



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4304

Introduced 1/5/2022, by Rep. Lakesia Collins

SYNOPSIS AS INTRODUCED:

20 ILCS 505/17a-16 new

Amends the Children and Family Services Act. Creates the Foster Care Investigative Reports Commission as an executive agency of State government to investigate all adverse reports submitted by foster parents to the Department of Children and Family Services (Department) concerning the children placed in their care. Provides that the Commission shall consist of 9 members appointed by the Governor. Contains provisions concerning the term limits of Commission members, compensation, Commission meetings, and other matters. Provides that subject to appropriation, the Commission shall hire a Director and staff to process and investigate all adverse reports referred by the Department to the Commission in order to determine whether the information and allegations set forth in each report are true or false. Requires the Commission to review the findings and recommendations of the Director for each investigated adverse report. Provides that if, after its review, the Commission determines that an adverse report is false or inaccurate, the Commission shall issue a final written report of its determination to be filed with the foster child's official records. Permits the Director, the Director's staff, and the Commission to inspect and copy any materials held by the Department that are relevant to the investigation of an adverse report. Contains provisions concerning the confidentiality of Department records, Commission reporting requirements, and Commission rules.

LRB102 19928 KTG 28706 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended
5 by adding Section 17a-16 as follows:

6 (20 ILCS 505/17a-16 new)

7 Sec. 17a-16. Foster Care Investigative Reports Commission.

8 (a) As used in this Section:

9 "Commission" means the Foster Care Investigative Reports
10 Commission.

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

13 "Director" means the Director of the Foster Care
14 Investigative Reports Commission.

15 (b) The Foster Care Investigative Reports Commission is
16 created as an executive agency of State government to
17 investigate all adverse reports submitted by foster parents to
18 the Department of Children and Family Services concerning the
19 children placed in their care.

20 (c) The Commission shall consist of 9 members appointed by
21 the Governor with the advice and consent of the Senate.
22 Members appointed to the Commission shall either (i) have a
23 professional background in foster care services or a notable

1 interest in foster care services or (ii) be a foster child or
2 the adopted parent of a former foster child. The Commission
3 shall elect its own chairperson on an annual basis. Commission
4 members shall serve without compensation but may be reimbursed
5 for expenses incurred in the performance of their duties. Each
6 member shall serve a term of 2 years or until his or her
7 successor is appointed. Vacancies shall be filled in the same
8 manner as original appointments. The Commission shall meet
9 quarterly at the call of the chairperson beginning as soon as
10 practicable after the effective date of this amendatory Act of
11 the 102nd General Assembly.

12 (d) Subject to appropriation, the Commission shall hire a
13 Director and staff to process and investigate all adverse
14 reports referred by the Department to the Commission as
15 provided in subsection (e). The Director and staff shall also
16 carry out any other powers and duties of the Commission in
17 accordance with this Section and the rules adopted by the
18 Commission. All staff other than the Director shall be subject
19 to the Personnel Code.

20 (e) Every adverse report submitted by a licensed foster
21 parent to the Department shall be sent to the Director for
22 review. Upon receipt of an adverse report, the Director and
23 his or her staff shall conduct an investigation to determine
24 whether the information and allegations set forth in the
25 report are true or false. After the conclusion of the
26 investigation, the Director shall report his or her findings

1 and recommendations to the Commission in a written
2 investigative summary report. The Commission shall review and
3 consider the Director's findings and recommendations before
4 making a final determination as to the foster parent's adverse
5 report. If, after its review, the Commission determines by
6 majority vote that there is sufficient evidence to believe
7 that the foster parent's adverse report is false or
8 inaccurate, the Commission shall issue a final written report
9 that sets forth the specific reasons for why it determined the
10 foster parent's report to be false or inaccurate. A copy of the
11 Commission's final written report shall be sent to the
12 Department to be filed with the foster child's official
13 records. If, after its review, the Commission determines by
14 majority vote that there is sufficient evidence to believe
15 that the foster parent's adverse report it true or accurate,
16 the Commission shall issue a written statement of its decision
17 and send a copy of its written statement to the Department to
18 be filed with the foster child's official records.

19 (f) In the course of an investigation, the Director, the
20 Director's staff, and the Commission may inspect and copy any
21 materials relevant to the investigation that are in the
22 possession of the Department. Any information obtained under
23 this Section by the Director, the Director's staff, or the
24 Commission is confidential and may not be disclosed to any
25 third party unless otherwise authorized by law. Any person who
26 transmits confidential information in violation of this

1 Section or causes the information to be transmitted in
2 violation of this Section is guilty of a Class A misdemeanor
3 unless the transmittal of the information is authorized by
4 this Section or otherwise authorized by law.

5 (g) The Commission shall prepare an annual report on its
6 operations and submit the report to the Governor and the
7 General Assembly.

8 (h) The Commission shall adopt any rules necessary to
9 implement the provisions of this Section. Rules adopted by the
10 Commission shall be subject to the provisions of the Illinois
11 Administrative Procedure Act.

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