



Sen. Karina Villa

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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 pilot program shall not prevent a child protection  
23 investigator or supervisor from performing routine  
24 assignments required under Department policy after taking  
25 protective custody of a child.

26 The redaction of case file information or the

1 preparation of case files for the Review Team shall not be  
2 completed by the child protection investigator or the  
3 child protection supervisor.

4 Agreement by a majority of the Review Team members, as  
5 shall be outlined in protocol, is needed to render a final  
6 decision.

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

10 (1) The Review Team shall make a decision on whether  
11 the child's removal from the child's home should be upheld  
12 or the child should be returned home to the child's  
13 parent.

14 (2) The Review Team shall submit to the child  
15 protection team (child protection worker, child protection  
16 supervisor, and area administrator) the final decision in  
17 writing.

18 (g) The steering committee shall have the authority to  
19 include additional parameters in developing the pilot program,  
20 as necessary, to remain consistent with and fulfill the  
21 purpose and goal of the pilot program.

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

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

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

1 (3) Cases that include photographs of injuries.

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

4 (i) There is established a Bias-Free Child Removal  
5 Advisory Board with the knowledge and understanding of the  
6 Department's policies, rules, and procedures that shall  
7 include up to 2 of the following members, per pilot area:

8 (1) community-based partners from the fields of  
9 domestic violence, substance abuse, mental health, or  
10 housing;

11 (2) public or private university partners;

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

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

17 (5) a member of a statewide organization that  
18 advocates on behalf of community-based services for  
19 children and families;

20 (6) a parent with lived experience in the child  
21 welfare system;

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

24 (8) a member of an organization or office that  
25 represents children in legal abuse and neglect  
26 proceedings.

1           The Advisory Board shall be present with the Bias-Free  
2 Review Team for all case reviews for the purpose of ensuring  
3 that the Review Team executes bias-free removals in accordance  
4 with this Act. The Advisory Board shall not be responsible for  
5 any decision making.

6           (j) The Department shall adopt the written protocols  
7 developed by the steering committee.

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

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

1           Section 30. Repealer. This Act is repealed on January 1,  
2           2027.

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