

# SB3130



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3130

Introduced 2/6/2020, by Sen. Sara Feigenholtz

### SYNOPSIS AS INTRODUCED:

20 ILCS 505/35.5

Amends the Children and Family Services Act. Makes a technical change in a Section concerning the Inspector General.

LRB101 20169 KTG 69708 b

A BILL FOR

1 AN ACT concerning Department of Children and Family  
2 Services Inspector General.

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

5 Section 5. The Children and Family Services Act is amended  
6 by changing Section 35.5 as follows:

7 (20 ILCS 505/35.5)

8 Sec. 35.5. Inspector General.

9 (a) The ~~The~~ Governor shall appoint, and the Senate shall  
10 confirm, an Inspector General who shall have the authority to  
11 conduct investigations into allegations of 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, except for allegations of violations of  
16 the State Officials and Employees Ethics Act which shall be  
17 referred to the Office of the Governor's Executive Inspector  
18 General for investigation. The Inspector General shall make  
19 recommendations to the Director of Children and Family Services  
20 concerning sanctions or disciplinary actions against  
21 Department employees or providers of service under contract to  
22 the Department. The Director of Children and Family Services  
23 shall provide the Inspector General with an implementation

1 report on the status of any corrective actions taken on  
2 recommendations under review and shall continue sending  
3 updated reports until the corrective action is completed. The  
4 Director shall provide a written response to the Inspector  
5 General indicating the status of any sanctions or disciplinary  
6 actions against employees or providers of service involving any  
7 investigation subject to review. In any case, information  
8 included in the reports to the Inspector General and Department  
9 responses shall be subject to the public disclosure  
10 requirements of the Abused and Neglected Child Reporting Act.  
11 Any investigation conducted by the Inspector General shall be  
12 independent and separate from the investigation mandated by the  
13 Abused and Neglected Child Reporting Act. The Inspector General  
14 shall be appointed for a term of 4 years. The Inspector General  
15 shall function independently within the Department of Children  
16 and Family Services with respect to the operations of the  
17 Office of Inspector General, including the performance of  
18 investigations and issuance of findings and recommendations,  
19 and shall report to the Director of Children and Family  
20 Services and the Governor and perform other duties the Director  
21 may designate. The Inspector General shall adopt rules as  
22 necessary to carry out the functions, purposes, and duties of  
23 the office of Inspector General in the Department of Children  
24 and Family Services, in accordance with the Illinois  
25 Administrative Procedure Act and any other applicable law.

26 (b) The Inspector General shall have access to all

1 information and personnel necessary to perform the duties of  
2 the office. To minimize duplication of efforts, and to assure  
3 consistency and conformance with the requirements and  
4 procedures established in the B.H. v. Suter consent decree and  
5 to share resources when appropriate, the Inspector General  
6 shall coordinate his or her activities with the Bureau of  
7 Quality Assurance within the Department.

8 (c) The Inspector General shall be the primary liaison  
9 between the Department and the Department of State Police with  
10 regard to investigations conducted under the Inspector  
11 General's auspices. If the Inspector General determines that a  
12 possible criminal act has been committed, or that special  
13 expertise is required in the investigation, he or she shall  
14 immediately notify the Department of State Police. All  
15 investigations conducted by the Inspector General shall be  
16 conducted in a manner designed to ensure the preservation of  
17 evidence for possible use in a criminal prosecution.

18 (d) The Inspector General may recommend to the Department  
19 of Children and Family Services, the Department of Public  
20 Health, or any other appropriate agency, sanctions to be  
21 imposed against service providers under the jurisdiction of or  
22 under contract with the Department for the protection of  
23 children in the custody or under the guardianship of the  
24 Department who received services from those providers. The  
25 Inspector General may seek the assistance of the Attorney  
26 General or any of the several State's Attorneys in imposing

1 sanctions.

2 (e) The Inspector General shall at all times be granted  
3 access to any foster home, facility, or program operated for or  
4 licensed or funded by the Department.

5 (f) Nothing in this Section shall limit investigations by  
6 the Department of Children and Family Services that may  
7 otherwise be required by law or that may be necessary in that  
8 Department's capacity as the central administrative authority  
9 for child welfare.

10 (g) The Inspector General shall have the power to subpoena  
11 witnesses and compel the production of books and papers  
12 pertinent to an investigation authorized by this Act. The power  
13 to subpoena or to compel the production of books and papers,  
14 however, shall not extend to the person or documents of a labor  
15 organization or its representatives insofar as the person or  
16 documents of a labor organization relate to the function of  
17 representing an employee subject to investigation under this  
18 Act. Any person who fails to appear in response to a subpoena  
19 or to answer any question or produce any books or papers  
20 pertinent to an investigation under this Act, except as  
21 otherwise provided in this Section, or who knowingly gives  
22 false testimony in relation to an investigation under this Act  
23 is guilty of a Class A misdemeanor.

24 (h) The Inspector General shall provide to the General  
25 Assembly and the Governor, no later than January 1 of each  
26 year, a summary of reports and investigations made under this

1 Section for the prior fiscal year. The summaries shall detail  
2 the imposition of sanctions and the final disposition of those  
3 recommendations. The summaries shall not contain any  
4 confidential or identifying information concerning the  
5 subjects of the reports and investigations. The summaries also  
6 shall include detailed recommended administrative actions and  
7 matters for consideration by the General Assembly.

8 (Source: P.A. 95-527, eff. 6-1-08; 96-555, eff. 8-18-09.)