



Sen. Julie A. Morrison

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09800SB2909sam001

LRB098 16977 KTG 56913 a

1 AMENDMENT TO SENATE BILL 2909

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2909 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 21 as follows:

6 (20 ILCS 505/21) (from Ch. 23, par. 5021)

7 Sec. 21. Investigative powers; training.

8 (a) To make such investigations as it may deem necessary to  
9 the performance of its duties.

10 (b) In the course of any such investigation any qualified  
11 person authorized by the Director may administer oaths and  
12 secure by its subpoena both the attendance and testimony of  
13 witnesses and the production of books and papers relevant to  
14 such investigation. Any person who is served with a subpoena by  
15 the Department to appear and testify or to produce books and  
16 papers, in the course of an investigation authorized by law,

1 and who refuses or neglects to appear, or to testify, or to  
2 produce books and papers relevant to such investigation, as  
3 commanded in such subpoena, shall be guilty of a Class B  
4 misdemeanor. The fees of witnesses for attendance and travel  
5 shall be the same as the fees of witnesses before the circuit  
6 courts of this State. Any circuit court of this State, upon  
7 application of the person requesting the hearing or the  
8 Department, may compel the attendance of witnesses, the  
9 production of books and papers, and giving of testimony before  
10 the Department or before any authorized officer or employee  
11 thereof, by an attachment for contempt or otherwise, in the  
12 same manner as production of evidence may be compelled before  
13 such court. Every person who, having taken an oath or made  
14 affirmation before the Department or any authorized officer or  
15 employee thereof, shall willfully swear or affirm falsely,  
16 shall be guilty of perjury and upon conviction shall be  
17 punished accordingly.

18 (c) Investigations initiated under this Section shall  
19 provide individuals due process of law, including the right to  
20 a hearing, to cross-examine witnesses, to obtain relevant  
21 documents, and to present evidence. Administrative findings  
22 shall be subject to the provisions of the Administrative Review  
23 Law.

24 (d) Beginning July 1, 1988, any child protective  
25 investigator or supervisor or child welfare specialist or  
26 supervisor employed by the Department on the effective date of

1 this amendatory Act of 1987 shall have completed a training  
2 program which shall be instituted by the Department. The  
3 training program shall include, but not be limited to, the  
4 following: (1) training in the detection of symptoms of child  
5 neglect and drug abuse; (2) specialized training for dealing  
6 with families and children of drug abusers; and (3) specific  
7 training in child development, family dynamics and interview  
8 techniques. Such program shall conform to the criteria and  
9 curriculum developed under Section 4 of the Child Protective  
10 Investigator and Child Welfare Specialist Certification Act of  
11 1987. Failure to complete such training due to lack of  
12 opportunity provided by the Department shall in no way be  
13 grounds for any disciplinary or other action against an  
14 investigator or a specialist.

15 The Department shall develop a continuous inservice staff  
16 development program and evaluation system. Each child  
17 protective investigator and supervisor and child welfare  
18 specialist and supervisor shall participate in such program and  
19 evaluation and shall complete a minimum of 20 hours of  
20 inservice education and training every 2 years in order to  
21 maintain certification.

22 Any child protective investigator or child protective  
23 supervisor, or child welfare specialist or child welfare  
24 specialist supervisor hired by the Department who begins his  
25 actual employment after the effective date of this amendatory  
26 Act of 1987, shall be certified pursuant to the Child

1 Protective Investigator and Child Welfare Specialist  
2 Certification Act of 1987 before he begins such employment.  
3 Nothing in this Act shall replace or diminish the rights of  
4 employees under the Illinois Public Labor Relations Act, as  
5 amended, or the National Labor Relations Act. In the event of  
6 any conflict between either of those Acts, or any collective  
7 bargaining agreement negotiated thereunder, and the provisions  
8 of subsections (d) and (e), the former shall prevail and  
9 control.

10 (e) The Department shall develop and implement the  
11 following:

12 (1) A standardized child endangerment risk assessment  
13 protocol.

14 (2) Related training procedures.

15 (3) A standardized method for demonstration of  
16 proficiency in application of the protocol.

17 (4) An evaluation of the reliability and validity of  
18 the protocol.

19 All child protective investigators and supervisors and child  
20 welfare specialists and supervisors employed by the Department  
21 or its contractors shall be required, subsequent to the  
22 availability of training under this Act, to demonstrate  
23 proficiency in application of the protocol previous to being  
24 permitted to make decisions about the degree of risk posed to  
25 children for whom they are responsible. The Department shall  
26 establish a multi-disciplinary advisory committee appointed by

1 the Director, including but not limited to representatives from  
2 the fields of child development, domestic violence, family  
3 systems, juvenile justice, law enforcement, health care,  
4 mental health, substance abuse, and social service to advise  
5 the Department and its related contractors in the development  
6 and implementation of the child endangerment risk assessment  
7 protocol, related training, method for demonstration of  
8 proficiency in application of the protocol, and evaluation of  
9 the reliability and validity of the protocol. The Department  
10 shall develop the protocol, training curriculum, method for  
11 demonstration of proficiency in application of the protocol and  
12 method for evaluation of the reliability and validity of the  
13 protocol by July 1, 1995. Training and demonstration of  
14 proficiency in application of the child endangerment risk  
15 assessment protocol for all child protective investigators and  
16 supervisors and child welfare specialists and supervisors  
17 shall be completed as soon as practicable, but no later than  
18 January 1, 1996. The Department shall submit to the General  
19 Assembly on or before May 1, 1996, and every year thereafter,  
20 an annual report on the evaluation of the reliability and  
21 validity of the child endangerment risk assessment protocol.  
22 The Department shall contract with a not for profit  
23 organization with demonstrated expertise in the field of child  
24 endangerment risk assessment to assist in the development and  
25 implementation of the child endangerment risk assessment  
26 protocol, related training, method for demonstration of

1 proficiency in application of the protocol, and evaluation of  
2 the reliability and validity of the protocol.

3 (f) The Department shall provide each parent or guardian  
4 and responsible adult caregiver participating in a safety plan  
5 a copy of the written safety plan as signed by each parent or  
6 guardian and responsible adult caregiver and by a  
7 representative of the Department. The Department shall also  
8 provide each parent or guardian and responsible adult caregiver  
9 safety plan information on their rights and responsibilities  
10 that shall include, but need not be limited to, information on  
11 how to obtain medical care, emergency phone numbers, and  
12 information on how to notify schools or day care providers as  
13 appropriate. The Department's representative shall ensure that  
14 the safety plan is reviewed and approved by the child  
15 protection supervisor.

16 (Source: P.A. 91-61, eff. 6-30-99; 92-154, eff. 1-1-02.)".