



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4886**

Introduced 2/18/2020, by Rep. Steven Reick - Jim Durkin - Jonathan Carroll, Margo McDermed, Daniel Swanson, et al.

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the McHenry County Children and Family Services Agency Division in the Counties Code (referred to as AJ's Law). Establishes a county children and family services agency in McHenry County for a 5-year period to replace the operations of the Department of Children and Family Services within that county. Provides that the McHenry County children and family services agency shall have all powers and duties of the Department under the Children and Family Services Act and the Abused and Neglected Child Reporting Act. Provides for the appointment of an executive director and employment of employees. Provides for requirements for operation of the county children and family services agency, including unit-based multidisciplinary teams. Provides for State funding of the agency after submission of a budget to the Department each year. Provides for transfer of power and duties back to the Department should the county children and family services agency cease operations after the initial 5-year period. Effective immediately.

LRB101 20275 AWJ 69817 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by adding Division  
5 5-45 as follows:

6 (55 ILCS 5/Div. 5-45 heading new)

7 Division 5-45. McHenry County Children  
8 and Family Services Agency

9 (55 ILCS 5/5-45001 new)

10 Sec. 5-45001. Reference to Division. This Division may be  
11 referred to as AJ's Law.

12 (55 ILCS 5/5-45005 new)

13 Sec. 5-45005. Definitions. As used in this Division:

14 "Agency" means the McHenry County children and family  
15 services agency.

16 "County" means McHenry County.

17 "County board" means the McHenry County Board.

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

20 (55 ILCS 5/5-45010 new)

1       Sec. 5-45010. McHenry County children and family services  
2 agency; Department transfer of duties.

3       (a) The McHenry County children and family services agency  
4 is established. The agency shall begin operating no earlier  
5 than 90 days after the effective date of this amendatory Act of  
6 the 101st General Assembly. Once operations begin, the agency  
7 shall be a full-time agency of the county whose personnel,  
8 other than consultants, clinicians, or part-time clerical  
9 staff, shall devote full time during business hours to agency  
10 duties.

11       The county shall give the Department at least 45 days'  
12 notice as to the date the agency will begin operations. The  
13 agency will operate for at least 5 full years after the date  
14 the agency began its operations.

15       (b) On the date the county provided notice to the  
16 Department under subsection (a) that it would begin its agency  
17 operations, the Department's powers and duties under the  
18 Children and Family Services Act and the Abused and Neglected  
19 Child Reporting Act are assumed by the agency. Duties under  
20 these Acts include, but are not limited to, maintaining and  
21 managing: current services offered under the Acts; a crisis  
22 line or hotline; and the files transferred from the Department  
23 and created by the agency. The agency may modify their duties  
24 under the Acts if those changes are in the best interests of  
25 the children and families in the county and by reporting such  
26 changes to the Department no earlier than 30 days before any

1 such change.

2 (c) Once powers and duties are assumed by the agency under  
3 this Section, the agency shall perform its work in accordance  
4 with Department criteria, including any needed revised  
5 criteria based upon changes to the agency's duties reported to  
6 the Department under subsection (b).

7 (55 ILCS 5/5-45015 new)

8 Sec. 5-45015. Agency duties; investigatory functions. The  
9 agency shall protect the health, safety, and best interests of  
10 children in all situations in which children are vulnerable to  
11 child abuse or neglect, offer protective services in order to  
12 prevent any further harm to the child and to other children in  
13 the same environment or family, stabilize the home environment,  
14 and preserve family life whenever possible.

15 The agency shall employ policies and procedures to protect  
16 children from being abused and neglected as provided for in the  
17 Abused and Neglected Child Reporting Act, including, but not  
18 limited to, being responsible for receiving and investigating  
19 reports of adult resident abuse or neglect. In performing any  
20 of these duties, the agency may utilize protective services of  
21 voluntary agencies as are available.

22 (55 ILCS 5/5-45020 new)

23 Sec. 5-45020. Executive director; appointment. The county  
24 board chairperson shall appoint an executive director of the

1 agency, with the advice and consent of the county board. The  
2 executive director shall possess such qualifications as  
3 prescribed by the county board. The executive director of the  
4 agency may appoint such professional employees who meet the  
5 qualification requirements of the agency as allowed by the  
6 funds available to the agency.

7 (55 ILCS 5/5-45025 new)

8 Sec. 5-45025. Employees; facilities.

9 (a) All investigators and employees of the agency shall be  
10 employees of the county with the same qualifications and  
11 accreditation as required under the statutes, rules,  
12 procedures, and standards governing investigators and  
13 employees the Department. Current employees or contractors of  
14 the Department may be employed or contracted by the agency as  
15 deemed appropriate by the executive director, including those  
16 employees and investigators employed by the State within the  
17 facilities of the Department within the county. Agency  
18 employees shall be enrolled in such benefits and pension  
19 programs as deemed appropriate by the executive director that  
20 would be commensurate with county employees within other county  
21 agencies and departments. County employees of the agency shall  
22 be eligible for the same training eligible to for similar roles  
23 as State employees or contractors of the Department.

24 (b) The agency may lease or purchase facilities to operate  
25 the agency and to house its employees and contractors,

1 including leasing or purchasing facilities from the  
2 Department.

3 (55 ILCS 5/5-45030 new)

4 Sec. 5-45030. Operations. The agency will be operated as  
5 recommended in the February 2016 report, "The Urgent Need in  
6 Illinois for Unit-Based Multidisciplinary Teams to Investigate  
7 Child Abuse", published by the Illinois Children's Justice Task  
8 Force.

9 The agency may contract with the State, units of local  
10 government, providers, contractors, and servicers in order to  
11 provide its services with the highest standards as determined  
12 by the executive director and the agency, including contracts  
13 with pediatric child abuse physicians and neglect centers of  
14 excellence.

15 (55 ILCS 5/5-45035 new)

16 Sec. 5-45035. Agency funding; continuing appropriation.

17 (a) No later than 45 days after the effective date of this  
18 amendatory Act of the 101st General assembly and each year  
19 thereafter no later than 45 days before the anniversary of the  
20 date the agency began operations, the executive director shall  
21 prepare a budget and file the proposed budget with the Director  
22 of the Department. Each budget shall be no less than the total  
23 amount of all appropriations that were used by the Department  
24 in the county in the fiscal year immediately preceding the date

1 the agency began its operations.

2 On the date the agency begins its operations under  
3 subsection (a) of Section 5-45010, the Department shall make  
4 grants to the county for use by the agency in amounts equal to  
5 the moneys the Department was appropriated or otherwise  
6 received that the Department would have used for the remainder  
7 of the current fiscal year in the county. The grants, including  
8 those amounts appropriated and transferred to the Department  
9 under subsection (b), shall be distributed to the county no  
10 later than 14 days after the Department receives the applicable  
11 moneys and shall continue indefinitely unless the agency ceases  
12 operations under Section 5-45045. For moneys in possession of  
13 the Department designated for use in the county on the date the  
14 agency begins its operations, those moneys shall be distributed  
15 to the county no later than 14 days after the agency began its  
16 operations.

17 (b) For the 5 State fiscal years immediately following the  
18 date the agency begins its operations under subsection (a) of  
19 Section 5-45010:

20 (1) The Governor shall submit to the General Assembly a  
21 proposed budget for the Department for use by the county in  
22 which total General Revenue Fund appropriations are no less  
23 than the total amount of all appropriations that were used  
24 by the Department in the county in the fiscal year  
25 immediately preceding the date the agency began its  
26 operations. In addition, the Governor shall specify the

1 total amount of funds to be transferred from all Funds to  
2 the Department for use by the county during the budget  
3 year, which shall be no less than the total amount of all  
4 appropriations that were used by the Department in the  
5 county in the fiscal year immediately preceding the date  
6 the agency began its operations. The Governor may submit a  
7 proposed budget in which the total appropriated and  
8 transferred amounts the Department for use by the county  
9 are less than the total amount of all appropriations that  
10 were used by the Department in the county in the fiscal  
11 year immediately preceding the date the agency began its  
12 operations if the Governor declares in writing to the  
13 General Assembly the reason for the lesser amounts.

14 (2) The General Assembly shall appropriate amounts for  
15 the Department for use by the county for each fiscal year  
16 so that the total appropriation from all Funds is no less  
17 than the total amount of appropriations that were used by  
18 the Department in the county in the fiscal year immediately  
19 preceding the date the agency began its operations. In  
20 addition, the General Assembly shall legislatively  
21 transfer to the Department for use by the county for the  
22 fiscal year a total amount that is no less than the total  
23 amount of all appropriations that were used by the  
24 Department in the county in the fiscal year immediately  
25 preceding the date the agency began its operations. The  
26 General Assembly may appropriate or transfer lesser



1 amounts if it declares by Joint Resolution the reason for  
2 the lesser amounts.

3 (55 ILCS 5/5-45040 new)

4 Sec. 5-45040. Reporting; accountability.

5 (a) The agency shall issue annual reports to the  
6 Department, the Governor, and the General Assembly no later  
7 than 30 days after each anniversary of the date the agency  
8 began its operations. The report shall detail the agency's  
9 performance according to standard performance metrics,  
10 including, but not limited to: time of response to hotline  
11 reports; time of communication of hotline reports among various  
12 county stakeholders, including law enforcement; number and  
13 quality of indicated reports as measured against the  
14 Department's last baseline established in the county before the  
15 date the agency began its operations; caseload management by  
16 investigators as measured against the Department's last  
17 baseline established in the county before the date the agency  
18 began its operations; and other metrics as may be recommended  
19 by the executive director of the agency, the Director of the  
20 Department, or the Office of the Inspector General of the  
21 Department.

22 (b) The Office of the Inspector General of the Department  
23 has the authority to investigate any agency matter that would  
24 otherwise fall within the Inspector General's authority if  
25 those matters involved the Department.

1 (55 ILCS 5/5-45045 new)

2 Sec. 5-45045. Agency ceasing operations.

3 (a) No earlier than 5 years after the agency began  
4 operations, the county may cease operations under this Section.  
5 Before ceasing operations, the county shall give the Department  
6 no less than 90 days' notice of the date the agency will cease  
7 operations. On the date agency ceases operations, the  
8 Department will resume its powers and duties under the Children  
9 and Family Services Act and the Abused and Neglected Child  
10 Reporting Act and cease all grants to the county under this  
11 Division.

12 For moneys in possession of the agency from grants from the  
13 Department on the date the agency ceases operations, those  
14 moneys shall be distributed to the Department no later than 14  
15 days after the agency ceases its operations.

16 (b) The agency shall cease operations on the date of repeal  
17 of this Division under Section 5-45050 if the General Assembly  
18 has not repealed that Section. On that date, the Department  
19 shall resume its powers and duties and the agency shall  
20 distribute moneys as provided in subsection (a).

21 (55 ILCS 5/5-45050 new)

22 Sec. 5-45050. Repeal. This Act is repealed 6 years after  
23 the effective date of this amendatory Act of the 101st General  
24 Assembly.

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 55 ILCS 5/Div. 5-45

4 heading new

5 55 ILCS 5/5-45001 new

6 55 ILCS 5/5-45005 new

7 55 ILCS 5/5-45010 new

8 55 ILCS 5/5-45015 new

9 55 ILCS 5/5-45020 new

10 55 ILCS 5/5-45025 new

11 55 ILCS 5/5-45030 new

12 55 ILCS 5/5-45035 new

13 55 ILCS 5/5-45040 new

14 55 ILCS 5/5-45045 new

15 55 ILCS 5/5-45050 new