



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4349

Introduced 1/16/2024, by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

New Act

Creates the 22nd Judicial Circuit Children and Family Services Agency Act (which may be referred to as AJ's Law). Establishes a 22nd Judicial Circuit Children and Family Services Agency for a 5-year period to replace the operations of the Department Children and Family Services within the 22nd Judicial Circuit. Provides that the Agency shall have all powers and duties of the Department. Provides for the appointment of an Executive Director and employment of employees. Provides for requirements for operation of the 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 the transfer of power and duties back to the Department should the Agency cease operations after the initial 5-year period. Repeals the Act 6 years after the effective date of the Act. Effective immediately.

LRB103 35387 LNS 65452 b

1 AN ACT concerning courts.

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

4 Section 1. Short title; references to Act.

5 (a) This Act may be cited as the 22nd Judicial Circuit
6 Children and Family Services Agency Act.

7 (b) This Act may be referred to as AJ's Law.

8 Section 5. Definitions. As used in this Act:

9 "Agency" means the 22nd Judicial Circuit Children and
10 Family Services Agency.

11 "Department" means the Department of Children and Family
12 Services.

13 Section 10. 22nd Judicial Circuit Children and Family
14 Services Agency; Department transfer of duties.

15 (a) The 22nd Judicial Circuit Children and Family Services
16 Agency is established. The Agency shall begin operation no
17 earlier than 90 days after the effective date of this Act. Once
18 operations begin, the Agency shall be a full-time Agency of
19 the 22nd Judicial Circuit whose personnel, other than
20 consultants, clinicians, or part-time clerical staff, shall
21 devote full time during business hours to Agency duties.

22 The 22nd Judicial Circuit shall give the Department at

1 least 45 days' notice as to the date the Agency will begin
2 operations. The Agency will operate for at least 5 full years
3 after the date the Agency began its operations.

4 (b) On the date the 22nd Judicial Circuit indicated to the
5 Department that it would begin its Agency operations in the
6 notice provided to the Department under subsection (a), the
7 Department's powers and duties under the Children and Family
8 Services Act and the Abused and Neglected Child Reporting Act
9 are assumed by the Agency. Duties under these Acts include,
10 but are not limited to, maintaining and managing current
11 services offered under Acts, investigations, court
12 proceedings, and maintaining and managing the files
13 transferred from the Department and created by the Agency. A
14 5-member Executive Commission shall determine which portions
15 of the Children and Family Services Act and the Abused and
16 Neglected Child Reporting Act are appropriate to be assumed by
17 the Agency. The Executive Commission shall be led by the
18 Executive Director and shall consist of: one member appointed
19 by the Governor; one member appointed by the President of the
20 Senate; one member appointed by the Minority Leader of the
21 Senate; one member appointed by the Speaker of the House of
22 Representatives; and one member appointed by the Minority
23 Leader of the House of Representatives. The Agency may modify
24 its duties under the Acts if those changes are in the best
25 interests of the children and family in the 22nd Judicial
26 Circuit and by reporting such changes to the Department no

1 earlier than 30 days before any 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 in the Agency's duties reported to
6 the Department under subsection (b).

7 Section 15. Agency duties; investigatory functions. The
8 Agency shall protect the health, safety, and best interests of
9 children in all situations in which children are vulnerable to
10 child abuse or neglect, offer protective services in order to
11 prevent any further harm to the child and to other children in
12 the same environment or family, stabilize the home
13 environment, and preserve family life whenever possible.

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

21 Section 20. Executive Director; appointment. The 22nd
22 Judicial Circuit shall appoint an Executive Director of the
23 Agency who shall oversee the Executive Commission appointed
24 under subsection (b) of Section 10. The Executive Director

1 shall possess such qualifications as prescribed by the 22nd
2 Judicial Circuit. The Executive Director of the Agency may
3 appoint such professional employees who meet the qualification
4 requirements of the Agency as allowed by the funds available
5 to the Agency.

6 Section 25. Employees; facilities.

7 (a) All investigators and employees of the Agency shall be
8 employees of the 22nd Judicial Circuit with the same
9 qualifications and accreditation as required under the
10 statutes, rules, procedures, and standards governing
11 investigators and employees of the Department. Current
12 employees and contractors of the Department may be employed or
13 contracted by the Agency as deemed appropriate by the
14 Executive Director, including those employees and
15 investigators employed by the State within the facilities of
16 the Department within the 22nd Judicial Circuit. Agency
17 employees shall be enrolled in such benefits and pension
18 programs as deemed appropriate by the Executive Director that
19 would be commensurate with 22nd Judicial Circuit employees
20 within other 22nd Judicial Circuit agencies and departments.
21 22nd Judicial Circuit employees of the Agency shall be
22 eligible for the same training eligible for similar roles as
23 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 Section 30. Operations. The Agency will be operated as
4 recommended in the February 2016 report, "The Urgent Need in
5 Illinois for Unit-Based Multidisciplinary Teams to Investigate
6 Child Abuse", published by the Illinois Children's Justice
7 Task Force.

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

14 Section 35. Agency funding; continuing appropriation.

15 (a) No later than 45 days after the effective date of this
16 Act and each year thereafter no later than 45 days before the
17 anniversary of the date the Agency began operations, the
18 Executive Director shall prepare a budget and file the
19 proposed budget with the Director of Children and Family
20 Services. Each budget shall be no less than the total amount of
21 all appropriations that were used by the Department in the
22 22nd Judicial Circuit in the fiscal year immediately preceding
23 the date the Agency began its operations.

24 On the date the Agency begins its operations under

1 subsection (a) of Section 10, the Department shall make grants
2 to the 22nd Judicial Circuit for use by the Agency in amounts
3 equal to the moneys the Department was appropriated or
4 otherwise received that the Department would have used for the
5 remainder of the current fiscal year in the 22nd Judicial
6 Circuit. The grants, including those amounts appropriated and
7 transferred to the Department under subsection (b), shall be
8 distributed to the 22nd Judicial Circuit no later than 14 days
9 after the Department receives the applicable moneys and shall
10 continue indefinitely unless the Agency ceases operations
11 under Section 45. For moneys in possession of the Department
12 designated for use in the 22nd Judicial Circuit on the date the
13 Agency begins its operations, those moneys shall be
14 distributed to the 22nd Judicial Circuit no later than 14 days
15 after the Agency began its operations.

16 (b) For the 5 State fiscal years immediately following the
17 date the Agency begins its operations under subsection (a) of
18 Section 10:

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

1 funds to be transferred from all Funds to the Department
2 for use by the 22nd Judicial Circuit 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 22nd Judicial Circuit in the fiscal year immediately
6 preceding the date the Agency began its operations. The
7 Governor may submit a proposed budget in which the total
8 appropriated and transferred amounts the Department for
9 use by the 22nd Judicial Circuit are less than the total
10 amount of all appropriations that were used by the
11 Department in the 22nd Judicial Circuit in the fiscal year
12 immediately preceding the date the Agency began its
13 operations if the Governor declares in writing to the
14 General Assembly the reason for the lesser amounts.

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

1 preceding the date the Agency began its operations. The
2 General Assembly may appropriate or transfer lesser
3 amounts if it declares by Joint Resolution the reason for
4 the lesser amounts.

5 Section 40. Reporting; accountability.

6 (a) The Agency shall issue annual reports to the
7 Department, the Governor, and the General Assembly no later
8 than 30 days after each anniversary of the date the Agency
9 began its operations. The report shall detail the Agency's
10 performance according to standard performance metrics,
11 including, but not limited to, time of response to hotline
12 reports, time of communication of hotline reports among
13 various county stakeholders, including law enforcement, number
14 and quality of indicated reports as measured against the
15 Department's last baseline established in the 22nd Judicial
16 Circuit before the date the Agency began its operations,
17 caseload management by investigators as measured against the
18 Department's last baseline established in the 22nd Judicial
19 Circuit before the date the Agency began its operations, and
20 other metrics as may be recommended by the Executive Director
21 of the Agency, the Director of Children and Family Services,
22 or the Office of the Inspector General of the Department.

23 (b) The Office of the Inspector General of the Department
24 has the authority to investigate any Agency matter that would
25 otherwise fall within the Inspector General's authority if

1 those matters involved the Department.

2 Section 45. Agency ceasing operations.

3 (a) No earlier than 5 years after the Agency began
4 operations, the 22nd Judicial Circuit may cease operations
5 under this Section. Before ceasing operations, the 22nd
6 Judicial Circuit shall give the Department no less than 90
7 days' notice of the date the Agency will cease operations. On
8 the date the Agency ceases operations, the Department will
9 resume its powers and duties under the Children and Family
10 Services Act and the Abused and Neglected Child Reporting Act
11 and cease all grants to the 22nd Judicial Circuit under this
12 Act.

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

17 (b) The Agency shall cease operations on the date of
18 repeal of this Act under Section 50 if the General Assembly has
19 not repealed that Section. On that date, the Department shall
20 resume its powers and duties and the Agency shall distribute
21 moneys as provided in subsection (a).

22 Section 50. Repeal. This Act is repealed 6 years after the
23 effective date of the Act.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.