

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible
- 2) Code Citation: 89 III. Adm. Code 309
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions</u>
309.20	Amendment
309.30	Amendment
309.35	New Section
309.40	Amendment
309.100	Amendment
309.110	Amendment
309.130	Amendment
309.135	New Section
309.140	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5] and the Adoption Act [750 ILCS 50]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq; 45 CFR 1356.40 and 1356.41); and the Adoption and Safe Families Act (42 USCA 1305).
- 5) A Complete Description of the Subjects and Issues Involved: These changes implement Public Act 97-1076 concerning contact between siblings who are placed apart (foster care and post permanency).

Sections affected:

- **Rule 309.20** - Definition of “sibling” is broadened to comply with legislation. “Contact between siblings”, “visitation” and “relative” are defined. Definitions that have been quoted verbatim from statute have been updated.
- **Rule 309.30** – Emphasizes the need to recruit adoptive homes that will accept sibling groups for placement, and encourage and support ongoing sibling contact. Requires training for prospective adoptive parents and private guardians regarding the importance of encouraging and maintaining sibling relationships/attachments.
- **Rule 309.35** (new) – Requires adoption workers to make a good faith effort to locate siblings previously placed by DCFS in adoptive homes and private guardianship when seeking a permanent placement for an “add on” child.
- **Rule 309.40** – Updates information about the Adoption Listing Service.
- **Rule 309.100** – Requires adoption workers to gather and assess information about all known siblings of a child being placed for adoption and why the siblings were

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placed apart (when applicable). When a child's current caregiver is not a viable adoptive resource, the worker shall contact the adoptive parent or legal guardian of a sibling of the child who was adopted or placed in private guardianship and informing them of the availability of the child for adoption. If, after adoption, the child will live separately from some or all of his/her siblings, how to facilitate contact with his/her siblings, including adult siblings.

- **Rule 309.110** – When preparing and training adoptive families, the Department shall emphasize the child's sense of attachment to and the importance of maintaining a relationship with his/her siblings. The subsidy worker shall strongly encourage continued sibling contact and offer to help the adoptive parents develop a Post Permanency Sibling Contact Agreement.
- **Rule 309.130** – The worker shall assess the prospective family's willingness to help and support the child in developing a relationship with siblings. A placement that can accept an entire sibling group shall be given priority over placement that will accept only one (or some) of the siblings.
- **Rule 309.135** (new) – Sets out the required contents of the Post Permanency Sibling Contact Agreement.
- **Rule 309.140** – The adoption/subsidy worker shall inform adoptive parents (or legal guardians) that they may be contacted in the future regarding placement of, or contact with, siblings subsequently requiring placement or requesting contact with their adopted siblings.

- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will these proposed amendments replace an emergency rule currently in effect? No
- 8) Do these proposed amendments contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

The full text of the Proposed Amendments begins on the next page.