



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1118

by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 120/1.02

from Ch. 102, par. 41.02

5 ILCS 140/2

from Ch. 116, par. 202

Creates the Children and Family Services Citizens' Review Board Act. Creates the Children and Family Services Citizens' Review Board for the purpose of reviewing the delivery of Department services and to investigate incidents and complaints related to the Department of Children and Family Services. Sets forth procedures for the membership and operation of the Board. Sets forth the powers and duties of the Board concerning its investigations. Requires confidentiality of certain records of the Board. Requires the Board to submit an annual report to the General Assembly, Governor, and Attorney General concerning its investigations. Amends the Public Meetings Act and the Freedom of Information Act to provide that the Board is not a "public body" with respect to those Acts.

LRB095 03440 BDD 29970 b

FISCAL NOTE ACT
MAY APPLY

JUDICIAL NOTE
ACT MAY APPLY

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Children and Family Services Citizens' Review Board Act.

6 Section 5. Citizens' Review Board created. The Children and
7 Family Services Citizens' Review Board is created for the
8 purpose of reviewing the delivery of Department services and to
9 investigate incidents and complaints related to the Department
10 of Children and Family Services.

11 Section 10. Board membership; appointments; terms of
12 office.

13 (a) The Board consists of 9 members who are appointed, with
14 the advice and consent of the Senate, as follows:

15 (1) four members appointed by the Governor who are
16 private citizens who have practical working experience in
17 the field of law, sociology, psychiatry, psychology,
18 education, theology, social work, medicine, or a similar
19 field;

20 (2) three members appointed by the Governor who are
21 private citizens who have practical working experience in
22 the field of law, sociology, psychiatry, psychology,

1 education, theology, social work, medicine, or a similar
2 field;

3 (3) one member appointed by the Governor who is a
4 representative from a private statewide organization that
5 advocates the interests of children; and

6 (4) one member appointed by the Governor who is a
7 representative from a private agency that provides
8 services to foster and adoptive families.

9 (b) Of the initial members appointed, 3 are appointed to
10 terms of one year, 3 are appointed to terms of 2 years, and 3
11 are appointed to terms of 3 years. Thereafter, all members are
12 appointed for terms of 3 years. The initial members' terms of
13 office must be chosen by lot at the first meeting of the Board
14 after all members have been appointed. No member may serve more
15 than 2 consecutive terms. A member shall serve until his or her
16 successor is appointed and qualified. All vacancies must be
17 filled in the same manner as the initial appointment.

18 (c) The Board must elect a Chairperson and a
19 Vice-Chairperson from the Board's membership by a simple
20 majority vote of the total membership of the Board.

21 (d) Members shall serve without compensation, but may be
22 reimbursed for their reasonable travel expenses from funds
23 available for that purpose.

24 Section 15. Conducting business.

25 (a) The Board may begin to conduct business upon the

1 appointment of a majority of the members. The Board must meet
2 at least once each calendar quarter. The meetings shall take
3 place at locations, dates, and times determined by the
4 Chairperson after consultation with members of the Board.

5 (b) The Board may adopt bylaws, and it may establish
6 committees and officers as it deems necessary.

7 (c) For purposes of Board meetings, a quorum is 5 members.

8 Section 20. Powers and duties of the Board.

9 (a) The Board has the duty and authority to receive
10 complaints from any public or private individual or entity and
11 to conduct investigations into allegations or incidents of
12 possible misconduct, misfeasance, malfeasance, or violations
13 of rules, procedures, or laws by any employee, foster parent,
14 service provider, or contractor of the Department of Children
15 and Family Services. The Board shall make recommendations to
16 the Director of Children and Family Services concerning
17 sanctions or disciplinary actions against Department employees
18 or providers of service under contract to the Department. Any
19 investigation conducted by the Director shall be independent
20 and separate from the investigation mandated by the Abused and
21 Neglected Child Reporting Act.

22 (b) The Board has the power to subpoena witnesses and
23 compel the production of books and papers pertinent to an
24 investigation authorized by this Act. The power to subpoena or
25 to compel the production of books and papers, however, does not

1 extend to the person or documents of a labor organization or
2 its representatives insofar as the person or documents of a
3 labor organization relate to the function of representing an
4 employee subject to investigation under this Act. Any person
5 who fails to appear in response to a subpoena or to answer any
6 question or produce any books or papers pertinent to an
7 investigation under this Act, except as otherwise provided in
8 this Section, or who knowingly gives false testimony in
9 relation to an investigation under this Act is guilty of a
10 Class A misdemeanor.

11 (c) The Department of Children and Family Services must
12 cooperate with and provide to the Board any information that
13 the Board requests in the course of its duties.

14 (d) The Board shall establish a toll-free telephone number
15 and an Internet website that may be used to file complaints or
16 to obtain information about the delivery of child welfare
17 services by the Department or its agents. This telephone number
18 website must be included in all appropriate notices and
19 handbooks regarding services available through the Department
20 and all appropriate publications by the Board.

21 (e) The Board shall adopt rules for filing, processing,
22 investigating, and resolving the complaints and any other rules
23 that are necessary for the administration of this Act.

24 Section 25. Confidentiality.

25 (a) The Board must maintain confidentiality for any record

1 or other information that the Department of Children and Family
2 Services must treat as confidential under Sections 35.1 and
3 35.3 of the Children and Family Services Act.

4 (b) Meetings of the Board must be closed to the public and
5 are not subject to the Open Meetings Act, as provided in that
6 Act.

7 (c) Records and information provided to Board, and records
8 maintained by Board, are confidential and not subject to the
9 Freedom of Information Act, as provided in that Act. Nothing
10 contained in this subsection (c) prevents the sharing or
11 disclosure of records, other than those produced by a Child
12 Death Review Team or the Executive Council, relating or
13 pertaining to the death of a minor under the care of or
14 receiving services from the Department of Children and Family
15 Services and under the jurisdiction of the juvenile court with
16 the juvenile court, the State's Attorney, and the minor's
17 attorney.

18 (d) Members, employees, and agents of the Board are not
19 subject to examination, in any civil or criminal proceeding,
20 concerning information presented to them or concerning their
21 opinions formed based on that information. A person may,
22 however, be examined concerning information that is otherwise
23 available to the public.

24 (e) Records and information produced by the Board are not
25 subject to discovery or subpoena and are not admissible as
26 evidence in any civil or criminal proceeding. Those records and

1 information are, however, subject to discovery or a subpoena,
2 and are admissible as evidence, to the extent they are
3 otherwise available to the public.

4 Section 30. Annual reports.

5 (a) The Board shall provide to the General Assembly, the
6 Governor, and the Attorney General, no later than January 1 of
7 each year, a report summarizing the complaints,
8 investigations, and recommendations made under this Act for the
9 prior fiscal year. The summaries must detail:

10 (1) a summary of each complaint;

11 (2) the findings of the Board concerning each
12 complaint;

13 (3) the recommendations to the Director of Children and
14 Family Services concerning sanctions or disciplinary
15 actions against Department employees or providers of
16 service under contract to the Department; and

17 (4) the final disposition of those recommendations.

18 (b) The report may not contain any confidential or
19 identifying information concerning the subjects of the reports
20 and investigations.

21 (c) The report must also include detailed recommended
22 administrative actions and matters for consideration by the
23 General Assembly.

24 Section 90. The Open Meetings Act is amended by changing

1 Section 1.02 as follows:

2 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

3 Sec. 1.02. For the purposes of this Act:

4 "Meeting" means any gathering, whether in person or by
5 video or audio conference, telephone call, electronic means
6 (such as, without limitation, electronic mail, electronic
7 chat, and instant messaging), or other means of contemporaneous
8 interactive communication, of a majority of a quorum of the
9 members of a public body held for the purpose of discussing
10 public business.

11 "Public body" includes all legislative, executive,
12 administrative or advisory bodies of the State, counties,
13 townships, cities, villages, incorporated towns, school
14 districts and all other municipal corporations, boards,
15 bureaus, committees or commissions of this State, and any
16 subsidiary bodies of any of the foregoing including but not
17 limited to committees and subcommittees which are supported in
18 whole or in part by tax revenue, or which expend tax revenue,
19 except the General Assembly and committees or commissions
20 thereof. "Public body" includes tourism boards and convention
21 or civic center boards located in counties that are contiguous
22 to the Mississippi River with populations of more than 250,000
23 but less than 300,000. "Public body" includes the Health
24 Facilities Planning Board. "Public body" does not include a
25 child death review team or the Illinois Child Death Review

1 Teams Executive Council established under the Child Death
2 Review Team Act, the Children and Family Services Citizens'
3 Review Board, or an ethics commission acting under the State
4 Officials and Employees Ethics Act.

5 (Source: P.A. 93-617, eff. 12-9-03; 94-1058, eff. 1-1-07.)

6 Section 95. The Freedom of Information Act is amended by
7 changing Section 2 as follows:

8 (5 ILCS 140/2) (from Ch. 116, par. 202)

9 Sec. 2. Definitions. As used in this Act:

10 (a) "Public body" means any legislative, executive,
11 administrative, or advisory bodies of the State, state
12 universities and colleges, counties, townships, cities,
13 villages, incorporated towns, school districts and all other
14 municipal corporations, boards, bureaus, committees, or
15 commissions of this State, any subsidiary bodies of any of the
16 foregoing including but not limited to committees and
17 subcommittees which are supported in whole or in part by tax
18 revenue, or which expend tax revenue, and a School Finance
19 Authority created under Article 1E of the School Code. "Public
20 body" does not include a child death review team or the
21 Illinois Child Death Review Teams Executive Council
22 established under the Child Death Review Team Act or the
23 Children and Family Services Citizens' Review Board.

24 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting
2 individually or as a group.

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, recorded information and all other
7 documentary materials, regardless of physical form or
8 characteristics, having been prepared, or having been or being
9 used, received, possessed or under the control of any public
10 body. "Public records" includes, but is expressly not limited
11 to: (i) administrative manuals, procedural rules, and
12 instructions to staff, unless exempted by Section 7(p) of this
13 Act; (ii) final opinions and orders made in the adjudication of
14 cases, except an educational institution's adjudication of
15 student or employee grievance or disciplinary cases; (iii)
16 substantive rules; (iv) statements and interpretations of
17 policy which have been adopted by a public body; (v) final
18 planning policies, recommendations, and decisions; (vi)
19 factual reports, inspection reports, and studies whether
20 prepared by or for the public body; (vii) all information in
21 any account, voucher, or contract dealing with the receipt or
22 expenditure of public or other funds of public bodies; (viii)
23 the names, salaries, titles, and dates of employment of all
24 employees and officers of public bodies; (ix) materials
25 containing opinions concerning the rights of the state, the
26 public, a subdivision of state or a local government, or of any

1 private persons; (x) the name of every official and the final
2 records of voting in all proceedings of public bodies; (xi)
3 applications for any contract, permit, grant, or agreement
4 except as exempted from disclosure by subsection (g) of Section
5 7 of this Act; (xii) each report, document, study, or
6 publication prepared by independent consultants or other
7 independent contractors for the public body; (xiii) all other
8 information required by law to be made available for public
9 inspection or copying; (xiv) information relating to any grant
10 or contract made by or between a public body and another public
11 body or private organization; (xv) waiver documents filed with
12 the State Superintendent of Education or the president of the
13 University of Illinois under Section 30-12.5 of the School
14 Code, concerning nominees for General Assembly scholarships
15 under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi)
16 complaints, results of complaints, and Department of Children
17 and Family Services staff findings of licensing violations at
18 day care facilities, provided that personal and identifying
19 information is not released; and (xvii) records, reports,
20 forms, writings, letters, memoranda, books, papers, and other
21 documentary information, regardless of physical form or
22 characteristics, having been prepared, or having been or being
23 used, received, possessed, or under the control of the Illinois
24 Sports Facilities Authority dealing with the receipt or
25 expenditure of public funds or other funds of the Authority in
26 connection with the reconstruction, renovation, remodeling,

1 extension, or improvement of all or substantially all of an
2 existing "facility" as that term is defined in the Illinois
3 Sports Facilities Authority Act.

4 (d) "Copying" means the reproduction of any public record
5 by means of any photographic, electronic, mechanical or other
6 process, device or means.

7 (e) "Head of the public body" means the president, mayor,
8 chairman, presiding officer, director, superintendent,
9 manager, supervisor or individual otherwise holding primary
10 executive and administrative authority for the public body, or
11 such person's duly authorized designee.

12 (f) "News media" means a newspaper or other periodical
13 issued at regular intervals whether in print or electronic
14 format, a news service whether in print or electronic format, a
15 radio station, a television station, a television network, a
16 community antenna television service, or a person or
17 corporation engaged in making news reels or other motion
18 picture news for public showing.

19 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
20 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
21 7-11-02.)