

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

PART 362
THE BAIL FUND

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AUTHORITY: Implementing and authorized by Section 25 of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1979, ch. 23, par. 5025).

SOURCE: Adopted and codified at 5 Ill. Reg. 5485, effective May 27, 1981.

Section 362.1 Purpose

This rule explains the sources and use of the bail fund established by the Department of Children and Family Services.

Section 362.2 Definitions

"Bail fund" means a distinct fund established by the Department for purposes described in this rule.

"Custodian of account" means the Department designee responsible for issuing checks against the bail fund and performing designated tasks.

"Trustees of the bail fund" are those persons, at least three in number, appointed by the Director to make decisions on whether bail in excess of \$150.00 should be paid.

Section 362.3 Purpose of the Fund

- a) The monies deposited in the bail fund may be used only to obtain release of children the Department serves from detention facilities.
- b) The Department will seek the release of children from detention facilities when it is determined appropriate by the Department to do so.

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Section 362.4 Sources of the Fund

Monies deposited in the bail fund may be from the following sources:

- a) a donor who designates the money for the bail fund for children served by the Department, and
- b) a donor who does not specify a purpose for the donated money except that it be used at the Department's discretion in the best interest of children it serves.

Section 362.5 Handling of the Fund

- a) The custodian of the account shall:
 - 1) keep records of all transactions,
 - 2) make reports as required by law or by the Director of the Department,
 - 3) invest surplus funds in accordance with state law as he deems appropriate, and
 - 4) issue checks against the account.
- b) The trustees of the bail fund shall, by majority decision, authorize the issuance of any check larger than \$150.00.
- c) Other Department administrators so designated by the Department administrator responsible for program operations may authorize, contingent on the availability of funds, the issuance of checks in amount less than \$150.00.
- d) Checks from the bail fund shall be issued to the child served by the Department, the child's representative in behalf of the child, the court, or other individual authorized to accept bail.
- e) The child or the child's representative will return any portion of the bail returned to him to the custodian of the account for redeposit in the bail fund, minus any deductions other than fines ordered by the court.

Section 362.6 Department and Employee Liability

- a) The Department is not obligating itself to any liability in the event bail is forfeited when money from the bail fund is made available to the child.
- b) No Department employee is authorized to sign as surety for any child served by the Department and shall not be personally liable if bail is forfeited.

Section 362.7 Criteria for Bail

Each request for bail funds shall be reviewed by the trustees when the amount will exceed \$150.00 or by those designated by the Department administrator

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responsible for program operations when the amount will not exceed \$150.00. The following criteria shall be considered when determining whether bail should be paid:

- a) the amount requested in relation to the amount of money in the bail fund,
- b) the efforts made to reduce the bail or to obtain the child's release without bail,
- c) the availability of funds from other sources, such as trust accounts, relatives or friends,
- d) review of the child's social history to determine whether the child's release would present a threat to each child or the public,
- e) a review of the child's social history for factors indicating his availability for his later trial,
- f) an adequate casework plan to enhance the likelihood that the child will be available for future court hearings,
- g) the length of time the child will remain in jail if bail funds are not provided,
- h) if the child is represented by an attorney, whether the attorney is aware of the plan to provide the funds for bail and approves of the plan.

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