



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB4314**

by Rep. Barbara Wheeler

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/21

from Ch. 23, par. 5021

Amends the Children and Family Services Act. Provides that any parent or guardian who tests positive for the presence of a drug or drugs in his or her system during a drug screen test administered as part of a safety plan shall have the opportunity to make a written request to the Department of Children and Family Services for a confirmation drug test to be performed on the parent or guardian. Requires the Department to provide written instructions on how to request and receive a confirmation drug test to all parents or guardians who test positive during a drug screen test administered as part of a safety plan. Grants the Department rulemaking authority.

LRB099 14453 KTG 38731 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 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 (g) Any parent or guardian who tests positive for the  
10 presence of a drug or drugs in his or her system during a drug  
11 screen test administered as part of a safety plan provided  
12 under subsection (f) shall have the opportunity to make a  
13 written request to the Department for a confirmation drug test  
14 to be performed on the parent or guardian. The Department shall  
15 provide written instructions on how to request and receive a  
16 confirmation drug test to all parents or guardians who test  
17 positive during a drug screen test administered as part of a  
18 safety plan. The Department may adopt any rules necessary to  
19 implement the provisions of this subsection, including a rule  
20 that permits parents or guardians to submit a written request  
21 for a confirmation drug test not less than 30 days after the  
22 parent or guardian receives notification that he or she has  
23 tested positive during a drug screen test.

24 (Source: P.A. 98-830, eff. 1-1-15.)