



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3821

Introduced 2/22/2021, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act

Creates the Racial Disproportionality in Child Welfare Task Force Act. Creates the Racial Disproportionality in Child Welfare Task Force within the Department of Children and Family Services. Requires the Task Force to examine the historical and current role of mandatory reporting and its impact on the racial and gender disparities of families involved with the Department of Children and Family Services; examine the underlying factors that bring families into contact with the Department and the factors that lead to child removal; review the Department's progress on the planning and implementation of the Family First Prevention Services Act; examine the current processes and policies, data, and data collection methods for families involved simultaneously in the child welfare, juvenile justice, or criminal justice systems; explore policies and protocols for race-blind child protection screenings and child removal reviews; and other duties. Contains provisions concerning the composition of the Task Force and Task Force meetings. Requires the Task Force to submit a report to the General Assembly and the Governor within one year after the Task Force has its first meeting. Provides that the report shall contain policy recommendations that seek to prioritize preserving and reunifying families involved in the child welfare system, particularly Black families; reduce child welfare system involvement, particularly for Black families; and eliminate racial disproportionality in system involvement and the disproportionate impact of system involvement on families. Provides that the Task Force is dissolved, and the Act repealed, on January 1, 2024. Effective immediately.

LRB102 14103 KTG 22477 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 Racial
5 Disproportionality in Child Welfare Task Force Act.

6 Section 3. Purposes. The purposes of this Act are to
7 understand the underlying factors of child welfare system
8 involvement for families; examine the racial disparities of
9 children and families involved in the child welfare system at
10 every key procedural phase of system involvement and the
11 causes of such disparities; and explore resources, policies,
12 and practices that could prevent system entry for families and
13 reduce racial disproportionality at each key procedural phase
14 of system involvement.

15 Section 5. Findings. The General Assembly finds the
16 following:

17 (1) Historically, Black children and Black parents and
18 caregivers, women in particular, are disproportionately
19 represented in the child welfare system.

20 (2) According to the Fiscal Year 2018 Disproportionality
21 and Disparity Report prepared by the Children and Family
22 Research Center of the University of Illinois, School of

1 Social Work, racial disparities exist at each key decision
2 point in the Illinois child welfare system with Black children
3 being overrepresented at each point.

4 (3) Multiple studies show that removals which separate
5 children from parents, even "short removals" lasting 48 hours,
6 trigger responses in the children that include anxiety,
7 isolation, aggression, substance abuse, and post-traumatic
8 stress disorder and release higher levels of cortisol and
9 damages brain cells. These impacts are experienced in
10 "reciprocal and synergistic" ways by parents during
11 separation.

12 (4) According to Child Trends' fiscal year 2019
13 "State-level Data for Understanding Child Welfare in the
14 United States," the average length of stay in foster care in
15 Illinois was 28.6 months compared to the national average of
16 19.8 months, and 12% of children in Illinois foster care were
17 there 5 or more years compared to 5% of children nationally in
18 foster care for that long.

19 (5) As of December 31, 2020, the population of Illinois'
20 youth in care was approximately 44% Black according to data
21 from the Department of Children and Family Services, while
22 recent data from the Annie E. Casey Foundation's KIDS COUNT
23 Data Center estimate the 2019 child population of Illinois to
24 have been approximately 15% Black.

25 (6) Black children and youth are represented in the child
26 welfare system in Illinois at approximately 3 times the

1 percentage of the statewide child population that is Black.
2 Nationally, Black children and youth are represented in foster
3 care at approximately 2 times the percentage of the national
4 child population that is Black according to the National
5 Conference of State Legislatures.

6 (7) Between fiscal years 2018 and 2020, the number of
7 Illinois children removed from their homes annually increased
8 by 30%, according to data from the Department of Children and
9 Family Services. The increase in 2019 was 17%, the
10 second-highest increase in the country.

11 (8) More than 90% of foster youth with 5 or more moves
12 become involved in the juvenile justice system. In 2019,
13 children in the custody of the Department of Children and
14 Family Services averaged 3.8 moves/1,000 days; for Black
15 children, the average was 4.4 moves/1,000 days.

16 (9) In Chapin Hall's Midwest Study of the Illinois,
17 Wisconsin, and Iowa child welfare systems, almost 70% of youth
18 involved in the study had been arrested by their mid-20s.

19 (10) In 2018, 79% of calls made to the Illinois Child Abuse
20 Hotline were made by mandated reporters. Of these calls, 25.8%
21 came from education personnel, 24.2% from law enforcement
22 personnel, 13.5% from medical personnel, and 10.7% from social
23 service personnel.

24 (11) According to Child Trends' state-level data for
25 federal fiscal year 2018 for Illinois, 65% of child abuse and
26 neglect cases were due to allegations of neglect, 12% due to

1 allegations of physical abuse, and 13% due to allegations of
2 sexual abuse.

3 (12) According to Child Trends' state-level data for
4 federal fiscal year 2019 for Illinois, 89% of entries into
5 foster care were due to neglect, 12% due to parental substance
6 abuse, 11% due to physical abuse, and 2% due to sexual abuse.

7 (13) In 2018, 20,815 reports to the Illinois Child Abuse
8 Hotline involved an allegation of abuse and 35,310 involved a
9 neglect allegation. Of these reports, only 10,189 were
10 investigated, and of these investigations, only 1,544 resulted
11 in an indicated finding. Of the investigations resulting in an
12 indicated finding, only 225 were screened into court.

13 (14) According to the Fiscal Year 2020 Monitoring Report
14 of the B.H. Consent Decree prepared by the Children and Family
15 Research Center of the University of Illinois, School of
16 Social Work, Black children in 2019 were less likely than
17 white and Latinx children to be placed in kinship foster
18 homes. Black children were more likely to be placed in
19 traditional foster homes than white and Latinx children. Black
20 children were also more likely to be placed in institutions or
21 group homes than white and Latinx children.

22 Section 10. Composition. The Racial Disproportionality in
23 Child Welfare Task Force is created within the Department of
24 Children and Family Services consisting of members appointed
25 as follows:

1 (1) Two members from the Senate, one appointed by the
2 President of the Senate and one appointed by the Senate
3 Minority Leader.

4 (2) Two members from the House of Representatives, one
5 appointed by the Speaker of the House of Representatives and
6 one appointed by the House Minority Leader.

7 (3) Two General Assembly members from the Illinois
8 Legislative Black Caucus, appointed by the Joint Caucus Chair
9 of the Illinois Legislative Black Caucus.

10 (4) Two General Assembly members from the Illinois Latino
11 Caucus, appointed by the Chair of the Illinois Latino Caucus.

12 (5) One member from the Office of the Governor appointed
13 by the Governor.

14 (6) The Director of Children and Family Services, or his
15 or her designee.

16 (7) The Secretary of Human Services, or his or her
17 designee.

18 (8) The Director of Healthcare and Family Services, or his
19 or her designee.

20 (9) One member from an organization with expertise in
21 housing and the Continuum of Care Program that works with
22 impacted populations or convenes advocates to prevent and end
23 homelessness, appointed by the Governor's Office.

24 (10) The Inspector General of the Department of Children
25 and Family Services, or his or her designee.

26 (11) Two members from organizations with expertise in the

1 child welfare system that advocate to preserve and reunify
2 families, appointed by the Governor's Office.

3 (12) One member who is an academic researcher who has
4 studied the racialized history and impact of the child welfare
5 system on children, families, and communities, appointed by
6 the Governor's Office.

7 (13) One member from the Administrative Office of the
8 Illinois Courts, Children and Families Unit, Court Services
9 Division, appointed by the Director of the Administrative
10 Office of the Illinois Courts.

11 (14) Three members who are parents directly impacted by
12 the child welfare system, at least 2 of whom come from a
13 disproportionately represented racial group, appointed by the
14 Governor's Office.

15 (15) The Cook County Public Guardian or his or her
16 designee.

17 (16) One member who provides legal representation to
18 children in child protection cases from outside of Cook
19 County, appointed by the Governor's Office.

20 (17) Two members who provide legal representation to
21 parents in child protection cases, one from the Law Office of
22 the Cook County Public Defender, appointed by the Governor's
23 Office, and one from outside of Cook County, appointed by the
24 Governor's Office.

25 (18) One member who provides legal services to parents
26 impacted by gender-based violence during the investigation

1 phase of child abuse or neglect cases, including services
2 related to safety plans, intact services, and administrative
3 appeals, appointed by the Governor's Office.

4 (19) Three members who have experience as youth in the
5 child welfare system, at least 2 of whom come from a
6 disproportionately represented racial group, appointed by the
7 Governor's Office.

8 (20) One member from an organization that provides
9 services to families and children involved in the child
10 welfare system, appointed by the Governor's Office.

11 (21) One member from an organization that advocates on
12 behalf of children, youth, and families and the
13 community-based providers that serve them, appointed by the
14 Governor's Office.

15 Section 15. Meetings; co-chairs; administrative support.
16 All members appointed under Section 10 shall serve without
17 compensation. Task Force members shall be appointed within 60
18 days after the effective date of this Act. The Task Force shall
19 hold its initial meetings within 90 days after the effective
20 date of this Act. The Task Force shall meet at least 4 times.
21 The following individuals shall serve as co-chairs of the Task
22 Force: (i) the member from the organization with expertise in
23 the child welfare system that advocates to preserve and
24 reunify families; and (ii) the member from the organization
25 that advocates on behalf of children, youth, and families and

1 the community-based providers that serve them. The Department
2 of Children and Family Services shall provide any necessary
3 administrative and other support to the Task Force. For the
4 full duration of the Task Force and for the purpose of
5 achieving any of the duties laid out in Section 20, the
6 Department of Children and Family Services and the Children
7 and Family Research Center shall provide the Task Force with
8 all necessary data, with personal identifying information
9 removed, held by the Department or the Children and Family
10 Research Center.

11 Section 20. Duties. The Task Force shall:

12 (1) Examine the historical and current role of
13 mandatory reporting and its impact on the racial and
14 gender disparities of families involved with the
15 Department of Children and Family Services.

16 (2) Examine the underlying factors that bring families
17 into contact with the Department of Children and Family
18 Services and the factors that lead to child removal,
19 including, but not limited to, suspected or known
20 substance use or dependency, intergenerational child
21 welfare system involvement, and lack of access to shelter,
22 food, clothing, income or employment, and healthcare, and
23 how these impact the length of time families remain
24 involved in the child welfare system.

25 (3) Review the Department of Children and Family

1 Services' progress on the planning and implementation of
2 the Family First Prevention Services Act and determine
3 what impact, if any, the plan may have on the current
4 racial disparities of children and families in the child
5 welfare system.

6 (4) Examine the current processes and policies, data,
7 and data collection methods for families involved
8 simultaneously in the child welfare, juvenile justice, or
9 criminal justice systems, including, but not limited to,
10 youth who are dually involved in the juvenile justice and
11 child welfare systems.

12 (5) Explore policies and protocols for race-blind
13 child protection screenings and child removal reviews, as
14 implemented in other jurisdictions around the United
15 States, and make recommendations for implementation in
16 Illinois.

17 (6) Explore the development of a curriculum for a
18 child welfare specific implicit bias training for all
19 public and private direct service staff and supervisors
20 who interact with children and families.

21 Section 25. Report. The Task Force shall produce and
22 submit policy recommendations, both administrative and
23 legislative, to the General Assembly and the Governor within
24 one year after the first meeting of the Task Force. The
25 recommendations shall seek to: (i) prioritize preserving and

1 reunifying families involved in the child welfare system,
2 particularly Black families; (ii) reduce child welfare system
3 involvement, particularly for Black families; and (iii)
4 eliminate racial disproportionality in system involvement and
5 the disproportionate impact of system involvement on families.
6 The Task Force co-chairs shall convene a final meeting before
7 the repeal date of this Act to discuss an implementation plan
8 based on the produced policy recommendations.

9 Section 30. Repeal. The Task Force is dissolved, and this
10 Act is repealed on, January 1, 2024.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.