

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administrative Case Reviews and Court Hearings
- 2) Code Citation: 89 III. Adm. Code 316
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions</u>
316.20	Amendment
316.30	Amendment
316.40	Amendment
316.80	Amendment
316.110	Amendment
316.120	Amendment
316.130	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 675), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5], and Section 1 of the Adoption Act [750 ILCS 50/1].
- 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 316.20** - Definition of “sibling” is broadened to comport with sibling contact legislation. “Contact between siblings”, “visitation” and “relative” are also defined. Definitions that have been quoted verbatim from statute have been updated.
- **Rule 316.30** – ACRs shall ensure siblings are being placed together whenever possible, when they must be placed separately efforts continue to locate a placement that will accept all children and visitation/contact is occurring as per the Visitation and Contact Plan. Requires training for ACR staff regarding the importance of maintaining sibling relationships /attachments.
- **Rule 316.40** – more frequent ACRs may be scheduled when there has been failure to establish or fully implement a Visitation and Contact Plan.
- **Rule 316.80** – At each ACR, the caseworker shall present a copy of the Visitation and Contact Plan (or Post Permanency Sibling Contact Plan) and report on efforts made to encourage and maintain sibling relationships.

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- **Rule 316.110** – sets out timeframe for filing the initial Visitation and Contact plan with court.
 - **Rule 316.120** – requires DCFS/POS agency to report on whether sibling visitation and contact is occurring as per the Plan at permanency hearings.
 - **Rule 316.130** – requires the caseworker to present a recommendation regarding the Visitation and Contact Plan at permanency hearings.
- 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:

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.