



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4817

Introduced 2/18/2020, by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

New Act

Creates the Department of Children and Family Services Independent Ombudsman Act. Provides that the Department of Children and Family Services Ombudsman Bureau is established as a separate bureau within the Department of Children and Family Services. Requires the Governor to appoint a Director of the Bureau within 30 days after the effective date of the Act. Permits the Director to employ technical experts and other employees to carry out the purposes of the Act. Prohibits the Director from hiring a person to serve as an Ombudsman who has been employed by the Department during the preceding year. Sets forth the powers of the Ombudsman, including receiving, investigating, and attempting to resolve complaints that the Department: (i) violated a specific law, rule, or Department written policy; or (ii) endangered the health or safety of any person. Requires the Ombudsman to notify the complainant of final findings and of the Ombudsman's decision and reasons for not investigating the complaint. Contains provisions concerning monthly summary reports of substantiated complaints; the Ombudsman's access to records and facilities administered by the Department; the Ombudsman's duties; the Department's rulemaking authority; and reporting requirements.

LRB101 17774 KTG 67202 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

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 Department of Children and Family Services Independent
6 Ombudsman Act.

7 Section 5. Definitions. As used in this Act:

8 "Bureau" means the Department of Children and Family
9 Services Ombudsman Bureau including persons approved to act in
10 the capacity of Ombudsman by the Bureau.

11 "Department" means the Department of Children and Family
12 Services.

13 "Ombudsman" means an employee of the Bureau who
14 investigates and resolves complaints that the Department
15 endangered the health and safety of any person or that the
16 Department violated specific laws, rules, or written policies.

17 Section 10. Department of Children and Family Services
18 Ombudsman Bureau. The Department of Children and Family
19 Services Ombudsman Bureau is established as a separate bureau
20 within the Department.

21 Section 15. Director of the Bureau; employees.

1 (a) The Governor shall appoint a Director of the Bureau
2 within 30 days after the effective date of this Act, subject to
3 the approval of at least 3 of the 4 legislative leaders. The
4 Governor shall appoint a successor Director within 30 days
5 after a vacancy occurs in the position of the Director, subject
6 to the approval of at least 3 of the 4 legislative leaders.

7 (b) The Director of the Bureau may employ technical experts
8 and other employees to carry out the purposes of this Act. The
9 Director of the Bureau may not hire a person to serve as an
10 Ombudsman who was employed by the Department during the
11 preceding year.

12 (c) The Department shall provide and maintain office space
13 for the Bureau.

14 Section 20. Powers of Ombudsman.

15 (a) The Ombudsman may receive, investigate, and attempt to
16 resolve complaints that the Department:

17 (1) violated a specific law, rule, or Department
18 written policy; or

19 (2) endangered the health or safety of any person.

20 The Ombudsman shall not investigate a complaint from an
21 employee of the Department that relates to the employee's
22 employment relationship with the Department.

23 (b) At the conclusion of an investigation of a complaint,
24 the Ombudsman shall report his or her findings to the
25 complainant.

1 (c) If the Ombudsman does not investigate a complaint, the
2 Ombudsman shall notify the complainant of the decision not to
3 investigate and the reasons for the decision.

4 (d) The Ombudsman shall create a monthly report that
5 includes a summary of the findings of all substantiated
6 complaints.

7 (e) The Ombudsman may conduct investigations of alleged
8 violations of Department policy, State or federal laws, and
9 Department rules at any Department facility.

10 (f) The Ombudsman may recommend changes to the Director of
11 the Department concerning Department policies or practices
12 based upon information learned or observations made by the
13 Ombudsman during the course of an investigation.

14 (g) If the Ombudsman discovers evidence that the Ombudsman
15 reasonably believes constitutes the commission of a crime and
16 if the Ombudsman considers it appropriate, the Ombudsman shall
17 immediately inform the Director of the Department, who shall
18 conduct an investigation. If, after conducting the
19 investigation, the Director of the Department has reasonable
20 suspicion to believe that a crime has been committed, the
21 Director of the Department shall immediately report the crime
22 to an appropriate law enforcement agency

23 Section 25. Access to records and facilities.

24 (a) An Ombudsman shall be given:

25 (1) appropriate access to the records of an offender

1 who files a complaint under this Act; and

2 (2) immediate access to any facility administered or
3 supervised by the Department.

4 (b) A State or local government agency or entity that has
5 records that are relevant to a complaint or an investigation
6 conducted by the Ombudsman shall provide the Ombudsman with
7 access to the records.

8 (c) A person is immune from:

9 (1) civil or criminal liability; and

10 (2) actions taken under a professional disciplinary
11 procedure dealing with an employee of the Department.

12 Section 30. Duties of Ombudsman.

13 (a) The Ombudsman shall:

14 (1) establish procedures to receive and investigate
15 complaints;

16 (2) establish access controls for all information
17 maintained by the Bureau; and

18 (3) except as is necessary to investigate and resolve a
19 complaint, ensure that the identity of a complainant will
20 not be disclosed without:

21 (A) the complainant's written consent; or

22 (B) a court order.

23 (b) The correspondence and communication between the
24 Ombudsman and any person is a privileged communication.

1 Section 35. Rulemaking, liability.

2 (a) The Bureau may adopt rules to carry out its duties
3 under this Act.

4 (b) The Ombudsman is not civilly liable for the good faith
5 performance of official duties.

6 Section 40. Reporting. The Director of the Bureau shall
7 prepare a report each year on the operations of the Bureau. A
8 copy of the report shall be provided to the Governor, the
9 General Assembly, and the Director of the Department.