

20 ILCS 540/Custody Relinquishment Prevention Act

REPORT TO THE GENERAL ASSEMBLY

JANUARY 29, 2025

History

Pursuant to the Custody Relinquishment Prevention Act, outcomes and data are to be reported annually by the Illinois Department of Children and Family Services (DCFS) to the General Assembly (20 ILCS 540/20).

This law became effective January 1, 2015 and mandates DCFS submit an annual report to include the following with respect to the time period covered by the report:

- 1) The number of children and youth who were relinquished to DCFS for purposes of receiving treatment for their serious mental illness or serious emotional disturbance.

- 2) The length of treatment and the status of children and youth at the termination of services.

The purpose of this Act is to establish a pathway for families on the verge of seeking services for their child's serious mental illness or serious emotional disturbance through relinquishment of parental custody to the DCFS, despite the absence of abuse or neglect, to receive services through the appropriate State child-serving agency. The pathway shall be outlined in an interagency agreement between all the relevant State agencies.

20 ILCS 540/15 Interagency agreement.

- (a) In order to intercept and divert children and youth at risk of custody relinquishment to DCFS, within 180 days after the effective date of this Act, DCFS, the Department of Human Services, the Department of Healthcare and Family Services, the Illinois State Board of Education, the Department of Juvenile Justice, and the Department of Public Health shall enter into an interagency agreement for the purpose of preventing children and youth who are not otherwise abused or neglected from entering the custody or guardianship of DCFS solely for purposes of receiving services for a serious mental illness or serious emotional disturbance.

- (b) The intergovernmental agreement shall require the aforementioned agencies to establish an interagency clinical team to review cases of children and youth who are at risk of relinquishment who are at a hospital or other similar

treatment facility, and to connect the child or youth and his or her family with the appropriate services, treatment, and support to stabilize the child or youth's serious mental illness or serious emotional disturbance and prevent custody relinquishment to the Department of Children and Family Services.

In accordance with Public Act 102-834, DCFS, the Department of Human Services, the Department of Healthcare and Family Services, the Illinois State Board of Education, the Department of Juvenile Justice, and the Department of Public Health shall enter into a 5-year extension of the interagency agreement required by Public Act 98-808. The intergovernmental agreement was completed 12/28/23 to delineate roles, responsibilities, resources and financial obligations for the purpose of finding appropriate services, residential treatment and support for children identified by each agency for enhanced agency collaboration, to identify treatment in a residential setting and prevent children from entering the custody or guardianship of DCFS solely to receive services for a serious mental illness or serious emotional disturbance.

Such relinquishment of parental custody is commonly referred to as a “lockout” and describes when the parent or caregiver has denied the child access to the home and has refused or failed to make provisions for another living arrangement for the child where immediately prior the child was 1) at the police station, a Comprehensive Community Based Youth Services (CCBYS) provider, school or another location in the community, 2) psychiatrically hospitalized or 3) in a correctional facility such as Department of Juvenile Justice, jail, and/or local detention center. Additionally, “lockout” occurrences take place when insurance/Medicaid deems that further hospitalization for a child is going to be “beyond medical necessity,” yet parents report the hospital discharge plan recommends services that are not available (i.e. residential or other intensive in-home supports). Per rule, DCFS will investigate allegations of “lockout”.

Per the intergovernmental agreement executed on 12/28/23, the aforementioned agencies will establish criteria to identify children whose cases will be presented to the Interagency Children’s Behavioral Health Services Team (ICBHST) for prioritized review. The eligibility criteria include, but is not limited to:

- 1) The length of time the child has been clinically approved for residential services through existing funding streams but has not been admitted to an appropriate behavioral health treatment program;
- 2) The length of time the child has been in a hospital emergency department seeking inpatient treatment for psychiatric or behavioral health emergency;
- 3) The length of time the child has been in a psychiatric or acute care hospital for inpatient psychiatric treatment beyond medical necessity;
- 4) The risk of being taken into the custody of DCFS as defined by the Abused and Neglect Child Reporting Act or the Juvenile Court Act of 1987 for the sole purpose of obtaining behavioral health services or residential treatment;
- 5) Other circumstances that require enhanced interagency collaboration to find appropriate behavioral health services for the child.

Section 20. Outcomes and data for 2023

- (1) In the year 2023, 107 youth were relinquished to the Department of Children and Family Services as a result of “lockout”. Of those 107 youth, 27 youth were at residential facilities or psychiatric hospitals as their last placement, 28 youth exited care and 79 youth remain in care as of 01/16/2025. **Reference the following charts for information on the types of exits and initial living arrangements.*

Number of Youth and Type of Exit

Exit Type	Number of Youth
Adoption	2
Guardianship	3
Living With Relatives	1
Other	8
Reunification	14
Total	28

Number of Youth and Initial Living Arrangements

Initial Living Arrangements	Number of Youth
Detention	2
Foster Home Boarding	7
Home of Fictive Kin	5
Home of Parent	17
Home of Relative	15
Hospital Facility Medical	7
Hospital Facility Psychiatric	10
Hospital/Healthcare Facility	1
Other	42
Whereabouts Unknown	1
Total	107

(2) The length of treatment and the status of the remaining 79 youth at the termination of services:

Row Labels	2023	
	Count	Avg LOS in Months
Exited Care	28	9.27
College/University Scholarship	1	19.24
Foster Home Boarding	1	0.16
Home of Adoptive Parent	2	4.74
Home of Parent	14	5.21
Home of Relative	1	0.07
Independent Living Only	3	18.02
Job Training Program	1	23.26
Other	1	0.03
Qualified Residential Treatment	1	19.84
Subsidized Guardian Home	3	20.14
Remain in Care 1/16/25	79	23.37

Final Submission to the General Assembly

This is the final submission of this report to the general assembly under Public Act 98-808 pursuant to 405 ILCS 165/10(5) and Public Act 102-834 which requires an intergovernmental agreement be entered into between DCFS, the Department of Human Services, the Department of Healthcare and Family Services, the Illinois State Board of Education, the Department of Juvenile Justice, and the Department of Public Health extending the intergovernmental agreement mandated by Public Act 98-808 by 5 years and superseding 20 ILCS 540/20 which required the submission of this report. The new intergovernmental agreement was executed on December 28, 2023 and requires the ICBHST develop a quarterly analysis to be submitted to the General Assembly, the Governor's Office and the Community and Residential Services Authority. Additionally, DCFS is required to prepare and provide to the aforementioned agencies the following data for inclusion in an annual report to the General Assembly:

- 1) The number of children who were relinquished to DCFS for purposes of receiving treatment for their serious mental illness or serious emotional disturbance; and
- 2) The length of treatment and the status of children who were relinquished to DCFS at the termination of services.