



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4773

Introduced 2/7/2014, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 120/1.02

from Ch. 102, par. 41.02

5 ILCS 140/2

from Ch. 116, par. 202

Creates the Department of Children and Family Services' Statewide Youth Advisory Board Act. Requires the Department of Children and Family Services to convene and maintain a Statewide Youth Advisory Board and regional youth advisory boards. Provides that each regional youth advisory board shall work with the Department or its designee to determine how to best provide services to current and former youth in foster care living within each of the regions; and that the Statewide Youth Advisory Board shall advise the Department and the General Assembly with respect to all matters involving or affecting current and former youth in foster care. Sets forth the responsibilities of the Statewide Youth Advisory Board. Contains provisions concerning membership, meetings, operations, and reporting requirements. Provides that meetings of the Statewide Youth Advisory Board and the regional youth advisory boards shall be closed to the public and shall not be subject to the Open Meetings Act. Provides that records and information provided to and maintained by the Statewide Youth Advisory Board and the regional youth advisory boards shall be confidential and not subject to the Freedom of Information Act. Amends the Open Meetings Act and the Freedom of Information Act to exclude the Statewide Youth Advisory Board and the regional youth advisory boards from the definition of "public body".

LRB098 16799 KTG 51868 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Department of Children and Family Services Statewide Youth
6 Advisory Board Act.

7 Section 5. Statewide Youth Advisory Board; regional youth
8 advisory boards. The Department of Children and Family Services
9 shall convene and maintain a Statewide Youth Advisory Board and
10 regional youth advisory boards. Each regional youth advisory
11 board shall work with the Department or its designee to
12 determine how to best provide services to current and former
13 youth in foster care living within each of the regions. The
14 Statewide Youth Advisory Board shall advise the Department and
15 the General Assembly with respect to all matters involving or
16 affecting current and former youth in foster care.
17 Responsibilities of the Statewide Youth Advisory Board shall
18 include:

19 (1) providing the Department and the General Assembly with
20 the perspective of youth under the care of the Department;

21 (2) identifying, analyzing, and recommending solutions to
22 any issues concerning adoption and guardianship and youth in
23 foster care;

1 (3) reviewing and advising the Department on proposed or
2 pending legislation, primarily as it concerns current and
3 former youth in foster care; and

4 (4) reviewing and making recommendations on Department
5 foster care and child welfare service delivery policies,
6 guidelines, procedures, and training.

7 Section 10. Membership.

8 (a) The Statewide Youth Advisory Board shall consist of
9 executive regional board members elected to represent the
10 regional youth advisory boards.

11 (b) The Statewide Youth Advisory Board and each regional
12 youth advisory board shall be composed of youth 14 to 21 years
13 of age who are former or current youth in foster care appointed
14 by the Department of Children and Family Services or its
15 designee.

16 Section 15. Meetings.

17 (a) Regular meetings of the regional youth advisory boards
18 shall be held monthly.

19 (b) Regular meetings of the Statewide Youth Advisory Board
20 shall be held at least 5 times per year.

21 (c) The Director of the Department or his or her designee
22 shall meet with the Statewide Youth Advisory Board at least
23 quarterly in order to discuss the issues and concerns of youth
24 in foster care.

1 (d) All meetings shall take place at locations, dates, and
2 times determined by the Department or its designee in
3 accordance with the bylaws for the Statewide Youth Advisory
4 Board and the regional youth advisory boards.

5 Section 20. Operations. The Department or its designee
6 shall manage each board, facilitate meetings, and develop
7 further necessary procedures, including, but not limited to,
8 bylaws for the Statewide Youth Advisory Board and the regional
9 youth advisory boards. The Department shall provide funding
10 necessary to maintain the operations of each board.

11 Section 25. Reporting. The Statewide Youth Advisory Board
12 shall report annually to the General Assembly on issues
13 concerning adoption and guardianship and youth in foster care,
14 and make recommendations regarding legislation, policies,
15 guidelines, procedures, and training.

16 Section 30. Public access to information.

17 (a) Meetings of the Statewide Youth Advisory Board and each
18 regional youth advisory board shall be closed to the public.
19 Meetings of the Statewide Youth Advisory Board and each
20 regional youth advisory board shall not be subject to the Open
21 Meetings Act.

22 (b) Records and information provided to and maintained by
23 the Statewide Youth Advisory Board and each regional youth

1 advisory board shall be confidential and not subject to the
2 Freedom of Information Act.

3 Section 35. The Open Meetings Act is amended by changing
4 Section 1.02 as follows:

5 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

6 Sec. 1.02. For the purposes of this Act:

7 "Meeting" means any gathering, whether in person or by
8 video or audio conference, telephone call, electronic means
9 (such as, without limitation, electronic mail, electronic
10 chat, and instant messaging), or other means of contemporaneous
11 interactive communication, of a majority of a quorum of the
12 members of a public body held for the purpose of discussing
13 public business or, for a 5-member public body, a quorum of the
14 members of a public body held for the purpose of discussing
15 public business.

16 Accordingly, for a 5-member public body, 3 members of the
17 body constitute a quorum and the affirmative vote of 3 members
18 is necessary to adopt any motion, resolution, or ordinance,
19 unless a greater number is otherwise required.

20 "Public body" includes all legislative, executive,
21 administrative or advisory bodies of the State, counties,
22 townships, cities, villages, incorporated towns, school
23 districts and all other municipal corporations, boards,
24 bureaus, committees or commissions of this State, and any

1 subsidiary bodies of any of the foregoing including but not
2 limited to committees and subcommittees which are supported in
3 whole or in part by tax revenue, or which expend tax revenue,
4 except the General Assembly and committees or commissions
5 thereof. "Public body" includes tourism boards and convention
6 or civic center boards located in counties that are contiguous
7 to the Mississippi River with populations of more than 250,000
8 but less than 300,000. "Public body" includes the Health
9 Facilities and Services Review Board. "Public body" does not
10 include a child death review team or the Illinois Child Death
11 Review Teams Executive Council established under the Child
12 Death Review Team Act, an ethics commission acting under the
13 State Officials and Employees Ethics Act, a regional youth
14 advisory board or the Statewide Youth Advisory Board
15 established under the Department of Children and Family
16 Services Statewide Youth Advisory Board Act, or the Illinois
17 Independent Tax Tribunal.

18 (Source: P.A. 96-31, eff. 6-30-09; 97-1129, eff. 8-28-12.)

19 Section 40. The Freedom of Information Act is amended by
20 changing Section 2 as follows:

21 (5 ILCS 140/2) (from Ch. 116, par. 202)

22 Sec. 2. Definitions. As used in this Act:

23 (a) "Public body" means all legislative, executive,
24 administrative, or advisory bodies of the State, state

1 universities and colleges, counties, townships, cities,
2 villages, incorporated towns, school districts and all other
3 municipal corporations, boards, bureaus, committees, or
4 commissions of this State, any subsidiary bodies of any of the
5 foregoing including but not limited to committees and
6 subcommittees thereof, and a School Finance Authority created
7 under Article 1E of the School Code. "Public body" does not
8 include a child death review team or the Illinois Child Death
9 Review Teams Executive Council established under the Child
10 Death Review Team Act, or a regional youth advisory board or
11 the Statewide Youth Advisory Board established under the
12 Department of Children and Family Services Statewide Youth
13 Advisory Board Act.

14 (b) "Person" means any individual, corporation,
15 partnership, firm, organization or association, acting
16 individually or as a group.

17 (c) "Public records" means all records, reports, forms,
18 writings, letters, memoranda, books, papers, maps,
19 photographs, microfilms, cards, tapes, recordings, electronic
20 data processing records, electronic communications, recorded
21 information and all other documentary materials pertaining to
22 the transaction of public business, regardless of physical form
23 or characteristics, having been prepared by or for, or having
24 been or being used by, received by, in the possession of, or
25 under the control of any public body.

26 (c-5) "Private information" means unique identifiers,

1 including a person's social security number, driver's license
2 number, employee identification number, biometric identifiers,
3 personal financial information, passwords or other access
4 codes, medical records, home or personal telephone numbers, and
5 personal email addresses. Private information also includes
6 home address and personal license plates, except as otherwise
7 provided by law or when compiled without possibility of
8 attribution to any person.

9 (c-10) "Commercial purpose" means the use of any part of a
10 public record or records, or information derived from public
11 records, in any form for sale, resale, or solicitation or
12 advertisement for sales or services. For purposes of this
13 definition, requests made by news media and non-profit,
14 scientific, or academic organizations shall not be considered
15 to be made for a "commercial purpose" when the principal
16 purpose of the request is (i) to access and disseminate
17 information concerning news and current or passing events, (ii)
18 for articles of opinion or features of interest to the public,
19 or (iii) for the purpose of academic, scientific, or public
20 research or education.

21 (d) "Copying" means the reproduction of any public record
22 by means of any photographic, electronic, mechanical or other
23 process, device or means now known or hereafter developed and
24 available to the public body.

25 (e) "Head of the public body" means the president, mayor,
26 chairman, presiding officer, director, superintendent,

1 manager, supervisor or individual otherwise holding primary
2 executive and administrative authority for the public body, or
3 such person's duly authorized designee.

4 (f) "News media" means a newspaper or other periodical
5 issued at regular intervals whether in print or electronic
6 format, a news service whether in print or electronic format, a
7 radio station, a television station, a television network, a
8 community antenna television service, or a person or
9 corporation engaged in making news reels or other motion
10 picture news for public showing.

11 (g) "Recurrent requester", as used in Section 3.2 of this
12 Act, means a person that, in the 12 months immediately
13 preceding the request, has submitted to the same public body
14 (i) a minimum of 50 requests for records, (ii) a minimum of 15
15 requests for records within a 30-day period, or (iii) a minimum
16 of 7 requests for records within a 7-day period. For purposes
17 of this definition, requests made by news media and non-profit,
18 scientific, or academic organizations shall not be considered
19 in calculating the number of requests made in the time periods
20 in this definition when the principal purpose of the requests
21 is (i) to access and disseminate information concerning news
22 and current or passing events, (ii) for articles of opinion or
23 features of interest to the public, or (iii) for the purpose of
24 academic, scientific, or public research or education.

25 For the purposes of this subsection (g), "request" means a
26 written document (or oral request, if the public body chooses

1 to honor oral requests) that is submitted to a public body via
2 personal delivery, mail, telefax, electronic mail, or other
3 means available to the public body and that identifies the
4 particular public record the requester seeks. One request may
5 identify multiple records to be inspected or copied.

6 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
7 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)