

# HB0617



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0617

Introduced 2/5/2007, by Rep. Ron Stephens - Thomas Holbrook

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/35.5

Amends the Children and Family Services Act. Requires the Director to report to the Inspector General concerning completed investigations where abuse or neglect is indicated. Requires continuing reports on actions taken and completed. Authorizes the IG to recommend sanctions against agency staff for actions taken or failed to be taken. Requires public disclosure. Requires the appropriation to the IG to be separate from the appropriation to the Department. Makes other changes.

LRB095 05208 RCE 25282 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended  
5 by changing Section 35.5 as follows:

6 (20 ILCS 505/35.5)

7 Sec. 35.5. Inspector General.

8 (a) The Governor shall appoint, and the Senate shall  
9 confirm, an Inspector General who shall have the authority to  
10 conduct investigations into allegations of or incidents of  
11 possible misconduct, misfeasance, malfeasance, or violations  
12 of rules, procedures, or laws by any employee, foster parent,  
13 service provider, or contractor of the Department of Children  
14 and Family Services. The Inspector General shall make  
15 recommendations to the Director of Children and Family Services  
16 concerning sanctions or disciplinary actions against  
17 Department employees or providers of service under contract to  
18 the Department. The Director of Children and Family Services  
19 shall, within 10 calendar days after the transmittal date of a  
20 completed investigation where abuse or neglect is indicated,  
21 provide a complete report on the case to the Inspector General.  
22 The complete report shall include a written and concise  
23 statement of actions taken to protect the child who is the

1 subject of the abuse or neglect report, to prevent  
2 re-occurrence, and to eliminate problems identified together  
3 with implementation and completion dates for all such actions.  
4 The Inspector General shall review the case and the report of  
5 the investigation and may recommend additional corrective  
6 action. The Director shall provide the Inspector General with  
7 an implementation report to the Inspector General on the status  
8 of corrective actions implemented, and shall continue sending  
9 updated implementation reports every 7 calendar days until  
10 corrective action is completed. The Inspector General shall  
11 review any implementation plan that takes more than 30 days.  
12 The Inspector General may recommend to the Director sanctions  
13 to be imposed against agency staff for any actions taken, or  
14 not taken, that may have affected the outcome of the case, or  
15 jeopardized the protection of the child or children who were  
16 the subject of an investigation. The Director shall provide a  
17 written response to the Inspector General indicating the status  
18 of any sanctions or disciplinary actions against employees or  
19 providers of service involving any case for which a report was  
20 submitted under this subsection. In any case, information  
21 included in the reports to the Inspector General and Department  
22 responses shall be subject to the public disclosure  
23 requirements of the Abused and Neglected Child Reporting Act.  
24 Any investigation conducted by the Inspector General shall be  
25 independent and separate from the investigation mandated by the  
26 Abused and Neglected Child Reporting Act. The Inspector General

1 shall be appointed for a term of 4 years. The Inspector General  
2 shall function independently within the Department of Children  
3 and Family Services with respect to ~~be independent of~~ the  
4 operations of the Office of Inspector General, including the  
5 performance of investigations and issuance of findings and  
6 recommendations, Department and shall report to the Director of  
7 Children and Family Services and the Governor and perform other  
8 duties the Director may designate. The appropriation for the  
9 Office of Inspector General shall be separate from the overall  
10 appropriation for the Department of Children and Family  
11 Services. The Inspector General shall adopt rules as necessary  
12 to carry out the functions, purposes, and duties of the office  
13 of Inspector General in the Department of Children and Family  
14 Services, in accordance with the Illinois Administrative  
15 Procedure Act and any other applicable law.

16 (b) The Inspector General shall have access to all  
17 information and personnel necessary to perform the duties of  
18 the office. To minimize duplication of efforts, and to assure  
19 consistency and conformance with the requirements and  
20 procedures established in the B.H. v. Suter consent decree and  
21 to share resources when appropriate, the Inspector General  
22 shall coordinate his or her activities with the Bureau of  
23 Quality Assurance within the Department.

24 (c) The Inspector General shall be the primary liaison  
25 between the Department and the Department of State Police with  
26 regard to investigations conducted under the Inspector

1 General's auspices. If the Inspector General determines that a  
2 possible criminal act has been committed, or that special  
3 expertise is required in the investigation, he or she shall  
4 immediately notify the Department of State Police. All  
5 investigations conducted by the Inspector General shall be  
6 conducted in a manner designed to ensure the preservation of  
7 evidence for possible use in a criminal prosecution.

8 (d) The Inspector General may recommend to the Department  
9 of Children and Family Services, the Department of Public  
10 Health, or any other appropriate agency, sanctions to be  
11 imposed against service providers under the jurisdiction of or  
12 under contract with the Department for the protection of  
13 children in the custody or under the guardianship of the  
14 Department who received services from those providers. The  
15 Inspector General may seek the assistance of the Attorney  
16 General or any of the several State's Attorneys in imposing  
17 sanctions.

18 (e) The Inspector General shall at all times be granted  
19 access to any foster home, facility, or program operated for or  
20 licensed or funded by the Department.

21 (f) Nothing in this Section shall limit investigations by  
22 the Department of Children and Family Services that may  
23 otherwise be required by law or that may be necessary in that  
24 Department's capacity as the central administrative authority  
25 for child welfare.

26 (g) The Inspector General shall have the power to subpoena

1 witnesses and compel the production of books and papers  
2 pertinent to an investigation authorized by this Act. The power  
3 to subpoena or to compel the production of books and papers,  
4 however, shall not extend to the person or documents of a labor  
5 organization or its representatives insofar as the person or  
6 documents of a labor organization relate to the function of  
7 representing an employee subject to investigation under this  
8 Act. Any person who fails to appear in response to a subpoena  
9 or to answer any question or produce any books or papers  
10 pertinent to an investigation under this Act, except as  
11 otherwise provided in this Section, or who knowingly gives  
12 false testimony in relation to an investigation under this Act  
13 is guilty of a Class A misdemeanor.

14 (h) The Inspector General shall provide to the General  
15 Assembly and the Governor, no later than January 1 of each  
16 year, a summary of reports and investigations made under this  
17 Section for the prior fiscal year. The summaries shall detail  
18 the imposition of sanctions and the final disposition of those  
19 recommendations. The summaries shall not contain any  
20 confidential or identifying information concerning the  
21 subjects of the reports and investigations. The summaries also  
22 shall include detailed recommended administrative actions and  
23 matters for consideration by the General Assembly.

24 (Source: P.A. 90-512, eff. 8-22-97.)