

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Policy Guide 2015.03**

**Legislative Update for Foster Home Licensing Staff**

**DATE:** January 15, 2015

**TO:** All DCFS and POS Foster Home Licensing Representative and DCFS Agency and Institutions Licensing Representatives, and their Supervisors and Managers

**FROM:** Bobbie Gregg, Acting Director *Bobbie Gregg*

**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to inform DCFS and POS Foster Home Licensing Staff of several amendments in Illinois law affecting child welfare practice made in **Public Acts 98-704, 98-804 and 98-846**. In the coming weeks, DCFS Rules and Procedures will be amended to reflect these statutory changes.

**II. PRIMARY USERS**

The primary users of this Policy Guide are DCFS and POS foster home licensing representatives, Agency and Institutions licensing representatives, and their supervisors and managers.

**III. SUMMARY OF LEGISLATIVE CHANGES**

**A. Public Act 98-804 (House Bill 4636)**

**Public Act 98-804** became effective January 1, 2015, and amends several sections of the Child Care Act of 1963 [225 ILCS 10] that affect licensure of relative caregivers.

- **A child remains related to those to whom the child was related after TPR.** For purposes of licensing requirements, for children in the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987 [705 ILCS 405], after a parent signs a consent, surrender, or waiver or after a parent's rights are terminated, and while the child remains in the custody or guardianship of the Department, the child is considered to be related to those to whom the child was related prior to the signing of the consent, surrender, or waiver or the order terminating parental rights.
- **Expands Child Care Act Definition of "Related."** Expands the definition of "related" in the Child Care Act, for purposes of determining relative licensure, to include step-grandparents and second cousins, and to include relationships by civil union.



- **“First and Second Cousins” Defined.** Clarifies that a person is related to a child as a first cousin or a second cousin if they are both related to the same ancestor as either grandchild or great-grandchild.
- **Clarifies Child’s Relationship to Parent after TPR.** A child whose parent has executed a consent, a surrender, or a waiver pursuant to Section 10 of the Adoption Act, whose parent has signed a denial of paternity pursuant to Section 12 of the Vital Records Act [410 ILCS 535] or Section 12a of the Adoption Act, or whose parent has had his/her parental rights terminated is not a related child to that person, unless:
  - the consent is determined to be void or is void pursuant to subsection 10(O) of the Adoption Act; or
  - the parent executed a consent to adoption by a specified person or persons and a court finds the consent is void; or
  - the order terminating the parental rights of the parent is vacated by a court of competent jurisdiction.

**B. Public Act 98-846** (Senate Bill 3283)

**Public Act 98-846** affects Sections 2.04 and 2.17 of the Child Care Act regarding relative caregivers. It also affects Section 7 of the Children and Family Services Act [20 ILCS 505] as explained below.

- **Foster Family Home Licensure of Fictive Kin.** Expands the Child Care Act’s definition of “related” (Section 2.04) and “relative” for purposes of “foster family homes” (Section 2.17) to include “fictive kin, as defined in Section 7 of the Children and Family Services Act.” **However, Public Act 98-846 further provides that Section 7 of the Children and Family Services Act regarding placement with unlicensed fictive kin becomes operative June 1, 2015.** DCFS and POS placing workers and foster home licensing staff **shall not initiate any relative placements with fictive kin prior to June 1, 2015.** The Office of Child and Family Policy will be issuing Rules and Procedures to instruct DCFS and POS staff how and when to consider placement with fictive kin, and licensure requirements.

**IV. QUESTIONS**

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

**V. FILING INSTRUCTIONS**

File this Policy Guide after Rules 402.