

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 21 as follows:

6 (20 ILCS 505/21) (from Ch. 23, par. 5021)

7 Sec. 21. Investigative powers; training.

8 (a) To make such investigations as it may deem necessary to
9 the performance of its duties.

10 (b) In the course of any such investigation any qualified
11 person authorized by the Director may administer oaths and
12 secure by its subpoena both the attendance and testimony of
13 witnesses and the production of books and papers relevant to
14 such investigation. Any person who is served with a subpoena by
15 the Department to appear and testify or to produce books and
16 papers, in the course of an investigation authorized by law,
17 and who refuses or neglects to appear, or to testify, or to
18 produce books and papers relevant to such investigation, as
19 commanded in such subpoena, shall be guilty of a Class B
20 misdemeanor. The fees of witnesses for attendance and travel
21 shall be the same as the fees of witnesses before the circuit
22 courts of this State. Any circuit court of this State, upon
23 application of the person requesting the hearing or the

1 Department, may compel the attendance of witnesses, the
2 production of books and papers, and giving of testimony before
3 the Department or before any authorized officer or employee
4 thereof, by an attachment for contempt or otherwise, in the
5 same manner as production of evidence may be compelled before
6 such court. Every person who, having taken an oath or made
7 affirmation before the Department or any authorized officer or
8 employee thereof, shall willfully swear or affirm falsely,
9 shall be guilty of perjury and upon conviction shall be
10 punished accordingly.

11 (c) Investigations initiated under this Section shall
12 provide individuals due process of law, including the right to
13 a hearing, to cross-examine witnesses, to obtain relevant
14 documents, and to present evidence. Administrative findings
15 shall be subject to the provisions of the Administrative Review
16 Law.

17 (d) Beginning July 1, 1988, any child protective
18 investigator or supervisor or child welfare specialist or
19 supervisor employed by the Department on the effective date of
20 this amendatory Act of 1987 shall have completed a training
21 program which shall be instituted by the Department. The
22 training program shall include, but not be limited to, the
23 following: (1) training in the detection of symptoms of child
24 neglect and drug abuse; (2) specialized training for dealing
25 with families and children of drug abusers; and (3) specific
26 training in child development, family dynamics and interview

1 techniques. Such program shall conform to the criteria and
2 curriculum developed under Section 4 of the Child Protective
3 Investigator and Child Welfare Specialist Certification Act of
4 1987. Failure to complete such training due to lack of
5 opportunity provided by the Department shall in no way be
6 grounds for any disciplinary or other action against an
7 investigator or a specialist.

8 The Department shall develop a continuous inservice staff
9 development program and evaluation system. Each child
10 protective investigator and supervisor and child welfare
11 specialist and supervisor shall participate in such program and
12 evaluation and shall complete a minimum of 20 hours of
13 inservice education and training every 2 years in order to
14 maintain certification.

15 Any child protective investigator or child protective
16 supervisor, or child welfare specialist or child welfare
17 specialist supervisor hired by the Department who begins his
18 actual employment after the effective date of this amendatory
19 Act of 1987, shall be certified pursuant to the Child
20 Protective Investigator and Child Welfare Specialist
21 Certification Act of 1987 before he begins such employment.
22 Nothing in this Act shall replace or diminish the rights of
23 employees under the Illinois Public Labor Relations Act, as
24 amended, or the National Labor Relations Act. In the event of
25 any conflict between either of those Acts, or any collective
26 bargaining agreement negotiated thereunder, and the provisions

1 of subsections (d) and (e), the former shall prevail and
2 control.

3 (e) The Department shall develop and implement the
4 following:

5 (1) A standardized child endangerment risk assessment
6 protocol.

7 (2) Related training procedures.

8 (3) A standardized method for demonstration of
9 proficiency in application of the protocol.

10 (4) An evaluation of the reliability and validity of
11 the protocol.

12 All child protective investigators and supervisors and child
13 welfare specialists and supervisors employed by the Department
14 or its contractors shall be required, subsequent to the
15 availability of training under this Act, to demonstrate
16 proficiency in application of the protocol previous to being
17 permitted to make decisions about the degree of risk posed to
18 children for whom they are responsible. The Department shall
19 establish a multi-disciplinary advisory committee appointed by
20 the Director, including but not limited to representatives from
21 the fields of child development, domestic violence, family
22 systems, juvenile justice, law enforcement, health care,
23 mental health, substance abuse, and social service to advise
24 the Department and its related contractors in the development
25 and implementation of the child endangerment risk assessment
26 protocol, related training, method for demonstration of

1 proficiency in application of the protocol, and evaluation of
2 the reliability and validity of the protocol. The Department
3 shall develop the protocol, training curriculum, method for
4 demonstration of proficiency in application of the protocol and
5 method for evaluation of the reliability and validity of the
6 protocol by July 1, 1995. Training and demonstration of
7 proficiency in application of the child endangerment risk
8 assessment protocol for all child protective investigators and
9 supervisors and child welfare specialists and supervisors
10 shall be completed as soon as practicable, but no later than
11 January 1, 1996. The Department shall submit to the General
12 Assembly on or before May 1, 1996, and every year thereafter,
13 an annual report on the evaluation of the reliability and
14 validity of the child endangerment risk assessment protocol.
15 The Department shall contract with a not for profit
16 organization with demonstrated expertise in the field of child
17 endangerment risk assessment to assist in the development and
18 implementation of the child endangerment risk assessment
19 protocol, related training, method for demonstration of
20 proficiency in application of the protocol, and evaluation of
21 the reliability and validity of the protocol.

22 (f) The Department shall provide each parent or guardian
23 and responsible adult caregiver participating in a safety plan
24 a copy of the written safety plan as signed by each parent or
25 guardian and responsible adult caregiver and by a
26 representative of the Department. The Department shall also

1 provide each parent or guardian and responsible adult caregiver
2 safety plan information on their rights and responsibilities
3 that shall include, but need not be limited to, information on
4 how to obtain medical care, emergency phone numbers, and
5 information on how to notify schools or day care providers as
6 appropriate. The Department's representative shall ensure that
7 the safety plan is reviewed and approved by the child
8 protection supervisor.

9 (Source: P.A. 91-61, eff. 6-30-99; 92-154, eff. 1-1-02.)