Support HB5598: Prohibits the State from Seeking Custody Relinquishment of a Child when the Child Receives Services under DCFS Solely for Treatment of a Mental Illness or Developmental Disability

Chief Sponsor: Rep. Sara Feigenholtz

Why is HB5598 Necessary?

Due to recent budget cuts to children’s mental health services in recent years, too many families are unable to get services to treat their child’s serious mental illness or developmental disability. Instead, they turn to the Department of Children and Family Services (DCFS) when they are in crisis because wards of the state placed into the care of DCFS are entitled to care to treat a child’s disability. However, DCFS often requires parents to completely relinquish custody of their child in this process, despite the complete absence of abuse or neglect. This tears families apart and does irreparable damage to the child. These children are in the child welfare system solely for purposes of receiving needed treatment for their mental illness or developmental disability.

What the HB5598 Does:

1. Prohibits custody relinquishment, keeping the family intact, and allows for a child to be voluntarily placed into services through DCFS for treatment of the child’s mental illness or developmental disability.
   - Prohibits DCFS from encouraging, recommending, or requiring custody relinquishment for parents who seek residential care for their child’s mental illness or developmental disability through DCFS.
   - Allows for voluntary placement of the child into DCFS for residential care for the child’s serious mental illness or developmental disability. This allows the family to stay intact.
   - Requires Juvenile Court approval for residential care beyond 180 days to ensure the placement is in the best interests of the child. Requires court review of the placement every six months.
   - Provides that the inability of a parent to care for a child with a serious mental illness or developmental disability is not grounds for abuse or neglect.
   - Follows what many other states have done to prevent custody relinquishment under these circumstances (Alaska, Colorado, Connecticut, Indiana, Iowa, Maine, Maryland, Minnesota, North Dakota, Oregon, Rhode Island, Wisconsin and Vermont).

2. Requires an interagency agreement between multiple state agencies to connect a child on the verge of being relinquished or voluntarily placed into DCFS solely for purposes of treatment, with services under the right state agency, when there is no evidence of abuse or neglect.

3. Requires reporting of all custody relinquishments and voluntary placements for purposes of treatment of a child’s mental illness or developmental disability to the General Assembly quarterly with an explanation of why the family was unable to obtain services under a more suitable state agency.

For more information, contact Heather O’Donnell, VP, Public Policy and Advocacy, Thresholds, hodonnell@thresholds.org or 773.572.5438.
Organizations Supporting HB5598

Access Living
Ann & Robert H. Lurie Children’s Hospital of Chicago
Children’s Law Group, LLC
Community Counseling Centers of Chicago (C4)
Depression and Bipolar Support Alliance (DBSA)
EverThrive Illinois (formerly Illinois Maternal and Child Health Coalition)
Health & Medicine Policy Research Group
HRDI
Illinois Chapter, American Academy of Pediatrics
Illinois Psychiatric Society
Illinois Psychological Association
Maine Center, Inc.
Mental Health America of Illinois
NAMI Barrington
NAMI Greater Chicago
NAMI Illinois
NAMI Kane County
NAMI Lake County
Next Steps
Sacred Creations
Sargent Shriver National Center on Poverty Law
TASC (Treatment Alternatives for Safe Communities)
Thresholds
Turning Point BHCC