

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. Findings. The General Assembly finds that the
7 University of Illinois' Children and Family Research Center
8 determined in its October 2021 report, "Racial
9 Disproportionality in the Illinois Child Welfare System",
10 that:

11 (1) In 2020, compared to their percentage in the
12 general child population, black children were
13 overrepresented in foster care having made up 16.4% of the
14 general child population, but accounting for 38.5% of
15 protective custodies.

16 (2) In comparison, white children were proportionally
17 represented in foster care having made up 52.8% of the
18 general child population, but accounting for 48.8% of
19 protective custodies. Hispanic children were
20 under-represented having made up 24.9% of the general
21 child population, but accounting for 11.5% of protective
22 custodies.

1 Section 10. Purpose.

2 (a) In Illinois, and across the nation, some racial and
3 ethnic minority groups are disproportionately represented in
4 the child welfare system. This disproportionality could occur
5 at 5 different decision points during a family's child welfare
6 involvement:

7 (1) investigated child abuse/neglect (CAN) reports;

8 (2) protective custodies;

9 (3) indicated CAN reports;

10 (4) post-investigation service provision; and

11 (5) timely exits from substitute care.

12 (b) The purpose of this Act is to:

13 (1) Require the Department of Children and Family
14 Services to establish a 3-year, Bias-Free Child Removal
15 Pilot Program for the purpose of promoting unbiased
16 decision making in the child removal process, while
17 maintaining the safety of children and reducing risk, with
18 the goal of decreasing the overrepresentation of BIPOC
19 children in out-of-home placements. This goal would be
20 achieved by convening a group of senior-level internal
21 staff members from the Department of Children and Family
22 Services who are from an area other than the pilot area to
23 (i) review removal decisions, absent specific demographic
24 information and (ii) determine whether removal of a child
25 is necessary to avoid imminent risk to the child's safety,
26 health, and well-being.

- 1 (2) Establish a steering committee to:
- 2 (A) develop and implement the Bias-Free Removal
- 3 Pilot Program;
- 4 (B) appoint members for the Bias-Free Case Review
- 5 Team; and
- 6 (C) appoint members for the Bias-Free Child
- 7 Removal Advisory Board.
- 8 (3) Establish a Bias-Free Case Review Team consisting
- 9 of a child protection supervisor, an area administrator,
- 10 and a regional administrator from an area other than the
- 11 pilot area to: (i) review removal decisions absent
- 12 specific demographic information as provided in paragraph
- 13 (3) of subsection (e) of Section 25; and (ii) determine
- 14 whether removal of the child is necessary to avoid
- 15 imminent risk to the child's safety, health, and
- 16 well-being.
- 17 (4) Establish a Bias-Free Child Removal Advisory Board
- 18 to monitor and oversee the Bias-Free Case Review Team and
- 19 ensure that the Bias-Free Case Review Team executes
- 20 bias-free removals in accordance with the provisions of
- 21 this Act.

22 Section 15. Definitions. As used in this Act:

23 "Bias-free" means to review a case file without the

24 following identifying demographic information on the parent

25 and child: gender, race, ethnicity, geographic location, and

1 socioeconomic status, which prevents a reader from inserting
2 bias, implicit or explicit, into critical decisions such as
3 removing a child from the child's family.

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

8 "Child" means any person under 18 years of age.

9 "Child welfare court personnel" means lawyers, judges,
10 public defenders, and guardians ad litem.

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

13 "Evaluation design" means identifying an overall strategy
14 for analyzing the effectiveness of a program to include
15 outlining a distinct approach to formulating key outputs and
16 outcomes, selecting an appropriate research method, and
17 evaluating the outcomes of a program.

18 "Immediate and urgent necessity", in accordance with
19 Section 5 of the Abused and Neglected Child reporting Act,
20 means (i) that there is a reason to believe that the child
21 cannot be cared for at home or in the custody of the person
22 responsible for the child's welfare without endangering the
23 child's health or safety and (ii) that there is no time to
24 apply for a court order under the Juvenile Court Act of 1987
25 for temporary custody of the child.

26 "Lived experience" means a representation of the

1 experiences of a person involved in the child welfare system,
2 the knowledge and understanding that the person gains from
3 these experiences, and the ability to understand the policies
4 or guidelines of the Department.

5 "Program" or "pilot program" means the Bias-Free Child
6 Removal Pilot Program.

7 "Review Team" means the Bias-Free Case Review Team.

8 Section 20. Program. The Department of Children and Family
9 Services shall establish a 3-year Bias-Free Child Removal
10 Pilot Program no later than January 1, 2024, for the purpose of
11 promoting unbiased decision making in the child removal
12 process. The pilot program shall be implemented in a field
13 office located in DuPage County, a field office located in
14 Champaign County, and a field office located in Williamson
15 County. The purpose of promoting unbiased decision making in
16 the child removal process shall be achieved by the identified
17 county using a bias-free child removal strategy when deciding
18 whether a child should be removed from the custody of the
19 child's parent or guardian, as specified.

20 By January 1, 2024, the steering committee established by
21 the Department as provided in Section 25 shall develop the
22 pilot program for the purpose of addressing racial
23 disproportionality in the child welfare system. The pilot
24 program shall be implemented for a period of no less than 3
25 years in at least one office located in DuPage County, one

1 office located in Champaign County, and one office located in
2 Williamson County.

3 The Department shall on January 1, 2025, January 1, 2026,
4 and January 1, 2027 submit to the General Assembly an
5 evaluation report that details the pilot program's
6 implementation and that provides an analysis of the pilot
7 program's effect and impact on the removal rates of BIPOC
8 children. The January 1, 2027 report shall be the final
9 evaluation report submitted to the General Assembly by the
10 Department.

11 Section 25. Implementation.

12 (a) By January 1, 2023, the Department shall establish a
13 steering committee consisting of an interdisciplinary, diverse
14 group of child welfare professionals and advocates for the
15 purpose of creating the Bias-Free Child Removal Pilot Program
16 and the pre-implementation plan for the pilot program. The
17 steering committee shall be diverse in regard to the
18 geographic location, race/ethnicity, gender, and profession
19 and lived experience of committee members. As used in this
20 Section, "lived experience" includes knowledge and
21 understanding of Department processes and policies. The
22 steering committee shall develop and oversee the
23 implementation of the Bias-Free Case Review Team and bias-free
24 removal process. Once established, the steering committee
25 shall initiate implementation of the pilot program ensuring:

1 (i) organizational readiness; (ii) adequate data collection
2 and analysis; (iii) professional development and training for
3 the staff; and (iv) adherence to existing rules and State laws
4 concerning child safety. The steering committee shall include,
5 but not be limited to, the following members:

6 (1) A parent with lived experience in the child
7 welfare system.

8 (2) A former youth in care with lived experience in
9 the child welfare system.

10 (3) A member of an organization or office that
11 represents children in abuse and neglect proceedings.

12 (4) A community-based organization that advocates for
13 parents' rights within the child welfare system.

14 (5) A public or private university responsible for
15 evaluating the pilot program.

16 (6) Five staff members from the Department, which
17 shall include a child protection investigator, a child
18 protection supervisor, the Deputy Director of the
19 Department's Division of Child Protection, the Deputy
20 Director of the Department's Division of Race Equity
21 Practice, and the Deputy Director of the Department's
22 Division of Intact Services.

23 (7) A licensed attorney who has practiced within the
24 Illinois child welfare court system in a county
25 represented in the pilot program such as, but not limited
26 to, a public defender, an assistant state's attorney, a

1 guardian ad litem, or a judge.

2 (8) A member of a statewide organization that
3 advocates on behalf of community-based services for
4 children and families.

5 (b) By January 1, 2024, the steering committee shall
6 establish the pilot program for the purpose of addressing
7 racial disproportionality in the child welfare system. The
8 pilot program shall be implemented for a period of no less than
9 3 years in at least one office located in DuPage County, one
10 office located in Champaign County, and one office located in
11 Williamson County.

12 (c) The steering committee shall develop a written plan
13 for the pilot program, in accordance with the goals of this
14 Act, that shall be adopted by a unanimous vote.

15 (d) The steering committee must include in the development
16 of the pilot program the following:

17 (1) Three permanent Bias-Free Case Review Team members
18 for each county with a pilot program. The Review Team
19 shall be diverse in regard to the members' geographic
20 location, race and ethnicity, and gender. All Review Team
21 members shall possess the knowledge, experience,
22 understanding, and training equivalent to that of a child
23 welfare caseworker or investigator, or higher. The Review
24 Team shall be made up of the following:

25 (A) one child protection supervisor;

26 (B) one area administrator; and

1 (C) one regional administrator.

2 (2) At least 4 alternate Review Team members who meet
3 the same criteria set forth in paragraph (1) to fill in if
4 or when a permanent Review Team member is unable to
5 participate or attend meetings.

6 (3) A decision regarding a timeline for convening the
7 Bias-Free Case Review Team.

8 (4) Establishment of decision-making protocols for the
9 following questions:

10 (i) What constitutes a child protection
11 investigation meeting or not meeting the criteria to
12 be presented to the Review Team?

13 (ii) Who decides to bring the investigation to the
14 Review Team?

15 (iii) How and when the Review Team is to convene
16 during holidays, weekends, and after normal business
17 hours?

18 (e) The steering committee shall ensure that the pilot
19 program includes:

20 (1) A timeline for when the Bias-Free Case Review Team
21 shall convene.

22 (2) How and when the child protection investigator or
23 child protection supervisor shall present the
24 investigation to the Bias-Free Case Review Team.

25 (3) A requirement that, prior to the Review Team
26 convening, the following demographic and identifiable

1 information must be removed from the case notes, intake
2 summary, and investigation:

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 or gender identity of
9 the child and the child's parents, except when the
10 allegations require thoughtful considerations
11 pertaining to the LGBTQ status or gender identity of
12 the child.

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

18 (E) The disability status of a parent, except when
19 the allegations require thoughtful considerations
20 pertaining to a family's disability status.

21 (F) The political affiliation or beliefs of the
22 child and the child's parents.

23 (G) The marital status of the child's parents.

24 (H) The income level of the child's parents.

25 (I) The education level of the child's parents.

26 (J) Any reference to the location of the

1 neighborhood or county of the parent's address.

2 Redacting the demographic and identifiable information
3 from the intake summary, case notes, and investigation
4 reduces the potential for biased decision making among
5 Review Team members. In adherence with the standards under
6 the Abused and Neglected Child Reporting Act and
7 Department rules, the focus shall instead be on the
8 evidence of safety factors, risk elements, and family
9 strengths. If removal is identified as unwarranted, the
10 Review Team shall make appropriate recommendations to
11 ensure the safety and well-being of the child, including,
12 but not limited to, voluntary or court-ordered intact
13 family services.

14 The pilot program shall not prevent a child protection
15 investigator or supervisor from performing routine
16 assignments required under Department policy after taking
17 protective custody of a child.

18 The redaction of case file information or the
19 preparation of case files for the Review Team shall not be
20 completed by the child protection investigator or the
21 child protection supervisor.

22 Agreement by a majority of the Review Team members, as
23 shall be outlined in protocol, is needed to render a final
24 decision.

25 (f) The Department shall develop a tool or rubric for the
26 Review Team to fully document the decision-making process and

1 what led to the final decision.

2 (1) The Review Team shall make a decision on whether
3 the child's removal from the child's home should be upheld
4 or the child should be returned home to the child's
5 parent.

6 (2) The Review Team shall submit to the child
7 protection team (child protection worker, child protection
8 supervisor, and area administrator) the final decision in
9 writing.

10 (g) The steering committee shall have the authority to
11 include additional parameters in developing the pilot program,
12 as necessary, to remain consistent with and fulfill the
13 purpose and goal of the pilot program.

14 (h) Cases that shall not be included in the pilot program:

15 (1) Where protective custody is taken by law
16 enforcement or a medical professional.

17 (2) Cases that involve a forensic interview by a child
18 protective investigator or law enforcement.

19 (3) Cases that include photographs of injuries.

20 (4) Any case where the child welfare court has made a
21 determination on the issue of custody.

22 (i) There is established a Bias-Free Child Removal
23 Advisory Board with the knowledge and understanding of the
24 Department's policies, rules, and procedures that shall
25 include up to 2 of the following members, per pilot area:

26 (1) community-based partners from the fields of

1 domestic violence, substance abuse, mental health, or
2 housing;

3 (2) public or private university partners;

4 (3) a member of an organization that advocates on
5 behalf of parents and families;

6 (4) a member of an organization that legally
7 represents children who are involved in the foster care
8 system, in the court process;

9 (5) a member of a statewide organization that
10 advocates on behalf of community-based services for
11 children and families;

12 (6) a parent with lived experience in the child
13 welfare system;

14 (7) a former youth in care with lived experience in
15 the child welfare system; and

16 (8) a member of an organization or office that
17 represents children in legal abuse and neglect
18 proceedings.

19 The Advisory Board shall be present with the Bias-Free
20 Review Team for all case reviews for the purpose of ensuring
21 that the Review Team executes bias-free removals in accordance
22 with this Act. The Advisory Board shall not be responsible for
23 any decision making.

24 (j) The Department shall adopt the written protocols
25 developed by the steering committee.

26 (k) Criteria for determining success. The pilot program

1 shall be considered successful and expanded statewide if it is
2 implemented with fidelity and the evaluation reveals that
3 disproportionality of BIPOC children is reduced by the end of
4 the pilot program. The pilot program shall not be expanded
5 statewide if the evaluation reveals that the bias-free removal
6 process did not reduce disproportionality.

7 (1) The Department shall adopt rules, policies, and
8 procedures necessary to implement this Act with the assistance
9 of the steering committee. The Department shall present
10 findings of the evaluation to the General Assembly on a yearly
11 basis, with the first report due on January 1, 2025. After year
12 3 of the pilot program, the Department shall determine the
13 need to expand the pilot program statewide, if data shows an
14 impact on disproportionality, and shall provide a
15 justification for or against statewide expansion. The pilot
16 program does not create a private cause of action in case there
17 is a problem with the application of the bias-free removal
18 process.

19 Section 30. Repealer. This Act is repealed on January 1,
20 2027.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.