

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER c: FISCAL ADMINISTRATION

**PART 361**  
**REIMBURSEMENT TO COUNTIES**

**Section**

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AUTHORITY: Implementing and authorized by Section 5 of "AN ACT creating the Department of Children and Family Services, modifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1983, ch. 23, par. 5005); Sections 2-3, 2-4, 5-7, 7-3, 7-5 and 7-6 of the "Juvenile Court Act" (Ill. Rev. Stat. 1983, ch. 37, pars. 702-3, 702-4, 705-7, 707-3, 707-5 and 707-6); Section 3-15-2 of the Unified Code of Corrections (Ill. Rev. Stat. 1981, ch. 38, par. 1003-15-2); Section 1 of the County Shelter Care and Detention Home Act (Ill. Rev. Stat. 1983, ch. 23, par. 2681); and Section 471 of the Social Security Act (42 U.S.C. 671).

SOURCE: Adopted and codified at 5 Ill. Reg. 13174, effective November 30, 1981; amended at 8 Ill. Reg. 14255, effective August 15, 1984.

**Section 361.1 Purpose**

The purpose of these rules is to describe the requirements which counties must meet after the effective date of this Part in order to make placements under Section 5-7 of the Juvenile Court Act and to be reimbursed for placements made under Sections 3-3 and 5-7 of the Juvenile Court Act.

**Section 361.2 Definitions**

"Children adjudicated as wards of the court" as used in this part means a minor placed under the guardianship of a probation officer or agency

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pursuant to Section 5-7 of the Juvenile Court Act because the minor has been adjudicated by the court to be a minor requiring authoritative intervention, neglected or abused, dependent or a delinquent.

"Shelter care placement" or "shelter care" means a placement of a minor under Section 3-3 of the Juvenile Court Act in an unlocked, physically unrestricting facility pending the court's order resultant from a shelter care, adjudicatory or dispositional hearing under the Juvenile Court Act. Minors placed under Section 3-3 of the Juvenile Court Act and returned to parent, guardian or legal custodian prior to a shelter care hearing are also considered to have been in shelter care placement.

(Source: Amended at 8 Ill. Reg. 14255, effective August 15, 1984)

### **Section 361.3 Reimbursement for Shelter Care**

- a) Illinois counties will be reimbursed by the Department for placements made under Section 3-3 of the Juvenile Court Act (shelter care) for a maximum of 90 days subject to the provisions of [Section 361.6](#) below.
- b) The Department will reimburse counties for shelter care placements made by counties, in foster family homes, group homes, child care institutions, and county shelter care facilities established under the Unified Code of Corrections. This reimbursement is available irrespective of the Department's licensure, or the Department's approval as meeting the standards established for licensure of the facility.
- c) The Department will not reimburse counties for shelter care placements made in county detention homes, county or municipal jails, physically restrictive or locked institutions or other facilities established for the care and training of delinquent minors.
- d) Reimbursement will not be made for any placement in a child care facility outside of Illinois unless the placement has complied with the Interstate Compact on the Placement of Children (Ill. Rev. Stat. 1979, ch. 23, par. 2601 et seq.) or, when not applicable, the appropriate Interstate office.

### **Section 361.4 Rules for Placement Under Section 5-7 of the Juvenile Court Act**

- a) Agencies and probation officers may place minors under Section 5-7 of the Juvenile Court Act only when such minors are:
  - 1) placed in the least restrictive setting which most closely approximates a family and in which the child's needs may be met; and
  - 2) placed within reasonable proximity to their homes, taking into account any special needs of the child and family and the availability of the service resources needed for the child and family; and
  - 3) placed with a family of the same race as the child, whenever possible; and

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- 4) placed, if possible, in a home that most closely approximates the religious, ethnic and cultural background of the biological family; and
  - 5) placed in the home of a relative when the child is familiar with the home and when the child can benefit from the relationship between the parent(s), the relative, and the child; and
  - 6) placed, if a child of American Indian heritage, according to Department of Children and Family Services Rules concerning Indian Child Welfare Services Part 307; and
  - 7) placed in child care facilities licensed by the Department under the Child Act of 1969 (Ill. Rev. Stat. 1979, ch. 23, par. 2211 et seq.) or approved by the Department as meeting the standards established for licensing as promulgated through rulemaking Part 332, "Approval of Relative Home Caretakers," Part 402, "Licensing Standards for Foster Family Homes," Part 403, Licensing Standards for Group Homes, and Part 404, Licensing Standards for Child Care Institutions and Maternity Centers").
- b) No minor shall be placed in a child care facility outside of Illinois unless the placement has complied with the Interstate Compact on the Placement of Children or, when not applicable, the appropriate Interstate office.

### **Section 361.5 County Certification that Child Care Facilities**

Not Licensed by the Department Meet Licensing Standards Child Care facilities used solely by a single circuit court for the placement of minors adjudicated as wards of the Court under Section 5-7 of the Juvenile Court Act will be approved by the Department following written certification to the Department by the county that the facility meets all of the standards established by the Department for licensing such facilities.

### **Section 361.6 Reimbursement Rate**

- a) The maximum reimbursement rates to counties for children placed in shelter care pursuant to Section 3-3 of the Juvenile Court Act and for children adjudicated as wards of the court and placed in accordance with Section 5-7 of the Juvenile Court Act shall be the Department's current average daily rate, as applicable, for foster care, group home or child care institutional care.
- b) The Department's payment rates are established in accordance with 89 Ill. Adm. Code 356 Rate Setting.
- c) When foster care is purchased from a child welfare agency, the Department will not reimburse counties for more than the amount actually paid for care, shelter, and social services (minus support payments received from the child's parents, legal guardian or custodian). If county staff, such as probation officers and social work staff, directly provide social services to the child, the Department will not include the social service rate in the reimbursement account.

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- d) For placements made in group homes and child care institutions the Department will reimburse counties for the amount actually paid for care, but not to exceed the Department's current average daily rate for such services as determined on June 30, of the previous fiscal year and updated as general rate increases are granted pursuant to 89 Ill. Adm. Code 356, Rate Setting, (minus support payments received from the child's parents, legal guardian or custodian).
- e) replacements made in shelter care facilities, the Department will reimburse counties for the amount actually paid for care, but not to exceed the Department's current average daily rate for group homes (minus support payments received from the child's parents, legal guardian or custodian).
- f) The total reimbursements paid to counties is limited to 3% of the Department's appropriation from the General Revenue Fund for that fiscal year.

(Source: Amended at 8 Ill. Reg. 14255, effective August 15, 1984)

### **Section 361.7 Reimbursement Process**

Counties must submit forms prescribed by the Department to the Department by the 20th of the month following the month in which placement was provided to claim for reimbursement.

### **Section 361.8 Payment Review**

When the reimbursement claiming forms are completed correctly, the Department will immediately process the payment to the county. However, as a condition of payment, the Department requires that sufficient accounting and relating financial records be maintained which fully disclose and substantiate the accuracy of the billings. The Department reserves the right to conduct pre- and/or post-payment audits on all billings to ensure their accuracy. Accounting and financial records must be provided to authorized Department staff upon request.