

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 34.11 as follows:

6 (20 ILCS 505/34.11)

7 Sec. 34.11. Lou Jones Grandparent Child Care Program
8 ~~Grandparent child care program.~~

9 (a) The General Assembly finds and declares the following:

10 (1) An increasing number of children under the age of
11 18, including many children who would otherwise be at risk
12 of abuse or neglect, are in the care of a grandparent or
13 other nonparent relative.

14 (2) The principal causes of this increase include
15 parental substance abuse, child abuse, mental illness,
16 poverty, and death, as well as concerted efforts by
17 families and by the child welfare service system to keep
18 children with relatives whenever possible.

19 (3) Grandparents and older relatives providing primary
20 care for at-risk children may experience unique resultant
21 problems, such as financial stress due to limited incomes,
22 emotional difficulties dealing with the loss of the child's
23 parents or the child's unique behaviors, and decreased

1 physical stamina coupled with a much higher incidence of
2 chronic illness.

3 (4) Many children being raised by nonparent relatives
4 experience one or a combination of emotional, behavioral,
5 psychological, academic, or medical problems, especially
6 those born to a substance-abusing mother or at risk of
7 child abuse, neglect, or abandonment.

8 (5) Grandparents and other relatives providing primary
9 care for children lack appropriate information about the
10 issues of kinship care, the special needs (both physical
11 and psychological) of children born to a substance-abusing
12 mother or at risk of child abuse, neglect, or abandonment,
13 and the support resources currently available to them.

14 (6) An increasing number of grandparents and other
15 relatives age 60 or older are adopting or becoming the
16 subsidized guardians of children placed in their care by
17 the Department. Some of these children will experience the
18 death of their adoptive parent or guardian before reaching
19 the age of 18. For most of these children, no legal plan
20 has been made for the child's future care and custody in
21 the event of the caregiver's death or incapacity.

22 (7) Grandparents and other relatives providing primary
23 care for children lack appropriate information about
24 future care and custody planning for children in their
25 care. They also lack access to resources that may assist
26 them in developing future legal care and custody plans for

1 children in their legal custody.

2 (b) The Department may establish an informational and
3 educational program for grandparents and other relatives who
4 provide primary care for children who are at risk of child
5 abuse, neglect, or abandonment or who were born to
6 substance-abusing mothers. As a part of the program, the
7 Department may develop, publish, and distribute an
8 informational brochure for grandparents and other relatives
9 who provide primary care for children who are at risk of child
10 abuse, neglect, or abandonment or who were born to
11 substance-abusing mothers. The information provided under the
12 program authorized by this Section may include, but is not
13 limited to the following:

14 (1) The most prevalent causes of kinship care,
15 especially the risk of substance exposure or child abuse,
16 neglect, or abandonment.

17 (2) The problems experienced by children being raised
18 by nonparent caregivers.

19 (3) The problems experienced by grandparents and other
20 nonparent relatives providing primary care for children
21 who have special needs.

22 (4) The legal system as it relates to children and
23 their nonparent primary caregivers.

24 (5) The benefits available to children and their
25 nonparent primary caregivers.

26 (6) A list of support groups and resources located

1 throughout the State.

2 The brochure may be distributed through hospitals, public
3 health nurses, child protective services, medical professional
4 offices, elementary and secondary schools, senior citizen
5 centers, public libraries, community action agencies selected
6 by the Department, and the Department of Human Services.

7 (c) In addition to other provisions of this Section, the
8 Department shall establish a program of information, social
9 work services, and legal services for any person age 60 or over
10 and any other person who may be in need of a future legal care
11 and custody plan who adopt, have adopted, take guardianship of,
12 or have taken guardianship of children previously in the
13 Department's custody. This program shall also assist families
14 of deceased adoptive parents and guardians. As part of the
15 program, the Department shall:

16 (1) Develop a protocol for identification of persons
17 age 60 or over and others who may be in need of future care
18 and custody plans, including ill caregivers, who are
19 adoptive parents, prospective adoptive parents, guardians,
20 or prospective guardians of children who are or have been
21 in Department custody.

22 (2) Provide outreach to caregivers before and after
23 adoption and guardianship, and to the families of deceased
24 caregivers, regarding Illinois legal options for future
25 care and custody of children.

26 (3) Provide training for Department and private agency

1 staff on methods of assisting caregivers before and after
2 adoption and guardianship, and the families of older and
3 ill caregivers, who wish to make future care and custody
4 plans for children who have been wards of the Department
5 and who are or will be adopted by or are or will become
6 wards of those caregivers.

7 (4) Ensure that all caregivers age 60 or over who will
8 adopt or will become guardians of children previously in
9 Department custody have specifically designated future
10 caregivers for children in their care. The Department shall
11 document this designation, and the Department shall also
12 document acceptance of this responsibility by any future
13 caregiver. Documentation of future care designation shall
14 be included in each child's case file and adoption or
15 guardianship subsidy files as applicable to the child.

16 (5) Ensure that any designated future caregiver and the
17 family of a deceased caregiver have information on the
18 financial needs of the child and future resources that may
19 be available to support the child, including any adoption
20 assistance and subsidized guardianship for which the child
21 is or may be eligible.

22 (6) With respect to programs of social work and legal
23 services:

24 (i) Provide contracted social work services to
25 older and ill caregivers, and the families of deceased
26 caregivers, including those who will or have adopted or

1 will take or have taken guardianship of children
2 previously in Department custody. Social work services
3 to caregivers will have the goal of securing a future
4 care and custody plan for children in their care. Such
5 services will include providing information to the
6 caregivers and families on standby guardianship,
7 guardianship, standby adoption, and adoption. The
8 Department will assist the caregiver in developing a
9 plan for the child if the caregiver becomes
10 incapacitated or terminally ill, or dies while the
11 child is a minor. The Department shall develop a form
12 to document the information given to caregivers and to
13 document plans for future custody, in addition to the
14 documentation described in subsection (b) (4). This
15 form shall be included in each child's case file and
16 adoption or guardianship subsidy files as applicable
17 to the child.

18 (ii) Through a program of contracted legal
19 services, assist older and ill caregivers, and the
20 families of deceased caregivers, with the goal of
21 securing court-ordered future care and custody plans
22 for children in their care. Court-ordered future care
23 and custody plans may include: standby guardianship,
24 successor guardianship, standby adoption, and
25 successor adoption. The program will also study ways in
26 which to provide timely and cost-effective legal

1 services to older and ill caregivers, and to families
2 of deceased caregivers in order to ensure permanency
3 for children in their care.

4 (7) Ensure that future caregivers designated by
5 adoptive parents or guardians, and the families of deceased
6 caregivers, understand their rights and potential
7 responsibilities and shall be able to provide adequate
8 support and education for children who may become their
9 legal responsibility.

10 (8) Ensure that future caregivers designated by
11 adoptive parents and guardians, and the families of
12 deceased caregivers, understand the problems of children
13 who have experienced multiple caregivers and who may have
14 experienced abuse, neglect, or abandonment or may have been
15 born to substance-abusing mothers.

16 (9) Ensure that future caregivers designated by
17 adoptive parents and guardians, and the families of
18 deceased caregivers, understand the problems experienced
19 by older and ill caregivers of children, including children
20 with special needs, such as financial stress due to limited
21 income and increased financial responsibility, emotional
22 difficulties associated with the loss of a child's parent
23 or the child's unique behaviors, the special needs of a
24 child who may come into their custody or whose parent or
25 guardian is already deceased, and decreased physical
26 stamina and a higher rate of chronic illness and other

1 health concerns.

2 (10) Provide additional services as needed to families
3 in which a designated caregiver appointed by the court or a
4 caregiver designated in a will or other legal document
5 cannot or will not fulfill the responsibilities as adoptive
6 parent, guardian, or legal custodian of the child.

7 (d) The Department shall consult with the Department on
8 Aging and any other agency it deems appropriate as the
9 Department develops the program required by subsection (c).

10 Notwithstanding any other rulemaking authority that may
11 exist, neither the Governor nor any agency or agency head under
12 the jurisdiction of the Governor has any authority to make or
13 promulgate rules to implement or enforce the provisions of this
14 amendatory Act of the 95th General Assembly. If, however, the
15 Governor believes that rules are necessary to implement or
16 enforce the provisions of this amendatory Act of the 95th
17 General Assembly, the Governor may suggest rules to the General
18 Assembly by filing them with the Clerk of the House and the
19 Secretary of the Senate and by requesting that the General
20 Assembly authorize such rulemaking by law, enact those
21 suggested rules into law, or take any other appropriate action
22 in the General Assembly's discretion. Nothing contained in this
23 amendatory Act of the 95th General Assembly shall be
24 interpreted to grant rulemaking authority under any other
25 Illinois statute where such authority is not otherwise
26 explicitly given. For the purposes of this subsection, "rules"

1 is given the meaning contained in Section 1-70 of the Illinois
2 Administrative Procedure Act, and "agency" and "agency head"
3 are given the meanings contained in Sections 1-20 and 1-25 of
4 the Illinois Administrative Procedure Act to the extent that
5 such definitions apply to agencies or agency heads under the
6 jurisdiction of the Governor.

7 (Source: P.A. 88-229; 88-670, eff. 12-2-94; 89-507, eff.
8 7-1-97.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.