

**102ND GENERAL ASSEMBLY****State of Illinois****2021 and 2022****SB3720**

Introduced 1/21/2022, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

New Act

Creates the Bias-Free Child Removal Pilot Program Act. Provides that subject to appropriation, the Department of Children and Family Services shall establish a 3-year Bias-Free Child Removal Pilot Program no later than July 1, 2023 for the purpose of promoting unbiased decision-making in the child removal process with the goal of decreasing the overrepresentation of BIPOC children in out-of-home placements. Requires the Department to choose a county that, based on a county-based analysis, indicates the highest rates of racial disproportionality. Requires the identified county to utilize a bias-free child removal strategy when deciding whether a child should be removed from his or her parents' home. Requires the Department to identify a public university to develop an evaluation design which identifies a control group (a county that does not utilize a bias-free child removal strategy) and compare those results with the intervention group (a county that utilizes a bias-child removal strategy). Provides that no later than January 1, 2023, the Department shall establish a Bias-Free Child Removal Review Committee consisting of an interdisciplinary, diverse group of 9 child welfare professionals and advocates for the purpose of creating the pilot program and the pre-implementation plan for the pilot program. Requires the Department to establish other procedures and protocols concerning (i) which diverse group of professions should be represented on the Committee, including required degrees, credentials, and experience, (ii) the frequency of bias-free child removal meetings, and (iii) decision-making protocols concerning removal. Contains provisions concerning certain demographic information that must be redacted from a child's case notes report prior to a determination on removal; the Department's evaluation reports to the General Assembly; and other matters. Effective immediately.

LRB102 23913 KTG 33111 b

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
5 Bias-Free Child Removal Pilot Program Act.

6 Section 5. Purpose. In Illinois, and across the nation,
7 some racial and ethnic minority groups are disproportionately
8 represented in the child welfare system. This
9 disproportionality could occur at 5 different decision points
10 during a family's child welfare involvement:

- 11 (1) investigated or screened in maltreatment reports;
- 12 (2) protective custodies;
- 13 (3) indicated maltreatment reports;
- 14 (4) post-investigation service provision; and
- 15 (5) timely exits from substitute care.

16 The purpose of this Act is to require the Department of
17 Children and Family Services to establish a 3-year, Bias-Free
18 Child Removal Pilot Program for the purpose of promoting
19 unbiased decision-making in the child removal process, while
20 maintaining the safety of children and reducing risk, thus
21 reducing disparity in the removal decision-making process with
22 the goal of decreasing the overrepresentation of BIPOC
23 children in out-of-home placements. This would be achieved by

1 convening an independent group of professionals involved in
2 the child welfare system to review removal decisions, absent
3 specific demographic information, to determine whether the
4 removal of a child is necessary to avoid imminent risk to his
5 or her safety, health, and well-being.

6 Section 10. Definitions. As used in this Act:

7 "Bias-free" means to approach a case file with specific
8 identifying demographic information removed, such as gender,
9 race, ethnicity, geographic location, and income information,
10 to prevent a reader from inserting bias, implicit or explicit,
11 into critical decisions such as removing a child from his or
12 her family.

13 "BIPOC" means people who are members of the groups
14 described in subparagraphs (a) through (e) of paragraph (A) of
15 subsection (1) of Section 2 of the Business Enterprise for
16 Minorities, Women, and Persons with Disabilities Act.

17 "Child" means any person under 18 years of age. For the
18 purposes of admission to and residence in childcare
19 institutions, group homes, and maternity centers, "child" also
20 means any person under 21 years of age who is referred by a
21 parent or guardian, including an agency having legal
22 responsibility for the person in accordance with the Juvenile
23 Court Act of 1987. Termination of care for such persons under
24 21 years of age shall occur no later than 90 days following
25 completion of a public-school secondary education program or

1 the person's eligibility for such a program.

2 "Committee" means the Bias-Free Child Removal Review
3 Committee.

4 "Department" means the Department of Children and Family
5 Services.

6 "Evaluation design" means identifying an overall strategy
7 for analyzing the effectiveness of a program to include
8 outlining a distinct approach to formulating key outputs and
9 outcomes, selecting an appropriate research method, and
10 evaluating the outcomes of a program.

11 "Program" or "pilot program" means the Bias-Free Child
12 Removal Pilot Program.

13 Section 15. Program. Subject to appropriation, the
14 Department of Children and Family Services shall establish a
15 3-year Bias-Free Child Removal Pilot Program no later than
16 July 1, 2023 for the purpose of promoting unbiased
17 decision-making in the child removal process, all while
18 maintaining the safety of children and reducing risk, thus
19 reducing disparity in the removal decision-making process with
20 the goal of decreasing the overrepresentation of BIPOC
21 children in out-of-home placements. This purpose shall be
22 achieved by convening an interdisciplinary group of 9
23 professionals involved in the child welfare system to review
24 removal decisions, absent specific demographic information, to
25 determine whether the removal of a child is necessary to avoid

1 imminent risk to his or her safety, health, and well-being.

2 The Department shall choose a county that, based on a
3 county-based analysis, indicates the highest rates of racial
4 disproportionality. The identified county shall utilize a
5 bias-free child removal strategy when deciding whether a child
6 should be removed from his or her parents' home, as specified.

7 The Department shall identify a public university to
8 develop an evaluation design which identifies a control group
9 (a county that does not utilize a bias-free child removal
10 strategy) and compare those results with the intervention
11 group (a county that utilizes a bias-child removal strategy).

12 Section 20. Implementation.

13 (a) No later than January 1, 2023, the Department shall
14 establish a Bias-Free Child Removal Review Committee
15 consisting of an interdisciplinary, diverse group of 9 child
16 welfare professionals and advocates for the purpose of
17 creating the Bias-Free Child Removal Pilot Program and the
18 pre-implementation plan for the pilot program.

19 (b) The Department shall establish other procedures and
20 protocols concerning:

21 (1) The make-up of the Bias-Free Child Removal Review
22 Committee such as which diverse group of professions
23 should be represented on the Committee, including required
24 degrees, credentials, and experience.

25 (2) The frequency of the bias-free child removal

1 meetings. Once a child is removed for the custody of his or
2 her parents, the Bias-Free Child Removal Review Committee
3 shall convene within 48 business hours, prior to a shelter
4 care hearing, to determine if the removal is warranted.

5 (3) The decision-making protocols concerning removal:

6 (i) What constitutes a child protection
7 investigation meeting or not meeting the criteria to
8 be presented to the Bias-Free Child Removal Review
9 Committee?

10 (ii) Who decides to bring the investigation to the
11 Bias-Free Child Removal Review Committee?

12 (iii) How and when the committee is to convene
13 during holidays, weekends, and after normal business
14 hours?

15 (c) To ensure unbiased decision-making in the removal
16 process, while maintaining the safety of the child and
17 reducing risk of harm, reduce disparity in the removal
18 decision making process, and decrease the overrepresentation
19 of BIPOC children in foster care, the pilot program shall
20 include, but not be limited to:

21 (1) The convening of the Bias-Free Child Removal
22 Review Committee which shall determine if there was an
23 immediate or urgent necessity to remove the child from the
24 care of his or her parent or guardian.

25 (2) Prior to the meeting, the Child Protection
26 Specialist must remove all demographic and identifiable

1 information in the case notes, intake summary, and
2 investigation. Information to be redacted consists of:

3 (A) The name of the child and the child's parents.

4 (B) The race or ethnicity of the child and the
5 child's parents, except when the allegations require
6 thoughtful considerations pertaining to a family's
7 culture, ethnicity, or religion.

8 (C) The sexual orientation of the child and the
9 child's parents.

10 (D) The religious affiliation or beliefs of the
11 child and the child's parents, except when the
12 allegations require thoughtful considerations
13 pertaining to a family's culture, ethnicity, or
14 religion.

15 (E) The political affiliation or beliefs of the
16 child and the child's parents.

17 (F) The marital status of the child's parents.

18 (G) The income of the child's parents.

19 (H) The education level of the child's parents.

20 (I) Any reference to the address, neighborhood, or
21 county of the child and the child's parents.

22 Redacting the demographic and identifiable information
23 from the intake summary, case notes, and investigation
24 reduces the potential for biased decision-making among
25 Committee members. The focus shall instead be on the
26 evidence of safety factors, risk elements, and family

1 strengths. If removal is identified as unwarranted, the
2 Committee shall make appropriate recommendations to ensure
3 the safety and well-being of the child, including, but not
4 limited to, voluntary or court-ordered intact family
5 services.

6 There only needs to be the majority of the Committee
7 members to agree or disagree with the removal. The
8 Department shall develop a tool or rubric for the
9 Committee to fully document the decision-making process
10 and what led to the final decision. The Committee shall
11 submit to the child protection team (child protection
12 worker, child protection supervisor, and area
13 administrator) the final decision in writing. The court
14 has the authority to overrule removing or not removing the
15 child from the home.

16 (d) The Department shall submit to the General Assembly an
17 evaluation report on the pilot program and its impact and
18 effectiveness, including, but not limited to, assessing the
19 program's effect on the rate of BIPOC children who were
20 removed. The evaluation report must be submitted on a yearly
21 basis, with the first report due July 1, 2024. After the third
22 year, the Department shall determine the need to expand the
23 pilot program statewide, if data shows an impact on
24 disproportionality, and provide a justification for or against
25 statewide expansion.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.