

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) One member from an organization with expertise in the

1 child welfare system that advocates 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) Two members who provide legal representation on
26 behalf of the State of Illinois in child protection cases, one

1 from the Cook County State's Attorney's Office, appointed by
2 the Governor's Office, and one from a State's Attorney's
3 office outside of Cook County, appointed by the Governor's
4 Office.

5 (19) One member who provides legal services to parents
6 impacted by gender-based violence during the investigation
7 phase of child abuse or neglect cases, including services
8 related to safety plans, intact services, and administrative
9 appeals, appointed by the Governor's Office.

10 (20) Three members who have experience as youth in the
11 child welfare system, at least 2 of whom come from a
12 disproportionately represented racial group, appointed by the
13 Governor's Office.

14 (21) One member from a statewide organization advocating
15 for the advancement of civil liberties for at least 80 years in
16 Illinois, appointed by the Governor's Office.

17 (22) One member from an organization that advocates on
18 behalf of children, youth, and families and the
19 community-based providers that serve them, appointed by the
20 Governor's Office.

21 Section 15. Meetings; co-chairs; administrative support.
22 All members appointed under Section 10 shall serve without
23 compensation. Task Force members shall be appointed within 60
24 days after the effective date of this Act. The Task Force shall
25 hold its initial meetings within 90 days after the effective

1 date of this Act. The Task Force shall meet at least 4 times.
2 The following individuals shall serve as co-chairs of the Task
3 Force: (i) the member from the organization with expertise in
4 the child welfare system that advocates to preserve and
5 reunify families; and (ii) the member from the organization
6 that advocates on behalf of children, youth, and families and
7 the community-based providers that serve them. The Department
8 of Children and Family Services shall provide any necessary
9 administrative and other support to the Task Force. Any data
10 provided by the Department of Children and Family Services to
11 the Task Force shall not contain any personally identifiable
12 information of any clients or families in accordance with the
13 provisions of the Abused and Neglected Child Reporting Act.
14 The Department of Children and Family Services shall
15 facilitate the prompt and timely collection and provision of
16 data as requested by or on behalf of the Task Force. Such
17 facilitation shall include, without limitation, authorizing
18 the provision of reports and underlying Department data that
19 the Department currently or previously has provided or made
20 available to the Children and Family Research Center of the
21 University of Illinois at Urbana-Champaign, Chapin Hall,
22 Northwestern University, and any other of the Department's
23 university partners and consultants.

24 Section 20. Duties. The Task Force shall:

25 (1) Examine the historical and current role of

1 mandatory reporting and its impact on the racial and
2 gender disparities of families involved with the
3 Department of Children and Family Services.

4 (2) Examine the underlying factors that bring families
5 into contact with the Department of Children and Family
6 Services and the factors that lead to child removal,
7 including, but not limited to, suspected or known
8 substance use or dependency, intergenerational child
9 welfare system involvement, and lack of access to shelter,
10 food, clothing, income or employment, and healthcare, and
11 how these impact the length of time families remain
12 involved in the child welfare system.

13 (3) Review the Department of Children and Family
14 Services' progress on the planning and implementation of
15 the Family First Prevention Services Act and determine
16 what impact, if any, the plan may have on the current
17 racial disparities of children and families in the child
18 welfare system.

19 (4) Examine the current processes and policies, data,
20 and data collection methods for families involved
21 simultaneously in the child welfare, juvenile justice, or
22 criminal justice systems, including, but not limited to,
23 youth who are dually involved in the juvenile justice and
24 child welfare systems.

25 (5) Explore policies and protocols that honor
26 language, culture, and heritage in identity formation and

1 familial relationships, including, but not limited to,
2 race-blind child protection screenings and child removal
3 reviews, as implemented in other jurisdictions around the
4 United States, and make recommendations for implementation
5 in Illinois.

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

10 Section 25. Report. The Task Force shall produce and
11 submit policy recommendations, both administrative and
12 legislative, to the General Assembly and the Governor within
13 one year after the first meeting of the Task Force. The
14 recommendations shall seek to: (i) prioritize preserving and
15 reunifying families involved in the child welfare system,
16 particularly Black families; (ii) reduce child welfare system
17 involvement, particularly for Black families; and (iii)
18 eliminate racial disproportionality in system involvement and
19 the disproportionate impact of system involvement on families.
20 The Task Force co-chairs shall convene a final meeting before
21 the repeal date of this Act to discuss an implementation plan
22 based on the produced policy recommendations.

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

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