



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0634

Introduced 2/8/2021, by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

See Index

Creates the McHenry County Children and Family Services Agency Division in the Counties Code (which may be referred to as AJ's Law). Establishes a county children and family services agency in McHenry County for a 5-year period to replace the operations of the Department of Children and Family Services within that county. Provides that the McHenry County children and family services agency shall have all powers and duties of the Department under the Children and Family Services Act and the Abused and Neglected Child Reporting Act. Provides for the appointment of an executive director and employment of employees. Provides for requirements for operation of the county children and family services agency, including unit-based multidisciplinary teams. Provides for State funding of the agency after submission of a budget to the Department each year. Provides for transfer of power and duties back to the Department should the county children and family services agency cease operations after the initial 5-year period. Effective immediately.

LRB102 10856 AWJ 16186 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Division
5 5-45 as follows:

6 (55 ILCS 5/Div. 5-45 heading new)

7 Division 5-45. McHenry County Children
8 and Family Services Agency

9 (55 ILCS 5/5-45001 new)

10 Sec. 5-45001. Reference to Division. This Division may be
11 referred to as AJ's Law.

12 (55 ILCS 5/5-45005 new)

13 Sec. 5-45005. Definitions. As used in this Division:

14 "Agency" means the McHenry County children and family
15 services agency.

16 "County" means McHenry County.

17 "County board" means the McHenry County Board.

18 "Department" means the Department of Children and Family
19 Services.

20 (55 ILCS 5/5-45010 new)

1 Sec. 5-45010. McHenry County children and family services
2 agency; Department transfer of duties.

3 (a) The McHenry County children and family services agency
4 is established. The agency shall begin operating no earlier
5 than 90 days after the effective date of this amendatory Act of
6 the 102nd General Assembly. Once operations begin, the agency
7 shall be a full-time agency of the county whose personnel,
8 other than consultants, clinicians, or part-time clerical
9 staff, shall devote full time during business hours to agency
10 duties.

11 The county shall give the Department at least 45 days'
12 notice as to the date the agency will begin operations. The
13 agency will operate for at least 5 full years after the date
14 the agency began its operations.

15 (b) On the date the county indicated to the Department
16 that it would begin its agency operations in the notice
17 provided to the Department under subsection (a), the
18 Department's powers and duties under the Children and Family
19 Services Act and the Abused and Neglected Child Reporting Act
20 are assumed by the agency. Duties under these Acts include,
21 but are not limited to, maintaining and managing: current
22 services offered under the Acts; a crisis line or hotline; and
23 the files transferred from the Department and created by the
24 agency. The agency may modify their duties under the Acts if
25 those changes are in the best interests of the children and
26 families in the county and by reporting such changes to the

1 Department no earlier than 30 days before any such change.

2 (c) Once powers and duties are assumed by the agency under
3 this Section, the agency shall perform its work in accordance
4 with Department criteria, including any needed revised
5 criteria based upon changes to the agency's duties reported to
6 the Department under subsection (b).

7 (55 ILCS 5/5-45015 new)

8 Sec. 5-45015. Agency duties; investigatory functions. The
9 agency shall protect the health, safety, and best interests of
10 children in all situations in which children are vulnerable to
11 child abuse or neglect, offer protective services in order to
12 prevent any further harm to the child and to other children in
13 the same environment or family, stabilize the home
14 environment, and preserve family life whenever possible.

15 The agency shall employ policies and procedures to protect
16 children from being abused and neglected as provided for in
17 the Abused and Neglected Child Reporting Act, including, but
18 not limited to, being responsible for receiving and
19 investigating reports of adult resident abuse or neglect. In
20 performing any of these duties, the agency may utilize
21 protective services of voluntary agencies as are available.

22 (55 ILCS 5/5-45020 new)

23 Sec. 5-45020. Executive director; appointment. The county
24 board chairperson shall appoint an executive director of the

1 agency, with the advice and consent of the county board. The
2 executive director shall possess such qualifications as
3 prescribed by the county board. The executive director of the
4 agency may appoint such professional employees who meet the
5 qualification requirements of the agency as allowed by the
6 funds available to the agency.

7 (55 ILCS 5/5-45025 new)

8 Sec. 5-45025. Employees; facilities.

9 (a) All investigators and employees of the agency shall be
10 employees of the county with the same qualifications and
11 accreditation as required under the statutes, rules,
12 procedures, and standards governing investigators and
13 employees the Department. Current employees or contractors of
14 the Department may be employed or contracted by the agency as
15 deemed appropriate by the executive director, including those
16 employees and investigators employed by the State within the
17 facilities of the Department within the county. Agency
18 employees shall be enrolled in such benefits and pension
19 programs as deemed appropriate by the executive director that
20 would be commensurate with county employees within other
21 county agencies and departments. County employees of the
22 agency shall be eligible for the same training eligible to for
23 similar roles as State employees or contractors of the
24 Department.

25 (b) The agency may lease or purchase facilities to operate

1 the agency and to house its employees and contractors,
2 including leasing or purchasing facilities from the
3 Department.

4 (55 ILCS 5/5-45030 new)

5 Sec. 5-45030. Operations. The agency will be operated as
6 recommended in the February 2016 report, "The Urgent Need in
7 Illinois for Unit-Based Multidisciplinary Teams to Investigate
8 Child Abuse", published by the Illinois Children's Justice
9 Task Force.

10 The agency may contract with the State, units of local
11 government, providers, contractors, and servicers in order to
12 provide its services with the highest standards as determined
13 by the executive director and the agency, including contracts
14 with pediatric child abuse physicians and neglect centers of
15 excellence.

16 (55 ILCS 5/5-45035 new)

17 Sec. 5-45035. Agency funding; continuing appropriation.

18 (a) No later than 45 days after the effective date of this
19 amendatory Act of the 102nd General assembly and each year
20 thereafter no later than 45 days before the anniversary of the
21 date the agency began operations, the executive director shall
22 prepare a budget and file the proposed budget with the
23 Director of the Department. Each budget shall be no less than
24 the total amount of all appropriations that were used by the

1 Department in the county in the fiscal year immediately
2 preceding the date the agency began its operations.

3 On the date the agency begins its operations under
4 subsection (a) of Section 5-45010, the Department shall make
5 grants to the county for use by the agency in amounts equal to
6 the moneys the Department was appropriated or otherwise
7 received that the Department would have used for the remainder
8 of the current fiscal year in the county. The grants,
9 including those amounts appropriated and transferred to the
10 Department under subsection (b), shall be distributed to the
11 county no later than 14 days after the Department receives the
12 applicable moneys and shall continue indefinitely unless the
13 agency ceases operations under Section 5-45045. For moneys in
14 possession of the Department designated for use in the county
15 on the date the agency begins its operations, those moneys
16 shall be distributed to the county no later than 14 days after
17 the agency began its operations.

18 (b) For the 5 State fiscal years immediately following the
19 date the agency begins its operations under subsection (a) of
20 Section 5-45010:

21 (1) The Governor shall submit to the General Assembly
22 a proposed budget for the Department for use by the county
23 in which total General Revenue Fund appropriations are no
24 less than the total amount of all appropriations that were
25 used by the Department in the county in the fiscal year
26 immediately preceding the date the agency began its

1 operations. In addition, the Governor shall specify the
2 total amount of funds to be transferred from all Funds to
3 the Department for use by the county during the budget
4 year, which shall be no less than the total amount of all
5 appropriations that were used by the Department in the
6 county in the fiscal year immediately preceding the date
7 the agency began its operations. The Governor may submit a
8 proposed budget in which the total appropriated and
9 transferred amounts the Department for use by the county
10 are less than the total amount of all appropriations that
11 were used by the Department in the county in the fiscal
12 year immediately preceding the date the agency began its
13 operations if the Governor declares in writing to the
14 General Assembly the reason for the lesser amounts.

15 (2) The General Assembly shall appropriate amounts for
16 the Department for use by the county for each fiscal year
17 so that the total appropriation from all Funds is no less
18 than the total amount of appropriations that were used by
19 the Department in the county in the fiscal year
20 immediately preceding the date the agency began its
21 operations. In addition, the General Assembly shall
22 legislatively transfer to the Department for use by the
23 county for the fiscal year a total amount that is no less
24 than the total amount of all appropriations that were used
25 by the Department in the county in the fiscal year
26 immediately preceding the date the agency began its

1 operations. The General Assembly may appropriate or
2 transfer lesser amounts if it declares by Joint Resolution
3 the reason for the lesser amounts.

4 (55 ILCS 5/5-45040 new)

5 Sec. 5-45040. Reporting; accountability.

6 (a) The agency shall issue annual reports to the
7 Department, the Governor, and the General Assembly no later
8 than 30 days after each anniversary of the date the agency
9 began its operations. The report shall detail the agency's
10 performance according to standard performance metrics,
11 including, but not limited to: time of response to hotline
12 reports; time of communication of hotline reports among
13 various county stakeholders, including law enforcement; number
14 and quality of indicated reports as measured against the
15 Department's last baseline established in the county before
16 the date the agency began its operations; caseload management
17 by investigators as measured against the Department's last
18 baseline established in the county before the date the agency
19 began its operations; and other metrics as may be recommended
20 by the executive director of the agency, the Director of the
21 Department, or the Office of the Inspector General of the
22 Department.

23 (b) The Office of the Inspector General of the Department
24 has the authority to investigate any agency matter that would
25 otherwise fall within the Inspector General's authority if

1 those matters involved the Department.

2 (55 ILCS 5/5-45045 new)

3 Sec. 5-45045. Agency ceasing operations.

4 (a) No earlier than 5 years after the agency began
5 operations, the county may cease operations under this
6 Section. Before ceasing operations, the county shall give the
7 Department no less than 90 days' notice of the date the agency
8 will cease operations. On the date agency ceases operations,
9 the Department will resume its powers and duties under the
10 Children and Family Services Act and the Abused and Neglected
11 Child Reporting Act and cease all grants to the county under
12 this Division.

13 For moneys in possession of the agency from grants from
14 the Department on the date the agency ceases operations, those
15 moneys shall be distributed to the Department no later than 14
16 days after the agency ceases its operations.

17 (b) The agency shall cease operations on the date of
18 repeal of this Division under Section 5-45050 if the General
19 Assembly has not repealed that Section. On that date, the
20 Department shall resume its powers and duties and the agency
21 shall distribute moneys as provided in subsection (a).

22 (55 ILCS 5/5-45050 new)

23 Sec. 5-45050. Repeal. This Act is repealed 6 years after
24 the effective date of this amendatory Act of the 102nd General

1 Assembly.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 55 ILCS 5/Div. 5-45

4 heading new

5 55 ILCS 5/5-45001 new

6 55 ILCS 5/5-45005 new

7 55 ILCS 5/5-45010 new

8 55 ILCS 5/5-45015 new

9 55 ILCS 5/5-45020 new

10 55 ILCS 5/5-45025 new

11 55 ILCS 5/5-45030 new

12 55 ILCS 5/5-45035 new

13 55 ILCS 5/5-45040 new

14 55 ILCS 5/5-45045 new

15 55 ILCS 5/5-45050 new