seek approval to be a certified relative caregiver, or was denied approval as a certified relative caregiver, the Department shall:

(i) check the child abuse and neglect registry for information concerning the prospective relative caregiver and any other adult living in the home. If any prospective relative caregiver or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry; and

(ii) conduct a criminal records background check of the prospective relative caregiver and all other adults

living in the home, including fingerprint-based checks of national crime information databases. Final approval for placement shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including human trafficking, sex trafficking, rape, sexual assault, or homicide, but not including other physical assault or battery, or if there is a felony conviction for physical assault, battery, or a drug-related offense committed within the past 5 years; provided however, that the Department is empowered to grant a waiver as the Department may provide by rule, and the Department approves the request for the waiver based on a comprehensive evaluation of the caregiver and household members and the conditions relating to the safety of the placement.

No later than July 1, 2025, the Department shall adopt rules or revise existing rules to effectuate the changes made to this subsection (v-4). The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of the 103rd General Assembly.

(w) (Blank).

(x) The Department shall conduct annual credit history checks to determine the financial history of children placed under its guardianship pursuant to the Juvenile Court Act of

1987. The Department shall conduct such credit checks starting when a youth in care turns 12 years old and each year thereafter for the duration of the guardianship as terminated pursuant to the Juvenile Court Act of 1987. The Department shall determine if financial exploitation of the child's personal information has occurred. If financial exploitation appears to have taken place or is presently ongoing, the Department shall notify the proper law enforcement agency, the proper State's Attorney, or the Attorney General.

(y) Beginning on July 22, 2010 (the effective date of Public Act 96-1189), a child with a disability who receives residential and educational services from the Department shall be eligible to receive transition services in accordance with Article 14 of the School Code from the age of 14.5 through age 21, inclusive, notwithstanding the child's residential services arrangement. For purposes of this subsection, "child with a disability" means a child with a disability as defined by the federal Individuals with Disabilities Education Improvement Act of 2004.

(z) The Department shall access criminal history record information as defined as "background information" in this subsection and criminal history record information as defined in the Illinois Uniform Conviction Information Act for each Department employee or Department applicant. Each Department employee or Department applicant shall submit the employee's or applicant's fingerprints to the Illinois State Police in

the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and the Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. The Illinois State Police shall furnish, pursuant to positive identification, all Illinois conviction information to the Department of Children and Family Services.

For purposes of this subsection:

"Background information" means all of the following:

(i) Upon the request of the Department of Children and Family Services, conviction information obtained from the Illinois State Police as a result of a fingerprint-based criminal history records check of the Illinois criminal history records database and the Federal Bureau of Investigation criminal history records database concerning a Department employee or Department applicant.

(ii) Information obtained by the Department of Children and Family Services after performing a check of the Illinois State Police's Sex Offender Database, as authorized by Section 120 of the Sex Offender Community Notification Law, concerning a Department employee or Department applicant.

(iii) Information obtained by the Department of Children and Family Services after performing a check of the Child Abuse and Neglect Tracking System (CANTS) operated and maintained by the Department.

"Department employee" means a full-time or temporary employee coded or certified within the State of Illinois Personnel System.

"Department applicant" means an individual who has conditional Department full-time or part-time work, a contractor, an individual used to replace or supplement staff, an academic intern, a volunteer in Department offices or on Department contracts, a work-study student, an individual or entity licensed by the Department, or an unlicensed service provider who works as a condition of a contract or an agreement and whose work may bring the unlicensed service provider into contact with Department clients or client records.

(aa) The changes made to this Section by this amendatory Act of the 104th General Assembly are declarative of existing law and are not a new enactment.

(Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff. 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061, eff. 7-1-25.)

Section 10. The Child Care Act of 1969 is amended by changing Section 3.4 as follows:

(225 ILCS 10/3.4)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 3.4. Standards for certified relative caregiver homes.

(a) No later than July 1, 2025, the Department shall adopt rules outlining the standards for certified relative caregiver homes, which are reasonably in accordance with the national consortium recommendations and federal law and rules, and consistent with the requirements of this Act. The standards for certified relative caregiver homes shall: (i) be different from licensing standards used for non-relative foster family homes under Section 4; (ii) align with the recommendation of the U.S. Department of Health and Human Services' Administration for Children and Families for implementation of Section 471(a)(10), 471(a)(11), and 471(a)(20) and Section 474 of Title IV-E of the Social Security Act; (iii) be no more restrictive than, and reasonably in accordance with, national consortium recommendations; and (iv) address background screening for caregivers and other household residents and assessing home safety and caregiver capacity to meet the identified child's needs.

A guiding premise for certified relative caregiver home standards is that foster care maintenance payments for every relative, starting upon placement, regardless of federal

reimbursement, are critical to ensure that the basic needs and well-being of all children in relative care are being met. If an agency places a child in the care of a relative, the relative must immediately be provided with adequate support to care for that child. The Department shall review foster care maintenance payments to ensure that children receive the same amount of foster care maintenance payments whether placed in a certified relative caregiver home or a licensed foster family home.

In developing rules, the Department shall solicit and incorporate feedback from relative caregivers. No later than 60 days after the effective date of this amendatory Act of the 103rd General Assembly, the Department shall begin soliciting input from relatives who are currently or have recently been caregivers to youth in care to develop the rules and procedures to implement the requirements of this Section. The Department shall solicit this input in a manner convenient for caregivers to participate, including without limitation, in-person convenings at after hours and weekend venues, locations that provide child care, and modalities that are accessible and welcoming to new and experienced relative caregivers from all regions of the State. The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of the 103rd General Assembly.

(b) In order to assess whether standards are met for a

certified relative caregiver home under this Section, the Department or a licensed child welfare agency shall:

(1) complete the home safety and needs assessment and identify and provide any necessary concrete goods or safety modifications to assist the prospective certified relative caregiver in meeting the needs of the specific child or children being placed by the Department, in a manner consistent with Department rule;

(2) assess the ability of the prospective certified relative caregiver to care for the physical, emotional, medical, and educational needs of the specific child or children being placed by the Department using the protocol and form provided through national consortium recommendations; and

(3) using the standard background check form established by rule, complete a background check for each person seeking certified relative caregiver approval and any other adults living in the home as required under this Section.

(c) The Department or a licensed child welfare agency shall conduct the following background screening investigation for every prospective certified relative caregiver and adult resident living in the home:

(1) a name-based State, local, or tribal criminal background check, and as soon as reasonably possible, initiate a fingerprint-based background check;

(2) a review of this State's Central Registry and registries of any state in which an adult household member has resided in the last 5 years, if applicable to determine if the person has been determined to be a perpetrator in an indicated report of child abuse or neglect; and

(3) a review of the sex offender registry.

No home may be a certified relative caregiver home if any prospective caregivers or adult residents in the home refuse to authorize a background screening investigation as required by this Section. Only information and standards that bear a reasonable and rational relation to the caregiving capacity of the certified relative caregiver and adult member of the household and overall safety provided by residents of that home shall be used by the Department or licensed child welfare agency.

In approving a certified relative caregiver home in accordance with this Section, if an adult has a criminal record, the Department or licensed child welfare agency shall thoroughly investigate and evaluate the criminal history of the adult and, in so doing, include an assessment of the adult's character and, in the case of the prospective certified relative caregiver, the impact that the criminal history has on the prospective certified relative caregiver's ability to parent the child; the investigation should consider the type of crime, the number of crimes, the nature of the

offense, the age of the person at the time of the crime, the length of time that has elapsed since the last conviction, the relationship of the crime to the ability to care for children, the role that adult will have with the child, and any evidence of rehabilitation. In accordance with federal law, a home shall not be approved if the record of the prospective certified relative caregiver's background screening reveals: (i) a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children ~~crimes against a child~~, including child pornography, or for a crime involving violence, including human trafficking, sex trafficking, of rape, sexual assault, or homicide, but not including other physical assault or battery; or (ii) a felony conviction in the last 5 years for physical assault, battery, or a drug-related offense.

If the Department is contemplating denying approval of a certified relative caregiver home, the Department shall provide a written notice in the prospective certified relative caregiver's primary language to each prospective certified relative caregiver before the Department takes final action to deny approval of the home. This written notice shall include the specific reason or reasons the Department is considering denial, list actions prospective certified relative caregivers can take, if any, to remedy such conditions and the timeframes in which such actions would need to be completed, explain reasonable supports that the Department can provide to assist

the prospective certified relative caregivers in taking remedial actions and how the prospective certified relative caregivers can request such assistance, and provide the recourse prospective certified relative caregivers can seek to resolve disputes about the Department's findings. The Department shall provide prospective certified relative caregivers reasonable opportunity pursuant to rulemaking to cure any remediable deficiencies that the Department identified before taking final action to deny approval of a certified relative caregiver home.

If conditions have not been remedied after a reasonable opportunity and assistance to cure identified deficiencies has been provided, the Department shall provide a final written notice explaining the reasons for denying the certified relative caregiver home approval and the reconsideration process to review the decision to deny certification. The Department shall not prohibit a prospective certified relative caregiver from being reconsidered for approval if the prospective certified relative caregivers are able to demonstrate a change in circumstances that improves deficient conditions.

Documentation that a certified relative caregiver home meets the required standards may be filed on behalf of such homes by a licensed child welfare agency, by a State agency authorized to place children in foster care, or by out-of-state agencies approved by the Department to place

children in this State. For documentation on behalf of a home in which specific children are placed by and remain under supervision of the applicant agency, such agency shall document that the certified relative caregiver home, responsible for the care of related specific children therein, was found to be in reasonable compliance with standards prescribed by the Department for certified relative caregiver homes under this Section. Certification is applicable to one or more related children and documentation for certification shall indicate the specific child or children who would be eligible for placement in this certified relative caregiver home.

Information concerning criminal convictions of prospective certified relative caregivers and adult residents of a prospective certified relative caregiver home investigated under this Section, including the source of the information, State conviction information provided by the Illinois State Police, and any conclusions or recommendations derived from the information, shall be offered to the prospective certified relative caregivers and adult residents of a prospective certified relative caregiver home, and provided, upon request, to such persons prior to final action by the Department in the certified relative caregiver home approval process.

Any information concerning criminal charges or the disposition of such criminal charges obtained by the Department shall be confidential and may not be transmitted

outside the Department, except as required or permitted by State or federal law, and may not be transmitted to anyone within the Department except as needed for the purpose of evaluating standards for a certified relative caregiver home or for evaluating the placement of a specific child in the home. Information concerning a prospective certified relative caregiver or an adult resident of a prospective certified relative caregiver home obtained by the Department for the purposes of this Section shall be confidential and exempt from public inspection and copying as provided under Section 7 of the Freedom of Information Act, and such information shall not be transmitted outside the Department, except as required or authorized by State or federal law, including applicable provisions in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as needed for the purposes of evaluating homes. Any employee of the Department, the Illinois State Police, or a licensed child welfare agency receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions or child abuse or neglect reports involving a prospective certified relative caregiver or an adult resident of a prospective certified relative caregiver home shall be guilty of a Class A misdemeanor unless release of

such information is authorized by this Section or Section 11.1 of the Abused and Neglected Child Reporting Act.

The Department shall permit, but shall not require, a prospective certified relative caregiver who does not yet have eligible children placed by the Department in the relative's home to commence the process to become a certified relative caregiver home for a particular identified child under this Section before a child is placed by the Department if the prospective certified relative caregiver prefers to begin this process in advance of the identified child being placed. No later than July 1, 2025, the Department shall adopt rules delineating the process for re-assessing a certified relative caregiver home if the identified child is not placed in that home within 6 months of the home becoming certified.

(d) The Department shall ensure that prospective certified relative caregivers are provided with assistance in completing the steps required for approval as a certified relative caregiver home, including, but not limited to, the following types of assistance:

(1) completing forms together with the relative or for the relative, if possible;

(2) obtaining court records or dispositions related to background checks;

(3) accessing translation services;

(4) using mobile fingerprinting devices in the home, and if mobile devices are unavailable, providing

assistance scheduling appointments that are accessible and available at times that fit the household members' schedules, providing transportation and child care to allow the household members to complete fingerprinting appointments, and contracting with community-based fingerprinting locations that offer evening and weekend appointments;

(5) reimbursement or advance payment for the prospective certified relative caregiver to help with reasonable home maintenance to resolve critical safety issues in accordance with Department rulemaking; and

(6) purchasing required safety or comfort items such as a car seat or mattress.

(e) Orientation provided to certified relative caregivers shall include information regarding:

(1) caregivers' right to be heard in juvenile court proceedings;

(2) the availability of the advocacy hotline and Office of the Inspector General that caregivers may use to report incidents of misconduct or violation of rules by Department employees, service providers, or contractors;

(3) the Department's expectations for caregiving obligations including, but not limited to, specific requirements of court orders, critical incident notifications and timeframes, supervision for the child's age and needs, out-of-state travel, and consent

procedures;

(4) assistance available to the certified relative caregivers, including child care, respite care, transportation assistance, case management, training and support groups, kinship navigator services, financial assistance, and after hours and weekend 24 hours, 7 days a week emergency supports, and how to access such assistance;

(5) reasonable and prudent parenting standards; and

(6) permanency options.

Orientation shall be provided in a setting and modality convenient for the residents of the certified relative caregiver home, which shall include the option for one-on-one sessions at the residence, after business hours, and in the primary language of the caregivers. Training opportunities shall be offered to the residents of the certified relative caregiver home, but shall not be a requirement that delays the certified relative caregiver home approval process from being completed.

The Department or licensed child welfare agency may provide support groups and development opportunities for certified relative caregivers, and take other steps to support permanency, such as offering voluntary training, or concurrent assessments of multiple prospective certified relative caregivers to determine which may be best suited to provide long-term permanency for a particular child. However, these

support groups and development opportunities shall not be requirements for prospective certified relative caregiver homes or delay immediate placement and support to a relative who satisfies the standards set forth in this Section.

(f) All child welfare agencies serving relative and certified relative caregiver homes shall be required by the Department to have complaint policies and procedures that shall be provided in writing to prospective and current certified relative caregivers and residents of prospective and current certified relative caregiver homes, at the earliest time possible. The complaint procedure shall allow residents of prospective and current certified relative caregiver homes to submit complaints 7 days a week and complaints shall be reviewed by the Department within 30 days of receipt. These complaint procedures must be filed with the Department within 6 months after the effective date of this amendatory of the 103rd General Assembly.

No later than July 1, 2025, the Department shall revise any rules and procedures pertaining to eligibility of certified relative caregivers to qualify for State and federal subsidies and services under the guardianship and adoption assistance program and remove any requirements that exceed the federal requirements for participation in these programs or supports to ensure that certified relative caregiver homes are deemed eligible for permanency options, such as adoption or subsidized guardianship, if the child is unable to safely

return to the child's parents. The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of the 103rd General Assembly.

The Department shall submit any necessary State plan amendments necessary to comply with this Section and to ensure Title IV-E reimbursement eligibility under Section 671(a)(20)(A-B) of the Social Security Act can be achieved expediently. The Department shall differentiate expenditures related to certified relative caregivers from licensed care placements to provide clarity in expenditures of State and federal monies for certified relative caregiver supports.

(Source: P.A. 103-1061, eff. 7-1-25.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect July 1, 2025.