

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: CODE DEPARTMENTS

PART 775
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

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AUTHORITY: Subpart A: Implementing the Illinois Constitution, Articles 5, 8 and 13, Section 1 et seq. of the State Records Act (Ill. Rev. Stat. 1981, ch. 116, pars. 43.4 et seq.), Section 1 et seq. of the Open Meetings Act (Ill. Rev. Stat. 1981, ch. 102, pars. 41 et seq.) and Section 1 et seq. of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, pars. 1001 et seq.) and authorized by "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. 1981, ch. 23, pars. 5001 et seq.), the Child Care Act of 1969 (Ill. Rev. Stat. 1981, ch. 23, pars. 2211 et seq.) and The Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1983, ch. 23 pars. 2051 et seq.); Subpart B: Implementing and authorized by "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. 1981, ch. 23, pars. 5001 et seq.) and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par 1004.1); Subpart C: Implementing and authorized by Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1004.01).

SOURCE: Public Information Rules adopted at 5 Ill. Reg. 7825, effective August 3, 1981; Rulemaking Procedure Rules adopted at 4 Ill. Reg. 29, p. 249, effective July 3, 1980; Organizational Rules adopted at 4 Ill. Reg. 29, p. 246, effective July 3, 1980; amended at 6 Ill. Reg. 14249, effective October 27, 1982; recodified at 8 Ill. Reg. 155, effective December 27, 1983; amended at 8 Ill. Reg., effective September 21, 1984.

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Section 775.10 Purpose

The public's right to know is the fundamental rationale behind opening government records and data to public access and inspection. This Subpart describes the Department's policies related to providing information to the public consistent with protecting the privacy and confidentiality rights of individuals and the ability of the Department to carry out its responsibilities.

Section 775.20 Definitions

"Adoptive Home" means a home in which the parents have legally adopted the child.

"Confidential" means certain records which are exempt from disclosure. These records are defined under Part 431 (89 Ill. Adm. Code 431), Confidentiality of Personal Information of Persons Served by the Department.

"Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

"Freedom of Information Officer" or "FOIA Officer" means that person designated by the Director of the Department of Children and Family Services to receive all requests for information made under the terms of the Freedom of Information Act.

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"Guardianship Administrator" means that person designated by the Director of the Department of Children and Family Services to serve as guardian or custodian of children accepted by the Department pursuant to the Juvenile Court Act, an "Act creating the Department of Children and Family Services," the Abused and Neglected Child Reporting Act, and an "Act in relation to the adoption of persons" (Ill. Rev. Stat. 1981, ch. 40, pars. 1501 et seq.).

Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

"Pre-Decisional Information" means records, data, items of correspondence, reports and information prepared for use before an administrative or policy decision is made which is directly relevant to that decision. Predecisional information does not include budget information or performance information gathered on a routine basis to monitor the Department's activities and expenditures.

"Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics having been prepared, or having been or being used, received, possessed or under the control of any public body.

(Source: Amended at 8 Ill. Reg., effective September 21, 1984)

Section 775.30 Inquiries to Obtain Information

- a) Initial written or oral inquiries for information from a member of the general public should be directed to the Department administrator responsible for community relations. The Department's legislative liaison will provide information to the members and staff of the Illinois General Assembly.
- b) The Department will require a written information request when it determines that:
 - 1) voluminous materials are being sought or these materials cannot be easily identified, assembled, reproduced and prepared for public disclosure; or
 - 2) materials are being sought which may be confidential or exempt under Department rules and where denial of the request or partial disclosure may be needed; or
 - 3) the request is being made specifically under the terms of the Freedom of Information Act; or
 - 4) further information to clarify the request is needed.

(Source: Amended at 8 Ill. Reg., effective September 21, 1984)

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Section 775.40 Disclosure of Information

- a) Records and Information. All records and information shall be considered public information unless specific legal or statutory authority can be cited to maintain its confidentiality or unless it falls within a category which is exempt from disclosure as defined in this Part or other applicable Department rules. Administrative inconvenience is not grounds for non-disclosure of information.
- b) Materials to be displayed. The Department shall prominently display and keep available for public inspection the following materials, at its eight regional offices and its central administrative office:
 - 1) A brief description of the Department, including services offered, mission statement, organization charts, number and location of all its offices, total of its current operating budget, approximate number of full and part-time employees, and a complete list of advisory groups and their members.
 - 2) Instructions on how interested persons may obtain information from the Freedom of Information Officer, including a schedule of fees.
 - 3) Complete sets of Department rules and procedures.
 - 4) A reasonably current list of other types of public records and informational materials which are maintained within the Department.

(Source: Amended at 8 Ill. Reg., effective September 21, 1984)

Section 775.50 Partial Disclosure of Information

Exempted or confidential information shall be separated out or deleted from records where possible so that other disclosable information can be released upon public request.

Section 775.60 Confidential Information

Confidential records are limited to:

- a) client case or clinical records of the Department, other public agencies, and those private providers used by the Department;
- b) medical records;
- c) personnel records. However, a listing of the employee identifier, sex, race, date of appointment, grade, job title, and salary of Department employees is disclosable;
- d) all investigation, evaluation and review records where there is a person named as a subject of the inquiry, except that these records shall be provided to the subject of the inquiry when required by law;
- e) lists of adoptive homes;

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- f) pre-decisional Department memoranda, correspondence, and documents;
- g) State Central Register records and records resulting from them; except when specifically disclosable as stated in the Abused and Neglected Child Reporting Act.
- h) other information specifically exempt under law or rule.

Section 775.70 Lists of Licensed Child Care Providers

- a) Lists of licensed child welfare agencies, licensed child care institutions, licensed group homes, licensed foster family homes, licensed day care agencies, licensed day care centers and licensed day care homes are disclosable. These lists shall contain the provider's name, address, and the type of child care facility.
- b) Foster family homes and day care homes shall be excluded from these lists upon their request on the license application.
- c) A written notice shall also be provided advising the requester that certain uses of these lists may constitute an invasion of the privacy rights of persons on the lists.

(Source: Amended at 8 Ill. Reg., effective September 21, 1984)

Section 775.80 Time Period for Disclosure of Information

- a) The Department shall promptly provide, to any person who submits a written request to the Freedom of Information Officer, a copy of information requested (subject to any fees; see [Section 775.110](#)) within 7 working days after receipt of the request, or deny the request as described in [Section 775.90](#). Failure to respond within the 7-day limit shall constitute denial of the request. An extension of 7 additional working days may be secured, if written notification is sent to the person requesting the information, for any of the following reasons:
 - 1) The information requested is located at one or more places other than the office having charge of the requested records;
 - 2) The amount of materials requested, or the scope of the materials, is so large that an inordinate amount of time is required to collect them;
 - 3) Because of the age of the materials requested, or for other good reason, initial efforts to locate them have not been successful;
 - 4) The materials requested need to be examined by appropriate staff to determine if they are exempt by law from disclosure in whole or in part;
 - 5) Compliance with the request within 7 working days would place an undue burden on the operations of the office receiving the request, whether due to the nature of the request or to the total volume of pending requests in the office at the time;

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- 6) Another public body or persons outside the Department have a substantial interest in the materials requested and need to be consulted before the Department can respond to the request.
- b) Written notification of the need for an additional 7 working days shall be sent to the person making the written request within the first 7 days after receipt of the request, and will include the reasons for the extension of time. Failure to respond to the request, either within the first 7-day period or the second, if notice of need for an extension of time has been duly tendered, shall constitute a denial of the request.

(Source: Amended at 8 Ill. Reg., effective September 21, 1984)

Section 775.90 Denial of Request for Information

- a) When a request for information must be denied, the FOIA Officer shall notify the person who made the request of the denial, including the reason(s) for denial, the name(s) and title(s) of any persons responsible for the decision to deny the request, and the right of appeal and the procedures by which to appeal the denial. Notification of denial shall be written and shall include any legal references used as justification and shall demonstrate that due consideration was given to the spirit of the Freedom of Information Act.
- b) *Repeated requests for the same public records by the same person shall be deemed unduly burdensome and shall be rejected.*
- c) Copies of all denials made under terms of the Freedom of Information Act shall be retained in the office of the FOIA Officer, organized both by the type of exemption claimed and, as far as possible, by the type of materials requested. The file of denied requests shall be open to inspection by the public.

(Source: Amended at 8 Ill. Reg., effective September 21, 1984)

Section 775.100 Appeal of Denial of Request

- a) Any person denied access to records and other information maintained by the Department may appeal the denial in writing to the Director of the Department. Upon receipt of the written appeal, the Director or designee shall review the material in question and determine whether access was denied justifiably under law. The person making the appeal shall be notified of such determination in writing, including reasons for the denial, within 7 working days of receipt of the written appeal.
- b) If the Director of the Department upholds the decision to deny access to the materials requested, or if the Director fails to respond to the written notice of appeal within the specified period, the person making the appeal will be considered to have exhausted his or her administrative remedies in the matter and may file suit for relief in the circuit court of Sangamon County, where the Department maintains its principal administrative offices, or in the county of residence of the person making the original request.

(Source: Amended at 8 Ill. Reg., effective September 21, 1984)

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Section 775.110 Reasonable Fees for Records

- a) The Department will charge the following fees to defray actual cost of copying materials:
- 1) Original Documents
 - A) 8½ X 11, one side 10¢ per copy
 - B) 8½ X 14, one side 10¢ per copy
 - C) 8½ X 11, two sides 20¢ per copy
 - D) 8½ X 14, two sides 20¢ per copy
 - E) oversize or undersize materials which will not fit document handler 20¢ per copy
 - F) non-print materials (audio tapes, video-tapes, film, etc.) These materials will be copied by commercial firms, since the Department has no equipment for copying them. Charges will be paid directly to the firms by persons requesting copies and will vary according to the length and type of materials copied.
 - G) special binders or dividers when required Actual cost
 - 2) Computer Printouts
 - A) standard printouts \$4.10 per hundred pages
 - B) computer labels \$4.10 per thousand
- b) When, in the judgement of the Freedom of Information Officer, supplying the materials requested is substantially in the public interest, the materials shall be furnished without charge or for a reduced fee.
- c) The Department may utilize the services of a commercial firm to copy materials requested. The person making the request shall be responsible for paying the commercial firm.

(Source: Former Section 775.110 renumbered to Section 775.120, new Section 775.110 adopted at 8 Ill. Reg., effective September 21, 1984)

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Section 775.120 Meetings

- a) Open meetings. All regular meetings of formally constituted councils, committees or other such deliberative or advisory bodies convened by the Department, except as specified in Subsection (b), and supported by public monies shall be open to attendance by the general public. Instructions will be made available on how the public may participate in open meetings.
- b) Closed meetings. Meetings to consider personnel matters or which are closed by Federal or State law are not open to the public.
- c) Official Department Representatives. The Director of the Department shall appoint official Department representatives to attend open meetings at which the Department shall or may, at the Director's discretion, be represented. Only official Department representatives may speak in behalf of the Department at such meetings where members of the public may seek information related to the Department. However, nothing in this Section shall be interpreted to prohibit the attendance or participation of any Department staff to prohibit the attendance of any Department staff at any open meeting whether or not that staff member has been designated as a Department representative. All Department employees may state their own views concerning Department policies and activities. In addition, nothing in this part shall be interpreted to prohibit a Department employee from attending any meeting covered by the Open Meetings Act.

(Source: Section 775.120 renumbered from Section 775.110 at 8 II. Reg., effective September 21, 1984)

Section 775.130 Release of Information to the Media

- a) Department news releases dealing with Department policies, investigations, audits, evaluations, or reviews shall be approved by the Director or his designee.
- b) The production of documentary television programs or films, as contrasted with short news segments, which involve Department clients or children for whom the Department is legally responsible and which portray the mission and activities of the Department may only be authorized by the Director. Parental or caretaker approval is required for children for whom the Department is not legally responsible for participation in such programs or films if the programs and films are produced, financed, or authorized by the Department.
- c) The Guardianship Administrator, or his designee, shall be consulted and written approval obtained whenever children for whom the Department is legally responsible are to be featured in any audio-visual presentation directed toward the public. This includes photographs, radio and television programs, or recordings. Before such material is published, the Guardianship Administrator, or his designee, shall sign a release form specifying the allowable use of such production or products. Such permission shall be subject to the following conditions:

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- 1) Participation on the part of the child has been voluntary;
 - 2) No photograph shall appear in any publication with faces masked to prevent identification;
 - 3) All material shall be directed toward increasing the public's understanding of conditions, needs or interests of the participating children; and
 - 4) Photographs taken for use in nationally circulated publications, including pictures for scientific, educational, or other special purposes, shall first be approved by the Director of his designee.
- d) All Department administrators shall take precautions to preserve the confidentiality of each client's relationship with the Department or its providers and to guard against exploitation or embarrassment to Department clients.

(Source: Section 775.130 renumbered from Section 775.120 at 8 Ill. Reg., effective September 21, 1984)

SUBPART B: RULEMAKING

Section 775.210 Purpose

The purpose of this Subpart is to comply with the Illinois Administrative Procedure Act requirement that each agency adopt and maintain a rule relating to the agency's rulemaking procedures.

Section 775.220 Definitions

"Administrative Procedure Act" is a law enacted by the Illinois General Assembly which makes provisions for all Illinois agencies of the executive, judicial, and legislative branches of state government to file all official rules with the Illinois Secretary of State.

"Clearinghouse" means that unit in the Department which makes sure that typewritten and printed information has received proper Department clearances before their release.

"Rule" means the written policy of the Department of Children and Family Services which has been approved by the Director of the Department and filed with the Secretary of State in accordance with the Administrative Procedure Act. Rules are policy statements which:

affect the rights of entitlements extended to the public served by the Department; or

affect the distribution of resources to children and their families served by the Department; or

affect the rights and procedures available to persons outside the Department.

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Section 775.230 Content of Rules

Department rules shall not expand the scope of any statute. They shall:

- a) be based on sound programmatic rationale; and
- b) provide services and treatment equally and without discriminatory impact; and
- c) assure procedural fairness.

Section 775.240 Preparation of Rules

All rules of the Department shall be prepared in draft and final form by the Policy and Plans Division.

Section 775.250 External Review and Dissemination

- a) The Policy and Plans Division shall be responsible for forwarding proposed rules to the Illinois Secretary of State in accordance with the Illinois Administrative Procedure Act and the Secretary of State's Rulemaking Procedures for Codified Rules (1 Ill. Adm. Code 100) for all actions required. In addition, the Policy and Plans Division shall be responsible for reviewing and incorporating any comments received during the public comment period upon approval by the Director of the Department.
- b) The Department's Clearinghouse will coordinate the external dissemination of proposed rules filed with the Secretary of State and adopted rules of the Department.

SUBPART C: ORGANIZATION

Section 775.310 Purpose

This Subpart details the organizational structure of the Department of Children and Family Services and includes an appendix of Department organizational charts.

(Source: Amended at 6 Ill. Reg. 14249, effective October 27, 1982)

Section 775.320 Central Office Organization

The Department of Children and Family Services is administered by a Director appointed by the Governor and confirmed by the Illinois Senate. The agency is divided into five primary divisions, each headed by a Deputy Director who reports directly to the Director. These divisions are Program Operations, Management and Budget, Policy and Plans, Youth and Community Services and Child Protection. Other units whose chiefs report to the Director are Internal Audits, Legal Services, the Legislative Liaison, the Office of Communications and Community Relations and the Office of Personnel and Labor Relations.

(Source: Amended at 6 Ill. Reg. 14249, effective October 27, 1982)

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Section 775.330 Field Office Organization

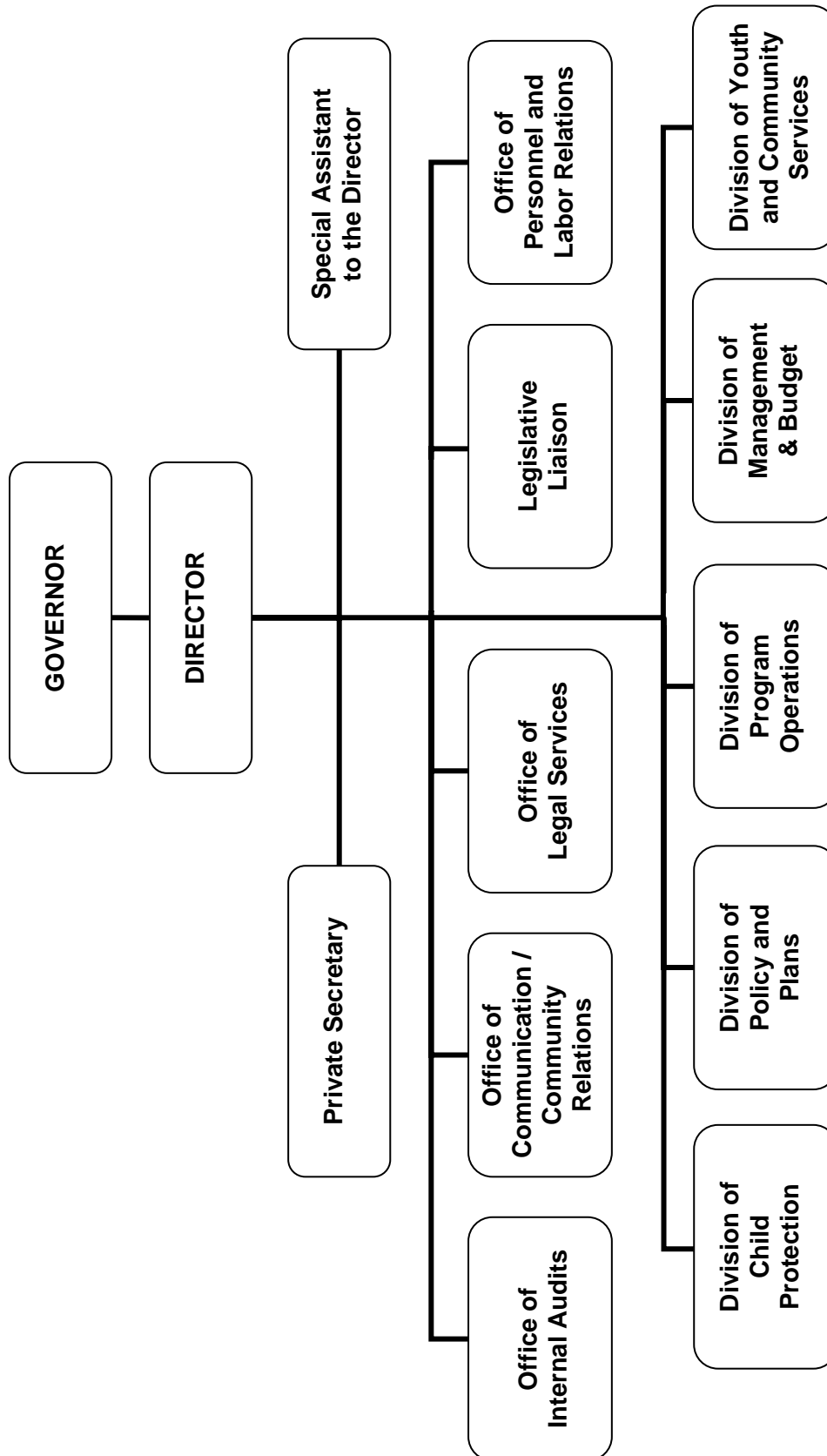
Direct client services are provided through the Division of Program Operations. The state is divided into eight regions for this purpose, with each administering a number of field offices.

(Source: Amended at 6 Ill. Reg. 14249, effective October 27, 1982)

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Section 775. APPENDIX A Organization Charts

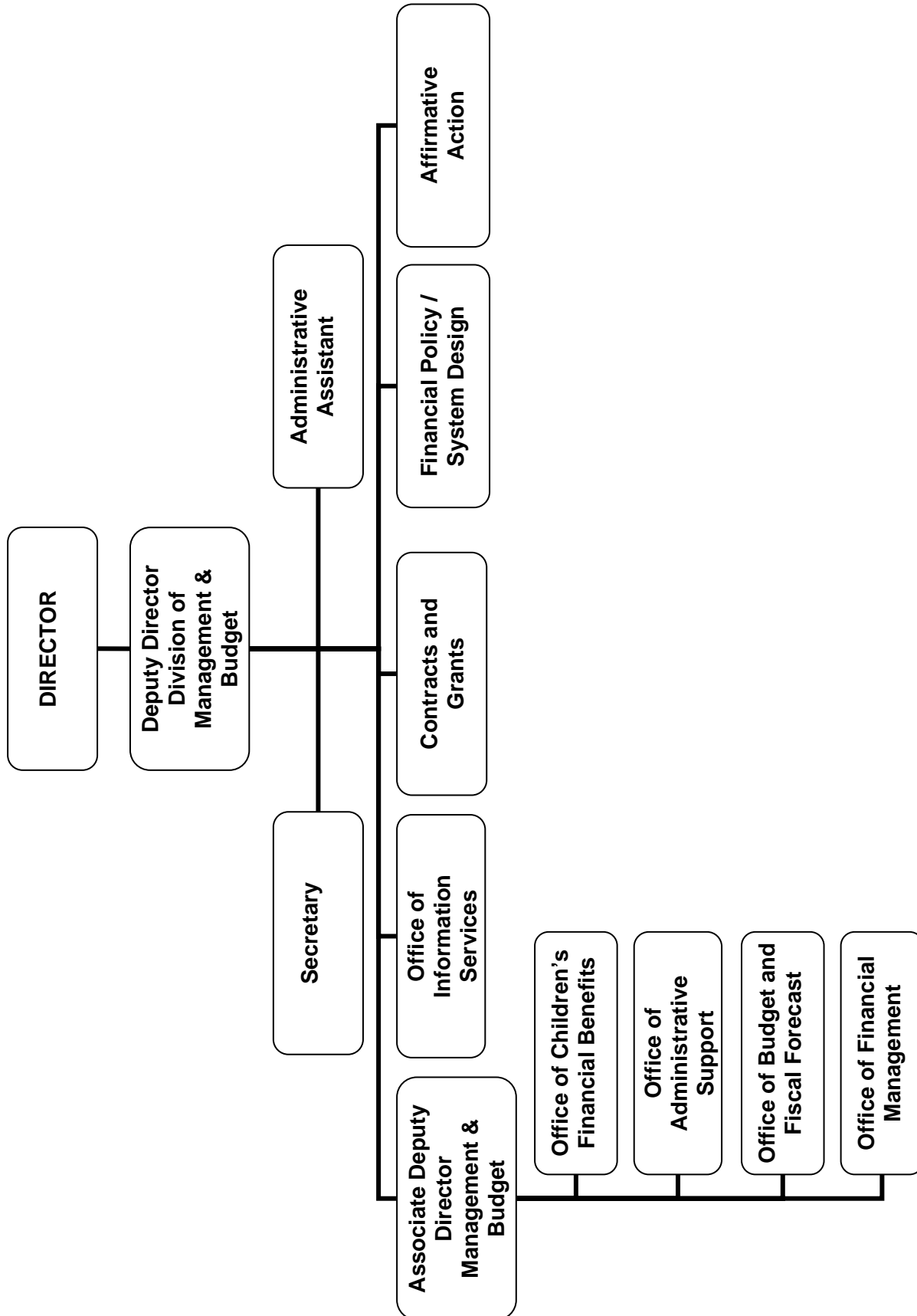
Section 775. TABLE A General Organization



(Source: Amended at 6 Ill. Reg. 14249, effective October 27, 1982)
Rules 775 - (12)

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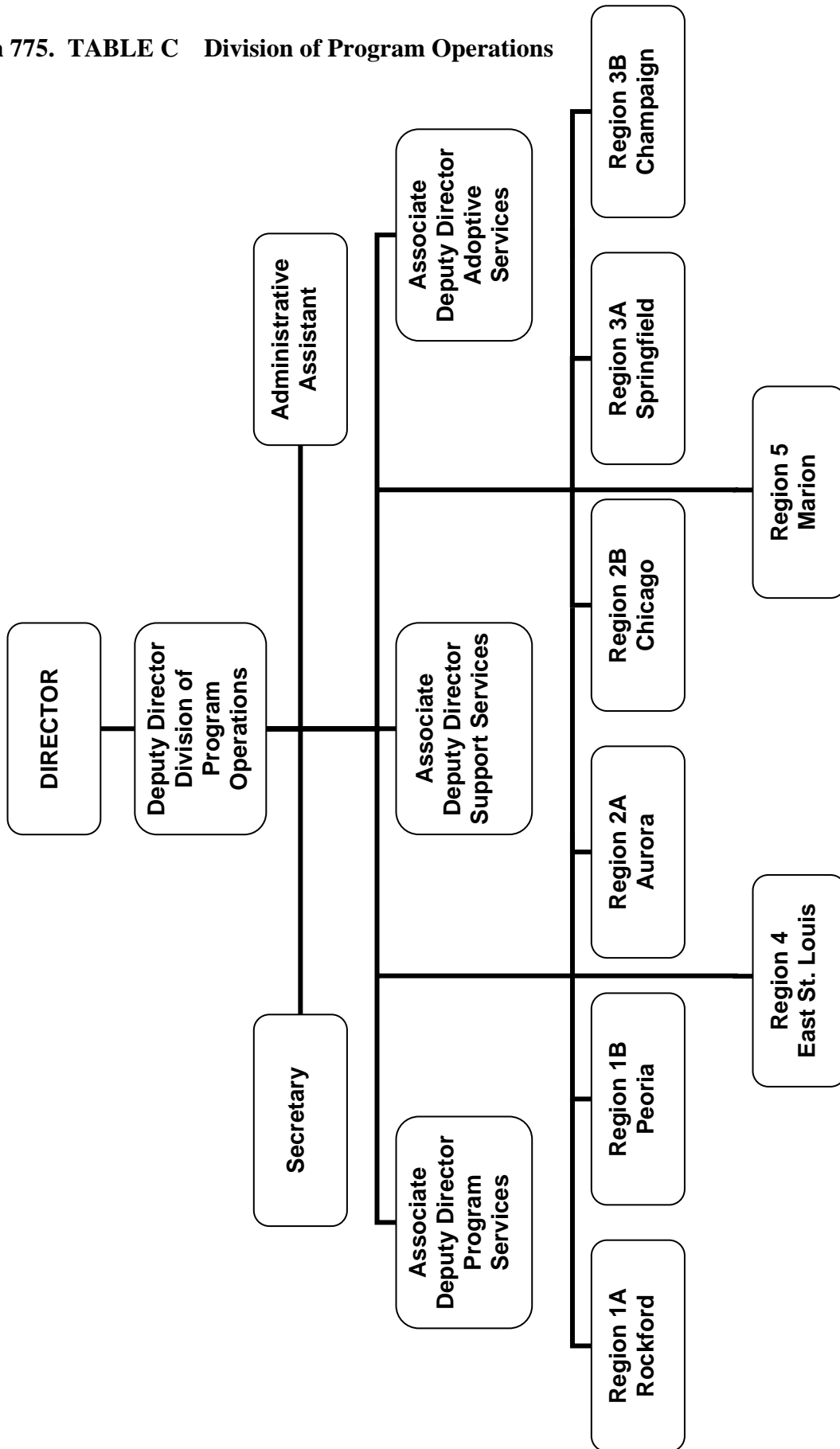
Section 775. TABLE B Division of Management and Budget



(Source: Amended at 6 Ill. Reg. 14249, effective October 27, 1982)
Rules 775 - (13)

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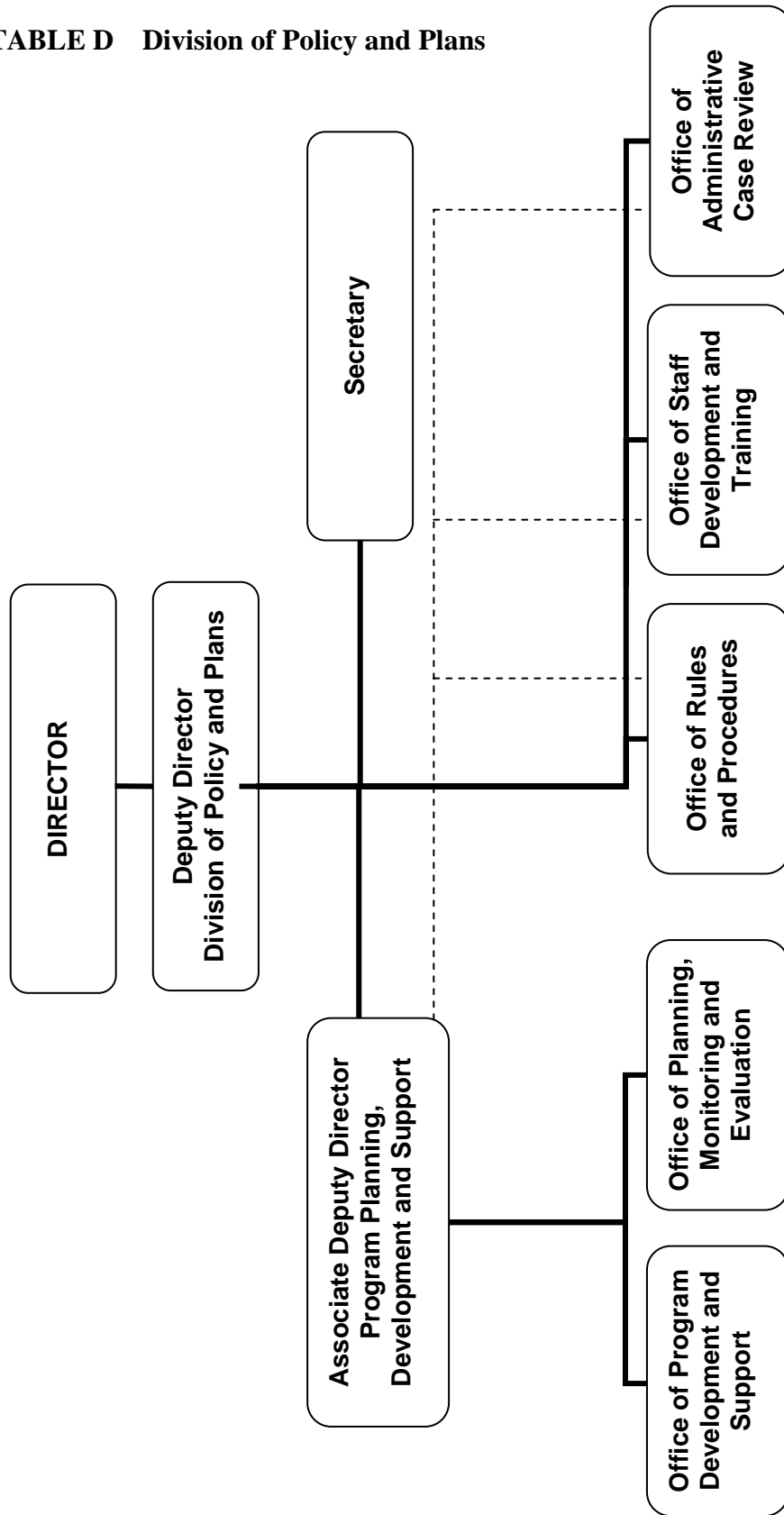
Section 775. TABLE C Division of Program Operations



(Source: Amended at 6 Ill. Reg. 14249, effective October 27, 1982)
 Rules 775 - (14)

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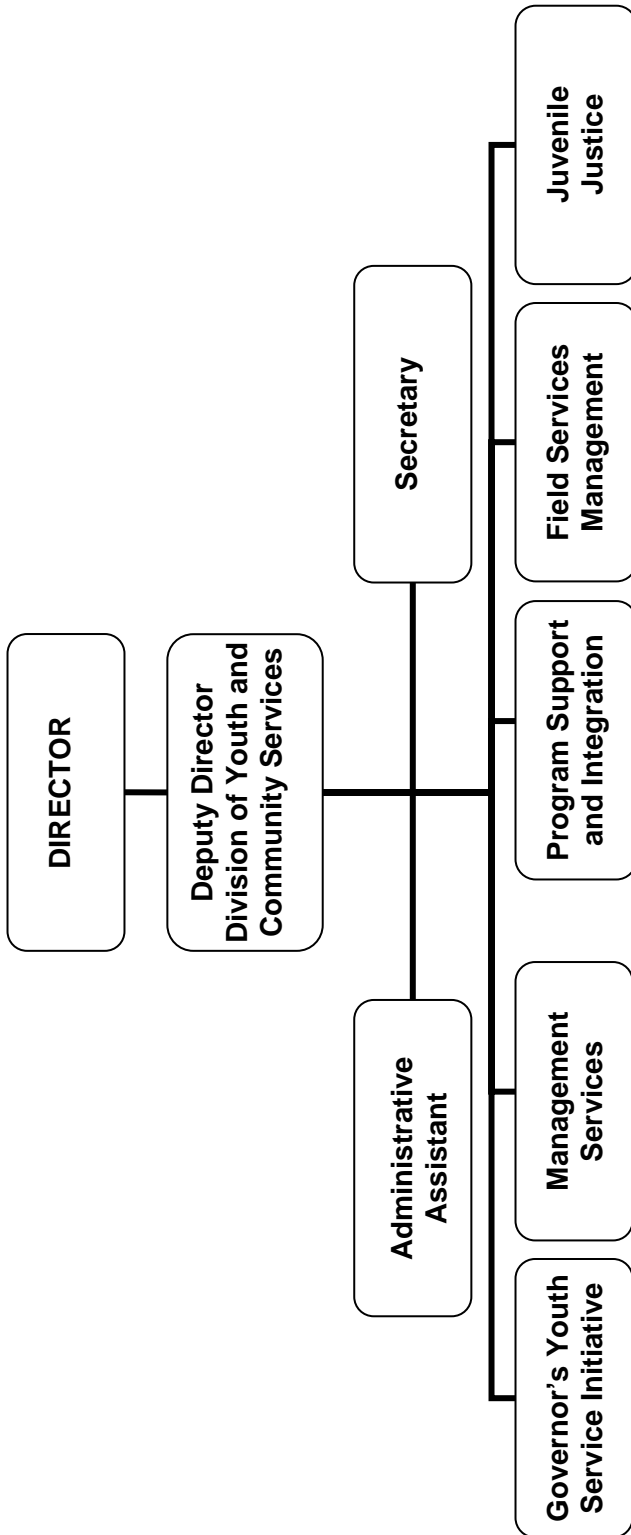
Section 775. TABLE D Division of Policy and Plans



(Source: Amended at 6 Ill. Reg. 14249, effective October 27, 1982)
Rules 775 - (15)

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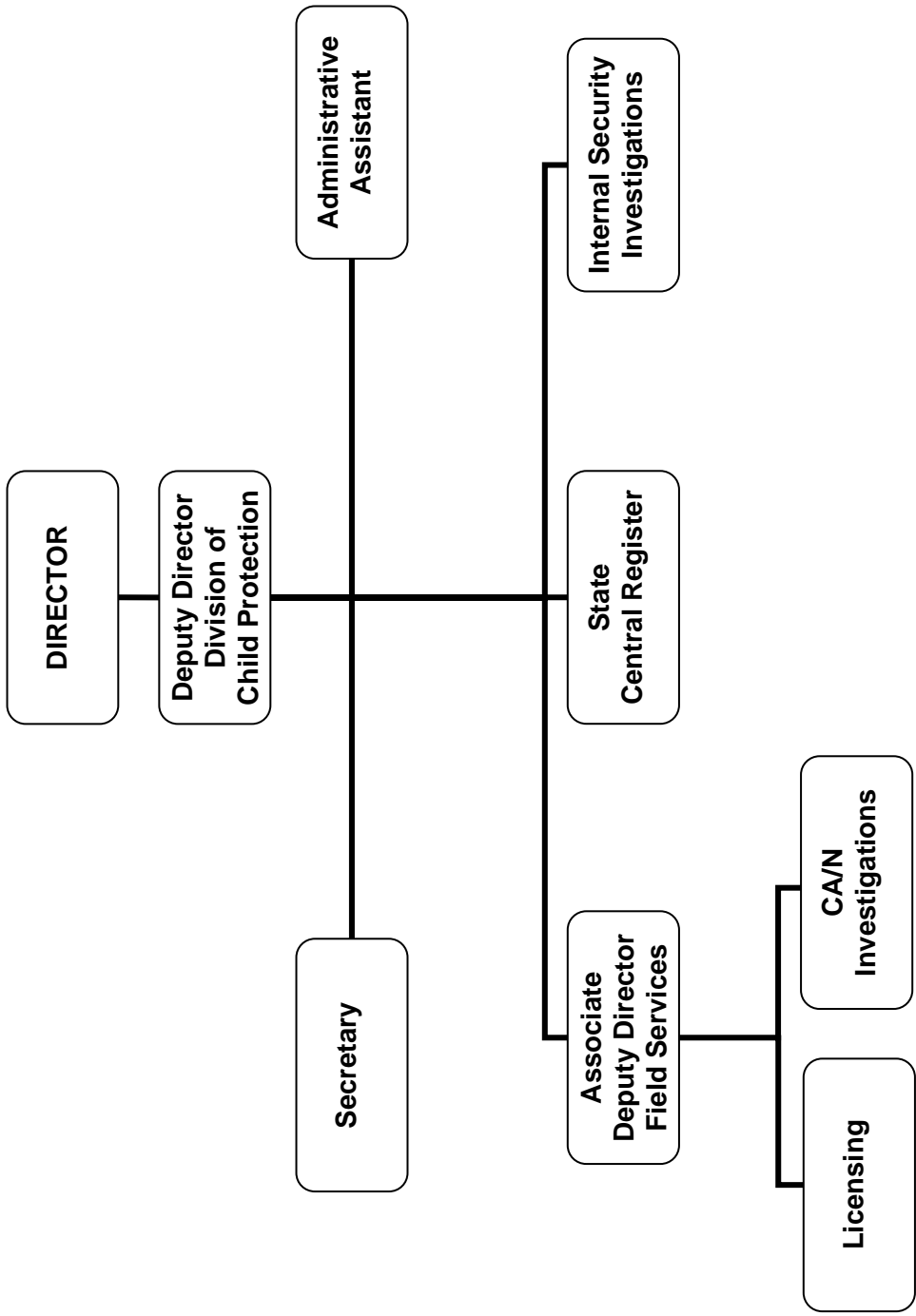
Section 775. TABLE E Division of Youth and Community Services



(Source: Amended at 6 Ill. Reg. 14249, effective October 27, 1982)
Rules 775 - (16)

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Section 775. TABLE F Division of Child Protection



(Source: Amended at 6 Ill. Reg. 14249, effective October 27, 1982)
Rules 775 - (17)

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