Exhibit 8: Illinois

Contact:
June Dorn, Guardianship Administrator
(312)814-6858
June.dorn@illinois.gov

Useful Links:
State Legislature:
http://www.ilga.gov/
Department of Children & Family Services:
http://www.state.il.us/dcfs/index.shtml
Office of Child & Family Policy Web Resource:
http://dcfswebresource.dcfs.illinois.gov/

Attached Documents:
Illinois Administrative Code, Section 302.405, Subsidized Guardianship Program
Rules 302, Section 302.410, Subsidized Guardianship
Rules 402, Licensing Standards for Foster Family Homes
Illinois Kinship Care Fact Sheet
Illinois House Bill 4054
Section 302.405 Subsidized Guardianship Program

a) General Provisions

1) Funding Source
Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services (DHHS) under section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out. Guardianship is governed by the Illinois Probate Act [755 ILCS 5] and the Illinois Juvenile Court Act [705 ILCS 405]. A relative caregiver or licensed foster parent caring for a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship and the types of assistance available. The subsidized guardianship agreement must be signed prior to the transfer of guardianship.

2) Continued Eligibility of Children
If guardianship is dissolved because of the death or incapacitation of the guardian or voluntary relinquishment, a child who previously received a subsidy continues to be eligible for the subsidized guardianship program. The child's financial circumstances may be treated as if the financial circumstances are the same as the first time guardianship was transferred.

b) Subsidized Guardianship Agreement
The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the transfer of guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases in which the subsidized guardian and child move to another state while the agreement is in effect. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized
guardians may refuse any or all payments offered by the Department. The child for whom guardianship is transferred and for whom the guardian is receiving a subsidy shall receive only those services and/or payments specified in the subsidized guardianship agreement.

c) Eligibility Criteria

1) For a child to qualify for subsidized guardianship, the following criteria must be met:

   A) the child is not a member of the control group; and

   B) the child has been in the custody of the State for one year or more immediately prior to establishing subsidized guardianship and is likely to remain in care; and the parent has consented to the subsidized guardianship arrangement or the Department has good cause to seek a private guardian without consent and will give notice to the parent of the guardianship hearing; and

   C) the child has a strong attachment to the potential guardian and the guardian has a strong commitment to the child; and

   D) the permanency goals of return home and adoption have been ruled out for this child and documented in the case record.

2) In addition to the requirements of subsection (c)(1), in order for a child to qualify for subsidized guardianship, at least one of the following criteria must be met:

   A) the child has lived with a relative for at least one year immediately prior to establishing subsidized guardianship; or

   B) the child is 12 years of age or older and has lived with a non-relative for at least one year immediately prior to establishing subsidized guardianship; or

   C) the child is a member of a sibling group for whom guardianship will be transferred together, of which at least one child has resided with the prospective subsidized guardian for at least one year and meets all subsidized guardianship criteria; or

   D) the guardianship of the child will be transferred to a prospective guardian who has previously taken subsidized guardianship of another child born of the same mother or father; or

   E) the child is under 12 years of age, is living with a non-relative, and has no older sibling for whom subsidized guardianship is being considered but is eligible due to the fact that:

      i) subsidized guardianship has been determined to be in the child's best interests; and
ii) the basis for the decision is documented and approved by the Department Guardianship Administrator or designee; or

F) the child was previously in subsidized guardianship, but the guardian has died or the guardianship was voluntarily relinquished; or

G) the child was previously in subsidized guardianship, but due to the mental or physical incapacity of the guardian, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, and guardianship was or will be vacated; or

H) the child who had been adopted who was eligible for subsidized guardianship prior to the adoption, continues to be eligible for subsidized guardianship in the event his or her adoptive parent is unable to care for him or her due to the death or total mental or physical incapacity of the adoptive parent.

d) Determination Whether Subsidized Guardianship is in the Best Interests of the Child

1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making this determination, the Department shall consider all relevant factors including but not limited to:

A) the wishes of the child's prospective subsidized guardian;

B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;

C) the interaction and interrelationship of the child with the prospective subsidized guardian;

D) the child's adjustment to the present home, school, and community;

E) the child's need for stability and continuity or relationship with the prospective subsidized guardian; and

F) the mental and physical health of all individuals involved.

2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check, which shall include a CANTS/SACWIS and LEADS check.

e) Types of Assistance

The types of assistance that a family may apply for include:

1) Non-recurring Expenses

Payment for non-recurring expenses for reasonable and necessary miscellaneous costs, and legal fees related to subsidy review, that are directly related to the transfer of guardianship, subject to the maximum set
by the Department of $500 per child.

2) Ongoing Monthly Payments

A) An ongoing monthly payment to be determined through the discussion and negotiation process between the prospective guardian and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the guardian's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family home upon transfer of guardianship unless the child is in an unlicensed relative placement. In such a case, upon transfer of guardianship the guardian may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the assistance agreement regarding their children. The ongoing monthly payment may be adjusted for any benefits the child will continue to receive, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in determining the ongoing monthly payment amount. When the child is SSI-eligible following the transfer of guardianship, the guardian shall tell the Social Security Administration the amount of the ongoing monthly payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

B) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(c) of this Part.

3) A Medicaid card.

4) Needs Not Payable Through Other Sources

A) Physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the transfer of guardianship. Payment shall not be made until the Department has been notified in writing that such services will begin and has
approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

B) The Department will not pay for physical, emotional, medical, mental health or psychological services or treatment for a pre-existing condition or risk factors unless the pre-existing condition, service or risk factor is included in the subsidized guardianship agreement.

5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP), an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract has been executed (when applicable).

6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the guardian is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.

7) Respite Care for Medically Fragile/Technology Dependent Children

A) The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Healthcare and Family Services (HFS) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. The payment shall not exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. This program is operated by the Division of Specialized Care for Children (DSCC) for HFS. DCFS regional nurses shall assist in making this determination of whether the child meets the eligibility criteria for the waiver program.

B) Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The subsidized guardians must not already be receiving respite care from another source.
i) For existing subsidized guardianship cases, if the subsidized
guardian agrees to apply, the guardian should apply for the
HCBS waiver program. As part of this application process,
medical eligibility and cost neutrality calculations shall be
determined. If determined eligible and the subsidized
guardian agrees to accept HCBS waiver program services,
then the respite care shall be provided through that program
(if respite care is available as part of the service package
resulting from these determinations and there is available
capacity in the waiver program).

ii) For new subsidized guardianship cases, the subsidized
guardian must apply for the HCBS waiver program. As part
of this application process, medical eligibility and cost
neutrality calculations shall be determined. If determined
eligible, the subsidized guardian must agree to accept HCBS
waiver program services, and the respite care shall be
provided through that program (if respite care is available as
part of the service package resulting from these
determinations and there is available capacity in the waiver program).

8) College Scholarships
Children who are receiving subsidized guardianship assistance may also
apply for a 4-year college scholarship awarded by the Department to high
school or high school equivalent graduates.

9) Guardianship Incentive (Independent Facilitation Grants)
The Department will pay an incentive payment for children who are 14 to 18
years of age when guardianship with subsidized guardianship was awarded
during the time period of March 15, 2001 through January 31, 2003. The
Department will provide a payment of $3000 to be awarded to a child placed
in subsidized guardianship under the following circumstances in the manner
described:

A) In order to assist youth who have been receiving subsidized
guardianship to make the transition to adulthood, the Department will
provide a payment of $3000 directly to the youth upon termination of
his or her subsidized guardianship subsidy.

B) The payment is intended to assist the child's transition to adulthood
by helping pay for education, housing, or other forms of vocational
training or employment assistance.

C) In order to be eligible for this payment, the child:

i) must have been the legal responsibility of the Department
   prior to the subsidized guardianship; and

ii) must have been 14 to 18 years of age when the guardianship
was awarded to the private guardian during the time period of March 15, 2001 through January 31, 2003.

D) Children in subsidized guardianship within this time period who do not have their private guardianship finalized by January 31, 2003 will not be eligible for this grant award.

E) The payment will be awarded directly to the child.

10) Enhanced Subsidized Guardianship and Adoption Assistance
The Enhanced Subsidized Guardianship and Adoption Program (ESGAP) provides transition services to youth who are 14 years old or older when adopted or when guardianship is transferred. It is a Title IV-E waiver program that is federally funded. Federal regulations limit the Title IV-E waiver services a child can receive to those offered by the waiver program to which he or she is assigned. Children are randomly assigned to a single Title IV-E waiver program per mandatory federal guidelines for the program.

A) ESGAP provides the following services to youth as they transition to adulthood:

i) Youth in College/Vocational Training;

ii) Employment Incentive Program;

iii) Life Skills Training;

iv) Housing Cash Assistance; and

v) Education and Training Vouchers.

B) To be eligible for ESGAP, the youth must meet the following criteria:

i) Is 14 years of age or older and not yet 18 years of age when moving to adoption or guardianship; is assigned to the subsidized guardianship demonstration group; and is eligible for adoption assistance or subsidized guardianship; or

ii) Is a younger sibling of an eligible youth and is moving to permanency in the same home and at the same time as the eligible youth.

C) Documentation from the caseworker that the child is eligible for ESGAP must be included in the subsidy packet prior to the finalization of the adoption or transfer of guardianship.

f) Responsibilities of the Subsidized Guardian
Subsidized guardians are responsible for the following:
1) ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court; and

2) notifying the Department no later than 30 days after any one of the following occurrences:

   A) The child is no longer the legal responsibility of the guardian.

   B) The guardian no longer financially supports the child.

   C) The child graduates from high school or equivalent.

   D) There is a change of residential address or mailing address of the guardian or the child.

   E) The child dies.

   F) The child becomes an emancipated minor.

   G) The child marries.

   H) The child enlists in the military.

   I) The mental or physical incapacity of the guardian prevents the guardian from discharging the responsibilities necessary to protect and care for the child.

   J) The custodial status of the child changes.

   K) The guardianship is vacated.

  g) Department Responsibilities

1) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services).

2) The Department shall offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment of one time only court costs and legal fees, if required.

3) The Department shall ensure that an orientation is provided to the family to ensure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.

4) The Department shall ensure that each guardian has access to a caseworker that will respond to requests for information and assistance.
5) The Department shall ensure that all guardians are aware of their right to appeal service decisions with which they may disagree under 89 Ill. Adm. Code 337 (Service Appeal Process).

6) The Department shall accept custody of the child in accordance with the Abused and Neglect Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.

h) Periodic Reviews
Periodic reviews are annual recertifications that are required for children in guardianship homes to maintain their eligibility for the Title XIX Medicaid Program. The Department shall conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The guardian and, when applicable, parents, including non-custodial parents when the Department has been provided with the correct mailing address, will receive written notice of the review. The guardian is required to participate and cooperate with the review.

i) Termination of Payments
Payments for Subsidized Guardianship Assistance shall terminate when the Department has determined that any one of the following has occurred:

1) When the terms of the subsidized guardianship agreement are fulfilled.
2) The guardian has requested that the payment permanently stop.
3) The guardian is no longer financially supporting the child.
4) The child becomes an emancipated minor.
5) The child marries.
6) The child enlists in the military.
7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability that was documented prior to the 18th birthday reaches age 21.
8) The guardian dies.
9) The guardianship is vacated.
10) The child dies.

j) Title IV-E Waiver
The Department has a Title IV-E demonstration waiver from the Department of Health and Human Services to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and
the child returns to foster care or is going to be adopted, the State would apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.

k) Appeal of Department Decisions
A guardian has a right to file a service appeal in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process) when:

1) The guardian disagrees with the Department's determination that a child is ineligible for subsidized guardianship assistance;

2) Subsidized guardianship assistance or a specific subsidized guardianship assistance component was denied;

3) The Department denies the guardian's request to modify the subsidized guardianship assistance agreement; or

4) When a subsidized guardianship assistance agreement has been amended, suspended or terminated without the concurrence of the guardian.

l) Demonstration Group
Although participation in the subsidized guardianship program is statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures.

The three areas are:

1) Cook Central Region.

2) East St. Louis sub-region serving the following counties:
   A) Madison;
   B) St. Clair;
   C) Bond;
   D) Clinton;
   E) Washington;
   F) Monroe; and
   G) Randolph.

3) Peoria sub-region serving the following counties:
   A) Fulton;
B) Henderson;
C) Knox;
D) Warren;
E) Henry;
F) LaSalle;
G) McDonough;
H) Mercer;
I) Rock Island;
J) Tazewell;
K) Peoria;
L) Bureau:
M) Marshall;
N) Putnam;
O) Woodford; and
P) Stark.

(Source: Amended at 31 Ill. Reg. 11611, effective July 10, 2008)
Section 302.410 Subsidized Guardianship (KinGap)

a) General Provisions

The subsidized guardianship program (KinGap) implements provisions of Public Law 110-351 that allow the State to enter into guardianship agreements to provide assistance payments to grandparents and other relatives who have assumed the legal guardianship of children for whom they have cared as a licensed foster parent and for whom they have committed to care on a permanent basis. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out. Guardianship is governed by the Illinois Probate Act [755 ILCS 5] and the Illinois Juvenile Court Act [705 ILCS 405]. A licensed relative foster parent caring for a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship and the types of assistance available. The subsidized guardianship agreement must be signed prior to the transfer of guardianship.

b) Subsidized Guardianship Agreement

The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the transfer of guardianship and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases in which the subsidized guardian and child move to another state while the agreement is in effect. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department. The child for whom guardianship is transferred and for whom the guardian is receiving a subsidy shall receive only those services and/or payments specified in the subsidized guardianship agreement. The child may require services in the future that are not currently being provided for pre-existing physical, emotional or mental health needs or risk factors. Any pre-existing conditions must be described in the subsidized guardianship agreement to be eligible for assistance through the Adoption Assistance Program at a future date. Assistance cannot be granted for services for pre-existing conditions if the conditions are not listed in the subsidized guardianship agreement. The subsidized guardianship agreement must be signed, and a copy of the signed agreement must be provided to the prospective guardian, prior to the transfer of guardianship.

c) Eligibility Criteria

1) For a child to qualify for subsidized guardianship under KinGap, the following criteria must be met:

A) the child must have been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to
the effect that continuation in the home would be contrary to the welfare and the best interest of the child; and

B) the child must be eligible for foster care maintenance payments while residing for at least 6 consecutive months in the home of a licensed prospective relative guardian immediately prior to the establishment of the guardianship; and

C) the prospective relative guardian must have been a licensed foster parent for at least the consecutive 6 month period that the child has been in his/her home immediately prior to the establishment of the guardianship; and

D) being returned home or adopted are not appropriate permanency options for the child; and

E) the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and

F) with respect to a child who has attained 14 years of age, the child has been consulted and the child has agreed to the guardianship arrangement;

2) Children who meet the following criteria, outlined in this subsection (c)(2), also qualify for subsidized guardianship under KinGap:

A) the child is a sibling of an eligible child who is placed with the same relative under a kinship guardianship agreement, and DCFS and the relative guardian agree that the placement is appropriate. Siblings of an eligible child under subsection (c)(2)(B) are not eligible for the sibling exception; or

B) the child is 14 years of age or older and has lived with a licensed non-relative for at least the 6 consecutive month period prior to the establishment of the guardianship and meets the following:

   i) the child was removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare and best interest of the child; and

   ii) the child was eligible for foster care maintenance payments while residing for at least 6 consecutive months in the licensed non-relative home immediately prior to establishing guardianship; and

   iii) the prospective guardian has been a licensed foster parent for at least the consecutive 6 month period immediately prior to the establishment of the guardianship; and

   iv) being returned home or adopted are not appropriate permanency options for the child; and

   v) the child demonstrates a strong attachment to the prospective guardian and the prospective guardian has a strong commitment to caring permanently for the child; and
vi) the child has been consulted and has agreed to the guardianship arrangement.

d) Determination Whether Subsidized Guardianship under the KinGap Program is in the Best Interests of the Child

1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making this determination, the Department shall consider all relevant factors, including but not limited to:

   A) the wishes of the child's prospective subsidized guardian and the guardian's demonstrated ability to provide care that meets the special needs of the child, if any;

   B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;

   C) the interaction and interrelationship between the child and the prospective subsidized guardian;

   D) the child's adjustment to the present home, school and community;

   E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and

   F) the mental and physical health of all individuals involved.

2) The Department shall ensure that the subsidized guardianship arrangement is safe and suitable placement by means of a safety checks, which shall include a CANTS/SACWIS and LEADS check.

e) Types of Assistance

The types of assistance that a family may apply for include:

1) Non-recurring Expenses

   Payment for non-recurring expenses for reasonable and necessary miscellaneous costs, and legal fees related to subsidy review, that are directly related to the transfer of guardianship, subject to the maximum set by the Department of up to $500 per child.

2) Ongoing Monthly Payments

   A) An ongoing monthly payment to be determined through the discussion and negotiation process between the prospective guardian and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the guardian's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family home upon transfer of guardianship. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the assistance agreement, and this
person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. The ongoing monthly payment may be adjusted for any benefits the child will continue to receive, such as Social Security, Veteran’s benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in determining the ongoing monthly payment amount. When the child is SSI-eligible following the transfer of guardianship, the guardian shall tell the Social Security Administration the amount of the ongoing monthly payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

B) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(c) of this Part.

3) A Medicaid card.

4) Needs Not Payable through Other Sources

A) Physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the transfer of guardianship. Payment shall not be made until the Department has been notified in writing that the services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department’s reimbursement shall be limited to what is usual, customary and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

B) The Department will not pay for physical, emotional, medical, mental health or psychological services or treatment for a pre-existing condition or risk factors unless the pre-existing condition, service or risk factor is included in the subsidized guardianship agreement.

5) Therapeutic Day Care

Therapeutic day care is available only for children who are determined to have a disability that requires special education services through an Individualized Education Plan (IEP), an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that those services will begin and has approved the requested services, and a contract has been executed (when applicable).

6) Employment Related Day Care
Payment may be made for day care for children under the age of 3 years if the guardian is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.

7) College Scholarships and the Education and Training Voucher Program

Children who are receiving subsidized guardianship assistance may apply for a 4-year college scholarship awarded by the Department on a competitive basis. A limited number of scholarships is awarded by the Department each year to high school or high school equivalent graduates. Youth who enter into subsidized guardianship or are adopted from foster care after attaining age 16 are eligible to enter the Education and Training Voucher (ETV) Program.

f) Responsibilities of the Subsidized Guardian

Subsidized guardians are responsible for the following:

1) ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court; and

2) notifying the Department no later than 30 days after any one of the following occurrences:

A) the child is no longer the legal responsibility of the guardian;

B) the guardian no longer financially supports the child;

C) the child graduates from high school or equivalent;

D) there is a change of residential address or mailing address of the guardian or the child;

E) the child dies;

F) the child becomes an emancipated minor;

G) the child marries;

H) the child enlists in the military;

   I) the mental or physical incapacity of the guardian prevents the guardian from discharging the responsibilities necessary to protect and care for the child;

   J) the custodial status of the child changes; or

   K) the guardianship is vacated.

g) Department Responsibilities

1) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for
the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services).

2) The Department shall explain in the child's service plan the following:

   A) the steps that the agency has taken to determine that it is not appropriate
      for the child to be returned home or adopted;
   
   B) the reasons for any separation of siblings during placement;
   
   C) the reasons why a permanent placement with a fit and willing relative
      through a subsidized guardianship assistance arrangement is in the child's
      best interests;
   
   D) the ways in which the child meets the eligibility requirements for a
      subsidized guardianship assistance payment;
   
   E) the efforts the agency has made to discuss adoption with the child's relative
      foster parent as a more permanent alternative to legal guardianship and, in
      the case of a relative foster parent who has chosen not to pursue adoption,
      documentation of the reasons not to pursue; and
   
   F) the efforts made by the Department to discuss with the child's parent or
      parents the subsidized guardianship assistance arrangement, or the reasons
      why the efforts were not made.

3) The Department shall offer short-term support services for foster care and
   relative home providers prior to and during subsidized guardianship. Services will
   include preliminary screening, assessment, assistance in applying for subsidized
   guardianship, and payment of one time only court costs and legal fees, if required.

4) The Department shall ensure that an orientation is provided to the caregiver's
   family to ensure that all family members understand the benefits and responsibilities
   of all the participants in the subsidized guardianship arrangement.

5) The Department shall ensure that each guardian has access to post-guardianship
   staff to respond to requests for information and assistance.

6) The Department shall ensure that all guardians are aware of their right to appeal
   service decisions with which they may disagree under 89 Ill. Adm. Code 337
   (Service Appeal Process).

7) The Department shall accept custody of the child in accordance with the Abused
   and Neglected Child Reporting Act [325 ILCS 5] if the guardian does not care for the
   child to the extent the child's health or well-being is endangered.

h) Periodic Reviews

   Periodic reviews are annual re-certifications that are required for children in
   guardianship homes to maintain their eligibility for the Title XIX Medicaid Program. The
   Department shall conduct periodic reviews to confirm that the child remains
   eligible for a Medicaid card. The guardians will receive written notice of the review,
   and response from the guardians to this notice is a requirement.
i) **Termination of Payments**

Payments for subsidized guardianship assistance shall terminate when the Department has determined that any one of the following has occurred:

1) when the terms of the subsidized guardianship agreement are fulfilled;

2) the guardian has requested that the payment permanently stop;

3) the guardian is no longer financially supporting the child;

4) the child becomes an emancipated minor;

5) the child marries;

6) the child enlists in the military;

7) the child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability that was documented prior to the 18th birthday reaches age 21;

8) the guardian dies;

9) the guardianship is vacated; or

10) the child dies.

(Source: Added at 34 Ill. Reg. ______, effective _____________)

**SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES**
**Rules 402 : Licensing Standards for Foster Family Homes**

**Section 402.1 Purpose**

a) The purpose of this Part is to prescribe the standards for licensure as a foster family home and to describe how to apply for a license.

b) The licensing standards set forth in this Part are applicable to foster family homes as defined in the Child Care Act, as well as to those foster family homes operated or supervised by the Department and by agencies exempt from licensing as identified in 89 Ill. Adm. Code 382 (Agencies Exempt from Licensing).

c) The Central Office of Licensing shall ensure that these licensing standards are reviewed every 3 years to determine whether the licensing standards, as written, are appropriate.

**Section 402.2 Definitions**

“Adoptive placement” means a living arrangement with a family that is directed toward establishing that family as the child’s new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or a license exempt relative home for purposes of adoption and:

- be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

- be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

“Approved smoke detector" or “detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Smoke Detector Act [425 ILCS 60/2])

“Approved in-service training" means:

- Foster PRIDE module or other Department approved training;

- foster parent conferences sponsored by the Department;

- other conferences approved by the Department;
- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York NY 10018;

- materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;

- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or

- other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

“Background check” means:

Individuals 17 years of age or older:

- a criminal history check via fingerprints that are submitted to the Illinois State Police and the Federal Bureau of Investigations (FBI) for comparison to their criminal history records, as appropriate; and

Individuals 13 years of age or older:

- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

- a check of the Statewide Child Sex Offender Registry.

“CANTS” means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services which has been replaced by SACWIS.

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

“Child care assistant” means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or安排s for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act. [225 ILCS 10/2.05]
"Classifiable fingerprints" means fingerprints obtained through an electronic or ink printing process that were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means a completed written application form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household. [225 ILCS 10/4]

“Corporal punishment” means hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain. (National Health and Safety Performance Standards, Guidelines for Out-Of-Home Child Care Programs, American Public Health Association and American Academy of Pediatrics, 1992, no later amendments or editions are included)

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

“Discipline” means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

“Educational advocacy training” means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

“Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common
parentage, or residences of relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

“Godparent” is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm that fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child’s godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 302.60 (Placement Selection) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

“In-service training” means approved training provided to currently licensed foster parents.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act)

“Licensed physician” means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act to perform licensing activities.
“Licensing study” means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

“Member of the household” means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely by fines as a petty offense. [625 ILCS 5/6-601]

“Multi-purpose room” means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the Department or supervising agency.

"Permit" means a one time only document issued by the Department of Children and Family Services for a two month period to allow the individuals to become eligible for an initial foster family home license.

"Petty offense" means any offense for which a sentence to a fine only is provided. [730 ILCS 5/5-1-17]

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one’s first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt, or

- is the spouse of such a relative, or

- is the child’s step-father, step-mother, or adult step-brother or step-sister.
Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

“Reputable character” means there is satisfactory evidence that the moral character of the applicant is trustworthy.

“Respite foster care” means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. Respite foster care is provided to foster children in order to give the full time caregivers a rest from caregiving responsibilities.

“Responsible” means trustworthy performance of expected duties that serves the best interests of the foster children as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that replaced the Child Abuse and Neglect Tracking System (CANTS).

“Specialized care” means care provided to a child who has developmental, emotional, behavioral, or medical needs and who has been determined to require specialized care. The need for specialized care shall be redetermined once every six months.

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, a license exempt agency, or the Department of Children and Family Services.

“Universal precautions” means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

Section 402.12 Qualifications of Foster Family

a) The licensees shall be either a single person or a man and woman married to each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.

b) An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The foster family is responsible for reporting to the supervising agency that
an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure.

The individual will be subject to the same requirements as other members of the household, such as health certification and background checks as required in 89 Ill. Adm. Code 385 (Background Checks). The license capacity will be redetermined based on the new family composition.

c) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.

d) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following:

1) the foster parent's capability to provide care including an evaluation of the caregivers' health, strength, and mobility;

2) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent’s own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;

3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;

4) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs and behaviors of the children who may be placed in the foster family home; and

5) the number of foster parents in the home and the availability and experience of child care assistants.

e) All members of the household age 13 and older (except for foster children) shall have passed the background check required in 89 Ill. Adm. Code 385 (Background Checks).

f) Foster parents shall accept agency supervision.

g) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.
h) Foster home applicants shall provide the names and addresses of at least three persons who are not related to them who can attest that the applicants are of reputable and responsible moral character.

i) Unless parental rights have been terminated, foster parents shall respect and support a child's ties to his or her biological family and shall cooperate with the supervising agency and the service plan for the child and his/her family.

j) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.

k) As a condition of initial licensure, each foster parent shall complete Pre-licensure Foster PRIDE/Adopt PRIDE Training or an equivalent pre-licensure foster parent training that has been approved by the Department.

l) As a condition of fostering unrelated children in a licensed foster home, each foster parent shall complete Pre-placement Foster PRIDE/Adopt PRIDE Training or an equivalent pre-placement foster parent training that has been approved by the Department.

m) In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.

n) An expanded capacity license to allow foster family homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.

o) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The statement shall be updated to reflect any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status.
Section 402.29 Director's Waivers

Unless prohibited by law, the Director of the Department may waive, or may conditionally waive, any requirement under this Part, if doing so is in the best interest of the foster children. Waivers from the Director shall be in writing. Written notification of any waiver under this Section, with an explanation of the waived provision and the basis for the best interest determination, shall be sent to the child’s parents, unless their parental rights have been terminated, the State’s Attorney, and the child’s attorney.
Across the United States, more than 6 million children are being raised in households headed by grandparents and other relatives; 2.5 million children are in these households without any parents present. As the children's parents struggle with substance abuse, mental illness, incarceration, economic hardship, divorce, domestic violence, and other challenges, these caregivers provide a vital safety net to children inside and outside of the foster care system. This fact sheet provides important information and resources for the grandparents and other relatives raising children in your state.

**National and State Data**

**The Children**

- Nationally, 4.5 million children are living in grandparent-headed households (6.3% of all children under age 18). This represents a 30% increase from 1990 to 2000.

- There are another 1.5 million children in the United States who are living in households headed by other relatives (2.1% of all children under 18).

- In Illinois, there are 213,465 children living in grandparent-headed households (6.6% of all children in the state). There are another 75,362 children living in households headed by other relatives (2.3% of all children in the state). Of the children living in households headed by grandparents or other relatives in Illinois, 119,676 are living there without either parent present.

**The Grandparents**

- Nationally, 2.4 million grandparents report they are responsible for their grandchildren living with them: 29% of these grandparents are African American; 17% are Hispanic/Latino; 2% are American Indian or Alaskan Native; 3% are Asian; and 47% are White. 34% of these grandparents live in households without the children’s parents present. 71% are under the age of 60; 19% live in poverty.

- In Illinois, 103,717 grandparents report they are responsible for their grandchildren living with them [41,328 in Chicago and 1,576 in Rockford]: 41% of these grandparents are African American; 16% are Hispanic/Latino; 2% are Asian; and 39% are White. 28% of these grandparents live in households without the children’s parents present.

**Additional Information**

- United States Census data on grandparents who are responsible for meeting the basic needs of their grandchildren can also be broken down by county, congressional district, and other categories. Log on to [http://factfinder.census.gov](http://factfinder.census.gov). Additional data on grandparents and grandchildren are available at [www.census.gov/population/www/socdemo/grandparents.html](www.census.gov/population/www/socdemo/grandparents.html).

- Additional national and state data on grandparents raising children is available on AARP’s website at [www.aarp.org/families/grandparents/](www.aarp.org/families/grandparents/).

*These data are taken from the U.S. Census Bureau Table DP-2: Profile Selected Social Characteristics:2000.*
**Programs That Can Help**

- **The Grandparents Raising Grandchildren Project of the Illinois State Department on Aging** offers information, resources, and referrals to grandparents and other relative caregivers. The Senior Help Line (1-800-252-8966) provides a single contact point for grandparents and other relatives raising children. The state also offers a resource guide, Starting Points for Grandparents Raising Grandchildren, available on-line at http://www.ebvonline.org/starting.pdf. The Department provides a statewide newsletter, Tele-grand, referrals to support groups, and informational tip sheets, also available on-line. Illinois also has a task force that is active in statewide kinship care issues. **Contact:** Barb Schwartz, Project Director, Grandparents Raising Grandchildren, Illinois State Department on Aging, at (217) 524-5327 or barb.schwartz@aging.state.il.us.

- **The Guardianship Help Desk** is available to Illinois kinship caregivers over the age of 18 who are raising a child. The program offers help in filing for guardianship in the probate court, obtaining a TANF child-only grant, and accessing other local kinship care services. The dependent child does not need to be a ward of the court. **Contact:** Rose Hale, Circuit Court of Cook County, Guardianship Department for Minors, at (312) 603-0135.

- **The Illinois Department on Aging, IAAA For LincolnLand, Inc., and Parents Place** have collaborated to pilot a Guardianship Advocacy Project. The project places a trained “grandparent advocate” at the Office of the County Clerk in Sangamon County. The advocate is there two hours a day for appointments and walk-ins to help grandparents seeking guardianship fill out paperwork, answer questions, and find information and referrals. **Contact:** Barb Schwartz, Project Director, Grandparents Raising Grandchildren, Illinois State Department on Aging, at (217) 524-5327 or barb.schwartz@aging.state.il.us.

- **Diamonds in the Ruff Children’s Society** is a non-profit organization that is developing respite and crisis care services for caregivers, including kinship caregivers, in under-served Chicago areas. The organization is helping to design state and federal legislation to increase respite and crisis care services in lower-income neighborhoods. It also educates local communities about the benefits of and need for respite and crisis care services. **Contact:** Jacqueline Davis, Executive Director, at (773) 268-1500 (ext. 169) or jdavis@diamondsintheruff.info.

- **Lutheran Social Services of Illinois** provides grandparents taking care of grandchildren with incarcerated parents monthly transportation to the jails for visits. The organization also provides a support group for parents at the jails and a social worker and speakers familiar with the corrections system to address the concerns of caregivers and their children. **Contact:** Pat Davis, RAPP Coordinator, at (773) 476-1452 or pat.davis@LSSI.org.

- **The Winnebago County Health Department,** in collaboration with Family Support Center, Children’s Home and Aid Society, Saint Anthony and many others, provides support group meetings, educational seminars and resources for grandparents raising grandchildren. The meetings are free with child care and meals or snacks provided by the Children's Home and Aid Society. The program offers additional support through its resource center, a yearly one day seminar for grandparents raising grandchildren, and quarterly newsletters and education forums. **Contact:** Beverly Darsie, Parents Again Facilitator at (815) 720-4265.

- **The Area Agency on Aging of Southwestern Illinois** is actively involved in providing financial support to local agencies offering services and resources to local organizations and kinship caregivers. Services offered by the Children’s home and Aid Society of Illinois (800-467-9700) include case management, respite, emergency gap-filling funds and an annual conference for kinship caregivers and the children they are raising. The Land of Lincoln Legal Assistance foundation, Inc. (618-271-9140) provides assistance in obtaining guardianship, adoption, and other legal needs. **Contact:** The Area Agency on Aging of Southwestern Illinois (800) 316-3221 or www.answersonaging.com.

- **The Grandparents Raising Grandchildren Support Group,** operated by Evanston/Skokie Valley Senior Services, provides support and recreational activities to grandparent caregivers and the grandchildren in their care. Participants determine for themselves what they would like to do at their monthly meetings, with past activities including the attendance at musical festivals, and holiday parties. **Contact:** Mary Signator or Jolene Whiting at (847) 864-3721.
• The Northwestern Illinois Area Agency on Aging sponsors grandparent support groups in Boone and Winnebago counties. Grandparents can find assistance, direction, and receive emotional support. The Agency also helps to coordinate the Parents Again Coalition in collaboration with several other groups. The Coalition offers meetings, educational seminars, and resources for grandparents raising grandchildren. The meetings are free and child care is provided. Contact: Teresa Colvin at (815) 226-4901 or niaaa@nwilaaa.org.

• The Macon County Relatives as Parents Program is a new initiative that provides help for family and friends raising children not their own. The program offers these families the opportunity to meet, share ideas and concerns, develop networks of friends with similar needs and access educational information and programs relevant to the issues they are most interested in. The program is funded by the Brookdale Foundation and is the result of collaborative efforts between the University of Illinois Extension in Macon County, Macon County Mental Health Board, Heritage Behavioral Health Center, Main Street Church of the Living God, Old King’s Orchard Community Center, and St. Thomas Church. The Program is open to any individual in Macon County who is acting as the parent of a child not their own. Contact: Teresa Easterly-Adams, Macon County Extension, at (217) 877-6042 or easterly@uiuc.edu.

• The Rockford Housing Authority offers a bi-weekly Parents Again support group that offers educational speakers, resources and referrals in addition to an opportunity for kinship care families to get together with one another. In addition, the Housing Authority offers a quarterly newsletter, a resource center, and a variety of other helpful information. The Housing Authority also collaborates with the following agencies: Children’s Home and Aid Society, Illinois Cooperative Extension Service, Zion Lutheran Church, N.I.A.A.A., Swedish American Hospital, Lifescapes Community Services, and Winnebago County Health Department. Contact: Beverly Darsie at (815) 720-4265 or bdarsie@wchd.org.

Children in Foster Care

Sometimes state child welfare agencies place children in foster care with grandparents or other relatives. Most state agencies call these placements “kinship care.” In Illinois, the Department of Children and Family Services (DCFS) reports:

Number of children in kinship care: As of March 4, 2005, there were 18,161 children in substitute care under DCFS’s supervision. Of these children, 6,827 were in kinship foster care.

Preferences for kinship care: State policy requires that kin be considered first when an out-of-home placement is sought for a child under the Department’s care. DCFS also offers the Extended Family Support Program (EFSP) to relatives caring for children. An array of services is provided to kinship care families through collaboration with the probate court, the Department of Public Aid, the State Central Register, and the public schools. The focus of the program is short-term, home stabilization intervention to help relatives continue to provide quality care. The program assists families in obtaining guardianship, getting public aid, enrolling in school, and provides a small cash assistance program. Call John Egan, Coordinator at (312) 814-1878.

Kinship care licensing: There is no separate licensing program for kinship foster parents. Kin have to meet the same licensing standards and receive the same foster care payment rate as non-kin foster parents.

Subsidized guardianship programs: In addition to foster care payments and other benefits available to kin raising children in the foster care system, some states also have subsidized guardianship programs. Illinois’ Subsidized Guardianship Program, the largest subsidized guardianship program in the country, provides a subsidy for children who have been transferred from the Department’s custody to the guardianship of a relative caregiver. The subsidy rate is the same as the state’s foster care and adoption subsidy rates. Eligible children include children living with kin and children over age 12 not living with kin. The Department must rule out return home and adoption before a child can become eligible for this program. A post-guardianship program is also available to provide resources and referrals to guardians and stabilization services, as needed. Call Leslie Cohen, Project Director, Subsidized Guardianship, at (312) 641-2505, ext. 21, or email lcohen@uiuc.edu.
**State kinship care contact:** Questions about kinship foster care should be directed to Mary Sue Morsch, Deputy Director of Placement and Permanency, Department of Children and Family Services, at (312) 814-8626 or mmorsch@idcfs.state.il.us.

**Public Benefits**

Children are often eligible for state and federal benefits even if their caregivers do not have legal guardianship or custody. These programs include:

**Financial Assistance:** Cash payments may be available to children who live with a relative through the Temporary Assistance for Needy Families (TANF) Program:

- A “child-only grant” is for the child and based only on the child’s income. Guardianship is not required.
- The child will also receive medical assistance. An adult caregiver may also be included in the grant subject to work requirements and time limits. Working caregivers who choose to be included in the grant may receive free child care.

Call (800) 843-6154 or log on to www.state.il.us/agency/dhs/.

**Food Stamps:** Kinship care families may also be eligible for food stamps to help meet their children’s food and nutrition needs. For more information, call (800) 843-6154 or log on to www.state.il.us/agency/dhs/.

**Health Insurance:** Grandparents and other relative caregivers may apply for free or low-cost health insurance on behalf of the children they are raising through Illinois’ KidCare program. In some cases, caregivers may also be eligible for free coverage under Medicaid. For more information about how to apply for these programs, call (866) 687-5437 or log on to www.kidcareillinois.com.

**Other Benefits:** Other state and federal benefits may also be available to eligible children, such as child care subsidies, disability benefits, and special education services. For more information about these, download CDF’s benefit guides for grandparents and other relatives raising children at www.childrensdefense.org or call (202) 662-3568. For more information on the federal benefits that may be available to caregivers, log on to the National Council on Aging’s Benefits CheckUp web site at www.benefitscheckup.org.

**State Law**

The following state law may be helpful to grandparents and other relatives raising children:

**Standby Guardianship (IL Rev. Stat Ch. 755 § 5/11a-3.1):** This law allows a parent to designate a standby guardian to assume the day-to-day care of a child in the event of a parent’s inability to function as a parent. It does not limit the rights of other living parents.

---

AARP Grandparent Information Center  
(888) 687-2277  
www.aarp.org/grandparents

Adoption Information Clearinghouse  
(888) 251-0075  
http://naic.acf.hhs.gov/

The Brookdale Foundation Group  
(212) 308-7355  
www.brookdalefoundation.org

Child Welfare League of America  
(202) 638-2952  
www.cwla.org

Children’s Defense Fund  
(202) 628-8787  
www.childrensdefense.org

---

1 Laws change and are subject to different interpretations. These general descriptions are not intended as legal advice in any particular situation.
<table>
<thead>
<tr>
<th>Organization</th>
<th>Phone</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generations United</td>
<td>(202) 289-3979</td>
<td><a href="http://www.gu.org">www.gu.org</a></td>
</tr>
<tr>
<td>GrandsPlace</td>
<td>860) 763-5789</td>
<td><a href="http://www.grandsplace.com">www.grandsplace.com</a></td>
</tr>
<tr>
<td>KINship Information Network</td>
<td>(772) 501-0502</td>
<td><a href="http://www.kinsupport.org">www.kinsupport.org</a></td>
</tr>
<tr>
<td>National Aging Information Center</td>
<td>(202) 619-0724</td>
<td><a href="http://www.aoa.dhhs.gov">www.aoa.dhhs.gov</a></td>
</tr>
<tr>
<td>National Committee of Grandparents For Children’s Rights</td>
<td>(866) 624-9900</td>
<td><a href="http://www.grandparentsforchildren.org">www.grandparentsforchildren.org</a></td>
</tr>
<tr>
<td>The Urban Institute</td>
<td>(202) 833-7200</td>
<td><a href="http://www.urban.org">www.urban.org</a></td>
</tr>
</tbody>
</table>

Fact sheets are updated quarterly. Changes or additions should be e-mailed to the AARP Grandparent Information Center at gic@aarp.org. Please write “State Fact Sheets” on your e-mail subject line.
AN ACT concerning foster children.

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

Section 1. Short title. This Act may be cited as the Foster Youth Successful Transition to Adulthood Act.

Section 5. Legislative findings. The General Assembly finds that:

(1) The transition to adulthood is complex, gradual, and extended. Long after legal emancipation, many young adults rely heavily on family and other support networks for extended periods of time for financial, emotional and other forms of support, to continue with school, choose a career or find their way in the world of work, secure health care, and maintain a stable residence;

(2) The young adults who "age out" of the child welfare system are expected to be self-sufficient long before their peers, with far fewer resources, and often with many challenges unique to the experience of growing up in foster care;

(3) Many young adults who "age out" of foster care are ill-equipped to live independently and are especially vulnerable to unemployment, homelessness, mental and physical health-related problems, incarceration, teen
pregnancy and parenting, and other obstacles to achieving
sustainable self-sufficiency; and

(4) It is in the interests of foster children who leave
the foster care system prematurely, and who subsequently
find themselves unable to maintain their independence
without additional support, to have a mechanism for
reengaging with the Department of Children and Family
Services and the Juvenile Court, and to secure the support
and services available to foster youth seeking to learn to
live independently as adults.

Section 10. The Children and Family Services Act is amended
by changing Section 5 as follows:

(20 ILCS 505/5) (from Ch. 23, par. 5005)
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, as amended, prior to the age of 18 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 adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

(F) assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider 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) Nothing in this Section shall be construed to authorize
the expenditure of public funds for the purpose of performing
abortions.

(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 alcohol and drug abuse screening techniques 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 to an alcohol and drug abuse treatment program for professional evaluation.
(h) If the Department finds that there is no appropriate program or facility within or available to the Department for a ward and that no licensed private facility has an adequate and appropriate program or none agrees to accept the ward, the Department shall create an appropriate individualized, program-oriented plan for such ward. 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 physically or mentally handicapped, older and other hard-to-place children who (i) immediately prior to their adoption were legal wards of the Department 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 wards of the Department 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) Before July 1, 2000, the Department may provide, and beginning July 1, 2000, 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. 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.

The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his 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, 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. A minor charged with a criminal offense under the Criminal Code of 1961 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.

(1-1) The legislature 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 legislature 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 his or her 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 he 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 ward who was placed under 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, 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. Children who are wards of the Department and are placed by private child welfare agencies, and foster families with whom those children 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 insure that any private child welfare agency, which accepts wards of the Department 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.

(p) There is hereby created the Department of Children and
Family Services Emergency Assistance Fund from which the
Department may provide special financial assistance to
families which are in economic crisis when such assistance is
not available through other public or private sources and the
assistance is deemed necessary to prevent dissolution of the
family unit or to reunite families which have been separated
due to child abuse and neglect. The Department shall establish
administrative rules specifying the criteria for determining
eligibility for and the amount and nature of assistance to be
provided. The Department may also enter into written agreements
with private and public social service agencies to provide
emergency financial services to families referred by the
Department. Special financial assistance payments shall be
available to a family no more than once during each fiscal year
and the total payments to a family may not exceed $500 during a
fiscal year.

(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.

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 his or her 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 his or her 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 or handicapped child 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 or in a licensed foster home, group home, 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 Department of State Police Law (20 ILCS 2605/2605-355) 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 Department of 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 Department of 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
Department of 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.
(Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;
95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;
Section 15. The Juvenile Court Act of 1987 is amended by changing Sections 2-23, 2-27, 2-31, and 2-33 as follows:

(705 ILCS 405/2-23) (from Ch. 37, par. 802-23)
Sec. 2-23. Kinds of dispositional orders.
(1) The following kinds of orders of disposition may be made in respect of wards of the court:

(a) A minor under 18 years of age found to be neglected or abused under Section 2-3 or dependent under Section 2-4 may be (1) continued in the custody of his or her parents, guardian or legal custodian; (2) placed in accordance with Section 2-27; (3) restored to the custody of the parent, parents, guardian, or legal custodian, provided the court shall order the parent, parents, guardian, or legal custodian to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan or risk the loss of custody of the child and the possible termination of their parental rights; or (4) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act.

However, in any case in which a minor is found by the court to be neglected or abused under Section 2-3 of this Act, custody of the minor shall not be restored to any parent, guardian or legal custodian whose acts or omissions
or both have been identified, pursuant to subsection (1) of Section 2-21, as forming the basis for the court's finding of abuse or neglect, until such time as a hearing is held on the issue of the best interests of the minor and the fitness of such parent, guardian or legal custodian to care for the minor without endangering the minor's health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(b) A minor under 18 years of age found to be dependent under Section 2-4 may be (1) placed in accordance with Section 2-27 or (2) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act.

However, in any case in which a minor is found by the court to be dependent under Section 2-4 of this Act, custody of the minor shall not be restored to any parent, guardian or legal custodian whose acts or omissions or both have been identified, pursuant to subsection (1) of Section 2-21, as forming the basis for the court's finding of dependency, until such time as a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor without endangering the minor's health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(b-1) A minor between the ages of 18 and 21 may be
placed pursuant to Section 2-27 of this Act if (1) the
court has granted a supplemental petition to reinstate
wardship of the minor pursuant to subsection (2) of Section
2-33, or (2) the court has adjudicated the minor a ward of
the court, permitted the minor to return home under an
order of protection, and subsequently made a finding that
it is in the minor's best interest to vacate the order of
protection and commit the minor to the Department of
Children and Family Services for care and service.

(c) When the court awards guardianship to the
Department of Children and Family Services, the court shall
order the parents to cooperate with the Department of
Children and Family Services, comply with the terms of the
service plans, and correct the conditions that require the
child to be in care, or risk termination of their parental
rights.

(2) Any order of disposition may provide for protective
supervision under Section 2-24 and may include an order of
protection under Section 2-25.

Unless the order of disposition expressly so provides, it
does not operate to close proceedings on the pending petition,
but is subject to modification, not inconsistent with Section
2-28, until final closing and discharge of the proceedings
under Section 2-31.

(3) The court also shall enter any other orders necessary
to fulfill the service plan, including, but not limited to, (i)
orders requiring parties to cooperate with services, (ii) restraining orders controlling the conduct of any party likely to frustrate the achievement of the goal, and (iii) visiting orders. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan. If the court concludes that the Department of Children and Family Services has abused its discretion in setting the current service plan or permanency goal for the minor, the court shall enter specific findings in writing based on the evidence and shall enter an order for the Department to develop and implement a new permanency goal and service plan consistent with the court’s findings. The new service plan shall be filed with the court and served on all parties. The court shall continue the matter until the new service plan is filed.

(4) In addition to any other order of disposition, the court may order any minor adjudicated neglected with respect to his or her own injurious behavior to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentence hearing" referred to therein shall be the dispositional hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may pay some or all of such restitution on the minor’s behalf.

(5) Any order for disposition where the minor is committed
or placed in accordance with Section 2-27 shall provide for the
parents or guardian of the estate of such minor to pay to the
legal custodian or guardian of the person of the minor such
sums as are determined by the custodian or guardian of the
person of the minor as necessary for the minor's needs. Such
payments may not exceed the maximum amounts provided for by
Section 9.1 of the Children and Family Services Act.

(6) Whenever the order of disposition requires the minor to
attend school or participate in a program of training, the
truant officer or designated school official shall regularly
report to the court if the minor is a chronic or habitual
truant under Section 26-2a of the School Code.

(7) The court may terminate the parental rights of a parent
at the initial dispositional hearing if all of the conditions
in subsection (5) of Section 2-21 are met.

(Source: P.A. 95-331, eff. 8-21-07.)

(705 ILCS 405/2-27) (from Ch. 37, par. 802-27)
Sec. 2-27. Placement; legal custody or guardianship.

(1) If the court determines and puts in writing the factual
basis supporting the determination of whether the parents,
guardian, or legal custodian of a minor adjudged a ward of the
court are unfit or are unable, for some reason other than
financial circumstances alone, to care for, protect, train or
discipline the minor or are unwilling to do so, and that the
health, safety, and best interest of the minor will be
jeopardized if the minor remains in the custody of his or her
parents, guardian or custodian, the court may at this hearing
and at any later point:

(a) place the minor in the custody of a suitable
relative or other person as legal custodian or guardian;

(a-5) with the approval of the Department of Children
and Family Services, place the minor in the subsidized
guardianship of a suitable relative or other person as
legal guardian; "subsidized guardianship" means a private
guardianship arrangement for children for whom the
permanency goals of return home and adoption have been
ruled out and who meet the qualifications for subsidized
guardianship as defined by the Department of Children and
Family Services in administrative rules;

(b) place the minor under the guardianship of a
probation officer;

(c) commit the minor to an agency for care or
placement, except an institution under the authority of the
Department of Corrections or of the Department of Children
and Family Services;

(d) commit the minor to the Department of Children and
Family Services for care and service; however, a minor
charged with a criminal offense under the Criminal Code of
1961 or adjudicated delinquent shall not be placed in the
custody of or committed to the Department of Children and
Family Services by any court, except (i) a minor less than
15 years of age and committed to the Department of Children
and Family Services under Section 5-710 of this Act, (ii)
or a minor for whom an independent basis of abuse, neglect,
or dependency exists, 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 this Act. 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 be given due notice of the pendency of the
action and the Guardianship Administrator of the
Department of Children and Family Services shall be
appointed guardian of the person of the minor. Whenever the
Department seeks to discharge a minor from its care and
service, the Guardianship Administrator shall petition the
court for an order terminating guardianship. The
Guardianship Administrator may designate one or more other
officers of the Department, appointed as Department
officers by administrative order of the Department
Director, authorized to affix the signature of the
Guardianship Administrator to documents affecting the
guardian-ward relationship of children for whom he or she
has been appointed guardian at such times as he or she is
unable to perform the duties of his or her office. The
signature authorization shall include but not be limited to
matters of consent of marriage, enlistment in the armed
forces, legal proceedings, adoption, major medical and
surgical treatment and application for driver's license.
Signature authorizations made pursuant to the provisions
of this paragraph shall be filed with the Secretary of
State and the Secretary of State shall provide upon payment
of the customary fee, certified copies of the authorization
to any court or individual who requests a copy.

(1.5) In making a determination under this Section, the
court shall also consider whether, based on health, safety, and
the best interests of the minor,

(a) appropriate services aimed at family preservation
and family reunification have been unsuccessful in
rectifying the conditions that have led to a finding of
unfitness or inability to care for, protect, train, or
discipline the minor, or

(b) no family preservation or family reunification
services would be appropriate,

and if the petition or amended petition contained an allegation
that the parent is an unfit person as defined in subdivision
(D) of Section 1 of the Adoption Act, and the order of
adjudication recites that parental unfitness was established
by clear and convincing evidence, the court shall, when
appropriate and in the best interest of the minor, enter an
order terminating parental rights and appointing a guardian
with power to consent to adoption in accordance with Section
2-29.

When making a placement, the court, wherever possible, shall require the Department of Children and Family Services to select a person holding the same religious belief as that of the minor or a private agency controlled by persons of like religious faith of the minor and shall require the Department to otherwise comply with Section 7 of the Children and Family Services Act in placing the child. In addition, whenever alternative plans for placement are available, the court shall ascertain and consider, to the extent appropriate in the particular case, the views and preferences of the minor.

(2) When a minor is placed with a suitable relative or other person pursuant to item (a) of subsection (1), the court shall appoint him or her the legal custodian or guardian of the person of the minor. When a minor is committed to any agency, the court shall appoint the proper officer or representative thereof as legal custodian or guardian of the person of the minor. Legal custodians and guardians of the person of the minor have the respective rights and duties set forth in subsection (9) of Section 1-3 except as otherwise provided by order of court; but no guardian of the person may consent to adoption of the minor unless that authority is conferred upon him or her in accordance with Section 2-29. An agency whose representative is appointed guardian of the person or legal custodian of the minor may place the minor in any child care facility, but the facility must be licensed under the Child
Care Act of 1969 or have been approved by the Department of
Children and Family Services as meeting the standards
established for such licensing. No agency may place a minor
adjudicated under Sections 2-3 or 2-4 in a child care facility
unless the placement is in compliance with the rules and
regulations for placement under this Section promulgated by the
Department of Children and Family Services under Section 5 of
the Children and Family Services Act. Like authority and
restrictions shall be conferred by the court upon any probation
officer who has been appointed guardian of the person of a
minor.

(3) No placement by any probation officer or agency whose
representative is appointed guardian of the person or legal
custodian of a minor may be made in any out of State child care
facility unless it complies with the Interstate Compact on the
Placement of Children. Placement with a parent, however, is not
subject to that Interstate Compact.

(4) The clerk of the court shall issue to the legal
custodian or guardian of the person a certified copy of the
order of court, as proof of his authority. No other process is
necessary as authority for the keeping of the minor.

(5) Custody or guardianship granted under this Section
continues until the court otherwise directs, but not after the
minor reaches the age of 19 years except as set forth in
Section 2-31, or if the minor was previously committed to the
Department of Children and Family Services for care and service
and the court has granted a supplemental petition to reinstate
wardship pursuant to subsection (2) of Section 2-33.

(6) (Blank).

(Source: P.A. 95-642, eff. 6-1-08.)

(705 ILCS 405/2-31) (from Ch. 37, par. 802-31)
Sec. 2-31. Duration of wardship and discharge of proceedings.

(1) All proceedings under this Act in respect of any minor
for whom a petition was filed after the effective date of this
amendatory Act of 1991 automatically terminate upon his
attaining the age of 19 years, except that a court may continue
the wardship of a minor until age 21 for good cause when there
is satisfactory evidence presented to the court and the court
makes written factual findings that the health, safety, and
best interest of the minor and the public require the
continuation of the wardship.

(2) Whenever the court determines, and makes written
factual findings, that health, safety, and the best interests
of the minor and the public no longer require the wardship of
the court, the court shall order the wardship terminated and
all proceedings under this Act respecting that minor finally
closed and discharged. The court may at the same time continue
or terminate any custodianship or guardianship theretofore
ordered but the termination must be made in compliance with
Section 2-28. When terminating wardship under this Section, if
the minor is over 18, or if wardship is terminated in
conjunction with an order partially or completely emancipating
the minor in accordance with the Emancipation of Minors Act,
the court shall also make specific findings of fact as to the
minor's wishes regarding case closure and the manner in which
the minor will maintain independence. The minor's lack of
cooperation with services provided by the Department of
Children and Family Services shall not by itself be considered
sufficient evidence that the minor is prepared to live
independently and that it is in the best interest of the minor
to terminate wardship.

(3) The wardship of the minor and any custodianship or
guardianship respecting the minor for whom a petition was filed
after the effective date of this amendatory Act of 1991
automatically terminates when he attains the age of 19 years
except as set forth in subsection (1) of this Section. The
clerk of the court shall at that time record all proceedings
under this Act as finally closed and discharged for that
reason.
(Source: P.A. 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,
eff. 7-30-98.)

(705 ILCS 405/2-33)
Sec. 2-33. Supplemental petition to reinstate wardship.

(1) Any time prior to a minor's 18th birthday, pursuant to
a supplemental petition filed under this Section, the court may
reinstate wardship and open a previously closed case when:

(a) wardship and guardianship under the Juvenile Court Act of 1987 was vacated in conjunction with the appointment of a private guardian under the Probate Act of 1975;

(b) the minor is not presently a ward of the court under Article II of this Act nor is there a petition for adjudication of wardship pending on behalf of the minor; and

(c) it is in the minor's best interest that wardship be reinstated.

(2) Any time prior to a minor's 21st birthday, pursuant to a supplemental petition filed under this Section, the court may reinstate wardship and open a previously closed case when:

(a) wardship and guardianship under this Act was vacated pursuant to:

(i) an order entered under subsection (2) of Section 2-31 in the case of a minor over the age of 18;

(ii) closure of a case under subsection (2) of Section 2-31 in the case of a minor under the age of 18 who has been partially or completely emancipated in accordance with the Emancipation of Minors Act; or

(iii) an order entered under subsection (3) of Section 2-31 based on the minor's attaining the age of 19 years;

(b) the minor is not presently a ward of the court under Article II of this Act nor is there a petition for
adjudication of wardship pending on behalf of the minor;
and
(c) it is in the minor's best interest that wardship be reinstated.
(3) The supplemental petition must be filed in the same proceeding in which the original adjudication order was entered. Unless excused by court for good cause shown, the petitioner shall give notice of the time and place of the hearing on the supplemental petition, in person or by mail, to the minor, if the minor is 14 years of age or older, and to the parties to the juvenile court proceeding. Notice shall be provided at least 3 court days in advance of the hearing date.
(4) A minor who is the subject of a petition to reinstate wardship under this Section shall be provided with representation in accordance with Sections 1-5 and 2-17 of this Act.
(5) Whenever a minor is committed to the Department of Children and Family Services for care and services following the reinstatement of wardship under this Section, the Department shall:
(a) Within 30 days of such commitment, prepare and file with the court a case plan which complies with the federal Adoption Assistance and Child Welfare Act of 1980 and is consistent with the health, safety and best interests of the minor; and
(b) Promptly refer the minor for such services as are
necessary and consistent with the minor's health, safety
and best interests.
(Source: P.A. 90-608, eff. 6-30-98.)

Section 99. Effective date. This Act takes effect January
1, 2010.
INDEX

Statutes amended in order of appearance

<table>
<thead>
<tr>
<th></th>
<th>New Act</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>20 ILCS 505/5</td>
<td>from Ch. 23, par. 5005</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>705 ILCS 405/2-23</td>
<td>from Ch. 37, par. 802-23</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>705 ILCS 405/2-27</td>
<td>from Ch. 37, par. 802-27</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>705 ILCS 405/2-31</td>
<td>from Ch. 37, par. 802-31</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>705 ILCS 405/2-33</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
How States are Implementing the Fostering Connections Act

Illinois’ At-risk Children
In June 2009, Illinois had 18,042 children in substitute care. From July 1, 2008 until June 30, 2009 Illinois had approximately 4,334 children enter foster care and 4,740 exit foster care. Of those who exited care, approximately 1,342 were adopted, 424 entered subsidized guardianship, 903 aged out of the system and 2,071 reunified. In June 2007, Illinois had approximately 16,100 children in substitute care, a significant reduction in caseload from 1997 when there were more than 51,000 in state custody. Also in 1997, 59 percent of Illinois’ child welfare population was African American. That number was reduced to 55.3% in June 2009. In 2006, a little more than 5,000 children entered foster care and approximately 5,500 exited Illinois’ system. Illinois has led the nation in permanent placements with relatives. In 2005, about 99,768 Illinois grandparents had primary responsibility caring for their grandchildren. Of the 19,431 children in out-of-home care in 2005, 35 percent were living with relatives while in care. Eighty percent of Illinois’ foster children are under the supervision of private agencies.

Illinois’ Budget Landscape
The state has a budget deficit of $4 billion for SFY 2009 and this increased to approximately $9.2 billion for 2010. The state’s revenue streams are much lower than expected. The state relies on revenue from three major areas: sales taxes; income taxes; and fee for service. Tourism also serves as a revenue stream for the State of Illinois; however travel to Chicago, the main tourist destination, decreased this past year. The budget deficit threatens the delivery of critical services throughout the human services continuum by eliminating or reducing the funding stream to operate programs.

P.L. 110-351 State Options
Illinois is a leader in the relative guardianship field because it is one of the first states to utilize a Title IV-E waiver to create a subsidized guardianship program. The waiver demonstration program, approved in 1996, will expire in October 2009. The waiver demonstration program is for children who have been in state custody for one year and have lived with a prospective guardianship for at least one year. Reunification and adoption must be ruled out as permanency options. Currently, the program supports mainly relatives; but children 12 years of age or older who are living with non-relatives are able to take advantage of the program. Children living with non-related caregivers who are under the age of 12 can participate in the program with special permission from the Guardian of the Illinois Department of Children and Family Services. Children in guardianship arrangements under the waiver are supported until their 18th birthday. If a child is still in high school the subsidy will continue until they graduate or turn 19, whichever happens first. A subsidy can also continue until 21 in the event that a child has severe special needs that are documented prior to the transfer of guardianship. The subsidy policy under the waiver mirrors Illinois adoption subsidy policy so that there was no financial incentive to choose one option over the other. Illinois plans on implementing the new Kin Gap option on November 1, 2009. When the federal guardianship assistance program is implemented some of the eligibility criteria will be different from that of the waiver in order to comply with the federal guidelines. For example, the program will only be available to children living in the homes of licensed relative caregivers and to children living with non-relatives who are 14 years of age or older.

Illinois currently support youth to 21 and plans to implement the new option under the Fostering Connections to Success Act once it becomes available in FY 2011. In 2008, there were approximately 1,520 youth ages 18 to 21 in state custody. Illinois is one of the three states in which Chapin Hall has studied older foster youth and found that better outcomes occur when these youth stay in care longer instead of aging out at 18. Currently, foster youth may stay in care until age 19, regardless of their educational status. Some youth may continue to 21, but most decide to leave at 19. Illinois supports youth with state funds and the average subsidy payment for those caring for them is $458. The court holds six-month reviews and annual review hearings.

Illinois’s full intention is to support both foster care and adoptive children to age 21 as allowed under the Fostering Connections legislation effective 10/1/10.
Illinois Tribes
The state has no federally recognized tribes, although they are surrounded by states that do have tribes. There are occasions where tribal children’s relatives are in Illinois.

P.L. 110-351 Mandatory Provisions
A comprehensive diligent search procedure supports Illinois’ dedication to placing children with relatives. Within 48 hours of taking protective custody of a child or screening a child into care through the states attorney’s office, the worker must look for parents as well as relatives or other significant persons of a child in Department custody for the purposes of finding the best and earliest placement for a child that will result in permanency or support for the family, or for day care and other assistance to intact families.

Caseworkers continue to seek relative placements if this option was not available at the time of removal. The Department is looking toward utilizing the New Family Connection Grants from the Fostering Connections and Increasing Adoptions Act that will connect children in or at risk of entering foster care to family members, including expanding Kinship Navigator programs that help link relative caregivers, both those caring for children in and out of foster care, to a broad range of services and supports for their children and themselves.

Illinois has a geographic information systems (GIS) application call “SchoolMinder” which is used for kids being placed into foster care. SchoolMinder helps children stay in their community and supports: education stability; continuity of services (received from their school); and parental and family visitation. GIS technology helps identify available foster homes that are near both the child’s current educational setting and the home from which he or she was removed. The state has been successful in keeping children in their schools of origin. However, the challenge for the state is that these homes become quickly occupied. The unintended benefit is that the state can now use GIS to focus its scarce foster parent recruitment and development efforts on just those communities that are most quickly exhausting their available foster parent resources. The current GIS-based recruiting effort, begun in January, 2009, is now seeing results. After a long decline, foster parent resources are now increasing and are currently at March, 2009 levels after a continual decline in resources that began when SchoolMinder was first implemented.

Illinois has a HealthWorks initiative. The HealthWorks of Illinois Program nurses work with foster parents of wards under the age of 6, offering services to ensure that the child is receiving adequate health care and services while in placement. Nurses also work with the Department of Children and Family Services (DCFS) caseworkers and private agencies, keeping them aware of the child’s healthcare needs and of services the child may be receiving or need.

Like many other states, sibling connections are a priority for Illinois. The state is under a consent decree Aristotle v. Samuels that requires sibling visits and sibling placements when it is not possible to maintain them in the same home.

The state requires that each youth leaving care has a transition plan. Illinois policy requires that, six months prior to the youth’s discharge date, the department must discuss the following with the child: employment, educational opportunities, job resume, housing, health care, counseling, health and life insurance, community resources, reference letters, and emergency contacts. Illinois has a grant from the National Quality Improvement Center regarding performance measures in transition plans. In Cook County, the court system has benchmark hearings where the youth and the judge are sitting at the table. Illinois is trying to take this program statewide.

Illinois has a foster care workgroup that serves as an advisory committee continues to look at both the options and mandatory provisions. The state anticipates only a small fiscal impact around the mandatory provisions.

Family Connections Grants
Illinois has applied for the Family Connections Grant and plans to use it for a Kinship Navigator program entailing a two-prong approach. If funded the grant money will support a “Central Call Center” where trained staff members will supportively work with relatives who call into the Center expressing a service need or support or both. In addition, through the Family Advocacy Centers, community based groups that provide support for parents to meet their goals, will provide a supportive staff member who will work with families and relative caregivers to help strengthen the family while protecting children.

At this time Illinois provides extended family support. The Extended Family Support Program is a statewide program that supports caregivers who are caring for related children outside the formal child welfare system. This intensive short-term
program allows children to live with family members without becoming involved with the child welfare system and offers caregivers support and services when they unexpectedly assume responsibility for related children. The services include: assistance in obtaining guardianship through probate court and in applying for a public aid grant; school advocacy; limited financial assistance per family for bedding, food, uniforms, or other appropriate services to stabilize the home; and help to access community resources and services as needed per family.

As a part of the Department’s Lifetime Approach in providing services, the Department has a major initiative to improve the quality of life of children and youth in the Department’s care by streamlining decision-making processes, delivering services earlier, shortening lengths of stay in residential and stabilizing out-of-home placements. The state operates a Child and Youth Invest Team (CAYIT) which is a team decision making model where multidisciplinary teams are full-time and regionally based that are responsible for assessing a child or youth’s service needs, identifying the resources required to meet them and assisting the worker in accessing these services. The CAYIT staffings are convened whenever a child or youth’s health or well-being is compromised or a less restrictive placement setting is required. The events that require a CAYIT staffing is often evidence that the child or youth’s needs are changing or are not being met.

Illinois, in collaboration with the Midwest Child Welfare Implementation Center, will develop a Life Skills Coaching Program that will prepare children and youths between the ages of six and twenty for successful transition into adult self-sufficiency. The focus of this program will shift the paradigm of only training youth in care beginning at age 14 to additionally targeting caregivers (i.e., foster parents, relatives, group home staff) to learn how to provide developmentally appropriate life skills to children in their care within their home environment beginning at age 5.

Opportunities & Challenges
While the legislation creates opportunities to maximize federal dollars through Title IV-E claiming in areas that previously were unallowable, the commencement of these provisions occur either incrementally or at a later date, prohibiting the Department to access critical funds. One example is the state would like to take advantage of the claiming that will be allowable for the Department’s programs that support older foster youth to age 21; however, the Department needs to wait until the claiming becomes allowable in FY 2011. Another example creates the opportunity to claim for training private sector employees; however this provision allows for claiming at rates that increase yearly where the claiming starts at a lower rate and then each year increases until it reaches the 75 percent rate. The private sector works with 80 percent of Illinois DCFS cases.

Conclusion
Illinois wants to take full advantage of the Fostering Connections Legislation, and was one of the first states who participated in the Subsidized Guardianship Waiver Demonstration program evaluating the impact of relative care. The state fully utilizes relative caregivers and this has a positive impact on reducing Illinois’s caseload. Illinois’s focus is on “Protecting Children while Supporting and Strengthening Families”. In Illinois more than 70 percent of indicated cases occur based on neglect. Illinois plans to redesign the front end and focus on immediate early intervention services for families through the development of a Differential Response model to prevent children from coming into care and to work with families from a strength-based approach.

---

1 Illinois Department of Children and Family Services Report: All Wards by Current Living Arrangement Category – Data as of 07/03/2009
2 Illinois Department of Children and Families Services website.
3 Ibid
5 Child Welfare League of America state data website.
7 National Conference of State Legislatures (NCSL) website.
10 Ibid.