

1 AN ACT concerning the Department of Children and Family
2 Services.

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

5 Section 5. The Children and Family Services Act is
6 amended by changing Sections 7, 7.3, and 35.6 and adding
7 Section 5d as follows:

8 (20 ILCS 505/5d new)

9 Sec. 5d. Advocacy Office for Children and Families. The
10 Department of Children and Family Services shall establish
11 and maintain an Advocacy Office for Children and Families
12 that shall, in addition to other duties assigned by the
13 Director, receive and respond to complaints that may be filed
14 by children, parents, caretakers, and relatives of children
15 receiving child welfare services from the Department of
16 Children and Family Services or its agents. The Department
17 shall promulgate policies and procedures for filing,
18 processing, investigating, and resolving the complaints. The
19 Department shall make a final report to the complainant of
20 its findings. If a final report is not completed, the
21 Department shall report on its disposition every 30 days.
22 The Advocacy Office shall include a statewide toll-free
23 telephone number that may be used to file complaints, or to
24 obtain information about the delivery of child welfare
25 services by the Department or its agents. This telephone
26 number shall be included in all appropriate notices and
27 handbooks regarding services available through the
28 Department.

29 (20 ILCS 505/7) (from Ch. 23, par. 5007)

30 Sec. 7. Placement of children; considerations.

1 (a) In placing any child under this Act, the Department
 2 shall place such child, as far as possible, in the care and
 3 custody of some individual holding the same religious belief
 4 as the parents of the child, or with some child care facility
 5 which is operated by persons of like religious faith as the
 6 parents of such child.

7 (b) In placing a child under this Act, the Department
 8 may place a child with a relative if the Department has
 9 reason to believe that the relative will be able to
 10 adequately provide for the child's safety and welfare. The
 11 Department may not place a child with a relative, with the
 12 exception of certain circumstances which may be waived as
 13 defined by the Department in rules, if the results of a check
 14 of the Law Enforcement Agency Data System (LEADS) identifies
 15 a prior criminal conviction of the relative or any adult
 16 member of the relative's household for any of the following
 17 offenses under the Criminal Code of 1961:

- 18 (1) murder;
- 19 (1.1) solicitation of murder;
- 20 (1.2) solicitation of murder for hire;
- 21 (1.3) intentional homicide of an unborn child;
- 22 (1.4) voluntary manslaughter of an unborn child;
- 23 (1.5) involuntary manslaughter;
- 24 (1.6) reckless homicide;
- 25 (1.7) concealment of a homicidal death;
- 26 (1.8) involuntary manslaughter of an unborn child;
- 27 (1.9) reckless homicide of an unborn child;
- 28 (1.10) drug-induced homicide;
- 29 (2) a sex offense under Article 11, except offenses
 30 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 31 (3) kidnapping;
- 32 (3.1) aggravated unlawful restraint;
- 33 (3.2) forcible detention;
- 34 (3.3) aiding and abetting child abduction;

- 1 (4) aggravated kidnapping;
- 2 (5) child abduction;
- 3 (6) aggravated battery of a child;
- 4 (7) criminal sexual assault;
- 5 (8) aggravated criminal sexual assault;
- 6 (8.1) predatory criminal sexual assault of a child;
- 7 (9) criminal sexual abuse;
- 8 (10) aggravated sexual abuse;
- 9 (11) heinous battery;
- 10 (12) aggravated battery with a firearm;
- 11 (13) tampering with food, drugs, or cosmetics;
- 12 (14) drug-induced infliction of great bodily harm;
- 13 (15) aggravated stalking;
- 14 (16) home invasion;
- 15 (17) vehicular invasion;
- 16 (18) criminal transmission of HIV;
- 17 (19) criminal neglect of an elderly or disabled
- 18 person;
- 19 (20) child abandonment;
- 20 (21) endangering the life or health of a child;
- 21 (22) ritual mutilation;
- 22 (23) ritualized abuse of a child;
- 23 (24) an offense in any other state the elements of
- 24 which are similar and bear a substantial relationship to
- 25 any of the foregoing offenses.

26 For the purpose of this subsection, "relative" shall include
 27 any person, 21 years of age or over, other than the parent,
 28 who (i) is currently related to the child in any of the
 29 following ways by blood or adoption: grandparent, sibling,
 30 great-grandparent, uncle, aunt, nephew, niece, first cousin,
 31 great-uncle, or great-aunt; or (ii) is the spouse of such a
 32 relative; or (iii) is the child's step-father, step-mother,
 33 or adult step-brother or step-sister; "relative" also
 34 includes a person related in any of the foregoing ways to a

1 sibling of a child, even though the person is not related to
2 the child, when the child and its sibling are placed together
3 with that person. A relative with whom a child is placed
4 pursuant to this subsection may, but is not required to,
5 apply for licensure as a foster family home pursuant to the
6 Child Care Act of 1969; provided, however, that as of July 1,
7 1995, foster care payments shall be made only to licensed
8 foster family homes pursuant to the terms of Section 5 of
9 this Act.

10 (c) In placing a child under this Act, the Department
11 shall ensure that the child's health, safety, and best
12 interests are met in making a family foster care placement.
13 The Department shall consider the individual needs of the
14 child and the capacity of the prospective foster or adoptive
15 parents to meet the needs of the child. When a child must be
16 placed outside his or her home and cannot be immediately
17 returned to his or her parents or guardian, a comprehensive,
18 individualized assessment shall be performed of that child at
19 which time the needs of the child shall be determined. Only
20 if race, color, or national origin is identified as a
21 legitimate factor in advancing the child's best interests
22 shall it be considered. Race, color, or national origin
23 shall not be routinely considered in making a placement
24 decision. The Department shall make special efforts for the
25 diligent recruitment of potential foster and adoptive
26 families that reflect the ethnic and racial diversity of the
27 children for whom foster and adoptive homes are needed.
28 "Special efforts" shall include contacting and working with
29 community organizations and religious organizations and may
30 include contracting with those organizations, utilizing local
31 media and other local resources, and conducting outreach
32 activities.

33 (c-1) At the time of placement, the Department shall
34 consider concurrent planning, as described in subsection

1 (1-1) of Section 5, so that permanency may occur at the
2 earliest opportunity. Consideration should be given so that
3 if reunification fails or is delayed, the placement made is
4 the best available placement to provide permanency for the
5 child.

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

9 (e) The Department in placing children in adoptive or
10 foster care homes may not, in any policy or practice relating
11 to the placement of children for adoption or foster care,
12 discriminate against any child or prospective adoptive or
13 foster parent on the basis of race.

14 (Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-428, eff.
15 12-13-95; 89-462, eff. 5-29-96; 89-626, eff. 8-9-96; 90-27,
16 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

17 (20 ILCS 505/7.3)

18 Sec. 7.3. Placement plan. The Department shall develop
19 and implement a written plan for placing children. The plan
20 shall include at least the following features:

21 (1) A plan for recruiting minority adoptive and
22 foster families. The plan shall include strategies for
23 using existing resources in minority communities, use of
24 minority outreach staff whenever possible, use of
25 minority foster homes for placements after birth and
26 before adoption, and other techniques as appropriate.

27 (2) A plan for training adoptive and foster
28 families of minority children.

29 (3) A plan for employing social workers in adoption
30 and foster care. The plan shall include staffing goals
31 and objectives.

32 (4) A plan for ensuring that adoption and foster
33 care workers attend training offered or approved by the

1 Department regarding the State's goal of encouraging
2 cultural diversity and the needs of special needs
3 children.

4 (5) A plan that includes policies and procedures
5 for determining for each child requiring placement
6 outside of his or her home, and who cannot be immediately
7 returned to his or her parents or guardian, the placement
8 needs of that child. In the rare instance when an
9 individualized assessment identifies, documents, and
10 substantiates that race, color, or national origin is a
11 factor that needs to be considered in advancing a
12 particular child's best interests, it shall be considered
13 in making a placement.

14 (Source: P.A. 89-422.)

15 (20 ILCS 505/35.6)

16 Sec. 35.6. State-wide Foster---parent--state-wide,
17 toll-free telephone number.

18 (a) There shall be a State-wide, toll-free telephone
19 number for any person foster-parents, whether or not mandated
20 by law, to report to the Inspector General of the Department,
21 suspected misconduct, malfeasance, misfeasance, or violations
22 of rules, procedures, or laws by Department employees,
23 service providers, or contractors that is detrimental to the
24 best interest of children receiving care, services, or
25 training from or who were committed to the Department as
26 allowed under Section 5 of this Act. Immediately upon
27 receipt of a telephone call regarding suspected abuse or
28 neglect of children, the Inspector General shall refer the
29 call to the Child Abuse and Neglect Hotline or to the State
30 Police as mandated by the Abused and Neglected Child
31 Reporting Act and Section 35.5 of this Act. A mandated
32 reporter shall not be relieved of his or her duty to report
33 incidents to the Child Abuse and Neglect Hotline referred to

1 in this subsection. The Inspector General shall also
2 establish rules and procedures for evaluating reports of
3 suspected misconduct and violation of rules and for
4 conducting an investigation of such reports.

5 (b) The Inspector General shall prepare and maintain
6 written records from the reporting source that shall contain
7 the following information to the extent known at the time the
8 report is made: (1) the names and addresses of the child and
9 the person responsible for the child's welfare; (2) the
10 nature of the misconduct and the detriment cause to the
11 child's best interest; (3) the names of the persons or
12 agencies responsible for the alleged misconduct. Any
13 investigation conducted by the Inspector General pursuant to
14 such information shall not duplicate and shall be separate
15 from the investigation mandated by the Abused and Neglected
16 Child Reporting Act. However, the Inspector General may
17 include the results of such investigation in reports compiled
18 under this Section. At the request of the reporting agent,
19 the Inspector General shall keep the identity of the
20 reporting agent strictly confidential from the operation of
21 the Department, until the Inspector General shall determine
22 what recommendations shall be made with regard to discipline
23 or sanction of the Department employee, service provider, or
24 contractor, with the exception of suspected child abuse or
25 neglect which shall be handled consistent with the Abused and
26 Neglected Child Reporting Act and Section 35.5 of this Act.
27 The Department shall take whatever steps are necessary to
28 assure that a person making a report in good faith under this
29 Section is not adversely affected solely on the basis of
30 having made such report.

31 (Source: P.A. 88-7; 88-491.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.