**Section 337.70 What May Be Appealed**

a) By Families and Children

Families and children may appeal the following issues:

1) the denial, in whole or in part, of child welfare services requested by families, children, or an individual legally appointed to represent a minor, incompetent or incapacitated person or the failure of the Department or its provider agency to decide, within 30 calendar days after the date of the request, whether to grant or deny services requested by the parents or children;

2) a decision to reduce, suspend or terminate services;

3) the choice of a permanency goal or the denial of a request for a change in permanency goal, provided the circuit court has not entered any permanency order establishing the permanency goal;

4) the failure to complete a service plan within 45 calendar days after case opening or the failure to review the service plan within the Department's specified time frames;

5) the failure to provide services as specified in the service plan with reasonable promptness or within the time frames as provided in the service plan;

6) the frequency or length of family visitation, or failure to arrange parent-child visits when the child is placed out of the home and parental rights have not been terminated, and the frequency or length of sibling visits when children are placed apart;

7) a change in the placement of the child; or

8) the imposition of unnecessary services or conditions as part of a service plan.

b) By Foster Parents and Relative Caregivers

1) Foster parents may appeal the following issues:

A) decisions made by the Department or its provider agency that directly affect the foster parent, such as payment issues, as defined in 89 Ill. Adm. Code 359 (Authorized Child Care Payments);

B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;

C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and

D) removal of a child from the foster family home, provided that the child has been placed in the home for at least 60 days. This does not include placement with the biological or adoptive parents or siblings, placements for purposes of adoption as ordered by the court, or return to an individual or individuals with whom the child resided prior to entering substitute care or removal of a child at the request of the foster parents.

2) Relative caregivers may appeal the following issues:

A) decisions made by the Department or its provider agency that directly affect the relative caregiver, such as payment issues as defined in 89 Ill. Adm. Code 359 (Authorized Child Care Payments);

B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;

C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and

D) removal of a child from the relative caregiver's home, provided that, for a licensed relative caregiver, the child has been placed in the home for at least 60 days or, for an unlicensed relative caregiver, the child has been placed in the home for at least 90 days. This does not include placement with the biological or adoptive parents, or siblings, placements for purposes of adoption as ordered by the court, return to an individual or individuals with whom the child resided prior to entering substitute care, or removal of a child at the request of the foster parents.

3) Foster parents and relative caregivers have the right to be heard by the Department on issues specified in 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings) and 316.90 (Decision Review) that are not appealable under this Part. However, they will not be considered a party to the service appeal on issues that may affect residual parental rights and responsibilities. These include, but are not limited to, issues regarding the child's return home, family visitation, the right to consent to adoption, the right to determine the minor's religious affiliation and other issues that do not directly affect the foster parents themselves or their roles as caregivers of the child. The residual rights and responsibilities of parents are further defined in Section 1-3(13) of the Juvenile Court Act of 1987 [705 ILCS 405/1-3(13)].

4) When the foster parent or relative caregiver appeals a change of placement, the child shall always be a party to the appeal and the child's attorney and guardian ad litem notified of the appeal. For all other appeals affecting the child, the child's attorney and guardian ad litem shall be notified.

(Source: Amended at 36 Ill. Reg. 4388, effective March 7, 2012)