

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 that Prevent Placement of Children with Relatives**

**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].

**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 40 Ill. Reg. 666, effective December 31, 2015; amended at 40 Ill. Reg. 7699, effective May 16, 2016; amended at 42 Ill. Reg. 2158, effective January 17, 2018; amended at 43 Ill. Reg. 5680, effective May 3, 2019; amended at 89 Ill. Reg. 12183, effective August 1, 2024.

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**SUBPART A: PLACEMENT SERVICES**

**Section 301.10 Purpose**

The purpose of this Subpart is to describe the substitute care services provided by the Department or its contractual agencies when it is in the best interests of children to be placed apart from their parents or guardians. Included in this Subpart is an explanation of:

- a) the conditions under which children are placed in substitute care;
- b) the types of substitute care settings in which children are placed;
- c) the criteria used for selecting a placement; and
- d) other legal and service requirements that must be fulfilled when placing children.

(Source: Added at 19 Ill. Reg. 9463, effective July 1, 1995)

**Section 301.20 Definitions**

"Administrative case review" means case reviews required by 42 U.S.C. 675(1) and 20 ILCS 505/6a.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as defined by the Illinois Department of Human Services in 89 Ill. Adm. Code 112.60(a).

"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; in person visitation; 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.

"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(f).

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

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"Father" means *the parent-child relationship is established between a man and a child by:*

*An unrebutted presumption of the man's parentage of the child under Section 204 of the Illinois Parentage Act of 2015 [750 ILCS 46] (Parentage Act);*

*An effective voluntary acknowledgment of paternity by the man under Article 3 of the Parentage Act, unless the acknowledgment has been rescinded or successfully challenged;*

*An adjudication of the man's parentage;*

*Adoption of the child by the man; or*

*A valid gestational surrogacy arrangement that complies with the Gestational Surrogacy Act [750 ILCS 47] or other law. [750 ILCS 46/201(b)]*

AGENCY NOTE: When paternity has been established, the relatives of the biological father, as well as those of the mother, may be considered for the placement of related children.

"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.

"Fictive kin" means *any individual, unrelated by birth or marriage, who:*

*is shown to have significant and close personal or emotional ties with the child or the child's family prior to the child's placement with the individual;*  
*or*

*is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987 [705 ILCS 405], if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection. [20 ILCS 505/7(b)]*

"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. 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 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.

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"Independent Assessment" means, for a child who is placed in a qualified residential treatment program, an evaluation that assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool. (42 U.S.C. 675a(c)(1)(A)(i))

"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. Biological fathers are considered legal parents when paternity has been established as required by the definition of "father" 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 connection" means a family-like relationship, consistent with a child's best interests, health, safety and well-being, that provides:

safe, stable and committed parenting;

unconditional love and lifelong support; and

permanent legal status between child and family.

For a child for whom the Department is legally responsible, a permanent connection may be the child's parents or another caregiver in the child's home of origin. When the child cannot be safely returned home, a permanent connection may be the current or former foster parent or relative caregiver, an individual identified as an adoptive or legal guardianship placement resource, or another individual from among the child's or family's lifelong connections with whom a child has developed a familial relationship.

"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.

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"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.

"Placing worker" means the Child Protection Specialist, Permanency Worker or Intact Family Worker with responsibility to select the substitute care placement for a child.

"Qualified Residential Treatment Program" means a program that:

has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the independent assessment of the child required under 42 U.S.C. 675a(c);

has registered or licensed nursing staff and other licensed clinical staff who:

provide care within the scope of their practice as defined by state law;

are on-site according to a trauma informed treatment model; and

are available 24 hours a day and 7 days a week;

to the extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information), and maintains contact information for any known biological family and fictive kin of the child;

documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

provides discharge planning and family-based aftercare support for at least 6 months post-discharge; and

is licensed in accordance with 42 U.S.C. 671(a)(10) and is accredited by any of the following independent, not-for-profit organizations:

The Commission on Accreditation of Rehabilitation Facilities (CARF);

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The Joint Commission on Accreditation of Healthcare Organizations (JCAHO);

The Council on Accreditation (COA); and

Any other independent, not-for-profit accrediting organization approved by the Secretary of Health and Human Services. (42 U.S.C. 672(k)(1)-(4))

"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*

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

*is the child's step-father, step-mother, step-grandfather, step-grandmother, 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; or*

*is a fictive kin as defined in this Section.*

*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 U.S.C. 675(5), 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning).

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"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings 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, have a positive relationship and share at least one parent in common.

"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" 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, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

"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 48 Ill. Reg. 12183, effective August 1, 2024)

### **Section 301.30 Introduction**

Placement or substitute care services means the care of children for whom the Department is legally responsible who require a living arrangement away from their families due to abuse, neglect, dependency, voluntary surrender of parental rights or consent to adopt by a specified person, or voluntary placement agreement and for whom the Department has determined that family preservation services are not appropriate because such services are not in the child's best interests or would not protect the child from imminent risk of harm. Placement services include foster family or relative home care, care provided in a group home or child care institution or other institution. Placement is intended to be a temporary situation for the children during the time that the parents' ability to care for the child is being evaluated or the parents are receiving services to alleviate the problems in the home so the family can be reunited. However, there may be times when it is in the best interests of the child to seek a permanent placement away from the child's family. In these instances a permanency goal other than family reunification is sought. The complete range of permanency goals is described in 89 Ill. Adm. Code 315 (Permanency Planning).

(Source: Amended at 23 Ill. Reg. 13062, effective October 20, 1999)



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**Section 301.40 Legal Authority to Place**

- a) The Department shall not place children until it has the appropriate legal authority to do so. Such legal authority includes:
  - 1) temporary protective custody in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5];
  - 2) adoptive surrender or consent to adoption by a specified person in accordance with the Adoption Act [750 ILCS 50];
  - 3) custody or guardianship in accordance with the Juvenile Court Act of 1987 [705 ILCS 405]; or
  - 4) temporary custody with written consent of the parents or, if the child is not in the custody of either parent, written consent of the guardian or custodian of the child, in accordance with the Children and Family Services Act [20 ILCS 505]. A written consent from a parent, guardian or legal custodian requesting temporary placement services for his or her children is known as a voluntary placement agreement. A voluntary placement agreement may be entered into for a maximum of 60 days when it is in the best interests of the children. A voluntary placement agreement requires prior written approval of the administrator in charge of the Department region or designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior non-delegable written approval of the administrator in charge of the Department region.
  
- b) When placing an Indian child, the Department shall comply with 89 Ill. Adm. Code 307 (Indian Child Welfare Services).

(Source: Amended at 34 Ill. Reg. 7898, effective May 31, 2010.)

**Section 301.50 Emergency Placement**

Emergency placement services shall be provided immediately when the provision of other services are not in the child's best interests and will not ensure the safety of the child because the Department has reason to believe:

- a) that leaving the child in the home of his or her caregiver would present an imminent danger to the child's life or health; or
- b) that a child has been left unsupervised for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of the child and the child's parent or caregiver cannot be readily located; or
- c) that services directed toward keeping the family together would not sufficiently protect the child from harm, thus endangering the child's safety and well-being; or
- d) that the child appears to be severely ill or injured and the parent or caregiver is unable to care for the child in this situation; or

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- e) the child is abandoned; or
- f) the child is a runaway in accordance with 89 Ill. Adm. Code 329, Return of Runaway Children.

(Source: Added at 19 Ill. Reg. 9463, effective July 1, 1995)

**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 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 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;
  - 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.

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- 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 40 Ill. Reg. 666, effective December 31, 2015)

**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 (c) of this Section (f);
  - 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 siblings to be placed with a relative and the relative is not willing to accept all the children.
- 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, was 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 an adopted sibling, a sibling in guardianship, or an 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 that person is 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.

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- e) 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 special medical, educational, behavioral, or emotional needs that 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;
  - 2) 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
  - 3) 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 child to remain in that foster home rather than move to a joint placement with his or her siblings.
  
- 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) 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). Nothing in this Part shall preclude removal of a

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child from a placement with a sibling when such 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.

- h) The placement decision can prove to be critical in the life of a case. When a sibling group must be removed from its 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. While it is preferable for children to be placed together in one home, the placing worker shall consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships.
  - 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.
  
- i) 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.
  
- j) When siblings are placed apart, the caseworker shall develop a Visitation and Contact Plan.
  - 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.

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- 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 after temporary custody is awarded, 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.
- k) 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.
  - l) 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), the Department shall document in the case file the efforts made to place siblings together.
  - m) 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.
  - n) 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 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 the placement to ensure compliance with the requirements of this Section.
  - 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.

(Source: Amended at 40 Ill. Reg. 666, effective December 31, 2015)

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Distribution: X and Z

**POLICY GUIDE 2001.18**

**CASE ASSIGNMENT AND PLACEMENT OF SIBLING GROUPS**

**COOK COUNTY - ONLY**

**DATE:** December 1, 2001  
**TO:** Rules and Procedure Bookholders and Direct Service Staff  
**FROM:** Jess McDonald  
**SUBJECT:** Case Assignment and Placement of Sibling Groups  
**EFFECTIVE DATE:** December 1, 2001

**I. PURPOSE**

The purpose of this Policy Guide is to reissue a revised Policy Guide 2000.16 which was issued on November 21, 2000 with an effective date of December 1, 2000. Policy Guide 2000.16 addressed how sibling cases in Cook County are assigned to purchase of service (POS) agencies and the requirements of agencies to place siblings together from the point of assignment. The protocol was developed in partnership with Cook County Purchase of Service staff to assist agency compliance with the Aristotle P. Consent Decree. This revised Policy Guide adds a requirement to submit documentation of the sibling visitation plan to the DCFS Division of POS Monitoring when siblings cannot be placed together.

**II. PRIMARY USERS**

The primary users of these procedures are placement staff of the Department and Purchase of Service agencies.

**III. KEY WORDS**

Case Assignment Placement Unit (CAPU), sibling placements, Secondary Match System.

**IV. BACKGROUND**

In compliance with the Aristotle P. Consent Decree, the Department and case management agencies must make all reasonable efforts to place siblings together. Additional information on Sibling Placements may be found in DCFS **Rule and Procedure 301.70.**



## V. REQUIREMENTS

Purchase of Service Agencies are expected to provide immediate placement for traditional cases at the time of assignment, which may require the agency to recruit and develop emergency and traditional foster homes with the capacity for sibling groups.

### a) Sibling Groups of Three or Fewer

For new cases of three or fewer siblings, assignments will be based on the geographic process described in the Cook County Case Assignment Protocol. The assigned agency will be expected to identify one placement to accommodate all siblings. The assignment process will follow this order:

- 1) The assigned agency must be able to verify the ability to place the sibling group together within one hour of notification by the Case Assignment Placement Unit (CAPU).
- 2) If the agency is unable to place the sibling group together, the case will be re-rotated to another agency. The case will be rotated to a maximum of three agencies.
- 3) If the third agency is unable to place the sibling group together, the Case Assignment Placement Unit (CAPU) will refer the case to a Department contracted sibling program.
- 4) If the contracted sibling program is unable to accept the case, the assignment will remain with the initial agency.
- 5) If the assigned agency is unable to provide a placement for all siblings together, the case must be posted on the Secondary Match System within **five** days of assignment. It is the responsibility of the assigned agency to conduct a diligent search for a foster home for all siblings within 30 days of assignment, in compliance with DCFS Rule 301.70, and provide sibling contact and visitation in compliance with DCFS Rules 301.220 and 301.230.

When a placement is identified with another agency, case management responsibility will be transferred to the licensing agency unless the transfer is clinically contraindicated as determined by the Office of the Executive Deputy Director.

- 6) If the assigned agency is unable to locate a placement for all siblings within **30** days, documentation of the diligent search and/or documentation of clinical reasons that prevent placement together must be submitted to the DCFS-Division of POS Monitoring. Sufficient documentation may include one or more of the following:



- A) Print-out of the child profile screen and broadcast results from the Secondary Match System;
- B) Copies of Payment-Placement Authorization form (CFS 906);
- C) Copies of approved and/or submitted Level of Care;
- D) Copies of approved and/or submitted PRT;
- E) Psychological evaluation;
- F) SACY safety plans;
- G) Clinical staffing notes signed by a supervisor; and/or
- H) Completed 30-day comprehensive assessment.

If the assigned agency is unable to provide sufficient documentation or demonstrate reasonable efforts within 30 days of assignment, the agency will maintain case management but will receive a contract deduction for inability to place.

- 7) If after a diligent search, the agency is unable to place the sibling group together, documentation of the sibling visitation plan must be submitted to the DCFS-Division of POS Monitoring. Documentation should minimally include:

- A) Copies of the Client Service Plan- Visiting Plan (**CFS-497, Part IIA**).
- B) Copies of completed DCFS Visiting Records (**CFS-502**), and/or Sibling Visitation Forms (**CFS-315**).

**b) Sibling Groups of Four or More**

**1) Referrals to Department Contracted Sibling Programs**

New cases of four or more siblings should be considered for identified Department contracted sibling programs. CAPU will determine if the case meets the program eligibility requirements and will contact the designated intake liaison. If the agency accepts the case, the case will be assigned to the appropriate contract and worker. If the agency is unable to accept the case or if the case does not fit within the program requirements, the case will be rotated per the rules of the Cook County Case Assignment Protocol.

## 2) Rotated Assignments

### A) Protective Custody- Immediate Placement

New cases of four or more siblings that are not appropriate for a Department contracted sibling program will be rotated per the rules of the Cook County Case Assignment Protocol. The assigned agency will be notified of assignment by CAPU staff, and will be expected to immediately identify placement for the siblings. Agencies will then take the following steps to place the children:

- i) Agencies must make efforts to identify a single placement for the entire sibling group, both within their own agency and other public and private Cook County providers.
- ii) If the agency is unable to immediately identify a single placement within their own system or through another provider, the agency must place the children in an appropriate emergency placement, and post the case on the Secondary Match System within **five** days of assignment.

It is the responsibility of the assigned agency to conduct a diligent search for a foster home for all siblings within 30 days of assignment, in compliance with DCFS Rule 301.70, and provide sibling contact and visitation in compliance with DCFS Rules 301.220 and 301.230.

- iii) When a placement is identified with another agency, case management responsibility will be transferred to the licensing agency unless the transfer is clinically contraindicated as determined by the Office of the Executive Deputy Director.
- iv) If the assigned agency is unable to locate a placement for all siblings within 30 days, documentation of the diligent search and/or documentation of clinical reasons that prevent placement together must be submitted to the DCFS-Division of POS Monitoring.
- v) If the assigned agency is unable to provide sufficient documentation or demonstrate reasonable efforts within 30 days of assignment, the agency will maintain case management but will receive a contract deduction for inability to place.

## **B) Non-PC Cases- Disrupted Intact Cases**

The assignment of new child cases that were formerly served as intact family cases will follow the rules of the Cook County Case Assignment Protocol.

For cases in which protective custody has not been taken, and a court date is set for Temporary Custody (TC), the screening worker must submit all case opening information to CAPU prior to the TC hearing. The expectations of the assigned placement agency are as follows:

- 1) The assigned placement agency is expected to identify an appropriate placement prior to TC and to attend the TC hearing, but becomes responsible at the point TC is granted.
- 2) Because the child(ren) do not require immediate placement, the assigned placement agency will be given twenty-four (24) hours to identify a single placement for the entire sibling group.
- 3) If the assigned agency cannot identify a single placement, within their own or another agency's system, CAPU will reassign the case and the first agency will receive a contract deduction for inability to place.
- 4) When a placement is identified at another agency, case management responsibility will be transferred to the licensing agency, unless the transfer is clinically contraindicated as determined by the Office of the Executive Deputy Director.

## **c) Add-on Sibling Assignment**

### **1) Case Consolidation with a Single Agency**

When a new sibling case is opened, the case will be assigned per the rules of the Cook County Case Assignment Protocol.

- i) If only one agency is responsible for all sibling cases, the new child case will be assigned to the same agency. The agency must make all reasonable efforts to place the new child with a/all siblings.

- ii) If the sibling is placed apart, the assigned agency will provide for contact and visitation between the siblings in accordance with DCFS Rules 301.220 and 301.230.
- iii) If the assigned agency is unable to place the new child with a/all siblings within 30 days, documentation of the diligent search and/or documentation of clinical reasons that prevent placement together must be submitted to the DCFS-Division of POS Monitoring.
- iv) If the assigned agency is unable to provide sufficient documentation or demonstrate reasonable efforts within 30 days of assignment to place the new child with a/all siblings, the agency will maintain case management but will receive a contract deduction for inability to place.

## **2) Case Consolidation with Multiple Agencies**

- A) If multiple agency's share case responsibility of open sibling cases, the new sibling case will be assigned per the rules of the Cook County Case Assignment Protocol.

When the identified agency is contacted by CAPU with the new child case, the agency will be expected to pursue placement of the new child with at least one sibling.

- B) The initial agency must determine if they can place the new child with all/a sibling within one hour of assignment by CAPU. If a placement with a sibling is not possible, CAPU will contact the other agency(s) involved with the family in the following order:
  - i) most siblings in any placement type.
  - ii) most siblings in traditional (non-specialized) foster or home of relative.
  - iii) any sibling in traditional (non-specialized) foster or home of relative.
  - iv) sibling in any foster care placement type.

**NOTE:** Children in non-foster care living arrangements, as verified by a current CFS 906 and in CYCIS, will not be considered when evaluating sibling placement together (i.e. Runaway, Detention, Department of Corrections, Institution, Group Home, Independent Living, Health Care Facility, Hospital, College, Armed Services Duty, or Emergency Shelters).

- C) Each agency will be given one hour to respond to CAPU prior to CAPU contacting the next agency. If no involved agency is able to place the add-on child with a sibling, the assignment to the initial agency will stand.
- D) The assigned agency must contact the sibling's agencies(s) to plan a consolidated placement.
- E) If the sibling is placed apart, the assigned agency will provide for contact and visitation between the siblings in accordance with DCFS Rules 301.220 and 301.230.
- F) If the assigned agency is unable to place the new child with a/all siblings within 30 days, documentation of the diligent search and/or documentation of clinical reasons that prevent placement together must be submitted to the DCFS-Division of POS Monitoring.
- G) If the assigned agency is unable to provide sufficient documentation or demonstrate reasonable efforts within 30 days of assignment to place the new child with a/all siblings, the agency will maintain case management but will receive a contract deduction for inability to place.

## **VI. COMPLIANCE**

The Department will closely monitor compliance with this and all other sibling protocols. Non-compliance with the Aristotle P. Consent Decree may result in Department imposed Corrective Action up to and including intake hold.

## **VII. QUESTIONS**

If you have any questions regarding this policy, please contact Melissa Ludington at 312-814-6800.

## **VIII. FILING INSTRUCTIONS**

Remove Policy Guide 2000.16 filed behind Rule **Section 301.70, Sibling Placement**, and replace it with this revised Policy Guide.

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**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 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 each child's identity. The worker shall document the results of this assessment in the case record.
- c) "Fictive kin" and "godparents", as defined in Section 301.20, are considered to be related to a child when the child is in the custody or guardianship of the Department and in need of a substitute care placement. Unless otherwise specified, the requirements in this Section pertaining to relative home placements also apply to placement with persons that the parents or child have identified as fictive kin or the child's godparents.
- d) The placing worker shall emphasize to prospective relative caregivers that it is preferable for children to be placed together in one home. However, the placing worker may consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships. 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.
- e) Obtaining Information about Relatives
  - 1) Child Entering Substitute Care
    - A) The placing worker shall ask the parents whether there is a non-custodial parent or if there are relatives who may be positive placement resources or positive supports for the child. The placing worker shall ask the parents and/or child to identify grandparents and other relatives on both the maternal and paternal sides of the family. When the child is able to understand that he/she will be entering substitute care, the placing worker shall also ask the child, outside the presence of the parents or any relative, about each relative named by the parent as a placement resource. The placing worker shall document all identified relatives and shall not omit from this list anyone named by the parent or child.

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- B) When considering a godparent as a placement resource, the placing worker may identify the godparent/godchild relationship by contacting one or both parents to confirm the fact that they did, in fact, designate the person as the child's godparent. If the parents are unavailable, the placing worker shall contact other close family members to identify the relationship. When the child is able to understand, the child shall also be asked to help identify his/her godparent. The placing worker must determine that the godparent established a close and caring relationship with the child prior to the child's placement with the godparent or is part of the family support system (see subsection (g)). When family members are not available or cannot confirm this relationship, and formal documentation is not available, a person claiming to be the child's godparent may be considered for placement as a fictive kin.
- C) When considering a fictive kin as a placement resource, the placing worker must determine that the fictive kin established a close and caring relationship with the child prior to the child's placement with the fictive kin or is part of the family support system (see subsection (g)).
- D) The placing worker shall contact the persons identified by the parent and child to attempt to locate an immediate placement for the child. The placing worker shall document each contact in a contact note.
- E) The assigned Permanency Worker shall continue discussions with the parents and child about any relatives who might be support resources for the child. The Permanency Worker shall ask the child, outside the presence of the parents or any relative, about each relative named by the parent as a placement resource.
- F) The Permanency Worker shall attempt to locate and interview each person named by the parents or child, within 5 days after case assignment, to determine his or her interest and ability to be an appropriate placement resource or positive support for the child. In these interviews, the Permanency Worker shall ask if the relative is aware of other relatives of the child who should be contacted. The Permanency Worker shall identify and contact all grandparents, all parents of a sibling of the child (when the parent has legal custody of the sibling), and other adult relatives identified by the family, even when an initial placement has been made with a relative caregiver. If the relative cannot be contacted, the Placing Worker shall document the reason the relative could not be contacted. All interviews shall be documented in a contact note. When contacted by a relative who the Permanency Worker has not already interviewed, the Permanency Worker shall meet with or call the relative. The Permanency Worker



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shall interview the relative and ask the relative to confirm how he/she is related to the child. If a sibling group is involved, the relative shall be asked how he/she is related to each of the children.

- G) The Permanency Worker shall send a written notice, via U.S. Mail, to each identified relative, informing the relative that a court order was issued for the child to be removed from the custody of the child's parents and placed in the custody of the Department of Children and Family Services. The written notice shall identify the child by first name, gender and age only. At initial placement, this written notice shall be sent within 30 days after obtaining protective custody. In all other circumstances, written notice shall be sent within 7 days after obtaining the relative's postal contact information. This notice shall not be sent to a relative for whom there is a police report, indicated finding or court finding of family or domestic violence. The Permanency Worker shall obtain a copy of the police report, indicated finding or court finding and place it in the record.
- H) If the child does not know, trust or feel safe with a person named by the parent or identified as a relative, the placing worker shall not place the child with that person. The placing worker and supervisor shall convene a supervisory staffing to discuss the child's feelings and determine and validate the child's concerns. The supervisor shall make a Critical Decision regarding placement of the child with that relative and document the decision in a supervisory note.
- I) Throughout the life of the case, the Permanency Worker shall continue to collect information about other relative supports and connections as that information becomes available, in order to develop a network of individuals who commit to support the family toward reunification and ensure the children do not linger in foster care.

2) Children in Substitute Care Requiring Change of Placement

- A) The placing worker for the child shall continue to have discussions with the parents about relatives who may be willing to be positive placement resources for the child. When the child is able to understand, the placing worker shall also ask the child, outside the presence of the parents or any relative, about any relatives who might be support resources for the child and about any relative named by the parent as a placement resource.
- B) When considering a godparent as a placement resource, the placing worker may identify the godparent/godchild relationship by contacting one or both parents to confirm the fact that they did, in fact, designate the person as the child's godparent. If the parents are unavailable, the placing worker shall contact other close family

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members to identify the relationship. When the child is able to understand, the child shall also be asked to help identify his/her godparent. The placing worker must determine that the godparent established a close and caring relationship with the child prior to the child's placement with the godparent or is part of the family support system (see subsection (g)). When family members are not available or cannot confirm this relationship, and formal documentation is not available, a person claiming to be the child's godparent may be considered for placement as a fictive kin.

- C) When considering a fictive kin as a placement resource, the placing worker must determine that the fictive kin established a close and caring relationship with the child prior to the child's placement with the fictive kin or is part of the family support system (see subsection (g)).
  - D) The placing worker shall contact all relatives identified by the parents or child, as well as any others previously contacted who expressed interest in being a placement resource. The placing worker shall reconsider any relative who expressed an interest in being a placement resource or, if previously considered, asks to be reconsidered for placement, as the circumstances of the relative or the child may have changed. Each contact shall be documented in a contact note.
- f) 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.
- g) Assessing Relatives as Placement Resources

When assessing a relative as a placement resource, the placing worker shall also consider:

- 1) The best interests of the child as defined in Section 1-3 of the Juvenile Court Act [705 ILCS 405/1-3];
- 2) The nature and quality of the relative's relationship with the child. This includes the length of time the child has been in care and whether this relative has been part of the child's life during that time;
- 3) The relative's ability to protect the child from abusive parents and/or his or her own risk behaviors;
- 4) The relative's ability to understand the needs of the child and family and the indicated findings and court findings that have been made with regard to the child and family;

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- 5) Whether the relative was involved with the family dynamics that led to the removal of the child from his/her parents;
  - 6) The relative's role, if any, in resolving or intervening in the present situation;
  - 7) The relative's willingness to work with the Permanency Worker and the Child and Family Team in implementing the Family Service Plan;
  - 8) The relative's willingness to work towards the permanency goal and accept necessary services;
  - 9) Adequacy of personal supports to ensure the relative's ability to care for and meet the child's identified needs;
  - 10) In cases involving domestic violence, mental health and/or substance abuse, how placement with the relative supports the ability of the parents to meet the requirements of the service plan and/or have safe contact with the child; and
  - 11) If siblings are being placed together and one of the siblings does not trust or feel safe with the relative, the placing worker shall ask the child (when verbal), outside the presence of the parents and any relative, about the relative.
- h) 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:
- 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];
  - 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;

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- 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
  - 14) agrees to sign, and have all members residing in the home age 18 and over sign, an authorization for criminal background check and agrees to be fingerprinted no later than 30 days after the placement for a child placement decision.
- i) 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:
- 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

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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;
  - 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;

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- 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;
  - 17) the relative is able to communicate with the child in the parent's or child's preferred language.
- j) Address Supervision and Discipline with Relative Caregivers
- 1) At the initial visit, and at each subsequent home visit, the placing worker or permanency worker is required to discuss with the relative caregiver the importance of always using age-appropriate supervision and discipline that meet the child's identified needs. Caregivers are prohibited from using corporal punishment. The discussion must include information about trauma-based reactive behaviors and should emphasize the negative effects that result from the use of corporal punishment, as well as use of derogatory or demeaning language towards the child or his/her family members.
  - 2) To ensure that relative caregivers understand their responsibility to provide adequate supervision of the children in their home, Permanency Workers are also required to discuss supervision during monthly home visits.
- k) Fictive Kin: Requirement to Apply for Licensure
- 1) A fictive kin with whom a child is placed shall apply for licensure as a Home of Relative (HMR) foster family home within 6 months after the child's placement with the fictive kin.
  - 2) A child may not be removed from the home of a fictive kin solely on the basis that the fictive kin failed to apply for licensure as an HMR foster family home within 6 months after the child's placement in the home, or failed to attain an HMR foster family home license. However, a fictive kin who fails to apply for or obtain an HMR foster family home license shall at all times be in compliance with 89 Ill. Adm. Code 301.80 (Relative Home Placement).
- l) 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 assessment criteria and conditions for placement listed in subsections (d), (e) and (f). The placement decision shall also consider the results of a criminal background check of all persons 18 years and older who are living in the home and whether continued placement with that relative is the best interests of the child.

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- m) 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.
- n) 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 ongoing reassessment of the best interests of the child and the relative as a placement resource, as required in subsection (g) and the extent to which the home is in compliance with the conditions described in subsections (h) and (i) 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.
- o) 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.
- p) 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 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.

(Source: Amended at 43 Ill. Reg. 5680, effective May 3, 2019)

**Section 301.90 Foster Family Home Care**

- a) Foster family home care is provided in licensed foster family homes for children who cannot remain in the home and who can benefit from a family structure of care. The Department shall have legal responsibility for the child before the child is placed in a foster family home. The home shall have received a license or permit under the provisions of 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) before it receives children for foster care payment.
- b) The Department shall provide specialized foster care services for *a child in the custody or guardianship of the Department who requires such services due to emotional, behavioral, developmental or medical needs, or any combination thereof, or any other needs which require special intervention services, the primary goal being to maintain the child in foster care or in a permanency setting.* [20 ILCS 505/5.30(a)]

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- 1) A child's eligibility for specialized foster care services, and the specific service interventions needed, shall be determined based upon:
  - A) The results of the Child and Adolescent Needs and Strengths (CANS) assessment tool, assessing the following child traits, domains and functioning:
    - i) Trauma experiences;
    - ii) Trauma stress symptoms;
    - iii) Child strengths;
    - iv) Life domain functioning;
    - v) Acculturation;
    - vi) Child behavioral/emotional needs; and
    - vii) Child risk behaviors; and
  - B) One of the following:
    - i) The recommendation of the Child and Youth Investment Team (CAYIT) developed at a staffing convened specifically to address the child's eligibility for specialized foster care services; or
    - ii) A referral from the Division of Child Protection of a child new to care for an assessment by Department Specialized Foster Care Unit staff; or
    - iii) The recommendation of Department clinical staff when a child in the custody or guardianship of the Department is discharged from a psychiatric hospital.
- 2) Examples of medical conditions that may require specialized foster care services include, but are not limited to:
  - A) The child has a life threatening disease as documented by a medical professional (e.g., brain tumor, cancer);
  - B) The child is dependent on life saving equipment (e.g., ventilator dependent, dialysis equipment, oxygen 24 hours a day);
  - C) The child has a medical/physical condition or impairment that requires an extraordinary level of daily supervision and/or assistance;
  - D) The child is a quadriplegic;
  - E) The child has severe physical limitations due to multiple physical conditions;



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- F) The child is currently in a psychiatric hospital or has been psychiatrically hospitalized within 72 hours after day of intake; or
  - G) The child is an alleged sexual perpetrator confirmed by a delinquency petition and/or an Indicated SCR report.
- 3) Examples of other behavioral and mental health issues that may warrant consideration for specialized foster care services include, but are not limited to, sexual victimization, sexual aggression, fire setting, juvenile delinquency, compulsive behaviors, mental retardation, substance abuse problems or mental illness. Behavioral health services shall be provided as described in 89 Ill. Adm. Code 302.390 (Behavioral Health Services).
- 4) When assessing whether a child with a condition or behavior described in subsections (b)(1) through (3) requires specialized foster care services, the Department shall also consider the following 4 factors, cumulatively:
- A) The child's individual functioning in his or her home, school and community;
  - B) The child's current or recommended involvement in identified services;
  - C) The child's degree of need as defined by the recommended intensity and/or frequency of services; and
  - D) The caregiver's required level of participation in activities and/or services needed to meet the child's treatment and educational needs.
- 5) When the Department determines that a child requires specialized foster care services, the Department shall provide the following minimum services:
- A) Develop and implement a treatment plan in the best interests of the child that will help stabilize, and when possible lessen or alleviate the child's special needs.
  - B) Assess the foster parents with whom the child is placed or may be placed for the ability, experience and willingness to meet the child's needs.
    - i) Caregivers shall be required to complete child-specific training, when recommended by the Department or the child's medical/treatment provider.

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- ii) Caregivers shall complete 12 hours of training per year that is tailored specifically to the child's medical and/or mental health needs and functioning. This training shall be separate from the training hours required for licensure or license renewal. The agency providing case management for the child shall provide training or identify training resources to meet this requirement and shall ensure that the caregivers are able to meet the needs of the child. Caregiver training shall be documented in the case record and in the caregivers' licensing record.
  - iii) Caregivers shall support visitation with parents, siblings or members of the extended family.
  - iv) Caregivers for a child who has complex health problems (e.g., a child who has asthma or a seizure disorder, uses a wheel chair, requires a feeding tube, is visually impaired or has a speech impairment, etc.) are able and willing to provide appropriate care for the child.
  - v) Caregivers for a child who has a developmental, emotional, psychological or mental health disorder, such as compulsive behaviors, mental retardation, substance abuse problems or mental illness, are able and willing to provide appropriate care for the child.
  - vi) Caregivers are able and willing to transport the child to and from required treatment and services.
  - vii) Other factors that shall be considered in selecting a child's placement are those specified in this Part and in 89 Ill. Adm. Code 301 (Placement and Visitation Services).
- C) Monitor the child's health, safety and wellbeing and the child's and caregiver's compliance with the service plan. The child's caseworker shall:
- i) visit the child at least 3 times per month. At least one visit per month must take place in the caregiver's home;
  - ii) arrange for all recommended support services, mental health and/or medical treatment for the child, contact each service provider monthly, and obtain written client progress reports from each service provider on a quarterly basis;
  - iii) participate in the quarterly Child and Family Team Meetings;
  - iv) participate in the semiannual Administrative Case Reviews; and

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- v) request a CAYIT if the child's needs cannot be met in his or her current placement setting, even with additional services or supports. The CAYIT team shall develop recommendations regarding services, interventions and placement settings best able to meet the child's needs.
- 6) The child's caseworker shall incorporate all recommended services into the child's portion of the client service plan.
- 7) The Department staff who conduct assessments of children for specialized foster care services in subsections (b)(1)(B) through (D) shall possess the following minimum qualifications: a Master's in Social Work or Psychology, or be a Licensed Clinical Social Worker (LCSW), Professional Counselor (LPC), Clinical Professional Counselor (LCPC), or Clinical Psychologist.
- 8) The CAYIT team in subsection (b)(1)(B) shall be comprised of the following Department staff: a CAYIT Reviewer who is a Licensed Clinical Social Worker (LCSW), Clinical Professional Counselor (LCPC), or Clinical Psychologist; a CAYIT Facilitator, who convenes the CAYIT staffing; a CAYIT Implementation Coordinator, who is responsible for monitoring implementation of the recommendation; and the child's caseworker and the casework supervisor. Other persons who shall be invited to the CAYIT staffing include: providers who are serving the child (e.g., psychologist, educational advisor, nurse), the child's foster parents/relative caregivers, the child's guardian ad litem and the biological parents (when appropriate). Children over 12 years of age are expected to participate in the CAYIT staffing unless deemed clinically inappropriate by the CAYIT Reviewer.
- 9) The Department shall monitor implementation of the recommended services until all of the recommendations are implemented.
- A) After a CAYIT staffing, described in subsection (b)(1)(B), the CAYIT Implementation Coordinator shall monitor implementation.
  - B) After assignment of case by the Department Specialized Foster Care Unit staff, described in subsection (b)(6)(C), the child's caseworker and casework supervisor shall monitor implementation. The caseworker and supervisor shall also incorporate in the client service plan those services recommended as a result of the comprehensive assessment required in 89 Ill. Adm. Code 315.100(b).
  - C) After a recommendation of Department clinical staff, described in subsection (b)(1)(D), Department clinical staff shall monitor implementation.

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- 10) The treatment plan shall be reviewed at least annually and modified, if necessary, to ensure that services identified in the treatment plan continue to be appropriate to promote stability and meet the needs of the child.
- A) The Department's Specialized Foster Care Unit shall facilitate the review of the child's treatment plan, in collaboration with the Department's clinical and other service divisions.
  - B) Based on the information presented at the staffing and completion of the CANS assessment tool, staff of the Department's Specialized Foster Care Unit shall make one of the following recommendations:
    - i) Continuation of the services in the treatment plan; or
    - ii) Modification of the treatment plan to include additional services deemed necessary to promote stability and meet the child's needs or remove any services deemed to be ineffective or no longer necessary to promote stability and meet the child's needs.
- 11) After each review pursuant to subsection (b)(10), the child's caseworker shall incorporate all recommended services into the child's portion of the client service plan. The caseworker and casework supervisor shall monitor implementation of those services.
- 12) Children for whom the Department is legally responsible who are adopted and are eligible for adoption assistance as defined in 89 Ill. Adm. Code 302.310 (Adoption Assistance), or for whom guardianship is transferred pursuant to 89 Ill. Adm. Code 302.405 (Subsidized Guardianship Program), may be eligible to receive services that are similar to the specialized foster care services described in this subsection (b).
- A) The determination that an adopted child or a child in a Subsidized Guardianship living arrangement requires services similar to specialized foster care services shall be based on the results from the CANS assessment tool and the recommendation of the Department's Post-Adoption Committee.
  - B) The Post-Adoption Committee shall be comprised solely of Department staff selected by the Director (or designee) and shall include clinical staff, a Registered Nurse and a post-adoption worker. Clinical staff conducting the assessment shall possess a Master's in Social Work (MSW) or Psychology, or be a Licensed Clinical Social Worker (LCSW), Professional Counselor (LPC), Clinical Professional Counselor (LCPC), or Clinical Psychologist.

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- i) The Post-Adoption Committee shall identify the services, if any, needed to maintain the adoption or subsidized guardianship placement. This may include new services for the child or an increase in services that the child is currently receiving under the subsidy.
  - ii) When the identified services are Medicaid-eligible or can be obtained through available community services, the child's adoptive parents or guardians shall be required to utilize and exhaust those services before asking the Post-Adoption Committee to increase the amount of the subsidy to pay for the services.
  - iii) When the services are not Medicaid-eligible or cannot be obtained through community services, or when the services have been exhausted, the Post-Adoption Committee may amend the amount of the adoption or guardianship subsidy to pay for the services.
- 13) The Department shall conduct training of Department and purchase of service agency staff responsible for implementing this subsection (b).
- c) Although foster family home care is generally provided to children whose parents are unable or unwilling to protect or care for them, it is also available for hearing impaired children who require special education not available in their home communities. The Department is not legally responsible for the children receiving this unique placement service. Care is provided in cooperation with the Illinois State Board of Education.

(Source: Amended at 34 Ill. Reg. 7898, effective May 31, 2010.)

**Section 301.100 Residential Care**

Residential care is provided in licensed group homes and residential care facilities (child care institutions). Group home care is provided for youth unable to adjust to family living who need a less structured living situation than is provided in residential care facilities. Placement in a residential care facility shall be made only when no other less restrictive setting is appropriate for children requiring intensive services to change behaviors which significantly interfere with their ability to cope with daily life or which preclude placement in a family setting.

(Source: Added at 19 Ill. Reg. 9463, effective July 1, 1995)

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**Section 301.110 Care in a Medical/Psychiatric Facility**

Care in a medical or psychiatric facility is provided for:

- a) children who require long term care on an ongoing basis in an intermediate or skilled nursing care facility because of a severe physical or mental disability; or
- b) children who require acute or long term care on an ongoing basis because of a severe emotional handicap.

(Source: Added at 19 Ill. Reg. 9463, effective July 1, 1995)

**Section 301.120 Sharing Appropriate Information with the Caregiver**

- a) At the time the Department places a child in substitute care (e.g., foster home, relative caregiver, adoptive home, group home or child care institution) or prior to the placement of the child, whenever possible, the caseworker shall provide the caregiver with a written summary of available information about the child necessary for the proper care of the child.
  - 1) *In the case of emergency placements when time does not allow prior review, preparation, and collection of written information, the caseworker shall provide such information to the caregiver verbally as it becomes available.*
  - 2) *Within 10 business days after placement the caseworker shall obtain from the caregiver a signed verification of receipt of the information provided.*
  - 3) *The information provided to the caregiver shall be reviewed and approved regarding accuracy by the caseworker's supervisor.*
- b) *Within 10 business days after placement, the caseworker shall provide to the child's guardian ad litem a copy of the information provided to the caregiver. [20 ILCS 505/5(u)]*
- c) The information to be provided to the caregiver shall include:
  - 1) the medical history of the child, including known medical problems or communicable diseases, information concerning the immunization status of the child, and insurance and medical card information;
  - 2) the educational history of the child, including any special educational needs and details of the child's individualized educational plan (IEP), Individual Family Service Plan (IFSP) when the child is receiving special education services, or 504 Educational Special Needs Plan, if applicable;

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- 3) a copy of the child's portion of the client service plan, including any visitation arrangements and all amendments or revisions; case history of the child, including how the child came into care; the child's legal status; the permanency goal for the child; a history of the child's previous placements; and reasons for placement changes, excluding information that identifies or reveals the location of any previous foster or relative home caregiver; and
  - 4) other relevant background information about the child of which the caseworker is aware, including but not limited to any prior criminal history; information about any behavior problems, including fire setting, perpetration of sexual abuse, destructive behavior and substance abuse habits; likes and dislikes; etc. Mental health information can be shared only as specified in 89 Ill. Adm. Code 431.110 (Disclosure of Information of a Mental Health Nature).
- d) *The caregiver may review the supporting documents in the child's file in the presence of casework staff.* [20 ILCS 505/5(u)]
  - e) Information subject to the Mental Health and Developmental Disabilities Confidentiality Act shall be shared only in accordance with 89 Ill. Adm. Code 431.100 (Disclosure of Information of a Mental Health Nature).
  - f) Information regarding Acquired Immunodeficiency Syndrome (AIDS), AIDS Related Complex (ARC) or Human Immunodeficiency Virus (HIV) test results shall be shared only in accordance with 89 Ill. Adm. Code 431.110 (Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)).

(Source: Amended at 34 Ill. Reg. 7898, effective May 31, 2010.)

**Section 301.130 Medical Examinations for Children in Placement**

The Department shall ensure that:

- a) all children entering substitute care receive an initial health screening within 24 hours of the Department assuming legal custody of a child, preferably, before placement, regardless of the type of custody (i.e., protective custody, temporary custody, or voluntary placement agreement);
- b) all children for whom the Department is awarded temporary custody receive a comprehensive health evaluation which meets the requirements of the Department of Public Aid's Early and Periodic Screening, Diagnosis and Treatment (EPSDT) schedule within 21 days of the date on which the Department was given temporary custody of a child; and

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- c) all children entering substitute care via a voluntary placement agreement receive a comprehensive health evaluation within 21 days of the date on which the Department accepted custody of the child via the voluntary placement agreement.

(Source: Added at 19 Ill. Reg. 9463, effective July 1, 1995)

**Section 301.140 Education of Children while in Placement**

When children are placed in substitute care, the Department shall ensure that they are enrolled in school in accordance with the provisions of 89 Adm. Code 314, Educational Services and that they receive the educational services required by that Part.

(Source: Added at 19 Ill. Reg. 9463, effective July 1, 1995)



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### SUBPART B: VISITATION SERVICES

#### Section 301.200 Purpose

The purpose of this Subpart is to describe the Department's policy regarding visitation among children who are placed in substitute care and their parents, siblings and grandparents.

(Source: Added at 20 Ill. Reg. 9518, effective July 5, 1996)

#### Section 301.210 Family-Child Visitation

- a) The Department recognizes that there is a strong correlation between regular parental visits and contacts with a child and the child's discharge from placement services. Therefore, when a child is in placement and the permanency goal is return home, parent-child visits, telephone calls at reasonable hours, and mail are encouraged unless they have been prohibited by court order. The name, address and telephone number of the foster parent/relative caregiver shall not be disclosed to the parents until the assessment has been completed and a determination has been made whether to disclose the information in accordance with Section 301.440(a). The responsible agency shall arrange for parent-child visits and shall advise parents that repeated failure to visit according to the visiting plan shall be considered a demonstration of a lack of parental concern for the child and may result in the Department seeking a termination of parental rights.
- b) When the permanency goal is return home, a visiting plan shall:
  - 1) be established before placement or within three working days after placement out-of-home unless the placement was an emergency;
  - 2) be established within ten working days after an emergency placement;
  - 3) specify that visits are to begin immediately;
  - 4) specify that parents shall be expected to visit weekly unless there is documentation to the contrary in the case/record;
  - 5) increase in length unless specific harm to the child is caused by the visits;
  - 6) specify visiting in the home of the child's parents, if consistent with the safety and well-being of the child. When visits in the home of the child's parents are not consistent with the child's safety and well-being, visits shall be in the most homelike setting possible. Office visits are acceptable if structure is necessary to evaluate or protect the child; and

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- 7) specify how contacts are to be maintained if the determination has been made not to release identifying information regarding the foster parent/relative caregiver in accordance with Section 301.440(a); and
- 8) specify the responsibilities of the Department, the purchase of service providers, the parents, and the child in regard to visitation.

(Source: Amended at 25 Ill. Reg. 11803, effective September 14, 2001)

### Section 301.220 Sibling Visitation

- 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 that harm as determined by prior observation or documentation of sibling 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.
- 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.
- c) A 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 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 Family Service Plan.
- d) The Visitation and Contact Plan may be included as a part of and implemented in coordination with a plan for parent-child visits. 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 shall specify the duration of sibling visits and 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.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Distribution: X and Z

**POLICY GUIDE 2001.17 - Correction**

**COMPLIANCE MONITORING OF SIBLING VISITATION REQUIREMENTS**

**DATE:** January 14, 2002  
**TO:** Rules and Procedure Book Holders and Direct Service Staff  
**FROM:** Jess McDonald  
**SUBJECT:** Compliance Monitoring of Sibling Visitation Policy  
**EFFECTIVE DATE:** December 1, 2001

**I. Purpose**

Please replace the first two pages of Policy Guide 2001.17 with these corrected pages. The correction, which appears at the bottom of page two, changes the threshold for compliance to six visits in a six-month period, not six visits per year.

Child welfare best practice and long standing Department policy have underscored the need to provide for regular contact between siblings who cannot be placed together – to maintain family relationships and mitigate against the separation and loss experienced by children who are removed from their homes. During fiscal year 2002, the Department will initiate penalties on Department regions and Purchase of Service agencies that are found to be out of significant compliance with the visitation requirements of the Aristotle P. Consent Decree. All assigned caseworkers and their supervisors are expected to ensure that sibling visitation occurs.

**II. Primary Users**

The primary users of these procedures are placement and follow-up staff of the Department and Purchase of Service agencies.

**III. Key Words**

Aristotle P, compliance monitoring, sanctions, sibling visitation, visiting plan.

**IV. Background**

In compliance with the Aristotle P. Consent Decree, placement staff of the Department and purchase of service agencies must make all reasonable efforts to place siblings together. When siblings cannot be placed together as allowed under



the conditions stated in **Rule 301.70**, sibling visitation must occur in compliance with **Rules 301.220** and **301.230**.

## V. **Monitoring Tools**

The Department has established statewide systems to monitor compliance with all Sibling Placement and Visitation Rules on a case by case basis. The purchase of service agency or Department Region will face sanctions as defined below when it is determined by one or more of these systems that Sibling Visitation is non-compliant with the requirements of **Rule 301.220**.

### a) **Statewide ACR Feedback Reports**

As part of the routine case review, ACR reviewers will generate feedback reports identifying sibling visitation non-compliance. ACR staff will continue to data enter the feedback issue on the ACR database, and provide reports to DCFS-QA staff who will initiate contact with the responsible supervisor to resolve the visitation issue.

During Fiscal Year 2002, ACR reviewers will produce a feedback report for all cases, and will note if sibling visits have occurred less than six times during the previous six months and there is no documentation that sibling visits have been ruled out per the stipulations of the Aristotle P. Consent Decree listed below:

- court has ordered that sibling visits occur less frequently or not at all;
- the child has stated that he or she does not want to visit with his or her siblings, and has been counseled about the importance of maintaining family ties;
- one sibling may physically, mentally, or emotionally harm another during the visit, and supervision would be inadequate to eliminate the risk of such harm; or
- the child is placed in a residential facility more than 150 miles away from his/her siblings.

In order to verify that visits are occurring in accordance with the visiting plan the worker will be required to submit case notes and/or other documentation during the review regarding the dates the visits took place and observations/reports about the content of the visits. Appropriate documentation may include: **DCFS Visiting Record (CFS-502)**, **Sibling Visitation Form (CFS-315)**, and/or **Case Entry Notes (CFS-492)**.

The threshold for compliance will be increased in future fiscal years. The FY02 threshold is six visits during a six-month period.

**b) Cook County Help Unit Staffing Reports**

Cases brought to the Help Unit's attention by judges or other court personnel suggest significant negligence in visitation. Cases referred for/with identified sibling visitation issues will be subject to sanctions, and will be noted via the Help Unit's monthly tracking report.

**c) Cook County Sibling Placement Protocol Documentation (Policy Guide 2001.18).**

As required by Policy Guide 2000.16 sibling groups that are not placed together within thirty days of assignment are subject to a sanction if the assigned agency does not provide documentation of a diligent search and/or clinical reasons that prevent consolidated placement. The policy requests that a copy of a sibling visitation plan be included with documentation of the split placement. Failure to submit a current sibling visitation plan and/or documentation of the split placement will be subject to contract sanctions.

**VI. Agency/Region Notification of Non-Compliance**

On a monthly basis, the DCFS-Performance Contract team will receive reports from the DCFS-Division of Quality Assurance, ACR, and the Cook County Help Unit identifying cases which are out of visitation compliance with the Aristotle P. Consent Decree as noted above. For each case, all assigned DCFS Regional Administrators and/or POS Executive Directors will receive written notice of the non-compliance and sanction. The DCFS region and/or POS agency will be given thirty days from the date of the letter to request a review of the sanction. If, after thirty days, no request for review is submitted, the sanction will be carried out during the following month. If a request for review is submitted, no sanction will be issued until a decision on the request for review is made by DCFS.

**VII. Agency/Region Request for Review Process**

Agency Executive Directors and DCFS Regional Administrators will, on a monthly basis, receive a letter identifying those cases for which the agency will receive sanctions. The agency/region may request a review of the proposed sanction in writing only if one of the following criteria is met:

- a)** During the previous six months, sibling visits were not appropriate due to one of the following reasons:
- court has ordered that sibling visits occur less frequently or not at all;
  - the child has stated that he or she does not want to visit with his or her siblings, and has been counseled about the importance of maintaining family ties;
  - one sibling may physically, mentally, or emotionally harm another during the visit, and supervision would be inadequate to eliminate the risk of such harm;  
or

- the child is placed in a residential facility more than 150 miles away from his/her siblings.
- b) The agency/region can provide documentation that *good faith attempts were made to schedule* sibling visits, but visits did not occur despite the worker's *due diligence*. A DCFS Visiting Record (**CFS-502**), Sibling Visitation Form (**CFS-315**), and/or Case Entry Notes (**CFS-492**) signed by a supervisor should be utilized in documenting these efforts.

Any request for review will be reviewed by the DCFS Office of the Executive Deputy Director within ten days of receipt. The DCFS Regional Administrator and/or POS Executive Director will be notified of the review decision in writing within twenty days of submission of the request for review.

**VIII. Potential Sanctions**

When necessary, sanctions will be imposed on all agencies responsible for case management of at least one child case within a sibling cluster. Sanctions will be issued only once during any six month ACR cycle for a child. If the case is not found to be in compliance at the next routinely scheduled ACR, a second sanction may be issued and the case will be considered for transfer.

**a) Traditional/Relative/Specialized/Treatment Foster Care**

Financial penalties will be levied every six months for non-compliant child cases. Agencies will be penalized one quarter of the agency's annual administrative rate for each child they serve. Cases will not be re-penalized unless a second report is issued for non-compliance during a subsequent six-month period.

Example:

Agency ABC is serving two siblings in Cook Traditional; Agency X is serving their sibling (one child in Specialized Foster Care in a different home). The case has been identified as non-compliant with the Aristotle P. Consent Decree because the three children are in separate placements and no visitation has occurred during the previous six-months. During the regularly scheduled ACR, a feedback report was completed with sibling visitation as a chronic issue.

Agency ABC will be charged a quarter of their annual administrative rate for each of the children they serve:

Agency monthly admin per child	\$569.33	BAT rate
Annualized per child admin rate	\$6,831.96	(\$569.33 x 12 months)
Quarter of annual admin payment	\$1,707.99	(\$6831.96 / 4)
Number of children served by Agency ABC	2	
Total Agency ABC penalty	\$3,415.98	(\$1,707.99x 2 children)

Agency X will be charged a quarter of their annual administrative rate for the child they serve:

Agency monthly admin per child	\$762.50	(\$25 x 30.5 days)
Annualized per child admin rate	\$9,150.00	(\$762.50 x 12 months)
Quarter of annual admin payment	\$2,287.50	(\$9,150.00 / 4)
Number of children served by Agency X	1	
Total Agency X penalty	\$2,287.50	(\$2,287.50 x 1 child)

**b) DCFS Managed Foster Care Cases**

Foster care cases with feedback reports from the above monitoring sources and involving DCFS regional case management will be transferred to a compliant DCFS team or POS agency and appropriate disciplinary action may be initiated. Non-compliant child cases managed by a DCFS team will be consolidated to the sibling's POS agency. If the entire sibling group is managed by the Department, the entire family case will be transferred to a compliant team or POS agency. Case transfer will be initiated on a monthly basis by Department staff.

**c) DCFS Managed non-Foster Care cases**

For child cases managed by DCFS teams per policy (i.e. ILO, Detention, Group Home placements), and in which sibling visitation is non-compliant, the assigned worker and supervisor may be subject to disciplinary action. These cases will be identified through the same monitoring tools and reported on a monthly basis.

**IX. Compliance**

The Department Regions and Purchase of Service agencies will be given a four-month time period during which they are expected to bring their caseload into compliance. Although the monitoring process detailed in this procedure will begin November 1, 2001, non-compliant cases will not be sanctioned until February 2002.

The Department will closely monitor compliance with this and all other sibling protocols. Non-compliance with the Aristotle P. Consent Decree may result in Agency Performance corrective action up to and including intake hold.

**X. Questions**

If you have any questions regarding this policy, please contact Melissa Ludington at 312-814-6800.

**XI. Filing Instructions**

Place this Policy Guide with Rule Section 301.220, Sibling Visitation.

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- 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 nationally recognized holidays as well as holidays recognized by the culture of the family of origin.
- 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 40 Ill. Reg. 666, effective December 31, 2015)

### Section 301.230 Contact Among Siblings Placed Apart

- a) Unless 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 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 and their foster parents or other caregiver with each sibling's birth date and the name, address, and telephone number of the foster parent or other caregiver 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 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 in the care of their parents with the name, address and telephone number of siblings 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 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;

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- 3) whenever a child is moved to another placement, the Department shall:
    - 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
    - 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;
  - 4) the Department shall encourage foster parents and caregivers to allow children in their care to use available modes of communication (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 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.
- 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 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 40 Ill. Reg. 666, effective December 31, 2015)

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### Section 301.240 Grandparent and Great-Grandparent Visitation

*Not later than February 11, 2016, and every 5 years thereafter, the Department shall revise the rules on granting visitation privileges to a non-custodial grandparent of a child who is in the care and custody of the Department. [20 ILCS 505/35.8]*

- a) *The Department shall make reasonable efforts and accommodations to provide for visitation privileges of a child who is in the care and custody of the Department. Any visitation privileges provided under this Section shall be separate and apart from any visitation privileges provided to a parent of the child. The Department shall provide visitation privileges only if doing so is in the child's best interest, taking into consideration the factors set out in Section 1-3 (4.05) of the Juvenile Court Act of 1987 and the following additional factors:*
  - 1) *The mental and physical health of the grandparent or great-grandparent;*
  - 2) *The quantity or duration of the visitation time requested and the potential adverse impact the visitation would have on the child's customary activities;*
  - 3) *Any other fact that establishes that the loss of the relationship between the child and the grandparent or great-grandparent is likely to unduly harm the child's mental, physical, or emotional health; and*
  - 4) *Whether visitation can be structured in a way to minimize the child's exposure to conflicts between adult family members.*
- b) *The Department shall make reasonable and diligent efforts to provide a written response to the grandparent's/great-grandparent's initial request for visitation within 45 calendar days after the date the request is received. Exceptions to the Department's 45 calendar day response timeline include, but are not limited to:*
  - 1) *Inability to obtain a completed Illinois or out-of-state LEADS check on all members of the grandparent's/great-grandparent's household, when visitation will take place in the grandparent's/great-grandparent's home;*
  - 2) *Inability to sufficiently mitigate any positive LEADS hits;*
  - 3) *Inability to obtain a completed home assessment of the grandparent's/great-grandparent's home; or*
  - 4) *Inability to obtain Illinois or out-of-state child protection background checks on all members of the grandparent's/great-grandparent's household.*
- c) *Any visitation privileges provided under this Section shall automatically terminate upon the child leaving the care or custody of the Department.*

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- d) *The Department may deny a request for visitation after considering the criteria provided under subsection (a). If the Department determines that a grandparent or great-grandparent is inappropriate to serve as a visitation resource and denies visitation, the Department shall document the basis of its determination and maintain the documentation in the child's case file and shall inform the grandparent or great-grandparent, in writing, of his or her right to a clinical review. [20 ILCS 505/35.9]*
- e) Upon receipt of a request for a clinical review, the DCFS and/or POS casework staff shall submit the request to the DCFS Regional Clinical Manager within 7 business days so that the review may be scheduled. The clinical review must be conducted within 21 business days after the case is assigned to Regional Clinical staff. The review convener shall notify the caseworker and supervisor to begin staffing within three business days after assignment, and shall provide the caseworker and supervisor the completed summary report, within 10 business days after the completion of the review. Once a recommendation is received by the caseworker and supervisor, it shall be added to the child's case file and a written notice of the recommendation and the basis for the recommendation shall be sent to the requesting grandparent/great-grandparent within 14 calendar days.
- f) The requesting grandparent/great-grandparent may attend the review provided under this Section. Other attendees may include a support person of the grandparent's/grandparent's choosing, in addition to others requested or required by the DCFS Clinical Division.
- g) The Department shall notify the parents of a youth-in-care whenever a grandparent/great-grandparent requests a clinical review and shall notify the parents of the recommendation of the review.

(Source: Amended at 43 Ill. Reg. 5680, effective May 3, 2019)

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

- a) 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.
- b) 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 40 Ill. Reg. 666, effective December 31, 2015)

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**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 40 Ill. Reg. 666, effective December 31, 2015)

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### **SUBPART C: FOSTER CARE PLACEMENT GOAL**

#### **Section 301.310 Purpose**

The purpose of this Subpart is to comply with Federal requirements by establishing the Department's goal for the maximum number of children who will remain in Federally funded foster care after having been in such care for a period in excess of 24 months. In addition, this Subpart explains the Department's plans to achieve this goal.

(Source: Section 301.310 renumbered from Section 301.1 and amended at 19 Ill. Reg. 9463, effective July 1, 1995)

#### **Section 301.320 Foster Care Placement Goal**

The Department of Children and Family Services has set the following percentage goal which is applicable at any time during each Federal Fiscal Year. A maximum of 60% of all children receiving Aid to Families With Dependent Children under Title IV-E during a Federal Fiscal Year will remain in foster care if they have been in such care for a period in excess of 24 months.

(Source: Section 301.320 renumbered from Section 301.3 and amended at 19 Ill. Reg. 9463, effective July 1, 1995)

#### **Section 301.330 Plans to Achieve This Goal**

- a) In order to achieve this goal, the Department shall observe the necessary prerequisites of client service planning set forth in 89 Ill. Adm. Code 305, Client Service Planning, in providing the child welfare services described in 89 Ill. Adm. Code 302, Services Delivered by the Department. Such planning and service delivery shall:
  - 1) assure that parental visits with children who are to be returned home are arranged as scheduled and agreed upon in the service plan;
  - 2) acquire or provide appropriate services to the family and/or child;
  - 3) contact the family and/or child on a regular basis to provide supportive casework services;

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- 4) develop and implement service plans, as provided for in 89 Ill. Adm. Code 305: Client Service Planning, which can be understood by the participating family members; and
  - 5) conduct reviews of these cases as required by State law, consistent with the program guidelines in 42 U.S.C.A. 670 et seq.
- b) If it is determined that children cannot be returned home and an adoptive family must be sought, the Department shall:
- 1) seek the termination of the biological family's parental rights,
  - 2) conduct an extensive search for an appropriate adoptive family, and
  - 3) provide supportive casework services to the adoptive family, if appropriate.

(Source: Section 301.330 renumbered from Section 301.4 and amended at 19 Ill. Reg. 9463, effective July 1, 1995).



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**SUBPART D: FOSTER PARENT/RELATIVE CAREGIVER IDENTIFYING INFORMATION**

**Section 301.410 Purpose**

The purpose of this Subpart is to describe the Department's policy regarding the release of identifying information for licensed foster parents and license exempt relative caregivers.

(Source: Added at 25 Ill. Reg., effective September 14, 2001)

**Section 301.420 Confidentiality of Foster Parent/Relative Caregiver Identifying Information**

In accordance with Section 35.3 of the Children and Family Services Act [20 ILCS 505/35.3], identifying information regarding licensed foster parents and license exempt relative caregivers shall be regarded as confidential. The name, address or telephone number of a foster parent or relative caregiver shall be disclosed only as provided by this Subpart.

(Source: Added at 25 Ill. Reg., effective September 14, 2001)

**Section 301.430 Routine Disclosure of Foster Parent/Relative Caregiver Identifying Information**

- a) Identifying information regarding foster parents or relative caregivers, including names, addresses, telephone numbers, and primary language or preferred mode of communication, may be disclosed to the following persons only when appropriate and necessary for the delivery of child welfare services. Such information shall not be redisclosed except in conformance with this Subpart.
- 1) Department and private child welfare agency staff responsible for the delivery of services to the child, the family, or the foster parents;
  - 2) State's Attorneys and Assistant State's Attorneys;
  - 3) Guardians Ad Litem (attorneys appointed to represent the child's best interests in Juvenile Court) for children placed in the foster family/relative caregiver home;
  - 4) Court personnel;
  - 5) Court appointed special advocates;
  - 6) Administrative Case Review staff;
  - 7) Medical providers providing care to the child;
  - 8) The child's school and educators;
  - 9) Other service providers for the children in care;
  - 10) Children who are seven years of age or older under the custody/guardianship of the Department who are siblings of children placed with the foster parent/relative caregiver in accordance with Section 301.220 (Sibling Visitation) and Section 301.230 (Contact Among Siblings Placed Apart) unless a decision has been made to withhold the information in accordance with Section 301.440;

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- 11) Illinois Department of Public Aid (for purposes of processing Medicaid claims);
  - 12) Quality assurance staff employed or contracted by the Department to conduct quality assurance reviews;
  - 13) Social Security Administration;
  - 14) Researchers whose research has been approved by the Department in accordance with 89 Ill. Adm. Code 432, Research Involving Children and Families; and
  - 15) Statewide foster parent associations or other foster parent groups recognized by the Department.
- b) When a license is issued to foster parents or upon placement of a child with a relative caregiver, the Department or purchase of service agency shall give written notice to the foster parent/relative caregiver that the foster parent's/relative caregiver's name, address and telephone number will be released to the persons identified in subsection (a) above, as necessary to provide services, without further subsequent notice.

(Source: Added at 25 Ill. Reg., effective September 14, 2001)

### **Section 301.440 Specific Disclosure of Foster Parent/Relative Caregiver Identifying Information**

- a) Assessment

During the first 30 days after the child comes into care, the Department or purchase of service agency shall conduct an assessment in accordance with 89 Ill. Adm. Code 315 (Permanency Planning), Section 315.100 (Assessment). Identifying information of the foster parent/relative caregiver shall not be released to the child's parents or siblings in the care of their parents when any of the following is found in the assessment of the parent or other adult living in the home:

- 1) A check of the Law Enforcement Agencies Data System (LEADS) identifies a conviction for any of the crimes listed in Appendix A (a)(1), (3), or (4) of this Part; or
- 2) The parent or other adult living in the home has threatened violence against a foster parent/relative caregiver or Department or purchase of service agency worker; or
- 3) The parent or other adult living in the home has exhibited violence against a foster parent/relative caregiver or Department or purchase of service agency worker in the past; or
- 4) The parent or other adult living in the home has threatened to abduct or harm the child.

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- b) When a decision is made based on the assessment completed in accordance with subsection (a) not to disclose the identifying information of the foster parent/relative caregiver to siblings in the care of their parents, the Department or purchase of service agency shall notify each child's attorney and guardian ad litem in writing within seven days after that determination and shall provide information from the assessment to justify the decision.
- c) Disclosure to Parents When the Goal is Return Home
  - 1) When the child's permanency goal is return home, parent-child visits, telephone calls at reasonable hours and mail shall be encouraged in accordance with the service plan and Section 301.210(a) (Family-Child Visitation). The name, address and telephone number of the foster parent/relative caregiver shall not be disclosed to the parents until the assessment has been completed and a determination has been made whether to disclose the information.
  - 2) If, based on the assessment in subsection (a) above, the Department or purchase of service agency determines that the name, address and telephone number of children under the custody/guardianship of the Department should be released to the parents, the Department shall notify the foster parent/relative caregiver in accordance with Section 301.450.
- d) Disclosure to Siblings in the Care of Their Parents

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 the custody/guardianship of the Department in accordance with Section 301.230 (Contact Among Siblings Placed Apart), unless:

  - 1) 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 or purchase of service agency has notified each child's attorney and guardian ad litem in accordance with Section 301.230(b);
  - 2) 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 subsection (a) and the Department or purchase of service agency has notified each child's attorney and guardian ad litem in accordance with subsection (b); or
  - 3) a court has prohibited disclosure of this information.

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e) Other Permissible Disclosure

The name, address and telephone number of foster parents or relative caregivers may be given to persons other than those listed in subsections (c) and (d), as necessary to provide services described in the service plan when specific notice has been given in accordance with Section 301.450.

(Source: Added at 25 Ill. Reg., effective September 14, 2001)

**Section 301.450 Specific Notice of Disclosure**

When the Department or purchase of service agency makes a decision to disclose the name, address or telephone number of the foster parents or relative caregivers to anyone other than the individuals listed in Section 301.430, the foster parents or relative caregivers shall be informed in writing of this decision prior to disclosure. The notice shall inform the foster parents or relative caregivers that:

- a) They have ten calendar days from the date of such notice in which to request a decision review from the Department or purchase of service agency in accordance with 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings), Section 316.90 (Decision Review); and they have ten calendar days to seek an order of protection under Section 2.25 of the Juvenile Court Act of 1987 [705 ILCS 405/2.25];
- b) No identifying information regarding the foster parents or relative caregivers shall be disclosed until ten calendar days after the date of the notice. If, during this ten day period, the foster parent or relative caregiver has requested a decision review, release of the information shall be postponed until the decision review has been completed. The foster parent or relative caregiver shall notify the Department or purchase of service agency worker or the worker's supervisor that a decision review has been requested; and
- c) If the foster parent or relative caregiver disagrees with the decision to disclose the information, the foster parent or relative caregiver may seek an order of protection under Section 2.25 of the Juvenile Court Act of 1987 [705 ILCS 405/2.25].

(Source: Added at 25 Ill. Reg., effective September 14, 2001)

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**Section 301.460 Disclosure Prohibited**

The Department or purchase of service agency shall not release the name, address and telephone number of the foster parent/relative caregiver to the child's parents when:

- a) A court has issued a valid order of protection in accordance with Section 2.25 of the Juvenile Court Act [705 ILCS 405/2-25];
- b) The parental rights of the parents have been judicially terminated, the parents have surrendered the child for adoption, or the parents have signed a consent to adoption by a specified person and continued contact between parents and child is not a part of the client service plan; or
- c) The child has a permanency goal other than return home and the child has no siblings residing in the home of the parent.

(Source: Added at 25 Ill. Reg., effective September 14, 2001)

**Section 301.470 Redisdisclosure Prohibited**

- a) *A person to whom disclosure of a foster parent's/relative caregiver's name, address, or telephone number is made under this Subpart shall not redisdisclose that information except as provided in the Children and Family Services Act, the Juvenile Court Act of 1987, or the Abused and Neglected Child Reporting Act. Any person who knowingly and willfully redisdiscloses a foster parent's/relative caregiver's name, address, or telephone number in violation of this Subpart is guilty of a Class A misdemeanor. [20 ILCS 505/35.3(b)]*
- b) *The Department or purchase of service agency shall provide written notice of the provisions of subsection (a), including the penalty for a Class A misdemeanor, to anyone to whom the Department discloses a foster parent's/relative caregiver's name, address, or telephone number.[20 ILCS 505/35.3(c)]*
- c) If a person to whom disclosure of a foster parent's/relative caregiver's name, address or telephone number is made has reason to believe that disclosure to another individual is warranted, the person shall contact the Department or purchase of service agency to request disclosure of the information, if appropriate, in accordance with the provisions of this Subpart.
- d) This Section is not intended to preclude reporting of crimes or of child abuse or neglect to appropriate authorities.
- e) This Section is not intended to override or preclude or violate any common law or statutory confidentiality provisions, such as attorney/client or therapist/client privileges.

(Source: Added at 25 Ill. Reg., effective September 14, 2001)

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**301.Appendix A      Criminal Convictions that Prevent Placement of Children with Relatives**

- a) Children for whom the Department of Children and Family Services is legally responsible shall not be placed with a relative, as defined in this Part, or allowed to remain in the home of a relative if the relative caregiver or any adult member of the household has been convicted of committing the following crimes, except as allowed via the waiver process under subsections (b) and (d).

1)      **Homicide**

- Murder\*
- Solicitation of murder\*
- Solicitation of murder for hire\*
- Intentional homicide of an unborn child\*
- Voluntary manslaughter of an unborn child\*
- Involuntary manslaughter\*
- Reckless homicide\*
- Concealment of a homicidal death\*
- Involuntary manslaughter of an unborn child\*
- Reckless homicide of an unborn child\*
- Drug induced homicide\*

2)      **Sex Offenses**

- Child pornography\*
- Exploitation of a child\*
- Sexual exploitation of a child\*
- Obscenity
- Harmful material
- Tie in sales of obscene publications to distributors
- Indecent solicitation of a child\*
- Indecent solicitation of an adult
- Public indecency
- Sexual relations within families\*
- Prostitution
- Soliciting for a prostitute
- Soliciting for a juvenile prostitute\*
- Solicitation of a sexual act
- Pandering
- Keeping a place of prostitution\*
- Keeping a place of juvenile prostitution\*
- Patronizing a prostitute
- Patronizing a juvenile prostitute\*
- Pimping
- Juvenile pimping\*

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3) **Kidnapping and Related Offenses**

Kidnapping  
Aggravated unlawful restraint  
Forcible detention  
Aiding and abetting child abduction\*  
Aggravated kidnapping  
Child abduction\*

4) **Bodily Harm**

Aggravated battery of a child\*  
Criminal sexual assault\*  
Aggravated criminal sexual assault\*  
Predatory criminal sexual assault of a child\*  
Criminal sexual abuse\*  
Aggravated sexual abuse\*  
Heinous battery\*  
Aggravated battery with a firearm  
Tampering with food, drugs, or cosmetics  
Drug-induced infliction of great bodily harm  
Aggravated stalking  
Home invasion  
Vehicular invasion  
Criminal transmission of HIV  
Criminal neglect of an elderly or disabled person  
Child Abandonment\*  
Endangering the life or health of a child\*  
Ritual mutilation  
Ritualized abuse of a child\*  
*Any violation of the Methamphetamine Control and Community Protection Act [720 ILCS 646].*

5) An offense in any other state the elements of which are similar and bear a substantial relationship to any of the offenses listed in this subsection (a).

b) If the relative caregiver or any adult member of the household has been convicted of one of the crimes in subsections (a)(1) through (5) above marked by an asterisk, any request for a waiver must be submitted in writing to the Director of the Department for his or her personal approval. The supervising agency shall submit the following information along with the request for the waiver of the criminal convictions.

- 1) the age of the individual at the time of the convictions;
- 2) the length of time that has elapsed since the last convictions;
- 3) the relationship of the crime and the capacity to care for related children;
- 4) evidence of rehabilitation; and



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- 5) opinions of community members concerning the individual in question.
- c) If the relative caregiver or any adult member of the household has been convicted of one of the crimes identified in subsections (a)(1) through (5) not marked by an asterisk, related children for whom the Department is legally responsible shall not be placed in or continue to remain in the relative caregiver's household unless a waiver of this prior criminal history has been granted in accordance with the requirements of this subsection. The Director of the Department shall designate specific Department employees who have the authority to grant these waivers on a 24 hour per day basis. When the supervising agency believes that there have been extraordinary circumstances surrounding the criminal history or the convicted persons has been successfully rehabilitated and placement in the relative's household is in the best interests of the children, the supervising agency may request a waiver of this prior criminal history by asking the Department to consider the factors in subsection (b). These requests may be made orally, but must be confirmed in writing. The Department's decision with regard to the request for a waiver shall be documented in writing and included in the child's case record.

(Source: Amended at 36 Ill. Reg., effective January 30, 2012)

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