

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 changing Section 35.5 and by adding Section 35.7 as follows:

6 (20 ILCS 505/35.5)

7 Sec. 35.5. Inspector General.

8 (a) The Governor shall appoint, and the Senate shall
9 confirm, an Inspector General who shall have the authority to
10 conduct investigations into allegations of or incidents of
11 possible misconduct, misfeasance, malfeasance, or violations
12 of rules, procedures, or laws by any employee, foster parent,
13 service provider, or contractor of the Department of Children
14 and Family Services. The Inspector General shall make
15 recommendations to the Director of Children and Family Services
16 concerning sanctions or disciplinary actions against
17 Department employees or providers of service under contract to
18 the Department. The Director of Children and Family Services
19 shall provide the Inspector General with an implementation
20 report on the status of any corrective actions taken on cases
21 under review and shall continue sending updated reports until
22 the corrective action is completed. The Inspector General may
23 recommend to the Director sanctions to be imposed against

1 agency staff for any actions taken, or not taken, that may have
2 affected the outcome of the case, or jeopardized the protection
3 of the child or children who were the subject of an
4 investigation. The Director shall provide a written response to
5 the Inspector General indicating the status of any sanctions or
6 disciplinary actions against employees or providers of service
7 involving any case subject to review. In any case, information
8 included in the reports to the Inspector General and Department
9 responses shall be subject to the public disclosure
10 requirements of the Abused and Neglected Child Reporting Act.

11 Any investigation conducted by the Inspector General shall be
12 independent and separate from the investigation mandated by the
13 Abused and Neglected Child Reporting Act. The Inspector General
14 shall be appointed for a term of 4 years. The Inspector General
15 shall function independently within the Department of Children
16 and Family Services with respect to ~~be independent of~~ the
17 operations of the Office of Inspector General, including the
18 performance of investigations and issuance of findings and
19 recommendations, Department and shall report to the Director of
20 Children and Family Services and the Governor and perform other
21 duties the Director may designate. The appropriation for the
22 Office of Inspector General shall be separate from the overall
23 appropriation for the Department of Children and Family
24 Services. The Inspector General shall adopt rules as necessary
25 to carry out the functions, purposes, and duties of the office
26 of Inspector General in the Department of Children and Family

1 Services, in accordance with the Illinois Administrative
2 Procedure Act and any other applicable law.

3 (b) The Inspector General shall have access to all
4 information and personnel necessary to perform the duties of
5 the office. To minimize duplication of efforts, and to assure
6 consistency and conformance with the requirements and
7 procedures established in the B.H. v. Suter consent decree and
8 to share resources when appropriate, the Inspector General
9 shall coordinate his or her activities with the Bureau of
10 Quality Assurance within the Department.

11 (c) The Inspector General shall be the primary liaison
12 between the Department and the Department of State Police with
13 regard to investigations conducted under the Inspector
14 General's auspices. If the Inspector General determines that a
15 possible criminal act has been committed, or that special
16 expertise is required in the investigation, he or she shall
17 immediately notify the Department of State Police. All
18 investigations conducted by the Inspector General shall be
19 conducted in a manner designed to ensure the preservation of
20 evidence for possible use in a criminal prosecution.

21 (d) The Inspector General may recommend to the Department
22 of Children and Family Services, the Department of Public
23 Health, or any other appropriate agency, sanctions to be
24 imposed against service providers under the jurisdiction of or
25 under contract with the Department for the protection of
26 children in the custody or under the guardianship of the

1 Department who received services from those providers. The
2 Inspector General may seek the assistance of the Attorney
3 General or any of the several State's Attorneys in imposing
4 sanctions.

5 (e) The Inspector General shall at all times be granted
6 access to any foster home, facility, or program operated for or
7 licensed or funded by the Department.

8 (f) Nothing in this Section shall limit investigations by
9 the Department of Children and Family Services that may
10 otherwise be required by law or that may be necessary in that
11 Department's capacity as the central administrative authority
12 for child welfare.

13 (g) The Inspector General shall have the power to subpoena
14 witnesses and compel the production of books and papers
15 pertinent to an investigation authorized by this Act. The power
16 to subpoena or to compel the production of books and papers,
17 however, shall not extend to the person or documents of a labor
18 organization or its representatives insofar as the person or
19 documents of a labor organization relate to the function of
20 representing an employee subject to investigation under this
21 Act. Any person who fails to appear in response to a subpoena
22 or to answer any question or produce any books or papers
23 pertinent to an investigation under this Act, except as
24 otherwise provided in this Section, or who knowingly gives
25 false testimony in relation to an investigation under this Act
26 is guilty of a Class A misdemeanor.

1 (h) The Inspector General shall provide to the General
2 Assembly and the Governor, no later than January 1 of each
3 year, a summary of reports and investigations made under this
4 Section for the prior fiscal year. The summaries shall detail
5 the imposition of sanctions and the final disposition of those
6 recommendations. The summaries shall not contain any
7 confidential or identifying information concerning the
8 subjects of the reports and investigations. The summaries also
9 shall include detailed recommended administrative actions and
10 matters for consideration by the General Assembly.

11 (Source: P.A. 90-512, eff. 8-22-97.)

12 (20 ILCS 505/35.7 new)

13 Sec. 35.7. Error Reduction Implementations Plans;
14 Inspector General.

15 (a) The Inspector General of the Department of Children and
16 Family Services shall develop Error Reduction Implementation
17 Plans, as necessary, to remedy patterns of errors or
18 problematic practices that compromise or threaten the safety of
19 children as identified in DCFS Office of Inspector General
20 (OIG) death or serious injury investigations and Child Death
21 Review Teams recommendations. The Error Reduction
22 Implementation Plans shall include both training and on-site
23 components. The Department shall deploy Error Reduction Safety
24 Teams to implement the Error Reduction Implementation Plans.
25 The Error Reduction Safety Teams shall be composed of Quality

1 Assurance and Division of Training staff to implement hands-on
2 training and Error Reduction Implementation Plans in targeted
3 offices where the Inspector General has determined that serious
4 or lethal errors have occurred or offices at risk for errors to
5 occur. The teams shall work in the offices or agencies as
6 required by the Error Reduction Implementation Plan and shall
7 work to ensure that systems are in place to continue reform
8 efforts after the departure of the teams. The Director shall
9 develop a method to ensure consistent compliance with any Error
10 Reduction Implementation Plan. The training curricula shall be
11 determined by the Inspector General with advice from the Child
12 Death Review Team Executive Council.

13 (b) Quality Assurance shall prepare public reports
14 annually detailing the following: the substance of any Error
15 Reduction Implementation Plan developed; any deviations from
16 the Error Reduction Plan; whether adequate staff was available
17 to perform functions necessary to the Error Reduction
18 Implementation Plan, including identification and reporting of
19 any staff needs; other problems noted or barriers to
20 implementing the Error Reduction Implementation Plan; and
21 recommendations for additional training, amendments to rules
22 and procedures, or other systemic reform identified by the
23 teams.

24 (c) The Error Reduction Teams shall implement training and
25 reform protocols through incubating change in each region,
26 Department office, or purchase of service office, as required.

1 The teams shall administer hands-on assistance, supervision,
2 and management while ensuring that the office, region, or
3 agency develops the skills and systems necessary to incorporate
4 changes on a permanent basis. For each Error Reduction Plan,
5 the Team shall determine whether adequate staff is available to
6 fulfill the Error Reduction Plan, provide case-by-case
7 supervision to ensure that the plan is implemented, and ensure
8 that management puts systems in place to enable the reforms to
9 continue.

10 (d) The OIG shall develop new Error Reduction Plans as
11 necessary. To implement each Error Reduction Plan, the OIG
12 shall work with Error Reduction Teams designated by the
13 Department. The teams shall be comprised of staff from Quality
14 Assurance and Training. Training shall work with the OIG to
15 develop a curriculum to address errors identified that
16 compromise the safety of children. Following the training
17 roll-out, the Teams shall work on-site in identified offices.
18 The Teams shall review and supervise all work relevant to the
19 Error Reduction Plan. Quality Assurance, in conjunction with
20 the OIG, shall identify outcome measures and track compliance
21 with the training curriculum. Each quarter, Quality Assurance
22 shall prepare a report detailing compliance with the Error
23 Reduction Plan and alert the Director to staffing needs or
24 other needs to accomplish the goals of the Error Reduction
25 Plan. The report shall be transmitted to the Director, the OIG,
26 and all management staff involved in the Error Reduction Plan.

1 (e) The Director shall review quarterly Quality Assurance
2 reports and shall ensure that supervisors' and managers'
3 performance evaluations (objectives evaluation) are based on
4 adherence to the Error Reduction Plan using criteria developed
5 by the Department.

6 (f) Quality Assurance shall prepare public reports
7 annually detailing the following: the substance of any Error
8 Reduction Plan developed; any deviations from the Error
9 Reduction Plan; whether adequate staff was available to perform
10 functions necessary to the Error Reduction Plan, including
11 identification and reporting of any staff needs; other problems
12 noted or barriers to implementing the Error Reduction Plan; and
13 any recommendations for additional training needs or systemic
14 change or reform of Rules and Procedures.