**Section 301.80 Relative Home Placement**

a) A child for whom the Department is legally responsible may be placed in the home of a relative when the Department has reason to believe that the relative can safely and adequately care for the child in the absence of formal licensing, including training. In determining whether relative home placement is in the best interests of the child, the placing worker shall consider the child's prior relationship with the relative, the comfort level of the child with the relative, and the extent to which the relative complies with the placement selection criteria of Section 301.60(b).

b) The placing worker shall assess the prospective relative caregiver's willingness to help and support children in developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and recognize the value of preserving family ties between siblings, including their need for stability and continuity of relationships, and the importance of sibling contact in the development of each child's identity. The worker shall document the results of this assessment in the case record.

c) "Fictive kin" and "godparents", as defined in Section 301.20, are considered to be related to a child when the child is in the custody or guardianship of the Department and in need of a substitute care placement. Unless otherwise specified, the requirements in this Section pertaining to relative home placements also apply to placement with persons that the parents or child have identified as fictive kin or the child's godparents.

d) The placing worker shall emphasize to prospective relative caregivers that it is preferable for children to be placed together in one home. However, the placing worker may consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships. When it is not possible to place all of the children together, the placing worker shall encourage substitute caregivers to encourage and facilitate contact among the siblings.

e) Obtaining Information about Relatives

1) Child Entering Substitute Care

A) The placing worker shall ask the parents whether there is a non-custodial parent or if there are relatives who may be positive placement resources or positive supports for the child. The placing worker shall ask the parents and/or child to identify grandparents and other relatives on both the maternal and paternal sides of the family. When the child is able to understand that he/she will be entering substitute care, the placing worker shall also ask the child, outside the presence of the parents or any relative, about each relative named by the parent as a placement resource. The placing worker shall document all identified relatives and shall not omit from this list anyone named by the parent or child.

B) When considering a godparent as a placement resource, the placing worker may identify the godparent/godchild relationship by contacting one or both parents to confirm the fact that they did, in fact, designate the person as the child's godparent. If the parents are unavailable, the placing worker shall contact other close family members to identify the relationship. When the child is able to understand, the child shall also be asked to help identify his/her godparent. The placing worker must determine that the godparent established a close and caring relationship with the child prior to the child's placement with the godparent or is part of the family support system (see subsection (g)). When family members are not available or cannot confirm this relationship, and formal documentation is not available, a person claiming to be the child's godparent may be considered for placement as a fictive kin.

C) When considering a fictive kin as a placement resource, the placing worker must determine that the fictive kin established a close and caring relationship with the child prior to the child's placement with the fictive kin or is part of the family support system (see subsection (g)).

D) The placing worker shall contact the persons identified by the parent and child to attempt to locate an immediate placement for the child. The placing worker shall document each contact in a contact note.

E) The assigned Permanency Worker shall continue discussions with the parents and child about any relatives who might be support resources for the child. The Permanency Worker shall ask the child, outside the presence of the parents or any relative, about each relative named by the parent as a placement resource.

F) The Permanency Worker shall attempt to locate and interview each person named by the parents or child, within 5 days after case assignment, to determine his or her interest and ability to be an appropriate placement resource or positive support for the child. In these interviews, the Permanency Worker shall ask if the relative is aware of other relatives of the child who should be contacted. The Permanency Worker shall identify and contact all grandparents, all parents of a sibling of the child (when the parent has legal custody of the sibling), and other adult relatives identified by the family, even when an initial placement has been made with a relative caregiver. If the relative cannot be contacted, the Placing Worker shall document the reason the relative could not be contacted. All interviews shall be documented in a contact note. When contacted by a relative who the Permanency Worker has not already interviewed, the Permanency Worker shall meet with or call the relative. The Permanency Worker shall interview the relative and ask the relative to confirm how he/she is related to the child. If a sibling group is involved, the relative shall be asked how he/she is related to each of the children.

G) The Permanency Worker shall send a written notice, via U.S. Mail, to each identified relative, informing the relative that a court order was issued for the child to be removed from the custody of the child's parents and placed in the custody of the Department of Children and Family Services. The written notice shall identify the child by first name, gender and age only. At initial placement, this written notice shall be sent within 30 days after obtaining protective custody. In all other circumstances, written notice shall be sent within 7 days after obtaining the relative's postal contact information. This notice shall not be sent to a relative for whom there is a police report, indicated finding or court finding of family or domestic violence. The Permanency Worker shall obtain a copy of the police report, indicated finding or court finding and place it in the record.

H) If the child does not know, trust or feel safe with a person named by the parent or identified as a relative, the placing worker shall not place the child with that person. The placing worker and supervisor shall convene a supervisory staffing to discuss the child's feelings and determine and validate the child's concerns. The supervisor shall make a Critical Decision regarding placement of the child with that relative and document the decision in a supervisory note.

I) Throughout the life of the case, the Permanency Worker shall continue to collect information about other relative supports and connections as that information becomes available, in order to develop a network of individuals who commit to support the family toward reunification and ensure the children do not linger in foster care.

2) Children in Substitute Care Requiring Change of Placement

A) The placing worker for the child shall continue to have discussions with the parents about relatives who may be willing to be positive placement resources for the child. When the child is able to understand, the placing worker shall also ask the child, outside the presence of the parents or any relative, about any relatives who might be support resources for the child and about any relative named by the parent as a placement resource.

B) When considering a godparent as a placement resource, the placing worker may identify the godparent/godchild relationship by contacting one or both parents to confirm the fact that they did, in fact, designate the person as the child's godparent. If the parents are unavailable, the placing worker shall contact other close family members to identify the relationship. When the child is able to understand, the child shall also be asked to help identify his/her godparent. The placing worker must determine that the godparent established a close and caring relationship with the child prior to the child's placement with the godparent or is part of the family support system (see subsection (g)). When family members are not available or cannot confirm this relationship, and formal documentation is not available, a person claiming to be the child's godparent may be considered for placement as a fictive kin.

C) When considering a fictive kin as a placement resource, the placing worker must determine that the fictive kin established a close and caring relationship with the child prior to the child's placement with the fictive kin or is part of the family support system (see subsection (g)).

D) The placing worker shall contact all relatives identified by the parents or child, as well as any others previously contacted who expressed interest in being a placement resource. The placing worker shall reconsider any relative who expressed an interest in being a placement resource or, if previously considered, asks to be reconsidered for placement, as the circumstances of the relative or the child may have changed. Each contact shall be documented in a contact note.

f) The placing worker shall inform prospective relative caregivers that they may be contacted in the future regarding placement of the siblings of a child who may subsequently require placement, or contact with siblings in other living arrangements or living independently.

g) Assessing Relatives as Placement Resources

When assessing a relative as a placement resource, the placing worker shall also consider:

1) The best interests of the child as defined in Section 1-3 of the Juvenile Court Act [705 ILCS 405/1-3];

2) The nature and quality of the relative's relationship with the child. This includes the length of time the child has been in care and whether this relative has been part of the child's life during that time;

3) The relative's ability to protect the child from abusive parents and/or his or her own risk behaviors;

4) The relative's ability to understand the needs of the child and family and the indicated findings and court findings that have been made with regard to the child and family;

5) Whether the relative was involved with the family dynamics that led to the removal of the child from his/her parents;

6) The relative's role, if any, in resolving or intervening in the present situation;

7) The relative's willingness to work with the Permanency Worker and the Child and Family Team in implementing the Family Service Plan;

8) The relative's willingness to work towards the permanency goal and accept necessary services;

9) Adequacy of personal supports to ensure the relative's ability to care for and meet the child's identified needs;

10) In cases involving domestic violence, mental health and/or substance abuse, how placement with the relative supports the ability of the parents to meet the requirements of the service plan and/or have safe contact with the child; and

11) If siblings are being placed together and one of the siblings does not trust or feel safe with the relative, the placing worker shall ask the child (when verbal), outside the presence of the parents and any relative, about the relative.

h) No child under age 18 for whom the Department is legally responsible shall be placed with a relative unless the conditions for placement specified in this Section have been met prior to placement of the child with the relative. Staff of the placing agency shall meet with the relative and ascertain that the relative meets the following conditions for placement and signs an agreement to that effect. The relative:

1) will care for no more than the number of children consistent with the number and ages of children permitted in a licensed foster family home (89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes);

2) is willing and capable of protecting the children from harm by the parents or any other person whose actions or inactions allegedly threatened the children's safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5];

3) agrees not to transfer physical custody of the children to anyone, including parents or other relatives, unless previously authorized in writing by the Department;

4) agrees not to allow the indicated or alleged perpetrators of abuse or neglect to reside in the relative's home unless previously authorized in writing by the Department;

5) agrees to notify the Department of any changes in the household composition;

6) agrees to notify the Department of any change of address prior to moving;

7) agrees to seek the prior written consent of the Department for non-emergency medical, psychological or psychiatric testing or treatment;

8) agrees to take the children out of state only if previously authorized in writing by the Department;

9) agrees to abide by any conditions or limitations on the parent-child visitation plan;

10) is willing to cooperate with the agency, the children's parents and other resource persons to help develop and achieve the permanency goal recorded in the children's service plan;

11) agrees to adequately supervise the children so they are not left in situations or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate;

12) agrees not to subject the child to corporal punishment, verbal abuse, threats, or derogatory remarks about the child or the child's family;

13) agrees that any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time; and

14) agrees to sign, and have all members residing in the home age 18 and over sign, an authorization for a criminal background check and agrees to be fingerprinted no later than 30 days after the placement for a child placement decision.

i) Prior to placement with a relative, staff of the placing agency shall visit the home of the proposed caregiver and shall determine whether the following conditions for placement are met:

1) background checks of the Child Abuse Neglect Tracking System (CANTS) as required by 89 Ill. Adm. Code 385 (Background Checks) and a check of the Statewide Child Sex Offender Registry have been completed on all adult members of the household and children age 13 and over, communicated to the supervising agency prior to placement, and appropriate decisions made. If a report of abuse or neglect exists, staff of the placing agency have made appropriate decisions whether the child should be placed with the relative based on the following considerations:

A) the type of indicated abuse and neglect;

B) the age of the individual at the time of the report;

C) the length of time that has elapsed since the most recent indicated report;

D) the relationship of the report to the ability to care for the related children; and

E) evidence of successful parenting;

2) a check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household and children age 13 and over is completed prior to placement of the related children. If the results of the LEADS check identify prior criminal convictions listed in Appendix A for any adult member of the household, children shall not be placed in the relative's home unless a waiver has been granted in accordance with the requirements of Appendix A;

3) the home is free from observable hazards;

4) prescription and non-prescription drugs, dangerous household supplies, and dangerous tools are stored in places inaccessible to children;

5) any and all firearms and ammunition are locked up at all times and kept in places inaccessible to children;

6) basic utilities (water, heat, electricity) are in operation;

7) sleeping arrangements are suitable to the age and sex of the children;

8) meals can be provided daily to the related children in sufficient quantities to meet the children's nutritional needs;

9) supervision of the related children can be assured at all times, including times when the relative is employed or otherwise engaged in activity outside of the home;

10) the relative can provide basic necessities for themselves and their own children;

11) the relative can access health care and provide necessary in-home support for any health care needs of the related children;

12) no member of the household appears to have a communicable disease that could pose a threat to the health of the related children or an emotional or physical impairment that could affect the ability of the caregiver to provide routine daily care to the related children or to evacuate them safely in an emergency;

13) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the relative;

14) the relative has the ability to contact the agency, if necessary, and the ability to be contacted;

15) the relative has immediate access to a telephone when the related child has medical or other special needs;

16) the relative shall cooperate with the supervising agency's educational and service plan for the child;

17) the relative is able to communicate with the child in the parent's or child's preferred language.

j) Address Supervision and Discipline with Relative Caregivers

1) At the initial visit, and at each subsequent home visit, the placing worker or permanency worker is required to discuss with the relative caregiver the importance of always using age-appropriate supervision and discipline that meet the child's identified needs. Caregivers are prohibited from using corporal punishment. The discussion must include information about trauma-based reactive behaviors and should emphasize the negative effects that result from the use of corporal punishment, as well as use of derogatory or demeaning language towards the child or his/her family members.

2) To ensure that relative caregivers understand their responsibility to provide adequate supervision of the children in their home, Permanency Workers are also required to discuss supervision during monthly home visits.

k) Fictive Kin: Requirement to Apply for Licensure

1) A fictive kin with whom a child is placed shall apply for licensure as a Home of Relative (HMR) foster family home within 6 months after the child's placement with the fictive kin.

2) A child may not be removed from the home of a fictive kin solely on the basis that the fictive kin failed to apply for licensure as an HMR foster family home within 6 months after the child's placement in the home, or failed to attain an HMR foster family home license. However, a fictive kin who fails to apply for or obtain an HMR foster family home license shall at all times be in compliance with 89 Ill. Adm. Code 301.80 (Relative Home Placement).

l) Within 90 days after initial placement of a relative child, a placement decision shall be determined by a supervisor of the placing agency based on the assessment criteria and conditions for placement listed in subsections (d), (e) and (f). The placement decision shall also consider the results of a criminal background check of all persons 18 years and older who are living in the home and whether continued placement with that relative is in the best interests of the child.

m) Prior to or concurrent with placement in a relative's home, staff of the placing agency shall document, on the form prescribed by the Department, that the conditions for placement prescribed by this Section have been met.

n) The supervising agency shall reassess the appropriateness of the relative home placement on an on-going basis and at least prior to each administrative case review or at any point the supervising agency has reason to believe the relative caregiver can no longer safely or adequately care for the children. Appropriateness is determined by ongoing reassessment of the best interests of the child and the relative as a placement resource, as required in subsection (g), and the extent to which the home is in compliance with the conditions described in subsections (h) and (i) and by an evaluation of the continued safety of the children, including an evaluation of any pending criminal charges against any adult members of the household.

o) The Department may, after providing notice as required by 89 Ill. Adm. Code 337 (Service Appeal Process), move the child to another placement if the Department determines, based on the consideration and assessment of the safety and well-being of the child, the child's permanency goal, and the best interests or special needs of the child, that an alternative placement is necessary.

p) Only placements in licensed foster family homes receive the foster care payment rate. Relatives who care for children for whom the Department is legally responsible are encouraged to apply for licensure as a foster family home in accordance with the requirements of 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes). When a relative is licensed under Part 402, the relative will receive the established foster care payment rate appropriate for the number and ages of foster children placed in care. Relatives who are unlicensed receive the child only standard of need.

(Source: Amended at 43 Ill. Reg. 5680, effective May 3, 2019)