



Sen. Karina Villa

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10200SB3720sam003

LRB102 23913 KTG 36953 a

1 AMENDMENT TO SENATE BILL 3720

2 AMENDMENT NO. _____. Amend Senate Bill 3720, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

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

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

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

8 Section 10. Purpose.

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

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

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

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

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

9 (2) Establish a steering committee to:

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

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

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

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

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

1 ensure that the Bias-Free Case Review Team executes
2 bias-free removals in accordance with the provisions of
3 this Act.

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

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

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

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

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

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

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

25 "Immediate and urgent necessity", in accordance with

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

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

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

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

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

1 whether a child should be removed from the custody of the
2 child's parent or guardian, as specified.

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

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

19 Section 25. Implementation.

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

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

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

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

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

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

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

24 (6) Five staff members from the Department, which
25 shall include a child protection investigator, a child
26 protection supervisor, the Deputy Director of the

1 Department's Division of Child Protection, the Deputy
2 Director of the Department's Division of Race Equity
3 Practice, and the Deputy Director of the Department's
4 Division of Intact Services.

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

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

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

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

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

25 (1) Three permanent Bias-Free Case Review Team members
26 for each county with a pilot program. The Review Team

1 shall be diverse in regard to the members' geographic
2 location, race and ethnicity, and gender. All Review Team
3 members shall possess the knowledge, experience,
4 understanding, and training equivalent to that of a child
5 welfare caseworker or investigator, or higher. The Review
6 Team shall be made up of the following:

7 (A) one child protection supervisor;

8 (B) one area administrator; and

9 (C) one regional administrator.

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

14 (3) A decision regarding a timeline for convening the
15 Bias-Free Case Review Team.

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

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

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

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

26 (e) The steering committee shall ensure that the pilot

1 program includes:

2 (1) A timeline for when the Bias-Free Case Review Team
3 shall convene.

4 (2) How and when the child protection investigator or
5 child protection supervisor shall present the
6 investigation to the Bias-Free Case Review Team.

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

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

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

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

21 (D) The religious affiliation or beliefs of the
22 child and the child's parents, except when the
23 allegations require thoughtful considerations
24 pertaining to a family's culture, ethnicity, or
25 religion.

26 (E) The disability status of a parent, except when

1 the allegations require thoughtful considerations
2 pertaining to a family's disability status.

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

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

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

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

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

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

22 The redaction of case file information shall not be
23 completed by the child protection investigator or the
24 child protection supervisor.

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."