



Sen. Karina Villa

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LRB102 23913 KTG 35973 a

1 AMENDMENT TO SENATE BILL 3720

2 AMENDMENT NO. _____. Amend Senate Bill 3720 by replacing
3 everything after the enacting clause with the following:

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

1 represented in foster care having made up 52.8% of the
2 general child population, but accounting for 48.8% of
3 protective custodies. Hispanic children were
4 under-represented having made up 24.9% of the general
5 child population, but accounting for 11.5% of protective
6 custodies.

7 Section 10. Purpose.

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

- 13 (1) investigated child abuse/neglect (CAN)
14 reports;
15 (2) protective custodies;
16 (3) indicated CAN reports;
17 (4) post-investigation service provision; and
18 (5) timely exits from substitute care.

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

- 20 (1) Require the Department of Children and Family
21 Services to establish a 3-year, Bias-Free Child Removal
22 Pilot Program for the purpose of promoting unbiased
23 decision-making in the child removal process, while
24 maintaining the safety of children and reducing risk, with
25 the goal of decreasing the overrepresentation of BIPOC

1 children in out-of-home placements. This goal would be
2 achieved by convening a group of senior-level internal
3 staff members from the Department of Children and Family
4 Services who are from an area other than the pilot area to
5 (i) review removal decisions, absent specific demographic
6 information and (ii) determine whether removal of a child
7 is necessary to avoid imminent risk to his or her safety,
8 health, and well-being.

9 (2) Establish a pre-implementation steering committee
10 to:

11 (1) develop and implement the Bias-Free Removal
12 Pilot Program;

13 (2) recruit members for the Bias-Free Case Review
14 Team; and

15 (3) recruit members for the Bias-Free Child
16 Removal Advisory Board.

17 (3) Establish a Bias-Free Case Review Team consisting
18 of a child protection supervisor, an area administrator,
19 and a regional administrator from an area other than the
20 pilot area to: (i) review removal decisions absent
21 specific demographic information as provided in paragraph
22 (3) of subsection (e) of Section 25; and (ii) determine
23 whether removal of the child is necessary to avoid
24 imminent risk to his or her safety, health, and
25 well-being.

26 (4) Establish a Bias-Free Child Removal Advisory Board

1 to monitor and oversee the Bias-Free Case Review Team and
2 ensure that the Bias-Free Case Review Team executes
3 bias-free removals in accordance with the provisions of
4 this Act.

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

6 "Bias-free" means to review a case file without the
7 following identifying demographic information on the parent
8 and child: gender, race, ethnicity, geographic location, and
9 socio-economic status, which prevents a reader from inserting
10 bias, implicit or explicit, into critical decisions such as
11 removing a child from his or her family.

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

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

17 "Child welfare court personnel" means lawyers, judges,
18 public-defenders, and guardians ad litem.

19 "Department" means the Department of Children and Family
20 Services.

21 "Evaluation design" means identifying an overall strategy
22 for analyzing the effectiveness of a program to include
23 outlining a distinct approach to formulating key outputs and
24 outcomes, selecting an appropriate research method, and
25 evaluating the outcomes of a program.

1 "Immediate and urgent necessity" in accordance with
2 Section 5 of the Abused and Neglected Child reporting Act,
3 means (i) that there is a reason to believe that the child
4 cannot be cared for at home or in the custody of the person
5 responsible for the child's welfare without endangering the
6 child's health or safety and (ii) that there is no time to
7 apply for a court order under the Juvenile Court Act of 1987
8 for temporary custody of the child.

9 "Lived experience" means a representation of the
10 experiences of a person involved in the child welfare system,
11 the knowledge and understanding that the person gains from
12 these experiences, and the ability to understand the policies
13 or guidelines of the Department.

14 "Program" or "pilot program" means the Bias-Free Child
15 Removal Pilot Program.

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

17 Section 20. Program. The Department of Children and Family
18 Services shall establish a 3-year Bias-Free Child Removal
19 Pilot Program no later than January 1, 2024, for the purpose of
20 promoting unbiased decision making in the child removal
21 process. The pilot program shall be implemented in a field
22 office located in Cook County, a field office located in
23 Champaign County, and a field office located in St. Clair
24 County. The purpose of promoting unbiased decision making in
25 the child removal process shall be achieved by the identified

1 county using a bias-free child removal strategy when deciding
2 whether a child should be removed from the custody of his or
3 her parent or guardian, as specified.

4 By January 1, 2024, the steering committee established by
5 the Department as provided in Section 25 shall develop the
6 pilot program for the purpose of addressing racial
7 disproportionality in the child welfare system. The pilot
8 program shall be implemented for a period of no less than 3
9 years in at least one office located in Cook County, one office
10 located in Champaign County, and one office located in St.
11 Clair County.

12 The Department shall on January 1, 2025, January 1, 2026,
13 and January 1, 2027 submit to the General Assembly an
14 evaluation report that details the pilot program's
15 implementation and that provides an analysis of the pilot
16 program's effect and impact on the removal rates of BIPOC
17 children. The January 1, 2027 report shall be the final
18 evaluation report submitted to the General Assembly by the
19 Department.

20 Section 25. Implementation.

21 (a) By January 1, 2023, the Department shall establish a
22 pre-implementation steering committee consisting of an
23 interdisciplinary, diverse group of child welfare
24 professionals and advocates for the purpose of creating the
25 Bias-Free Child Removal Pilot Program and the

1 pre-implementation plan for the pilot program. The steering
2 committee shall be diverse in regard to the geographic
3 location, race/ethnicity, gender, and profession and lived
4 experience of committee members. As used in this Section,
5 "lived experience" includes knowledge and understanding of
6 Department processes and policies. The steering committee
7 shall develop and oversee the implementation of the Bias-Free
8 Case Review Team and bias-free removal process. Once
9 established, the steering committee shall initiate
10 implementation of the pilot program ensuring: (i)
11 organizational readiness; (ii) adequate data collection and
12 analysis; (iii) professional development and training for the
13 staff; and (iv) adherence to existing rules and State laws
14 concerning child safety. The steering committee shall include,
15 but not be limited to, the following members:

16 (1) A parent with lived experience in the child
17 welfare system.

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

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

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

24 (5) A public or private university responsible for
25 evaluating the pilot program.

26 (6) Three staff members from the Department, which

1 shall include the Deputy Director of the Department's
2 Division of Child Protection, the Deputy Director of the
3 Department's Division of Race Equity Practice, and the
4 Deputy Director of the Department's Division of Intact
5 Services.

6 (7) A licensed attorney who has practiced within the
7 Illinois child welfare court system in a county
8 represented in the pilot program such as, but not limited
9 to, a public defender, an assistant state's attorney, a
10 guardian ad litem, or a judge.

11 (8) A member of a statewide organization that
12 advocates on behalf of community-based services for
13 children and families.

14 (b) By January 1, 2024, the steering committee shall
15 establish the pilot program for the purpose of addressing
16 racial disproportionality in the child welfare system. The
17 pilot program shall be implemented for a period of no less than
18 3 years in at least one office located in Cook County, one
19 office located in Champaign County, and one office located in
20 St. Clair County.

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

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

26 (1) Three permanent Bias-Free Case Review Team members

1 for each county with a pilot program. The Review Team
2 shall be diverse in regard to the members' geographic
3 location, race and ethnicity, and gender. All Review Team
4 members shall possess the knowledge, experience,
5 understanding, and training equivalent to that of a child
6 welfare caseworker or investigator, or higher. The Review
7 Team shall be made up of the following:

8 (A) one child protection supervisor;

9 (B) one area administrator; and

10 (C) one regional administrator.

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

15 (3) A requirement that the Bias-Free Case Review Team
16 convene with urgency (within 24 but no longer than 48
17 business hours) of a child being placed in protective
18 custody and prior to a shelter care hearing in order to
19 determine if protective custody is warranted.

20 (4) Establishment of decision-making protocols for the
21 following questions:

22 (i) What constitutes a child protection
23 investigation meeting or not meeting the criteria to
24 be presented to the Review Team?

25 (ii) Who decides to bring the investigation to the
26 Review Team?

1 (iii) How and when the Review Team is to convene
2 during holidays, weekends, and after normal business
3 hours?

4 (e) The steering committee shall ensure that the pilot
5 program includes:

6 (1) A requirement that the Review Team convenes as
7 provided in paragraph (3) of subsection (d) to determine
8 if there was an immediate or urgent necessity to remove
9 the child from the care of his or her parent or guardian.

10 (2) A requirement that the child protection
11 investigator or supervisor present the investigation to
12 the Review Team.

13 (3) A requirement that, prior to the Review Team
14 convening, the following demographic and identifiable
15 information must be removed from the case notes, intake
16 summary, and investigation:

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

18 (B) The race or ethnicity of the child and the
19 child's parents, except when the allegations require
20 thoughtful considerations pertaining to a family's
21 culture, ethnicity, or religion.

22 (C) The sexual orientation or gender identity of
23 the child and the child's parents, except when the
24 allegations require thoughtful considerations
25 pertaining to the LGBTQ status or gender identity of
26 the child.

1 (D) The religious affiliation or beliefs of the
2 child and the child's parents, except when the
3 allegations require thoughtful considerations
4 pertaining to a family's culture, ethnicity, or
5 religion.

6 (E) The disability status of a parent, except when
7 the allegations require thoughtful considerations
8 pertaining to a family's disability status.

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

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

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

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

14 (J) Any reference to the location of the
15 neighborhood or county of the parent's address.

16 Redacting the demographic and identifiable information
17 from the intake summary, case notes, and investigation
18 reduces the potential for biased decision-making among
19 Review Team members. In adherence with the standards under
20 the Abused and Neglected Child Reporting Act and
21 Department rules, the focus shall instead be on the
22 evidence of safety factors, risk elements, and family
23 strengths. If removal is identified as unwarranted, the
24 Review Team shall make appropriate recommendations to
25 ensure the safety and well-being of the child, including,
26 but not limited to, voluntary or court-ordered intact

1 family services.

2 There only needs to be an agreement by the majority of
3 the Review Team members for a final decision to be
4 rendered.

5 (f) The Department shall develop a tool or rubric for the
6 Review Team to fully document the decision-making process and
7 what led to the final decision.

8 (1) Whenever a judge grants the Department temporary
9 custody of a child, the Review Team shall make a decision,
10 as soon as possible but no later than 48 hours prior to a
11 shelter care hearing, on whether the child's removal from
12 his or her home should be upheld or the child should be
13 returned home to his or her parent.

14 (2) The Review Team shall submit to the child
15 protection team (child protection worker, child protection
16 supervisor, and area administrator) the final decision in
17 writing.

18 (g) The steering committee shall have the authority to
19 include additional parameters in developing the pilot program,
20 as necessary, to remain consistent with and fulfill the
21 purpose and goal of the pilot program.

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

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

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

1 (3) Cases that include photographs of injuries.

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

4 (i) There is established a Bias-Free Child Removal
5 Advisory Board that shall include up to 2 of the following
6 members, per pilot area:

7 (1) community-based partners from the fields of
8 domestic violence, substance abuse, mental health, or
9 housing;

10 (2) public or private university partners;

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

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

16 (5) a member of a statewide organization that
17 advocates on behalf of community-based services for
18 children and families;

19 (6) a parent with lived experience in the child
20 welfare system;

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

23 (8) a member of an organization or office that
24 represents children in legal abuse and neglect
25 proceedings.

26 The Advisory Board shall be present with the Bias-Free

1 Review Team for all case reviews for the purpose of ensuring
2 that the Review Team executes bias-free removals in accordance
3 with this Act. The Advisory Board shall not be responsible for
4 any decision making.

5 (j) The Department shall adopt the written protocols
6 developed by the steering committee.

7 (k) Criteria for determining success. The pilot program
8 shall be considered successful and expanded statewide if it is
9 implemented with fidelity and the evaluation reveals that
10 disproportionality of BIPOC children is reduced by the end of
11 the pilot program. The pilot program shall not be expanded
12 statewide if the evaluation reveals that the bias-free removal
13 process did not reduce disproportionality.

14 (l) The Department shall adopt rules, policies, and
15 procedures necessary to implement this Act with the assistance
16 of the steering committee. The Department shall present
17 findings of the evaluation to the General Assembly on a yearly
18 basis, with the first report due on January 1, 2025. After year
19 3 of the pilot program, the Department shall determine the
20 need to expand the pilot program statewide, if data shows an
21 impact on disproportionality, and shall provide a
22 justification for or against statewide expansion. The pilot
23 program does not create a private cause of action in case there
24 is a problem with the application of the bias-free removal
25 process.

1 Section 30. Repealer. This Act is repealed on January 1,
2 2027.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".