

ILLINOIS REGISTER

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 315

PERMANENCY PLANNING

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section

- 315.10 Purpose
- 315.20 Definitions
- 315.30 Best Interests Health and Safety of the Child
- 315.40 Accountability
- 315.45 The Need for a Permanent Home
- 315.50 Reasonable Efforts/Reasonable Progress
- 315.60 The Child's Sense of Time
- 315.70 The Critical Decisions
- 315.80 Components of the Permanency Planning Process

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section

- 315.100 Assessment
- 315.110 Worker Interventions and Contacts
- 315.120 Family Meetings
- 315.125 Preservation of Sibling Relationships
- 315.130 Developing the Service Plan
- 315.140 Distributing the Service Plan
- 315.150 Revising the Service Plan
- 315.160 Case Reviews and Court Hearings

SUBPART C: SELECTING THE PERMANENCY GOAL

Section

- 315.200 Selection of the Permanency Goal
- 315.205 Return Home Within Five Months
- 315.210 Return Home Within One Year
- 315.215 Return Home Pending Status Hearing
- 315.220 Substitute Care Pending Court Determination on Termination of Parental Rights
- 315.225 Adoption

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 315.230 Guardianship
- 315.235 Independence
- 315.240 Cannot Be Provided for in a Home Environment
- 315.241 Continuing Foster Care
- 315.245 Concurrent Planning
- 315.250 Applicability of Reunification Services

SUBPART D: EVALUATION AND DECISIONMAKING

- Section
- 315.300 Evaluating Whether Children in Placement Should Be Returned Home
- 315.305 When Reunification Is Inappropriate
- 315.310 Termination of Services and Planning for Aftercare

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 670 et seq.), the Juvenile Court Act of 1987 [705 ILCS 405], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted at 23 Ill. Reg. 2539, effective February 1, 1999; amended at 25 Ill. Reg. 11785, effective September 14, 2001; amended at 26 Ill. Reg. 7720, effective May 24, 2002; amended at 26 Ill. Reg. 11765, effective August 1, 2002; amended at 28 Ill. Reg. 8465, effective June 4, 2004; amended at 32 Ill. Reg. 8103, effective May 30, 2008; amended at 35 Ill. Reg. 14934, effective September 1, 2011; amended at 36 Ill. Reg. 4073, effective March 5, 2012; amended at 39 Ill. Reg. _____, effective _____.

Section 315.20 Definitions

"Administrative case review" means a review of permanency planning open to the participation of the parents of the child, conducted by a ~~person who~~~~panel of appropriate persons at least one of whom~~ is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review, ~~pursuant to section 475 of the Social Security Act (Sec 42 USC 675(6)).~~ The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents as specified in 89 Ill. Adm. Code 316.60 (Administrative Case Reviews ~~and Court Hearings~~).

"Best interest of the child" ~~as defined in the Juvenile Court Act of 1987 means consideration of has been defined by law to include~~ the following factors:

the physical safety and welfare of the child, including food, shelter, health, and clothing;

Formatted: Font: Not Italic

Formatted: Font: Not Italic

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

the development of the child's identity;

the child's background and ties, including familial and religious;

the child's sense of attachments, including:

where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

the child's sense of security;

the child's sense of familiarity;

continuity of affection for the child;

the least disruptive placement alternative for the child;

the child's wishes and long-term goals;

the child's community ties, including church, school, and friends;

the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

the uniqueness of every family and child;

the risks attendant to entering and being in substitute care; and

the preferences of the persons available to care for the child. [705 ILCS 405/1-3]

"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 have signed an adoptive surrender or voluntary placement agreement with the Department.

"Client service plan" means a written plan on a form prescribed by the Department that guides all participants in the plan of intervention toward the permanency goals for the children.

Formatted: Indent: Left: 1"

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Concurrent planning" means a process whereby the Department or its service provider works toward family reunification with a family whose children has been removed from the home while, at the same time, developing an alternative plan, if reunification with the family cannot be attained.

"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.

"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 ~~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;

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 [410 ILCS 535/12] ~~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] ~~89 Ill. Adm. Code 160 (Child Support Enforcement);~~

he and the child's 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] ~~a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of the Illinois Parentage Act of 1984.~~

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)]. ~~A man can rebut a presumption of paternity before a~~

Formatted: Font: Not Italic

Formatted: Font: Not Italic

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~*court of jurisdiction.* [750 ILCS 45/5]~~ Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting 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 placement selection criteria as contained in 89 Ill. Adm. Code 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 89 Ill. Adm. Code 301.80 ([Relative Home Placement](#)) must be met.

"Guardian" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/~~Art. XI~~].

"Individual Treatment Plan" or "ITP" or "Treatment Plan" as defined in 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services [Program](#)) means a written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services and the planned interventions for achieving these goals.

"Individualized Education Plan/Program" or "IEP" means the document prepared by the local school district, as a result of a Multi-disciplinary Conference, that identifies the specific special education services that will be provided to the child. The IEP also includes education goals, services, frequency, quantity and duration. IEP is further defined in 23 Ill. Adm. Code 226 (Special Education).

"Individualized Family Service Plan" or "IFSP" means a written working document developed for each child in order to facilitate the provisions of Early Intervention (EI) services. The IFSP is created by the family, an inter-disciplinary team, the core EI agency, and the case manager (service coordinator). The EI agency is responsible for coordinating the IFSP implementation.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare is able and willing to ensure that a child is healthy and safe, which includes ensuring that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education required by law.

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Parents" means the child's legal parents whose 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, ~~that~~ ^{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 legal status" means a legally binding relationship between a child and a family as established by birth or by a court of law.

~~"Rehabilitative services plan" means a written plan developed in accordance with 59 Ill. Adm. Code 132.155 (Medicaid Community Mental Health Services), which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for eligible clients served by the Department pursuant to the Abused and Neglected Child Reporting Act, the Children and Family Services Act or the Juvenile Court Act of 1987.~~

"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, adoption, marriage, or civil union: 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, 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 through a current marriage, 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

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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)]

"Service termination planning" means service planning that starts with the first contact with the family and that focuses on providing a smooth transition from Department guardianship or custody. It includes the receipt of child welfare services to discharge from guardianship or custody and the termination of Department funded services.

"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 [705 ILCS 405] 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.

Substitute care" means the care of children who require placement away from their families or private guardians. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301 (Placement and Visitation Services), Section 301.80 (Relative Home Placement), care provided in a group home, care provided in a maternity center or a child care, mental health or other institution, and care provided in an independent living arrangement.

"Termination of parental rights" means a court order that relieves the legal parents of parental responsibility for the child and revokes all legal rights with respect to the child. The termination order also frees the child from all obligations of maintenance and obedience with respect to the legal parents.

"Visitation" means face-to-face contact:

- 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.).

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

Section 315.30 Best Interests, Health and Safety of the Child

- a) Best Interests, Health and Safety of the Child

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Permanency planning is an on-going process that first and foremost must consider the best interests, health and safety of the child in all planning decisions. Health and safety are the paramount factors that must be considered when determining the best interests of the child. This means that a child is or will be in a living arrangement that meets the placement selection criteria contained in 89 Ill. Adm. Code 301 (Placement and Visitation Services), or for an Indian child, that meets the placement selection criteria contained in 89 Ill. Admin. Code 307 (Indian Child Welfare Services), and that protects the child's physical health and safety and promotes the child's emotional, medical, and developmental well-being.

~~When evaluating the best interests of the child, the Department or its purchase of service provider shall consider the following factors as provided in the Juvenile Court Act:~~

~~1) When evaluating the best interests of the child, the Department or its purchase of service provider shall consider the following factors as provided in the Juvenile Court Act:~~

~~A1) the physical safety and welfare of the child, including food, shelter, health, and clothing;~~

~~B2) the development of the child's identity;~~

~~C3) the child's background and ties, including familial and religious, including the primary method and/or language of communication between the child and the biological parents or any other special communication needs;~~

~~D4) the child's sense of attachments, including:~~

~~iA) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);~~

~~iiB) the child's sense of security;~~

~~iiiE) the child's sense of familiarity;~~

~~ivD) continuity of affection for the child;~~

Formatted: Justified, Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25", No widow/orphan control

Formatted: Indent: Left: 1.25", First line: 0"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 0.25"

Formatted: Indent: Left: 1.5"

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~vE~~) *the least disruptive placement alternative for the child;*

~~E5~~) *the child's wishes and long-term goals;*

~~F6~~) *the child's community ties, including church, school, and friends;*

~~G7~~) *the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;*

~~H8~~) *the uniqueness of every family and child;*

~~I9~~) *the risks attendant to entering and being in substitute care; and*

~~J10~~) *the preferences of the persons available to care for the child. [705 ILCS 405/1-3].*

2) The Department and purchase of service providers shall consider the importance of maintaining, preserving and supporting sibling relationships, and, when selecting and assessing placements, shall comply with placement selection, visitation and contact requirements set out in 89 Ill. Adm. Code 301 (Placement and Visitation).

b) The child's best interests and health and safety must be considered and documented throughout service intervention and during, but not limited to, the following activities:

- 1) investigation of allegations of abuse or neglect,
- 2) completion of safety and risk assessments,
- 3) completion of the comprehensive assessment,
- 4) worker/client contacts,
- 5) service planning,
- 6) permanency goal selection,
- 7) family meetings,

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 1", Hanging: 0.5"

Formatted: Indent: Left: 1"

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 8) administrative case reviews,
- 9) legal screenings, and
- 10) permanency hearings and other court proceedings, and
- 11) post permanency sibling contact.

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

Section 315.45 The Need for a Permanent Home

- a) The Department recognizes that the best interest of children require that they have safe, permanent, secure, and nurturing homes for healthy psychological and physical development in order to mature to stable adulthood. Whenever it is determined to be in the best interest of the child, the Department will make reasonable efforts to preserve family life and to stabilize children's homes and to assist in the solution of problems that are likely to result in the abuse, neglect, or exploitation of children.
- b) When children must be removed from a parent to reduce or prevent harm to the children and the other parent is not a placement option, the Department will make reasonable efforts to reunite families as quickly as is consistent with the children's best interests, safety and well-being. When children and parents cannot be reunited because the parents are unable or unwilling to care for the children and therefore cannot achieve the minimum parenting standards, the Department will make reasonable efforts to find other permanent homes for children in a timely fashion consistent with the child's sense of time and need for physical safety and emotional security.
- c) When placing a sibling group, priority shall be given to a placement, whether related or unrelated, that can accept all of the members of the sibling group.
- d) When placing a child who has siblings who are in substitute care, or were adopted or placed in private guardianship from the Department's care, priority shall be given first to placement with the child's siblings who are still in substitute care or who are in an adoptive placement or private guardianship.

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

Section 315.70 The Critical Decisions

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Although all Department decisions affecting children and families are important, the Department identifies the following decisions, ~~that which~~ require approval of the casework supervisor, as the most critical ones affecting children and families:

- a) deciding whether services can prevent placement away from their parents or primary parent figure or deciding whether to remove children from the home of their parents or primary parent figure;
- b) deciding whether to recommend the return of children to the home of their parents or primary parent figure from a placement away from their parents or primary parent figure;
- c) deciding whether to decrease the frequency or the duration of parent and/or sibling visits with the child and whether the visits should be supervised;
- d) deciding whether to release the name, address, and telephone number of the foster parent/relative caregiver to the parent and/or siblings placed apart;
- e) deciding whether to change children's placements;
- f) deciding whether to seek termination of parental rights and seek an alternate permanent home;
- g) deciding if children are prepared for partial or total independence; or
- h) deciding whether children shall be placed apart from siblings who are also placed in substitute care, or who have been adopted or are in subsidized guardianship.

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

Section 315.120 Family Meetings

Family meetings are a tool intended to engage the family in the planning process. Therefore, caseworkers shall make intensive efforts to persuade and encourage parents, including non-custodial parents, to attend the family meetings, especially during the first 90 days, by explaining to them the importance of the family meeting and of attending and cooperating with the process. Casework staff should make every effort when planning family meetings to be flexible and attempt as much as possible to schedule meetings at a time and place where parents can attend, preferably in the parent's home. Staff shall take into consideration parents' work schedules,

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Not Highlight

Formatted: Not Highlight

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

transportation issues, availability of interpreters (if the parents' primary language of communication is other than English), and any other barriers that might prevent parents from participating. Parents shall be reminded of the court admonishment to cooperate with the Department and that refusal or chronic failure to attend family meetings may be considered by the Department and the court as a lack of reasonable progress. After reaching agreement with the parents on the date, time, location, and participants of the family meeting, the caseworker shall send a confirmation letter to the parents. Caseworkers shall document in the case file all attempts to include parents in the family meetings. Failure to attend family meetings shall also be documented in the case file.

- a) Initial Family Meeting
 - 1) The initial family meeting must occur in time to ensure submittal of the service plan to the juvenile court no later than 45 days after the child's placement and includes at a minimum:
 - A) the caseworker;
 - B) the child's custodial parents;
 - C) the non-custodial parent with the following conditions:
 - i) there is no danger of violence between the parents; and
 - ii) no confidential information concerning the custodial parent, such as mental health information, may be shared with the non-custodial parent, unless the custodial parent consents in writing to the sharing of such information as provided in 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services). If the custodial parent does not consent to the release of confidential information, the meeting shall be conducted in segments, with the non-custodial parent excluded from any discussion that includes the information about the custodial parent that is confidential;
 - D) the casework supervisor.

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) In addition, at the supervisor's discretion and with the signed consent of the parent, the following may be invited:
 - A) appropriate extended family members including non-custodial parents who are not interested in seeking custody;
 - B) foster parents and relative caregivers (see subsections (f), (g), (h) and (i));
 - C) service providers; and
 - D) the child, if emotionally and developmentally appropriate.

b) Purpose of Initial Family Meeting

The purposes of the initial family meeting, to be conducted by the casework supervisor, are to:

- 1) share information among all participants;
- 2) review the initial and comprehensive assessments;
- 3) develop Visitation and Contact Plans;
- 4) discuss and prepare the initial service plan; and
- 5) determine the permanency goal.

c) Ongoing Family Meetings

- 1) Following the initial family meeting, family meetings will be conducted on a flexible schedule, but no less than on a quarterly basis (at least four times a year approximately three months apart). The ongoing family meeting shall include at a minimum:
 - A) the caseworker;
 - B) the child's custodial parents;
 - C) the non-custodial parent with the same conditions as specified in subsection (a)(1)(C);

Formatted: Underline

Formatted: Underline

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- D) the casework supervisor at the supervisor's discretion. However, the supervisor must attend if the non-custodial parent will be attending the meeting when the non-custodial parent presents a safety concern.
- 2) In addition, at the supervisor's discretion and with the signed consent of the parent, the following may be invited:
 - A) appropriate extended family members, including non-custodial parents who are not interested in seeking custody;
 - B) foster parents and relative caregivers (see subsections (f), (g), (h) and (i));
 - C) service providers; and
 - D) the child, if emotionally and developmentally appropriate.
- d) Purposes of Ongoing Family Meetings

The purposes of the ongoing family meetings are to:

 - 1) assure disclosure of the expectations of all parties;
 - 2) assess reasonable efforts on behalf of the Department or the purchase of service agency;
 - 3) assess reasonable progress on behalf of the family;
 - 4) assess whether the plan is serving the health, safety, and best interests of the child;
 - 5) provide support for decision making that recognizes the child's sense of time, including whether the permanency goal and time frames for achieving the goal should be continued, and whether services and service providers are effective;
 - 6) share information among the participants;

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 7) evaluate whether the identified behaviors and conditions are being addressed and whether the parents are engaged in the change process;
 - 8) develop Visitation and Contact Plans;
 - 98) engage in planning that involves addressing the needs of the child with appropriate services and establishing realistic time frames for achievement of tasks and goals; and
 - 109) review clinical material by various service providers. Clinical reports should be obtained and collateral contacts completed prior to the staffing. Professionals should have discussed findings and recommendations with the client/family prior to the meeting to promote open and honest discussion.
- e) Prior to inviting foster parents/relative caregivers to the initial family meeting, the caseworker must consider the statutory requirement that protects foster parents'/relative caregivers' names, addresses and telephone numbers from disclosure. Such information regarding the foster parents/relative caregivers shall not be disclosed to the child's parents at the initial family meeting that occurs in time to ensure submittal of the service plan to the juvenile court no later than 45 days after placement.
 - f) In deciding whether to invite the foster parents/relative caregivers to the meeting, the caseworker shall take into consideration the level of violence or tendency toward violence displayed by the child's parents. This shall be assessed as the caseworker is conducting the comprehensive assessment in accordance with Section 315.100. The caseworker shall use information from:
 - 1) Department safety and risk assessments;
 - 2) the social history, including information such as the parents arrest history, history of domestic violence, and court records; and
 - 3) the caseworker's own observations.
 - g) Information concerning the level or tendency toward violence of the parents may be shared with the foster parents/relative caregivers to help them decide whether to attend the initial family meeting. In no event shall the address and telephone

Formatted: Underline

Formatted: Underline

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

number of the foster parents/relative caregivers be disclosed at the initial family meeting.

- h) For all subsequent family meetings the same violence factor shall be considered when determining whether the foster parent/relative caregiver should attend and whether there is any danger to the foster parent/relative caregiver by attending the family meeting.
- i) The participants in the family meeting will attempt to reach decisions and agree on recommendations by consensus. If a consensus cannot be reached, the final decision rests with the supervisor on all meetings.
- j) Documentation of the meeting and report of the recommendations/decisions is to be made and included in the case record.
- k) Parents have the right to appeal decisions with which they disagree in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process).

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

Section 315.125 Preservation of Sibling Relationships

Whenever a child enters care or requires a new placement, the Department shall consider the development and preservation of sibling relationships [20 ILCS 505/7.4(e)]. The Department shall:

- a) place children who come into its care with other siblings in substitute care in accordance with 89 Ill. Adm. Code Part 301.70 (Sibling Placement);
- b) encourage the child to develop and maintain a relationship with his/her siblings placed apart in substitute care, still residing with a birth parent or who have attained adulthood, and include those siblings, when possible, in the Sibling Visitation and Contact Plan; and
- c) encourage the child to develop and maintain a relationship with any of his/her siblings who have been adopted or placed in legal guardianship as described in 89 Ill. Adm. Code Part 301.250 (Visitation Issues Involving Post Adoption and Subsidized Guardianship Cases), and when possible, develop a Post Permanency Sibling Contact Agreement.

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

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 315.130 Developing the Service Plan

Based on the information gathered during the assessment process described in Section 315.100 and through negotiation during the caseworker's contacts, visits, and at the initial family meeting, the caseworker and family shall develop a plan of intervention that is based on the family's strengths and needs and that addresses how the children's needs for health and safety will be met.

a) Purpose of the Service Plan

The service plan is a written plan that is established between the Department and the children and family served, and any involved service providers. The purpose of the service plan is to:

- 1) formulate goals for the child based on the child's needs for health, safety, and well-being that were identified during the assessment process;
- 2) identify what actions the family, the caseworker, caregiver, and others will take to meet the needs of the child and achieve permanency;
- 3) identify what additional interventions and services will be provided to the family, the caregiver, and the child in order to meet the child's needs and achieve permanency; and
- 4) ensure that the parents and children have frequent visitation and contact with one another, and that sibling groups develop and/or preserve their relationships.

b) State and Federal Requirement

Service plans are required by State [20 ILCS 505/6a] and Federal law (42 USCA 675) regardless of whether the child and family are served directly by the Department or through purchase of service providers. The service plan must ensure that the health and safety of the child are the paramount concerns that guide all service, placement, and planning provisions.

c) Time Frames

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Visitation and Contact Plan. The initial Visitation and Contact Plan shall be completed and forwarded to the juvenile court no later than 10 days after the award of temporary custody when the child has siblings who are also in substitute care. The Visitation and Contact Plan shall be reviewed regularly and changed and updated as specified in 89 Ill. Adm. Code 301.220 (Sibling Visitation).
- 2) Service Plan. The initial service plan shall be completed and forwarded to the juvenile court no later than 45 days after placement and must be reviewed at least once every six months thereafter. The service plan shall be changed and updated as the child and family's situation changes and shall be reviewed regularly as specified in Section 315.150 (Revising the Service Plan).

Formatted: Indent: Left: 1", Hanging: 0.5"

Formatted: Indent: Left: 1", Hanging: 0.5"

d) Contents of the Service Plan

Service plans shall contain the following information:

- 1) the names of the children for whom the Department is legally responsible or to whom the Department is providing services;
- 2) the health and safety factors that have resulted in placement of the children away from the family home and an identification of any problems that are causing continued placement of the children away from the home;
- 3) what outcomes would be considered a resolution to these problems and the strengths the family possesses to achieve these outcomes;
- 4) the reasons for the out of home placement and the reason why the child has been put in his or her current placement, the resources or other support that will be necessary to maintain the placement, and, where a residential placement has been deemed necessary, a description of how and when a plan for moving the child to the least restrictive, most homelike placement consistent with the child's best interest can be developed.
- 5) the services to be provided to the parents, for each child while in care, and the foster parents (if necessary, when the child is placed in foster care) that may best resolve these problems;

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 6) the health care to be provided to the child and the mental health care to be provided to address the child's serious mental health needs as well as a description of the child's physical, developmental, educational or mental disability and any non-educational specialized services the child is receiving or should receive for each disability. If an Individual Treatment Plan (ITP) or Rehabilitative Services Plan exists for the child, it shall be attached to the service plan. To the extent available and accessible, the service plan shall incorporate the health records of the child, including:
 - A) the names and addresses of the child's health provider;
 - B) a record of the child's immunizations;
 - C) the child's known medical problems; and
 - D) the child's medications.
- 7) a description of the educational program/services the child is receiving or needs to receive (including information regarding Early Intervention, Head Start, or Pre-Kindergarten services for preschool children). If an Individualized Education Plan (IEP) or an Individualized Family Service Plan (IFSP) exists for a child, the IEP or IFSP shall be included in the record. To the extent available and accessible, the service plan shall incorporate the education records of the child, including:
 - A) the names and addresses of the child's educational providers;
 - B) the child's grade level performance; and
 - C) the child's school record.
- 8) who will provide the services, how often they will be provided, and an explanation of why these services will meet the needs of the child;
- 9) if children placed out of the parents' home are placed a substantial distance (more than 150 miles) from the home of the parents or in a different state, the reasons why the placement is in the best interests of the children;

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 10) if children placed out of the parents home are placed in a different state, a requirement that the child be visited periodically, but not less frequently than every six months by a caseworker of the Department or of the state in which the child has been placed as required in 89 Ill. Adm. Code 315.110 (Worker Interventions and Contacts) ~~every 12 months, by a caseworker of the Department or of the state in which the child has been placed, and that the caseworker submit a report on the visit to the Department;~~
- 11) if siblings are placed apart from one another, the reasons why they are placed apart and what efforts have been and are being made to find a joint placement for the sibling group;
- 12) the permanency goal for each child and the reason for selecting the goal;
- 13) in the case of a child for whom the permanency plan is adoption or other permanent living arrangement, documentation of the steps the Department is taking to find an adoptive family or other permanent living arrangement;
- 14) in the case of a child for whom the permanency plan is independence or for a child 16 years of age or older, as appropriate, a written description of the programs and services ~~that~~which will help such a child prepare for the transition from foster care to independent living;
- 15) the responsibilities of the family and the child (when appropriate) in fulfilling the service plan;
- 16) the responsibilities of the Department and purchase of service providers, if any, to assist the family in fulfilling the service plan;
- 17) when children and families are separated, the parent-child and/or sibling ~~visitation plan~~ Visitation and Contact Plan developed with the family in accordance with 89 Ill. Adm. Code 301 (Placement and Visitation Services), if visitation and contact is not prohibited by court order. This plan shall include the time and place of visits, the frequency of visits, the length of visits, and who shall be present at the visits. The plan shall also note the permissible modes of communication siblings may use between visits to stay in contact with one another;

Formatted: Not Highlight

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 18) whether the name, address, and telephone number of the foster parent/relative caregiver may be released to the parent as determined by the assessment conducted in accordance with Section 315.100(b)(3);
- 19) the time frames for achieving the permanency goal and the objectives to resolve identified problems and the specification of any consequences to the child and family if the time frames are not met;
- 20) a statement that the parents or children may disagree with the service plan and that they may have their disagreement recorded; and
- 21) an explanation of how parents or children may request an appeal and fair hearing.

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