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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 301

PLACEMENT AND VISITATION SERVICES

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301.APPENDIX A Criminal Convictions which Prevent Placement of Children with Relatives

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AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

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SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 13580, effective October 1, 1997; amended at 23 Ill. Reg. 13062, effective October 20, 1999; emergency amendment at 24 Ill. Reg. 6427, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 25 Ill. Reg. 841, effective January 5, 2001; amended at 25 Ill. Reg. 11803, effective September 14, 2001; amended at 26 Ill. Reg. 11739, effective August 1, 2002; amended at 34 Ill. Reg. 7898, effective May 31, 2010; amended at 36 Ill. Reg., 2098 effective January 30, 2012; amended at 36 Ill. Reg. 4039, effective March 5, 2012; amended at 39 Ill. Reg. _____, effective _____.

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Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 USC 675(1) and 20 ILCS 505/6a.

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"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Human Services in 89 Ill. Adm. Code 111 (Assistance Standards).

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings" means contact among siblings who are residing apart from one another, and may include, but is not limited to: -telephone calls; video conferencing; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook) and any other agreed upon forms of communication technology. ~~as used in this Part, means telephone and written communication among siblings who are placed apart from one another.~~

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"Department" as used in this Part, means the Department of Children and Family Services.

"Diligent search", as used in this Part, means the efforts used by the Department to find a joint placement for siblings who must be placed apart from their families. Diligent search is further defined in Section 301.70(fe) of this Part.

"Family" means one or more adults and children, related by blood, marriage, civil union, or adoption and residing in the same household.

"Father" means a man. ~~"Father" means a man~~ presumed to be the natural father of a child if:

- he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;

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- *after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act; ~~pursuant to Section 12 of the Vital Records Act~~*
- *he and the child's natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of Healthcare and Family Services under Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-17.7] [750 ILCS 45/5]; or*
- *he and the child's natural mother have signed an acknowledgement of parentage or, if the natural father is someone other than the one presumed to be the father under this Section, an acknowledgement of parentage and denial of paternity in accordance with Section 12 of the Vital Records Act. [750 ILCS 45/5] ~~he and the child's mother have signed a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of the Act. (See Sections 5(a)(4) and 6 of the Act [750 ILCS 45/5(a)(4) and 6].)~~*

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A man can rebut a presumption of paternity only as provided in Section 5(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(b)] ~~before a court of jurisdiction~~. Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"Final placement decision" means the decision made by the Department, within 90 days after the initial placement of a child with a relative, to leave or remove the child in the relative home based on the evaluation of the results of the criminal background check of the relative and household members and based on the best interest of the child.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"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 the 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

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placement selection criteria as contained in Section 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in Section 301.80 ([Relative Home Placement](#)) must be met.

"Joint placement", in the context of sibling placement, means the siblings are placed in the same substitute care setting.

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent family placement" means placement in a foster family home or a relative home that is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Placement Clearance Process" means the approval of a child's placement in foster care or unlicensed relative care from the Placement Clearance Unit.

"Region" means Cook County or any of the downstate Department of Children and Family Services regions.

"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

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is the spouse, or party to a civil union, of such a relative, or

is the child's step-father, step-mother, or adult step-brother or step-sister, or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

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. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Residential facility", for the purposes of the Aristotle P. Consent Decree, means all non-foster care or relative home care placements.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children required by 42 USC 675(5), 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning).

~~"Short term diagnostic placement" means a placement limited to 30 days after the time period deemed clinically necessary to complete the appropriate diagnostic evaluation or treatment, and in no event shall last more than 90 days.~~

~~"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated or after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship, who have a shared biological or adoptive parent.~~

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

~~"Visitation", as used in this Subpart, means face-to-face contact:~~

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- between parents and their children who are in substitute care;
 - between siblings in substitute care who are placed apart from one another; or
 - between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, adopted, placed in private guardianship, living in home of parent, etc.).
- ~~between parents and their children who are in substitute care or among siblings who are placed apart from one another.~~

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 301.60 Placement Selection Criteria

- a) All placement decisions will be made consistent with the safety, best interests and special needs of the child. When a child is removed from the care of a custodial parent, the placing worker shall explore whether the non-custodial parent would be a suitable caregiver for the child. If placement with the non-custodial parent is not consistent with the safety, best interests and special needs of the child or if the non-custodial parent is not a suitable caregiver for the child, placement in substitute care shall be considered.
- b) Substitute care placement decisions consistent with the safety, best interests and special needs of the child shall be made in consideration of the following:
 - 1) the least restrictive setting appropriate for the child ~~that~~^{which} most closely approximates a family;
 - 2) placement within reasonable proximity to the child's home when the permanency goal is return home, and within the child's school district, whenever possible, taking into account any special needs of the child and family, the importance of maintaining continuity of the children's educational and social relationships, and the availability of the service resources needed for the child and family;
 - 3) the ability of prospective foster or adoptive parents to meet the needs of a child. Placement in a foster or adoptive family home shall not be denied or delayed on the basis of the race, color, or national origin of the child, or

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the foster or adoptive family home members, nor shall placement for adoption of a child be denied or delayed if an approved family is available either outside of the Department's region handling the case or outside of the State of Illinois; ~~and~~

- 4) preservation of sibling relationships; and
 - 5) placement, if the child is of American Indian heritage, according to criteria described in 89 Ill. Adm. Code 307 (Indian Child Welfare Services).
- c) Approval through the Department's Placement Clearance Process is required prior to all placements in licensed foster family homes and unlicensed relative homes.
 - d) When a private agency or DCFS worker fails to secure prior approval for a placement in a licensed foster family home or unlicensed relative home through the Placement Clearance Process or provides false or misleading information when requesting an approval, the Director may take progressive action including, but not limited to:
 - 1) placing the worker's private agency or DCFS region on hold for cases; and
 - 2) implementing progressive discipline for the DCFS worker.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 301.70 Sibling Placement

- a) It is the policy of the Department to place siblings together unless:
 - 1) it is in the best interests of one or more of the children to be placed apart or to remain apart from his or her siblings;
 - 2) the Department has been unable to locate a joint placement for the siblings, despite a diligent search by the Department as defined in subsection (f) of this Section;
 - 3) a court has ordered that the siblings be placed apart; or
 - 4) it is in the best interests of the child or his or her sibling(s) to be placed with a relative and the relative is not willing to accept all the children.

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- b) When the caseworker determines it is in the best interest of one or more siblings in substitute care to be placed apart or to remain apart from his/her siblings, the caseworker shall select a placement where the caregiver is willing and able to be actively involved in supporting the sibling relationship to the extent that doing so is in each child's best interest.
- c) When an examination of case records or consultation with the child's parents reveals that a sibling of the child was adopted, placed in subsidized guardianship, or is emancipated, the caseworker shall determine, in consultation with the child's parents, whether it would be in the child's best interests to explore placement with the adopted sibling or sibling in guardianship, or emancipated sibling who is at least 21 years of age. Unless the parent objects, if the caseworker determines it is in the child's best interest to explore the placement, the caseworker shall contact the adoptive parent or guardian of the sibling or emancipated sibling to determine whether they are willing to be considered as a placement resource for the child, and, if so, determine whether it is in the best interests of the child to be placed in the home with the sibling.
- d) A determination that it is not in a child's best interest to be placed with a sibling is a Critical Decision that requires supervisory approval. The decision shall be documented in the child's case record and on the Visitation and Contact Plan.
- eb) It shall be in the best interests of a child to be placed apart from his or her siblings only if:
- 1) ~~the child has been placed in a short term diagnostic placement in order to determine the placement needs of the child;~~
 - 12) the child has special medical, educational, behavioral, or emotional needs ~~that~~which require the child to be placed apart from his or her siblings and the child has been placed or accepted at a placement intended to address those needs;
 - 23) the child is at risk of physical, mental, or emotional harm if placed with his or her siblings and the specific risk and the basis for assessing that risk are documented in the child's case file; or
 - 34) placement of the child with his or her siblings would require that the child be removed from a current foster home and it is in the best interests of the

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child to remain in that foster home rather than move to a joint placement with his or her siblings, ~~or~~

~~5) it is necessary to place the child apart from his or her siblings in order to achieve permanency for the child.~~

f) A diligent search to locate a joint placement for siblings shall consist of written documentation that:

- 1) the Department has asked the siblings' parents and known relatives whether there are any relatives who may be willing to become relative foster parents for the siblings;
- 2) the Department has asked any current foster parents of a child already in Department custody or guardianship whether they can accommodate the child's siblings in accordance with licensing standards; ~~and~~
- 3) ~~the Department has asked the adoptive parents or legal guardians of any siblings who were wards of the Department and adopted or placed in legal guardianship whether they can accommodate the child's siblings; and~~
- 4) the Department has conducted a search of vacant Department and private agency foster care placements and other appropriate placements within reasonable proximity to the child's home (when the permanency goal is to return home) ~~in the same region as the parents' home~~ to identify those placements that can provide a joint placement for the sibling group and that meet the placement requirements for all Department cases as set forth in this Subpart.

g) If siblings have not been placed together at the time the Department is awarded custody of one or more of the siblings, the diligent search to locate a joint placement for siblings shall be conducted:

- 1) not later than 30 days after the Department is awarded custody of a sibling group or of any child who has a sibling in placement;
- 2) when the Department changes the placement of any child with a sibling, unless it is in the best interests of the child or sibling to be placed apart, as delineated in subsection (b) of this Section. Nothing in this Part shall preclude removal of a child from a placement with a sibling when such

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removal is necessary due to an emergency. An emergency includes but is not limited to situations such as a fire or natural disaster destroying the caregiver's home, behavior on the part of the child which poses a threat to the child or to others in the home, incidents of abuse or neglect which put the child at imminent risk of harm, etc.

- he) The placement decision can prove to be critical in the life of a case. When a sibling group must be removed from their home, the Department should do everything in its power to place the children together in substitute care. This includes:
- 1) Selecting a foster family or relative caregiver who can accept all of the children for placement. This may require the caseworker to conduct a diligent search for family members or a licensed foster family home that will accept all of the children. As a general rule, an unrelated foster home that will accept the entire sibling group shall have higher priority than a relative who wants to care for only part of the sibling group.
 - 2) Placing step-siblings who enter care together initially, and re-evaluating continued joint placement after the Integrated Assessment.
 - 3) If the children must be separated, identifying relative caregivers or foster family homes that will support frequent sibling contact and visitation.
- if) When a child enters substitute care or requires a new placement, the Department shall determine whether a sibling of that child is in the custody or guardianship of the Department.
- 1) If the Department determines that a sibling is in its custody or guardianship, the Department shall then determine whether it is in the best interests of each of the siblings for the child needing placement to be placed with the sibling.
 - 2) If the Department determines that it is in the best interest of each sibling to be placed together, and the sibling's caregiver is able and willing to care for the child needing placement, the Department shall place the child with the sibling.
- jh) When siblings are placed apart, the caseworker shall develop a Visitation and Contact Plan.

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- 1) The Visitation and Contact Plan shall set forth future contact and visits between the siblings to develop, preserve and nurture the siblings' relationships. The Plan shall set forth the role of the caregivers and others in implementing contact and visitation among the siblings. The caseworker shall ensure that the Plan meets the minimum standards regarding frequency of in-person visits provided in Sections 301.220 and 301.230 of this Part.
- 2) The Department shall document in the Visitation and Contact Plan why the siblings were placed apart and the efforts made to place siblings together.
- 3) The assigned caseworker shall file the Visitation and Contact Plan with the Juvenile Court within 10 days, excluding weekends and holidays, after temporary custody is awarded to the Department. The initial Visitation and Contact Plan must be filed within 10 days of temporary custody whether or not a caseworker has been assigned to the case.
- 4) The Visitation and Contact Plan shall be modified if one of the children moves to a new placement, or as necessary to meet the needs of the children.
- 5) The Visitation and Contact Plan may include contact and visitation with other siblings not in the custody or guardianship of the Department, only with the consent and participation of the parent or guardian of those siblings, or the siblings themselves, if over 18 years of age.

ke) If an entire sibling group is not placed together, the Department shall place as many siblings of the group together as possible, considering their relationship and the best interests of the children.

le) If an entire sibling group cannot be placed together, the Department shall make reasonable efforts to place siblings within reasonable proximity to one another, taking into account the placement requirements for all Department cases as set forth in this Part. The Department may place a child at greater distance from his or her siblings if his or her treatment needs require placement farther away.

mh) If the ~~Department places siblings apart or~~ siblings remain placed apart after a change in placement, the efforts made to place siblings together and the reasons

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why the siblings are placed apart shall be documented on the Visitation and Contact Plan and specifically reviewed at the first administrative case review following such placement to ensure compliance with the requirements of this Section.

- n) If the caseworker decides to separate siblings who are placed together, the caseworker shall notify each child (if seven years of age or older) and the children's attorney and guardian ad litem in writing no later than ten days prior to implementation of this decision unless remaining in the joint placement poses an imminent risk of harm to one or more of the children. In such a case, the caseworker shall notify each child (seven years of age or older) and the children's attorney and guardian ad litem in writing no later than five days after the decision to separate the siblings.
- o) The Department shall provide training for all DCFS and purchase of service permanency workers, and their supervisors and managers, regarding the importance of maintaining sibling relationships, the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed.
- ~~f) If the Department determines it is not in the best interests of the child to be placed with his or her siblings, the Department shall identify in the child's case plan the reasons why the siblings were placed apart. If siblings have been placed apart pursuant to subsection (a) of this Section, the Department shall document in the case file the efforts made to place siblings together.~~
- ~~i) When it is necessary to place siblings apart the Department shall provide for contact and visitation between the siblings in accordance with Sections 301.220 and 301.230 of this Part.~~

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 301.80 Relative Home Placement

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

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the extent to which the relative complies with the placement selection criteria of Section 301.60(b).

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

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c) The placing worker shall emphasize to prospective relative caregivers that priority will be given to relative or foster care placements that will accept an entire sibling group over a relative placement that will accept only one or some members of the sibling group requiring care. When it is not possible to place all of the children together, the placing worker shall encourage substitute caregivers to encourage and facilitate contact among the siblings.

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

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

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- 1) will care for no more than the number of children consistent with the number and ages of children permitted in a licensed foster family home (89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes);
- 2) is willing and capable of protecting the children from harm by the parents or any other person whose actions or inactions allegedly threatened the children's safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5];

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- 3) agrees not to transfer physical custody of the children to anyone, including parents or other relatives, unless previously authorized in writing by the Department;
- 4) agrees not to allow the indicated or alleged perpetrators of abuse or neglect to reside in the relative's home unless previously authorized in writing by the Department;
- 5) agrees to notify the Department of any changes in the household composition;
- 6) agrees to notify the Department of any change of address prior to moving;
- 7) agrees to seek the prior written consent of the Department for non-emergency medical, psychological, or psychiatric testing or treatment;
- 8) agrees to take the children out of state only if previously authorized in writing by the Department;
- 9) agrees to abide by any conditions or limitations on the parent-child visitation plan;
- 10) is willing to cooperate with the agency, the children's parents and other resource persons to help develop and achieve the permanency goal recorded in the children's service plan;
- 11) agrees to adequately supervise the children so they are not left in situations or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate;
- 12) agrees not to subject the child to corporal punishment, verbal abuse, threats, or derogatory remarks about the child or the child's family;
- 13) agrees that any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time; and

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14) agrees to sign, and have all members residing in the home age 17 and over sign, an authorization for criminal background check and agrees to be fingerprinted no later than 30 days after the placement for a final child placement decision.

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

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- 1) background checks of the Child Abuse Neglect Tracking System (CANTS) as required by 89 Ill. Adm. Code 385 (Background Checks) and a check of the Statewide Child Sex Offender Registry have been completed on all adult members of the household and children age 13 and over, communicated to the supervising agency prior to placement, and appropriate decisions made. If a report of abuse or neglect exists, staff of the placing agency have made appropriate decisions whether the child should be placed with the relative based on the following considerations:
 - A) the type of indicated abuse and neglect;
 - B) the age of the individual at the time of the report;
 - C) the length of time that has elapsed since the most recent indicated report;
 - D) the relationship of the report to the ability to care for the related children; and
 - E) evidence of successful parenting;
- 2) a check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household and children age 13 and over is completed prior to placement of the related children. If the results of the LEADS check identify prior criminal convictions listed in Appendix A for any adult member of the household, children shall not be placed in the relative's home unless a waiver has been granted in accordance with the requirements of Appendix A;
- 3) the home is free from observable hazards;
- 4) prescription and non-prescription drugs, dangerous household supplies, and dangerous tools are stored in places inaccessible to children;

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- 5) any and all registered weapons and registered firearms and ammunition are locked up at all times and kept in places inaccessible to children.
- 6) basic utilities – (water, heat, electricity) -- are in operation;
- 7) sleeping arrangements are suitable to the age and sex of the children;
- 8) meals can be provided daily to the related children in sufficient quantities to meet the children's nutritional needs;
- 9) supervision of the related children can be assured at all times, including times when the relative is employed or otherwise engaged in activity outside of the home;
- 10) the relative can provide basic necessities for themselves and their own children;
- 11) the relative can access health care and provide necessary in-home support for any health care needs of the related children;
- 12) no member of the household appears to have a communicable disease that could pose a threat to the health of the related children or an emotional or physical impairment that could affect the ability of the caregiver to provide routine daily care to the related children or to evacuate them safely in an emergency;
- 13) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the relative;
- 14) the relative has the ability to contact the agency, if necessary, and the ability to be contacted;
- 15) the relative has immediate access to a telephone when the related child has medical or other special needs;
- 16) the relative shall cooperate with the supervising agency's educational and service plan for the child;

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

g) Within 90 days after initial placement of a relative child, a final placement decision shall be determined by a supervisor of the placing agency based on the criminal background check results of all persons 17 years and older who are living in the home and based on the best interest of the child.

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

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i) The supervising agency shall reassess the appropriateness of the relative home placement on an ongoing basis and at least prior to each administrative case review or at any point the supervising agency has reason to believe the relative caregiver can no longer safely or adequately care for the children. Appropriateness is determined by the extent to which the home is in compliance with the conditions described in subsections ~~(e)~~ and ~~(f)~~ and by an evaluation of the continued safety of the children, including an evaluation of any pending criminal charges against any adult members of the household.

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

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k) Only placements in licensed foster family homes receive the foster care payment rate. Relatives who care for children for whom the Department is legally responsible are encouraged to ~~may, but need not~~ apply for licensure as a foster family home in accordance with the requirements of 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes). When a relative is licensed under Part 402, the relative will receive the established foster care payment rate appropriate for the number and ages of foster children placed in care. Relatives who are unlicensed receive the child only standard of need.

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 301.220 Sibling Visitation

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- a) The Department or purchase of service agency shall schedule and provide visits among all siblings in substitute care who are placed apart at least twice per month, beginning as soon as possible, but not later than two weeks, after the Department is awarded temporary custody of any sibling, unless:
- 1) a court has ordered that sibling visits occur less frequently or not at all; or
 - 2) one sibling may physically, mentally, or emotionally harm another during the visit, and supervision would be inadequate to eliminate the risk of such harm as determined by prior observation or documentation of their interaction as recorded in the child's case file. The specific risk and the basis for assessing that risk shall be documented in the child's case file. ~~the child has stated that he or she does not want to visit with his or her siblings or wants to visit less frequently and has been counseled by the Department on the importance of maintaining family ties. If such a child is age 16 or under, the Department shall inquire of the child at least quarterly whether he or she wants to resume or increase the frequency of visits; or~~
 - 3) ~~one sibling may physically, mentally, or emotionally harm another during the visit, and supervision would be inadequate to eliminate the risk of such harm as determined by prior observation or documentation of their interaction as recorded in the child's case file.~~
- b) ~~If a sibling is placed in a residential facility, visitation with that child may occur less frequently than twice per month if:~~
- 1) ~~the child is at risk of physical harm if he or she visits with his or her siblings and that harm is specifically documented in the child's case file;~~
 - 2) ~~the child is at risk of mental or emotional harm if he or she visits with his or her siblings as determined by a qualified mental health professional; or~~
 - 3) ~~the child is placed in a residential facility that is located more than 150 miles from his or her siblings, provided, however, that in such event the Department shall provide the child a visit with his or her siblings, preferably overnight, at least every other month.~~
- e) ~~If the frequency of visits between two siblings is reduced to less than twice per month, the frequency of each child's visits with the other siblings, if any, and of the other siblings visits with each other shall not be reduced except for the reasons stated in subsections (a)(1) through (3) or (b)(1) through (3) above of this Section, or by order of a court.~~

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- b) Neither the Department nor its contractual agencies shall withhold or reduce nor seek to have a court withhold or reduce the frequency of visits based on the unavailability of a supervisor for the visits or as a form of discipline.
- e) ~~Visits may begin sooner than two weeks after the Department is awarded temporary custody of a sibling, if the siblings express a desire to see each other, no court has prohibited visits, and a qualified supervisor (if deemed necessary) and an appropriate time and location for visits have been identified.~~
- c) A ~~sibling visitation plan~~ Visitation and Contact Plan, specifying the frequency of sibling visits and other approved forms of contact, shall be developed by the siblings' caseworkers, foster parents, and the children/siblings ~~(seven years of age and older) within 30 and filed with the juvenile court within 10~~ days after award of temporary custody of the siblings. The Visitation and Contact Plan shall be included in the ~~children's case plans~~ Family Service Plan.
- d) The Visitation and Contact Plan ~~sibling visitation plan~~ may be included as a part of and implemented in coordination with a plan for parent-child visits ~~developed in accordance with Section 301.210, Family Child Visitation~~. The frequency of sibling visitation shall in no way be affected by the failure of any parent to visit his or her children for any reason.
- e) A sibling visit can be scheduled to occur simultaneously with parent-child visitation, but the sibling visit will be deemed to have occurred only if all siblings are present at the parent-child visit.
- f) The Visitation and Contact Plan ~~sibling visitation plan~~ shall specify the duration of sibling visits and ~~may shall~~ also include the location and supervision to be provided for visits. A brief statement of the reasons for selecting the frequency and duration of sibling visits as specified in the visitation plan shall also be recorded in the plan.
- g) After completion of each child's Individualized Assessment, the caseworker shall review the Visitation and Contact Plan to ensure the plan addresses the individualized needs of each child. The Visitation and Contact Plan shall be reviewed on an ongoing basis to determine whether it is possible to allow increased contact and visitation among the siblings.
- Any time contact and visitation can be increased, the caseworker should ensure it is done. Caregivers should be encouraged to allow siblings to visit each other at holidays, milestones (e.g., birthdays, graduations), etc. Holidays should include

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nationally recognized holidays as well as holidays recognized by the culture of the family of origin.

~~No changes shall be made in the sibling visitation plan without prior consultation with the siblings (seven years old and older) and with the siblings' foster parents unless there is substantial risk of harm to the child if the visits continue unchanged. The sibling visitation plan and its implementation shall be reviewed at each child's administrative case review, and when any sibling~~

h) ~~The Visitation and Contact Plan should be amended every time a sibling moves and as necessary to meet the needs of the children.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 301.230 Contact Among Siblings Placed Apart

a) ~~Unless~~ If the Department determines that it is not in the child's best interests to be provided information on a sibling's whereabouts or to have his or her whereabouts provided to his or her siblings, ~~or a~~ and no court has prohibited disclosure of this information, the Department shall promote contact and communication among siblings placed apart by taking the following actions:

1) the Department or purchase of service agency shall provide children ~~who are seven years old and older~~ and their foster parents or other caregiver ~~caretaker~~ with each sibling's birth date and the name, address, and telephone number of the foster parent or other ~~caregiver~~ caretaker of each sibling placed by the Department in substitute care. The Department shall also provide the birth date and the name, address, and telephone number such information regarding of siblings in the custody of a parent, adoptive parent, legal guardian, or adult sibling, if that information is or becomes known to the Department;

2) the Department or purchase of service agency shall provide children ~~who are seven years of age and older~~ who are in the care of their parents with the name, address and telephone number of children ~~under in~~ the custody/guardianship of the Department, unless:

A) the Department or purchase of service agency has determined that it is not in the child's best interests to provide information on his or her whereabouts to his or her siblings, and the Department has notified each child's attorney and guardian ad litem in accordance

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with subsection (b);

- B) the Department or purchase of service agency has determined that identifying information of the foster parent/relative caregiver shall not be released to the sibling based on the results of the assessment completed in accordance with Section 301.440(a), and each child's attorney and guardian ad litem has been notified in accordance with Section 301.440(b); or

- C) a court has prohibited disclosure of this information;

3) whenever a child is moved to another placement, the Department shall: ~~give written notice of the name, address, and telephone number of the child's new foster parent or other caregiver to each sibling and the foster parent or other caregiver of each sibling in writing within seven days after the move;~~

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A) ~~give written notice of the name, address, and telephone number of the child's new foster parent or other caregiver to each sibling and the foster parent or other caregiver of each sibling, in writing, within seven days after the move; and~~

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B) ~~review and, if necessary, amend the Visitation and Contact Plan in consultation with the caseworkers, foster parents, caregivers, children/siblings and other appropriate parties; and~~

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4) the Department shall ~~permit and shall~~ encourage foster parents and caregivers to ~~allow assist~~ children in their care to ~~use available modes of communication write and phone~~ (e.g., telephone, cell phone, letter writing, email, video conferencing, etc.) to contact their siblings between visits as often as the children wish, provided, however, that, if necessary, a plan for scheduling reasonable ~~phone calls contact~~ may be established by the children's caseworker, together with the foster parent or other caregiver and the children. This plan shall be incorporated in the ~~Visitation and Contact Plan children's service plans~~. ~~The Department shall also facilitate the use of mail for siblings' contact with each other, including payment of postage.~~

- b) If the Department determines that it is not in a child's best interests to be provided information on a sibling's whereabouts or to have information on his or her

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whereabouts provided to his or her siblings, the Department shall notify each child's attorney and guardian ad litem, in writing, within seven days after that determination. The Department shall also record the reasons for that determination in the children's case records.

- c) Neither the Department nor its purchase of service or other contractual agencies shall withhold or restrict, or seek to have any court withhold or restrict, contact among siblings as a form of discipline under any circumstances.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 301.250 Sibling Visitation and Contact with Adopted Siblings and Siblings in Private Guardianship

When one or more members of a sibling group is/are placed apart by the Department for adoption or subsidized guardianship, the Department shall encourage the adoptive parents/legal guardian to develop a Visitation and Contact Plan or Post Permanency Sibling Contact Agreement to enable continued contact among all of the siblings.

The Department shall offer to assist the parties in developing the Plan or Agreement, provide services to the parties post-permanency to support them in implementing and maintaining agreements, and assist them in amending agreements as necessary to meet the needs of the children. A copy of the Plan or Agreement shall be placed in the adoption or guardianship record.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 301.255 Sibling Visitation with and Among Adult Siblings

When one or more (but fewer than all) members of a sibling group are adults or emancipated youth, the Department shall offer to develop a Visitation and Contact Plan or Post Permanency Sibling Contact Agreement to enable continued contact among all of the siblings.

(Source: Added at 39 Ill. Reg. _____, effective _____)

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