



Sen. Karina Villa

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LRB102 23913 KTG 36504 a

1 AMENDMENT TO SENATE BILL 3720

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3720 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Bias-Free Child Removal Pilot Program Act.

6 Section 5. Findings. The General Assembly finds that the  
7 University of Illinois' Children and Family Research Center  
8 determined in its October 2021 report, "Racial  
9 Disproportionality in the Illinois Child Welfare System",  
10 that:

11 (1) In 2020, compared to their percentage in the  
12 general child population, black children were  
13 overrepresented in foster care having made up 16.4% of the  
14 general child population, but accounting for 38.5% of  
15 protective custodies.

16 (2) In comparison, white children were proportionally

1 represented in foster care having made up 52.8% of the  
2 general child population, but accounting for 48.8% of  
3 protective custodies. Hispanic children were  
4 under-represented having made up 24.9% of the general  
5 child population, but accounting for 11.5% of protective  
6 custodies.

7 Section 10. Purpose.

8 (a) In Illinois, and across the nation, some racial and  
9 ethnic minority groups are disproportionately represented in  
10 the child welfare system. This disproportionality could occur  
11 at 5 different decision points during a family's child welfare  
12 involvement:

- 13 (1) investigated child abuse/neglect (CAN) reports;
- 14 (2) protective custodies;
- 15 (3) indicated CAN reports;
- 16 (4) post-investigation service provision; and
- 17 (5) timely exits from substitute care.

18 (b) The purpose of this Act is to:

- 19 (1) Require the Department of Children and Family  
20 Services to establish a 3-year, Bias-Free Child Removal  
21 Pilot Program for the purpose of promoting unbiased  
22 decision making in the child removal process, while  
23 maintaining the safety of children and reducing risk, with  
24 the goal of decreasing the overrepresentation of BIPOC  
25 children in out-of-home placements. This goal would be

1 achieved by convening a group of senior-level internal  
2 staff members from the Department of Children and Family  
3 Services who are from an area other than the pilot area to  
4 (i) review removal decisions, absent specific demographic  
5 information and (ii) determine whether removal of a child  
6 is necessary to avoid imminent risk to the child's safety,  
7 health, and well-being.

8 (2) Establish a steering committee to:

9 (A) develop and implement the Bias-Free Removal  
10 Pilot Program;

11 (B) appoint members for the Bias-Free Case Review  
12 Team; and

13 (C) appoint members for the Bias-Free Child  
14 Removal Advisory Board.

15 (3) Establish a Bias-Free Case Review Team consisting  
16 of a child protection supervisor, an area administrator,  
17 and a regional administrator from an area other than the  
18 pilot area to: (i) review removal decisions absent  
19 specific demographic information as provided in paragraph  
20 (3) of subsection (e) of Section 25; and (ii) determine  
21 whether removal of the child is necessary to avoid  
22 imminent risk to the child's safety, health, and  
23 well-being.

24 (4) Establish a Bias-Free Child Removal Advisory Board  
25 to monitor and oversee the Bias-Free Case Review Team and  
26 ensure that the Bias-Free Case Review Team executes

1 bias-free removals in accordance with the provisions of  
2 this Act.

3 Section 15. Definitions. As used in this Act:

4 "Bias-free" means to review a case file without the  
5 following identifying demographic information on the parent  
6 and child: gender, race, ethnicity, geographic location, and  
7 socioeconomic status, which prevents a reader from inserting  
8 bias, implicit or explicit, into critical decisions such as  
9 removing a child from the child's family.

10 "BIPOC" means people who are members of the groups  
11 described in subparagraphs (a) through (e) of paragraph (A) of  
12 subsection (1) of Section 2 of the Business Enterprise for  
13 Minorities, Women, and Persons with Disabilities Act.

14 "Child" means any person under 18 years of age.

15 "Child welfare court personnel" means lawyers, judges,  
16 public defenders, and guardians ad litem.

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

19 "Evaluation design" means identifying an overall strategy  
20 for analyzing the effectiveness of a program to include  
21 outlining a distinct approach to formulating key outputs and  
22 outcomes, selecting an appropriate research method, and  
23 evaluating the outcomes of a program.

24 "Immediate and urgent necessity", in accordance with  
25 Section 5 of the Abused and Neglected Child reporting Act,

1 means (i) that there is a reason to believe that the child  
2 cannot be cared for at home or in the custody of the person  
3 responsible for the child's welfare without endangering the  
4 child's health or safety and (ii) that there is no time to  
5 apply for a court order under the Juvenile Court Act of 1987  
6 for temporary custody of the child.

7 "Lived experience" means a representation of the  
8 experiences of a person involved in the child welfare system,  
9 the knowledge and understanding that the person gains from  
10 these experiences, and the ability to understand the policies  
11 or guidelines of the Department.

12 "Program" or "pilot program" means the Bias-Free Child  
13 Removal Pilot Program.

14 "Review Team" means the Bias-Free Case Review Team.

15 Section 20. Program. The Department of Children and Family  
16 Services shall establish a 3-year Bias-Free Child Removal  
17 Pilot Program no later than January 1, 2024, for the purpose of  
18 promoting unbiased decision making in the child removal  
19 process. The pilot program shall be implemented in a field  
20 office located in DuPage County, a field office located in  
21 Champaign County, and a field office located in Williamson  
22 County. The purpose of promoting unbiased decision making in  
23 the child removal process shall be achieved by the identified  
24 county using a bias-free child removal strategy when deciding  
25 whether a child should be removed from the custody of the

1 child's parent or guardian, as specified.

2 By January 1, 2024, the steering committee established by  
3 the Department as provided in Section 25 shall develop the  
4 pilot program for the purpose of addressing racial  
5 disproportionality in the child welfare system. The pilot  
6 program shall be implemented for a period of no less than 3  
7 years in at least one office located in DuPage County, one  
8 office located in Champaign County, and one office located in  
9 Williamson County.

10 The Department shall on January 1, 2025, January 1, 2026,  
11 and January 1, 2027 submit to the General Assembly an  
12 evaluation report that details the pilot program's  
13 implementation and that provides an analysis of the pilot  
14 program's effect and impact on the removal rates of BIPOC  
15 children. The January 1, 2027 report shall be the final  
16 evaluation report submitted to the General Assembly by the  
17 Department.

18 Section 25. Implementation.

19 (a) By January 1, 2023, the Department shall establish a  
20 steering committee consisting of an interdisciplinary, diverse  
21 group of child welfare professionals and advocates for the  
22 purpose of creating the Bias-Free Child Removal Pilot Program  
23 and the pre-implementation plan for the pilot program. The  
24 steering committee shall be diverse in regard to the  
25 geographic location, race/ethnicity, gender, and profession

1 and lived experience of committee members. As used in this  
2 Section, "lived experience" includes knowledge and  
3 understanding of Department processes and policies. The  
4 steering committee shall develop and oversee the  
5 implementation of the Bias-Free Case Review Team and bias-free  
6 removal process. Once established, the steering committee  
7 shall initiate implementation of the pilot program ensuring:  
8 (i) organizational readiness; (ii) adequate data collection  
9 and analysis; (iii) professional development and training for  
10 the staff; and (iv) adherence to existing rules and State laws  
11 concerning child safety. The steering committee shall include,  
12 but not be limited to, the following members:

13 (1) A parent with lived experience in the child  
14 welfare system.

15 (2) A former youth in care with lived experience in  
16 the child welfare system.

17 (3) A member of an organization or office that  
18 represents children in abuse and neglect proceedings.

19 (4) A community-based organization that advocates for  
20 parents' rights within the child welfare system.

21 (5) A public or private university responsible for  
22 evaluating the pilot program.

23 (6) Three staff members from the Department, which  
24 shall include the Deputy Director of the Department's  
25 Division of Child Protection, the Deputy Director of the  
26 Department's Division of Race Equity Practice, and the

1 Deputy Director of the Department's Division of Intact  
2 Services.

3 (7) A licensed attorney who has practiced within the  
4 Illinois child welfare court system in a county  
5 represented in the pilot program such as, but not limited  
6 to, a public defender, an assistant state's attorney, a  
7 guardian ad litem, or a judge.

8 (8) A member of a statewide organization that  
9 advocates on behalf of community-based services for  
10 children and families.

11 (b) By January 1, 2024, the steering committee shall  
12 establish the pilot program for the purpose of addressing  
13 racial disproportionality in the child welfare system. The  
14 pilot program shall be implemented for a period of no less than  
15 3 years in at least one office located in DuPage County, one  
16 office located in Champaign County, and one office located in  
17 Williamson County.

18 (c) The steering committee shall develop a written plan  
19 for the pilot program, in accordance with the goals of this  
20 Act, that shall be adopted by a unanimous vote.

21 (d) The steering committee must include in the development  
22 of the pilot program the following:

23 (1) Three permanent Bias-Free Case Review Team members  
24 for each county with a pilot program. The Review Team  
25 shall be diverse in regard to the members' geographic  
26 location, race and ethnicity, and gender. All Review Team



1 members shall possess the knowledge, experience,  
2 understanding, and training equivalent to that of a child  
3 welfare caseworker or investigator, or higher. The Review  
4 Team shall be made up of the following:

5 (A) one child protection supervisor;

6 (B) one area administrator; and

7 (C) one regional administrator.

8 (2) At least 4 alternate Review Team members who meet  
9 the same criteria set forth in paragraph (1) to fill in if  
10 or when a permanent Review Team member is unable to  
11 participate or attend meetings.

12 (3) A requirement that the Bias-Free Case Review Team  
13 convene with urgency (within 24 but no longer than 48  
14 business hours) of a child being placed in protective  
15 custody and prior to a shelter care hearing in order to  
16 determine if protective custody is warranted.

17 (4) Establishment of decision-making protocols for the  
18 following questions:

19 (i) What constitutes a child protection  
20 investigation meeting or not meeting the criteria to  
21 be presented to the Review Team?

22 (ii) Who decides to bring the investigation to the  
23 Review Team?

24 (iii) How and when the Review Team is to convene  
25 during holidays, weekends, and after normal business  
26 hours?

1 (e) The steering committee shall ensure that the pilot  
2 program includes:

3 (1) A requirement that the Review Team convenes as  
4 provided in paragraph (3) of subsection (d) to determine  
5 if there was an immediate or urgent necessity to remove  
6 the child from the care of the child's parent or guardian.

7 (2) A requirement that the child protection  
8 investigator or supervisor present the investigation to  
9 the Review Team.

10 (3) A requirement that, prior to the Review Team  
11 convening, the following demographic and identifiable  
12 information must be removed from the case notes, intake  
13 summary, and investigation:

14 (A) The name of the child and the child's parents.

15 (B) The race or ethnicity of the child and the  
16 child's parents, except when the allegations require  
17 thoughtful considerations pertaining to a family's  
18 culture, ethnicity, or religion.

19 (C) The sexual orientation or gender identity of  
20 the child and the child's parents, except when the  
21 allegations require thoughtful considerations  
22 pertaining to the LGBTQ status or gender identity of  
23 the child.

24 (D) The religious affiliation or beliefs of the  
25 child and the child's parents, except when the  
26 allegations require thoughtful considerations

1           pertaining to a family's culture, ethnicity, or  
2           religion.

3           (E) The disability status of a parent, except when  
4           the allegations require thoughtful considerations  
5           pertaining to a family's disability status.

6           (F) The political affiliation or beliefs of the  
7           child and the child's parents.

8           (G) The marital status of the child's parents.

9           (H) The income level of the child's parents.

10          (I) The education level of the child's parents.

11          (J) Any reference to the location of the  
12          neighborhood or county of the parent's address.

13          Redacting the demographic and identifiable information  
14          from the intake summary, case notes, and investigation  
15          reduces the potential for biased decision making among  
16          Review Team members. In adherence with the standards under  
17          the Abused and Neglected Child Reporting Act and  
18          Department rules, the focus shall instead be on the  
19          evidence of safety factors, risk elements, and family  
20          strengths. If removal is identified as unwarranted, the  
21          Review Team shall make appropriate recommendations to  
22          ensure the safety and well-being of the child, including,  
23          but not limited to, voluntary or court-ordered intact  
24          family services.

25          Agreement by a majority of the Review Team members, as  
26          shall be outlined in protocol, is needed to render a final

1 decision.

2 (f) The Department shall develop a tool or rubric for the  
3 Review Team to fully document the decision-making process and  
4 what led to the final decision.

5 (1) The Review Team shall make a decision, as soon as  
6 possible but no later than 48 hours prior to a shelter care  
7 hearing, on whether the child's removal from the child's  
8 home should be upheld or the child should be returned home  
9 to the child's parent.

10 (2) The Review Team shall submit to the child  
11 protection team (child protection worker, child protection  
12 supervisor, and area administrator) the final decision in  
13 writing.

14 (g) The steering committee shall have the authority to  
15 include additional parameters in developing the pilot program,  
16 as necessary, to remain consistent with and fulfill the  
17 purpose and goal of the pilot program.

18 (h) Cases that shall not be included in the pilot program:

19 (1) Where protective custody is taken by law  
20 enforcement or a medical professional.

21 (2) Cases that involve a forensic interview by a child  
22 protective investigator or law enforcement.

23 (3) Cases that include photographs of injuries.

24 (4) Any case where the child welfare court has made a  
25 determination on the issue of custody.

26 (i) There is established a Bias-Free Child Removal

1 Advisory Board with the knowledge and understanding of the  
2 Department's policies, rules, and procedures that shall  
3 include up to 2 of the following members, per pilot area:

4 (1) community-based partners from the fields of  
5 domestic violence, substance abuse, mental health, or  
6 housing;

7 (2) public or private university partners;

8 (3) a member of an organization that advocates on  
9 behalf of parents and families;

10 (4) a member of an organization that legally  
11 represents children who are involved in the foster care  
12 system, in the court process;

13 (5) a member of a statewide organization that  
14 advocates on behalf of community-based services for  
15 children and families;

16 (6) a parent with lived experience in the child  
17 welfare system;

18 (7) a former youth in care with lived experience in  
19 the child welfare system; and

20 (8) a member of an organization or office that  
21 represents children in legal abuse and neglect  
22 proceedings.

23 The Advisory Board shall be present with the Bias-Free  
24 Review Team for all case reviews for the purpose of ensuring  
25 that the Review Team executes bias-free removals in accordance  
26 with this Act. The Advisory Board shall not be responsible for

1 any decision making.

2 (j) The Department shall adopt the written protocols  
3 developed by the steering committee.

4 (k) Criteria for determining success. The pilot program  
5 shall be considered successful and expanded statewide if it is  
6 implemented with fidelity and the evaluation reveals that  
7 disproportionality of BIPOC children is reduced by the end of  
8 the pilot program. The pilot program shall not be expanded  
9 statewide if the evaluation reveals that the bias-free removal  
10 process did not reduce disproportionality.

11 (l) The Department shall adopt rules, policies, and  
12 procedures necessary to implement this Act with the assistance  
13 of the steering committee. The Department shall present  
14 findings of the evaluation to the General Assembly on a yearly  
15 basis, with the first report due on January 1, 2025. After year  
16 3 of the pilot program, the Department shall determine the  
17 need to expand the pilot program statewide, if data shows an  
18 impact on disproportionality, and shall provide a  
19 justification for or against statewide expansion. The pilot  
20 program does not create a private cause of action in case there  
21 is a problem with the application of the bias-free removal  
22 process.

23 Section 30. Repealer. This Act is repealed on January 1,  
24 2027.

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