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LRB095 05208 RCE 33380 a

1 AMENDMENT TO HOUSE BILL 617

2 AMENDMENT NO. _____. Amend House Bill 617 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by changing Section 35.5 and by adding Section 35.7 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

1 Department employees or providers of service under contract to
2 the Department. The Director of Children and Family Services
3 shall provide the Inspector General with an implementation
4 report on the status of any corrective actions taken on cases
5 under review and shall continue sending updated reports until
6 the corrective action is completed. The Inspector General may
7 recommend to the Director sanctions to be imposed against
8 agency staff for any actions taken, or not taken, that may have
9 affected the outcome of the case, or jeopardized the protection
10 of the child or children who were the subject of an
11 investigation. The Director shall provide a written response to
12 the Inspector General indicating the status of any sanctions or
13 disciplinary actions against employees or providers of service
14 involving any case subject to review. In any case, information
15 included in the reports to the Inspector General and Department
16 responses shall be subject to the public disclosure
17 requirements of the Abused and Neglected Child Reporting Act.
18 Any investigation conducted by the Inspector General shall be
19 independent and separate from the investigation mandated by the
20 Abused and Neglected Child Reporting Act. The Inspector General
21 shall be appointed for a term of 4 years. The Inspector General
22 shall function independently within the Department of Children
23 and Family Services with respect to ~~be independent of~~ the
24 operations of the Office of Inspector General, including the
25 performance of investigations and issuance of findings and
26 recommendations, ~~Department~~ and shall report to the Director of

1 Children and Family Services and the Governor and perform other
2 duties the Director may designate. The appropriation for the
3 Office of Inspector General shall be separate from the overall
4 appropriation for the Department of Children and Family
5 Services. The Inspector General shall adopt rules as necessary
6 to carry out the functions, purposes, and duties of the office
7 of Inspector General in the Department of Children and Family
8 Services, in accordance with the Illinois Administrative
9 Procedure Act and any other applicable law.

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

18 (c) The Inspector General shall be the primary liaison
19 between the Department and the Department of State Police with
20 regard to investigations conducted under the Inspector
21 General's auspices. If the Inspector General determines that a
22 possible criminal act has been committed, or that special
23 expertise is required in the investigation, he or she shall
24 immediately notify the Department of State Police. All
25 investigations conducted by the Inspector General shall be
26 conducted in a manner designed to ensure the preservation of

1 evidence for possible use in a criminal prosecution.

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

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

15 (f) Nothing in this Section shall limit investigations by
16 the Department of Children and Family Services that may
17 otherwise be required by law or that may be necessary in that
18 Department's capacity as the central administrative authority
19 for child welfare.

20 (g) The Inspector General shall have the power to subpoena
21 witnesses and compel the production of books and papers
22 pertinent to an investigation authorized by this Act. The power
23 to subpoena or to compel the production of books and papers,
24 however, shall not extend to the person or documents of a labor
25 organization or its representatives insofar as the person or
26 documents of a labor organization relate to the function of

1 representing an employee subject to investigation under this
2 Act. Any person who fails to appear in response to a subpoena
3 or to answer any question or produce any books or papers
4 pertinent to an investigation under this Act, except as
5 otherwise provided in this Section, or who knowingly gives
6 false testimony in relation to an investigation under this Act
7 is guilty of a Class A misdemeanor.

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

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

19 (20 ILCS 505/35.7 new)

20 Sec. 35.7. Error Reduction Implementations Plans;
21 Inspector General.

22 (a) The Inspector General of the Department of Children and
23 Family Services shall develop Error Reduction Implementation
24 Plans, as necessary, to remedy patterns of errors or
25 problematic practices that compromise or threaten the safety of

1 children as identified in DCFS Office of Inspector General
2 (OIG) death or serious injury investigations and Child Death
3 Review Teams recommendations. The Error Reduction
4 Implementation Plans shall include both training and on-site
5 components. The Department shall deploy Error Reduction Safety
6 Teams to implement the Error Reduction Implementation Plans.
7 The Error Reduction Safety Teams shall be composed of Quality
8 Assurance and Division of Training staff to implement hands-on
9 training and Error Reduction Implementation Plans in targeted
10 offices where the Inspector General has determined that serious
11 or lethal errors have occurred or offices at risk for errors to
12 occur. The teams shall work in the offices or agencies as
13 required by the Error Reduction Implementation Plan and shall
14 work to ensure that systems are in place to continue reform
15 efforts after the departure of the teams. The Director shall
16 develop a method to ensure consistent compliance with any Error
17 Reduction Implementation Plan. The training curricula shall be
18 determined by the Inspector General with advice from the Child
19 Death Review Team Executive Council.

20 (b) Quality Assurance shall prepare public reports
21 annually detailing the following: the substance of any Error
22 Reduction Implementation Plan developed; any deviations from
23 the Error Reduction Plan; whether adequate staff was available
24 to perform functions necessary to the Error Reduction
25 Implementation Plan, including identification and reporting of
26 any staff needs; other problems noted or barriers to

1 implementing the Error Reduction Implementation Plan; and
2 recommendations for additional training, amendments to rules
3 and procedures, or other systemic reform identified by the
4 teams.

5 (c) The Error Reduction Teams shall implement training and
6 reform protocols through incubating change in each region,
7 Department office, or purchase of service office, as required.
8 The teams shall administer hands-on assistance, supervision,
9 and management while ensuring that the office, region, or
10 agency develops the skills and systems necessary to incorporate
11 changes on a permanent basis. For each Error Reduction Plan,
12 the Team shall determine whether adequate staff is available to
13 fulfill the Error Reduction Plan, provide case-by-case
14 supervision to ensure that the plan is implemented, and ensure
15 that management puts systems in place to enable the reforms to
16 continue.

17 (d) The OIG shall develop new Error Reduction Plans as
18 necessary. To implement each Error Reduction Plan, the OIG
19 shall work with Error Reduction Teams designated by the
20 Department. The teams shall be comprised of staff from Quality
21 Assurance and Training. Training shall work with the OIG to
22 develop a curriculum to address errors identified that
23 compromise the safety of children. Following the training
24 roll-out, the Teams shall work on-site in identified offices.
25 The Teams shall review and supervise all work relevant to the
26 Error Reduction Plan. Quality Assurance, in conjunction with

1 the OIG, shall identify outcome measures and track compliance
2 with the training curriculum. Each quarter, Quality Assurance
3 shall prepare a report detailing compliance with the Error
4 Reduction Plan and alert the Director to staffing needs or
5 other needs to accomplish the goals of the Error Reduction
6 Plan. The report shall be transmitted to the Director, the OIG,
7 and all management staff involved in the Error Reduction Plan.

8 (e) The Director shall review quarterly Quality Assurance
9 reports and shall ensure that supervisors' and managers'
10 performance evaluations (objectives evaluation) are based on
11 adherence to the Error Reduction Plan using criteria developed
12 by the Department.

13 (f) Quality Assurance shall prepare public reports
14 annually detailing the following: the substance of any Error
15 Reduction Plan developed; any deviations from the Error
16 Reduction Plan; whether adequate staff was available to perform
17 functions necessary to the Error Reduction Plan, including
18 identification and reporting of any staff needs; other problems
19 noted or barriers to implementing the Error Reduction Plan; and
20 any recommendations for additional training needs or systemic
21 change or reform of Rules and Procedures."