

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

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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]; Section 1-103 of the Substance Use Disorder Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; the Adoption Act [750 ILCS 50]; 42 U.S.C 672 and 42 U.S.C 675.

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; expedited correction at 37 Ill. Reg. 19419, 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 48 Ill. Reg. 12183, effective August 1, 2024; amended at 50 Ill. Reg. _____, effective _____.

SUBPART A: PLACEMENT SERVICES

Section 301.20 Definitions

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

"Case 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). Formerly known as service plan.

"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.

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

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

132
133 *An effective voluntary acknowledgment of paternity by the man under*
134 *Article 3 of the Parentage Act, unless the acknowledgment has been*
135 *rescinded or successfully challenged;*

136
137 *An adjudication of the man's parentage;*

138
139 *Adoption of the child by the man; or*

140
141 *A valid gestational surrogacy arrangement that complies with the*
142 *Gestational Surrogacy Act [750 ILCS 47] or other law. [750 ILCS*
143 *46/201(b)]*

144
145 AGENCY NOTE: When paternity has been established, the relatives of the
146 biological father, as well as those of the mother, may be considered for the
147 placement of related children.

148
149 "Federally funded foster care" means foster care maintenance payments made in
150 accordance with Title IV-E of the Social Security Act for which federal matching
151 grants are received.

152
153 *"Fictive kin" means a person who is any individual, unrelated to a child by birth,*
154 *~~or marriage, or tribal custom, or adoption~~ who is shown to have significant and*
155 *close personal or emotional ties with the child or the child's family. [20 ILCS*
156 *505/4d] ~~prior to the child's placement with the individual; or is the current foster~~*
157 *parent of a child in the custody or guardianship of the Department pursuant to the*
158 *Child and Family Services Act and the Juvenile Court Act of 1987 [705 ILCS*
159 *405], if the child has been placed in the home for at least one year and has*
160 *established a significant and family-like relationship with the foster parent, and*
161 *the foster parent has been identified by the Department as the child's permanent*
162 *connection. [20 ILCS 505/7(b)]*

163
164 "Foster care payment" means the amount paid by the Department for a child's
165 room, board, clothing, and personal allowance in a licensed foster family home.

166
167 "Godparent" is a person who sponsors a child at baptism or one in whom the
168 parents have entrusted a special duty that includes assisting in raising the child if
169 the parent cannot raise the child. If the person is considered to be the child's
170 godparent, in order for placement to occur, the same placement selection criteria
171 as contained in Section 301.60 (Placement Selection Criteria) must be met. If the

172 godparent is not a licensed foster parent, all the conditions currently in effect for
173 placement with relatives in Section 301.80 (Relative Home Placement) must be
174 met.

175
176 "Hair care" means all care and practices related to the maintenance, health, and
177 expression of hair, including, but not limited to, the daily maintenance routine,
178 cutting, styling, or dying of hair as well as culturally specific practices, products,
179 and techniques that reflect and respect diverse identities of youth in care as well
180 as promote dignity and self-worth. [20 ILCS 505/7.3b (b)(1)]

181
182 "Independent Assessment" means, for a child who is placed in a qualified
183 residential treatment program, an evaluation that assesses the strengths and needs
184 of the child using an age-appropriate, evidence-based, validated, functional
185 assessment tool. (42 U.S.C. 675a(c)(1)(A)(i))

186
187 "Joint placement", in the context of sibling placement, means the siblings are
188 placed in the same substitute care setting.

189
190 "LEADS" means Law Enforcement Agency Data System.

191
192 "Parents" means the child's legal parents whose parental rights have not been
193 terminated. Biological fathers are considered legal parents when paternity has
194 been established as required by the definition of "father" in this Section.

195
196 "Permanency goal" means the desired outcome of intervention and service, which
197 is determined to be consistent with the health, safety, well-being, and best
198 interests of the child. A permanent legal status is usually a component of the
199 permanency goal.

200
201 ~~"Permanent connection" means a family-like relationship, consistent with a child's~~
202 ~~best interests, health, safety and well-being, that provides:~~

203
204 ~~safe, stable and committed parenting;~~

205
206 ~~unconditional love and lifelong support; and~~

207
208 ~~permanent legal status between child and family.~~

209
210 ~~For a child for whom the Department is legally responsible, a permanent~~
211 ~~connection may be the child's parents or another caregiver in the child's home~~
212 ~~of origin. When the child cannot be safely returned home, a permanent~~
213 ~~connection may be the current or former foster parent or relative caregiver, an~~
214 ~~individual identified as an adoptive or legal guardianship placement resource,~~

215 ~~or another individual from among the child's or family's lifelong connections~~
216 ~~with whom a child has developed a familial relationship.~~

217
218 ~~"Permanent family placement" means placement in a foster family home or a~~
219 ~~relative home that is intended to last until the child reaches age 21 or until the~~
220 ~~child is capable of self sufficiency. The Department may retain guardianship of~~
221 ~~the child or the foster parent or relative may assume guardianship of the child.~~

222
223 "Permanent legal status" means a legally binding relationship between a child and
224 a family as established by birth or a court of law.

225
226 "Placement Clearance Process" means the approval of a child's placement in
227 foster care or unlicensed relative care from the Placement Clearance Unit.

228
229 "Placement decision" means the decision made by the Department, within 90 days
230 after the initial placement of a child with a relative, to leave or remove the child in
231 the relative home based on the evaluation of the results of the criminal
232 background check of the relative and household members and based on the best
233 interest of the child.

234
235 "Placing worker" means the Child Protection Specialist, Permanency Worker or
236 Intact Family Worker with responsibility to select the substitute care placement
237 for a child.

238
239 "Qualified Residential Treatment Program" means a program that:

240
241 has a trauma-informed treatment model that is designed to address the
242 needs, including clinical needs as appropriate, of children with serious
243 emotional or behavioral disorders or disturbances and, with respect to a
244 child, is able to implement the treatment identified for the child by the
245 independent assessment of the child required under 42 U.S.C. 675a(c);

246
247 has registered or licensed nursing staff and other licensed clinical staff
248 who:

249
250 provide care within the scope of their practice as defined by state
251 law;

252
253 are on-site according to a trauma informed treatment model; and

254
255 are available 24 hours a day and 7 days a week;

256

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

260
261 facilitates outreach to the family members of the child, including siblings,
262 documents how the outreach is made (including contact information), and
263 maintains contact information for any known biological family and fictive
264 kin of the child;

265
266 documents how family members are integrated into the treatment process
267 for the child, including post-discharge, and how sibling connections are
268 maintained;

269
270 provides discharge planning and family-based aftercare support for at least
271 6 months post-discharge; and

272
273 is licensed in accordance with 42 U.S.C. 671(a)(10) and is accredited by
274 any of the following independent, not-for-profit organizations:

275
276 The Commission on Accreditation of Rehabilitation Facilities
277 (CARF);

278
279 The Joint Commission on Accreditation of Healthcare
280 Organizations (JCAHO);

281
282 The Council on Accreditation (COA); and

283
284 Any other independent, not-for-profit accrediting organization
285 approved by the Secretary of Health and Human Services. (42
286 U.S.C. 672(k)(1)-(4))

287
288 "Region" means Cook County or any of the downstate Department of Children
289 and Family Services regions.

290
291 "*Relative*", for purposes of placement of children for whom the Department is
292 legally responsible, means any person, 21 years of age or over, other than the
293 parent, who is currently related to a the child in any of the following ways by
294 blood, marriage, tribal custom, or adoption, civil union; grandparent, sibling,
295 great grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once
296 removed (children of one's first cousin to oneself), second cousin (children of first
297 cousins are second cousins to each other), godparent (as defined in this Section),
298 great uncle, or great aunt; or

299

300 ~~is the spouse, or party to a civil union, of such a relative; or~~
 301
 302 ~~is the child's step father, step mother, step grandfather, step grandmother,~~
 303 ~~or adult step brother or step sister; or~~
 304
 305 ~~is the partner, or adult child of a partner, in a civil union with the child's~~
 306 ~~mother or father; or~~
 307
 308 ~~is a fictive kin as defined in this Section.~~

309
 310 ~~to a child's sibling~~ Relative also includes a person related in any of the
 311 ~~foregoing ways to a sibling of a child,~~ even though the person is not related to
 312 the child, when the child and the child's ~~sibs~~ sibling are placed together with
 313 that person or fictive kin as defined in this Section.

314
 315 For children who have been in the guardianship of the Department following
 316 the termination of their parents' parental rights, have been adopted or placed
 317 in subsidized or unsubsidized guardianship, and are subsequently returned to
 318 the temporary custody or guardianship of the Department, ~~a~~
 319 "relative" ~~includes may also include~~ any person who would have qualified as a
 320 relative under this definition ~~definition~~ prior to the termination of the parents'
 321 parental rights ~~adoption, but only~~ if the Department determines, and
 322 documents, or the court finds that it would be in the child's best interests ~~of~~
 323 ~~the child~~ to consider this person a relative, based upon the factors for
 324 determining best interests set forth in subsection (4.05) of Section 1-3 of the
 325 Juvenile Court Act of 1987. [20 ILCS 505/7(b)]

326
 327 "Residential care facility", for the purposes of the Aristotle P. Consent Decree,
 328 means all non-foster care or relative home care placements.

329
 330 ~~"Service plan" means a written plan on a form prescribed by the Department in~~
 331 ~~the plan toward the permanency goal for the children required by 42 U.S.C.~~
 332 ~~675(5), 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning).~~

333
 334 "Sibling contact" means contact among siblings who are residing apart from one
 335 another, and may include, but is not limited to:

- 336
- 337 telephone calls; video conferencing; in person visitation;
- 338
- 339 sending/receiving cards, letters, emails, text messages, gifts, etc.;
- 340
- 341 sharing photographs or information;
- 342

use of any approved social media (e.g., Facebook); and
any other agreed upon forms of communication technology.

"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 50 Ill. Reg. _____, effective _____)

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

386 the placement of the child, whenever possible, the caseworker shall provide the
387 caregiver with a written summary of available information about the child
388 necessary for the proper care of the child.
389

- 390 1) *In the case of emergency placements when time does not allow prior*
391 *review, preparation, and collection of written information, the caseworker*
392 *shall provide such information to the caregiver verbally as it becomes*
393 *available.*
- 394
- 395 2) *Within 10 business days after placement the caseworker shall obtain from*
396 *the caregiver a signed verification of receipt of the information provided.*
397
- 398 3) *The information provided to the caregiver shall be reviewed and approved*
399 *regarding accuracy by the caseworker's supervisor.*
400
- 401 b) *Within 10 business days after placement, the caseworker shall provide to the*
402 *child's guardian ad litem a copy of the information provided to the caregiver. [20*
403 *ILCS 505/5(u)]*
404
- 405 c) The information to be provided to the caregiver shall include:
406
 - 407 1) the medical history of the child, including known medical problems or
408 communicable diseases, information concerning the immunization status
409 of the child, and insurance and medical card information;
410
 - 411 2) the educational history of the child, including any special educational
412 needs and details of the child's individualized educational plan (IEP),
413 Individual Family Service Plan (IFSP) when the child is receiving special
414 education services, or 504 Educational Special Needs Plan, if applicable;
415
 - 416 3) a copy of the child's portion of the client ~~case~~service plan, including any
417 visitation arrangements and all amendments or revisions; case history of
418 the child, including how the child came into care; the child's legal status;
419 the permanency goal for the child; a history of the child's previous
420 placements; and reasons for placement changes, excluding information
421 that identifies or reveals the location of any previous foster or relative
422 home caregiver; ~~and~~
423
 - 424 4) other relevant background information about the child of which the
425 caseworker is aware, including but not limited to any prior criminal
426 history; information about any behavior problems, including fire setting,
427 perpetration of sexual abuse, destructive behavior and substance abuse
428 habits; likes and dislikes; etc. Mental health information can be shared

429 only as specified in 89 Ill. Adm. Code 431.110 (Disclosure of Information
430 of a Mental Health Nature); ~~and-~~

431
432 5) a copy of the hair care plan included in the child's portion of the case plan.

433
434 d) *The caregiver may review the supporting documents in the child's file in the*
435 *presence of casework staff.* [20 ILCS 505/5(u)]

436
437 e) Information subject to the Mental Health and Developmental Disabilities
438 Confidentiality Act shall be shared only in accordance with 89 Ill. Adm. Code
439 431.100 (Disclosure of Information of a Mental Health Nature).

440
441 f) Information regarding Acquired Immunodeficiency Syndrome (AIDS), AIDS
442 Related Complex (ARC) or Human Immunodeficiency Virus (HIV) test results
443 shall be shared only in accordance with 89 Ill. Adm. Code 431.110 (Disclosure of
444 Information Regarding Acquired Immunodeficiency Syndrome (AIDS)).

445
446 (Source: Amended at 50 Ill. Reg. _____, effective _____)