



Rep. Sonya M. Harper

Filed: 3/16/2021

10200HB3821ham001

LRB102 14103 KTG 23245 a

1 AMENDMENT TO HOUSE BILL 3821

2 AMENDMENT NO. _____. Amend House Bill 3821 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Racial Disproportionality in Child Welfare Task Force Act.

6 Section 3. Purposes. The purposes of this Act are to
7 understand the underlying factors of child welfare system
8 involvement for families; examine the racial disparities of
9 children and families involved in the child welfare system at
10 every key procedural phase of system involvement and the
11 causes of such disparities; and explore resources, policies,
12 and practices that could prevent system entry for families and
13 reduce racial disproportionality at each key procedural phase
14 of system involvement.

15 Section 5. Findings. The General Assembly finds the

1 following:

2 (1) Historically, Black children and Black parents and
3 caregivers, women in particular, are disproportionately
4 represented in the child welfare system.

5 (2) According to the Fiscal Year 2018 Disproportionality
6 and Disparity Report prepared by the Children and Family
7 Research Center of the University of Illinois, School of
8 Social Work, racial disparities exist at each key decision
9 point in the Illinois child welfare system with Black children
10 being overrepresented at each point.

11 (3) Multiple studies show that removals which separate
12 children from parents, even "short removals" lasting 48 hours,
13 trigger responses in the children that include anxiety,
14 isolation, aggression, substance abuse, and post-traumatic
15 stress disorder and release higher levels of cortisol and
16 damages brain cells. These impacts are experienced in
17 "reciprocal and synergistic" ways by parents during
18 separation.

19 (4) According to Child Trends' fiscal year 2019
20 "State-level Data for Understanding Child Welfare in the
21 United States," the average length of stay in foster care in
22 Illinois was 28.6 months compared to the national average of
23 19.8 months, and 12% of children in Illinois foster care were
24 there 5 or more years compared to 5% of children nationally in
25 foster care for that long.

26 (5) As of December 31, 2020, the population of Illinois'

1 youth in care was approximately 44% Black according to data
2 from the Department of Children and Family Services, while
3 recent data from the Annie E. Casey Foundation's KIDS COUNT
4 Data Center estimate the 2019 child population of Illinois to
5 have been approximately 15% Black.

6 (6) Black children and youth are represented in the child
7 welfare system in Illinois at approximately 3 times the
8 percentage of the statewide child population that is Black.
9 Nationally, Black children and youth are represented in foster
10 care at approximately 2 times the percentage of the national
11 child population that is Black according to the National
12 Conference of State Legislatures.

13 (7) Between fiscal years 2018 and 2020, the number of
14 Illinois children removed from their homes annually increased
15 by 30%, according to data from the Department of Children and
16 Family Services. The increase in 2019 was 17%, the
17 second-highest increase in the country.

18 (8) More than 90% of foster youth with 5 or more moves
19 become involved in the juvenile justice system. In 2019,
20 children in the custody of the Department of Children and
21 Family Services averaged 3.8 moves/1,000 days; for Black
22 children, the average was 4.4 moves/1,000 days.

23 (9) In Chapin Hall's Midwest Study of the Illinois,
24 Wisconsin, and Iowa child welfare systems, almost 70% of youth
25 involved in the study had been arrested by their mid-20s.

26 (10) In 2018, 79% of calls made to the Illinois Child Abuse

1 Hotline were made by mandated reporters. Of these calls, 25.8%
2 came from education personnel, 24.2% from law enforcement
3 personnel, 13.5% from medical personnel, and 10.7% from social
4 service personnel.

5 (11) According to Child Trends' state-level data for
6 federal fiscal year 2018 for Illinois, 65% of child abuse and
7 neglect cases were due to allegations of neglect, 12% due to
8 allegations of physical abuse, and 13% due to allegations of
9 sexual abuse.

10 (12) According to Child Trends' state-level data for
11 federal fiscal year 2019 for Illinois, 89% of entries into
12 foster care were due to neglect, 12% due to parental substance
13 abuse, 11% due to physical abuse, and 2% due to sexual abuse.

14 (13) In 2018, 20,815 reports to the Illinois Child Abuse
15 Hotline involved an allegation of abuse and 35,310 involved a
16 neglect allegation. Of these reports, only 10,189 were
17 investigated, and of these investigations, only 1,544 resulted
18 in an indicated finding. Of the investigations resulting in an
19 indicated finding, only 225 were screened into court.

20 (14) According to the Fiscal Year 2020 Monitoring Report
21 of the B.H. Consent Decree prepared by the Children and Family
22 Research Center of the University of Illinois, School of
23 Social Work, Black children in 2019 were less likely than
24 white and Latinx children to be placed in kinship foster
25 homes. Black children were more likely to be placed in
26 traditional foster homes than white and Latinx children. Black

1 children were also more likely to be placed in institutions or
2 group homes than white and Latinx children.

3 Section 10. Composition. The Racial Disproportionality in
4 Child Welfare Task Force is created within the Department of
5 Children and Family Services consisting of members appointed
6 as follows:

7 (1) Two members from the Senate, one appointed by the
8 President of the Senate and one appointed by the Senate
9 Minority Leader.

10 (2) Two members from the House of Representatives, one
11 appointed by the Speaker of the House of Representatives and
12 one appointed by the House Minority Leader.

13 (3) Two General Assembly members from the Illinois
14 Legislative Black Caucus, appointed by the Joint Caucus Chair
15 of the Illinois Legislative Black Caucus.

16 (4) Two General Assembly members from the Illinois Latino
17 Caucus, appointed by the Chair of the Illinois Latino Caucus.

18 (5) One member from the Office of the Governor appointed
19 by the Governor.

20 (6) The Director of Children and Family Services, or his
21 or her designee.

22 (7) The Secretary of Human Services, or his or her
23 designee.

24 (8) The Director of Healthcare and Family Services, or his
25 or her designee.

1 (9) One member from an organization with expertise in
2 housing and the Continuum of Care Program that works with
3 impacted populations or convenes advocates to prevent and end
4 homelessness, appointed by the Governor's Office.

5 (10) The Inspector General of the Department of Children
6 and Family Services, or his or her designee.

7 (11) One member from an organization with expertise in the
8 child welfare system that advocates to preserve and reunify
9 families, appointed by the Governor's Office.

10 (12) One member who is an academic researcher who has
11 studied the racialized history and impact of the child welfare
12 system on children, families, and communities, appointed by
13 the Governor's Office.

14 (13) One member from the Administrative Office of the
15 Illinois Courts, Children and Families Unit, Court Services
16 Division, appointed by the Director of the Administrative
17 Office of the Illinois Courts.

18 (14) Three members who are parents directly impacted by
19 the child welfare system, at least 2 of whom come from a
20 disproportionately represented racial group, appointed by the
21 Governor's Office.

22 (15) The Cook County Public Guardian or his or her
23 designee.

24 (16) One member who provides legal representation to
25 children in child protection cases from outside of Cook
26 County, appointed by the Governor's Office.

1 (17) Two members who provide legal representation to
2 parents in child protection cases, one from the Law Office of
3 the Cook County Public Defender, appointed by the Governor's
4 Office, and one from outside of Cook County, appointed by the
5 Governor's Office.

6 (18) Two members who provide legal representation on
7 behalf of the State of Illinois in child protection cases, one
8 from the Cook County State's Attorney's Office, appointed by
9 the Governor's Office, and one from a State's Attorney's
10 office outside of Cook County, appointed by the Governor's
11 Office.

12 (19) One member who provides legal services to parents
13 impacted by gender-based violence during the investigation
14 phase of child abuse or neglect cases, including services
15 related to safety plans, intact services, and administrative
16 appeals, appointed by the Governor's Office.

17 (20) Three members who have experience as youth in the
18 child welfare system, at least 2 of whom come from a
19 disproportionately represented racial group, appointed by the
20 Governor's Office.

21 (21) One member from a statewide organization advocating
22 for the advancement of civil liberties for at least 80 years in
23 Illinois, appointed by the Governor's Office.

24 (22) One member from an organization that advocates on
25 behalf of children, youth, and families and the
26 community-based providers that serve them, appointed by the

1 Governor's Office.

2 Section 15. Meetings; co-chairs; administrative support.
3 All members appointed under Section 10 shall serve without
4 compensation. Task Force members shall be appointed within 60
5 days after the effective date of this Act. The Task Force shall
6 hold its initial meetings within 90 days after the effective
7 date of this Act. The Task Force shall meet at least 4 times.
8 The following individuals shall serve as co-chairs of the Task
9 Force: (i) the member from the organization with expertise in
10 the child welfare system that advocates to preserve and
11 reunify families; and (ii) the member from the organization
12 that advocates on behalf of children, youth, and families and
13 the community-based providers that serve them. The Department
14 of Children and Family Services shall provide any necessary
15 administrative and other support to the Task Force. The
16 Department of Children and Family Services shall facilitate
17 the prompt and timely collection and provision of data as
18 requested by or on behalf of the Task Force. Such facilitation
19 shall include, without limitation, authorizing the provision
20 of reports and underlying Department data that the Department
21 currently or previously has provided or made available to the
22 Children and Family Research Center of the University of
23 Illinois at Urbana-Champaign, Chapin Hall, Northwestern
24 University, and any other of the Department's university
25 partners and consultants.

1 Section 20. Duties. The Task Force shall:

2 (1) Examine the historical and current role of
3 mandatory reporting and its impact on the racial and
4 gender disparities of families involved with the
5 Department of Children and Family Services.

6 (2) Examine the underlying factors that bring families
7 into contact with the Department of Children and Family
8 Services and the factors that lead to child removal,
9 including, but not limited to, suspected or known
10 substance use or dependency, intergenerational child
11 welfare system involvement, and lack of access to shelter,
12 food, clothing, income or employment, and healthcare, and
13 how these impact the length of time families remain
14 involved in the child welfare system.

15 (3) Review the Department of Children and Family
16 Services' progress on the planning and implementation of
17 the Family First Prevention Services Act and determine
18 what impact, if any, the plan may have on the current
19 racial disparities of children and families in the child
20 welfare system.

21 (4) Examine the current processes and policies, data,
22 and data collection methods for families involved
23 simultaneously in the child welfare, juvenile justice, or
24 criminal justice systems, including, but not limited to,
25 youth who are dually involved in the juvenile justice and

1 child welfare systems.

2 (5) Explore policies and protocols that honor
3 language, culture, and heritage in identity formation and
4 familial relationships, including, but not limited to,
5 race-blind child protection screenings and child removal
6 reviews, as implemented in other jurisdictions around the
7 United States, and make recommendations for implementation
8 in Illinois.

9 (6) Explore the development of a curriculum for a
10 child welfare specific implicit bias training for all
11 public and private direct service staff and supervisors
12 who interact with children and families.

13 Section 25. Report. The Task Force shall produce and
14 submit policy recommendations, both administrative and
15 legislative, to the General Assembly and the Governor within
16 one year after the first meeting of the Task Force. The
17 recommendations shall seek to: (i) prioritize preserving and
18 reunifying families involved in the child welfare system,
19 particularly Black families; (ii) reduce child welfare system
20 involvement, particularly for Black families; and (iii)
21 eliminate racial disproportionality in system involvement and
22 the disproportionate impact of system involvement on families.
23 The Task Force co-chairs shall convene a final meeting before
24 the repeal date of this Act to discuss an implementation plan
25 based on the produced policy recommendations.

1 Section 30. Repeal. The Task Force is dissolved, and this
2 Act is repealed on, January 1, 2024.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".