

AN ACT concerning children.

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

Section 1. Short title. This Act may be cited as the Bias-Free Child Removal Pilot Program Act.

Section 5. Findings. The General Assembly finds that the University of Illinois' Children and Family Research Center determined in its October 2021 report, "Racial Disproportionality in the Illinois Child Welfare System", that:

(1) In 2020, compared to their percentage in the general child population, black children were overrepresented in foster care having made up 16.4% of the general child population, but accounting for 38.5% of protective custodies.

(2) In comparison, white children were proportionally represented in foster care having made up 52.8% of the general child population, but accounting for 48.8% of protective custodies. Hispanic children were under-represented having made up 24.9% of the general child population, but accounting for 11.5% of protective custodies.

Section 10. Purpose.

(a) In Illinois, and across the nation, some racial and ethnic minority groups are disproportionately represented in the child welfare system. This disproportionality could occur at 5 different decision points during a family's child welfare involvement:

- (1) investigated child abuse/neglect (CAN) reports;
- (2) protective custodies;
- (3) indicated CAN reports;
- (4) post-investigation service provision; and
- (5) timely exits from substitute care.

(b) The purpose of this Act is to:

(1) Require the Department of Children and Family Services to establish a 3-year, Bias-Free Child Removal Pilot Program for the purpose of promoting unbiased decision making in the child removal process, while maintaining the safety of children and reducing risk, with the goal of decreasing the overrepresentation of BIPOC children in out-of-home placements. This goal would be achieved by convening a group of senior-level internal staff members from the Department of Children and Family Services who are from an area other than the pilot area to

- (i) review removal decisions, absent specific demographic information and
- (ii) determine whether removal of a child is necessary to avoid imminent risk to the child's safety, health, and well-being.

(2) Establish a steering committee to:

(A) develop and implement the Bias-Free Removal Pilot Program;

(B) appoint members for the Bias-Free Case Review Team; and

(C) appoint members for the Bias-Free Child Removal Advisory Board.

(3) Establish a Bias-Free Case Review Team consisting of a child protection supervisor, an area administrator, and a regional administrator from an area other than the pilot area to: (i) review removal decisions absent specific demographic information as provided in paragraph (3) of subsection (e) of Section 25; and (ii) determine whether removal of the child is necessary to avoid imminent risk to the child's safety, health, and well-being.

(4) Establish a Bias-Free Child Removal Advisory Board to monitor and oversee the Bias-Free Case Review Team and ensure that the Bias-Free Case Review Team executes bias-free removals in accordance with the provisions of this Act.

Section 15. Definitions. As used in this Act:

"Bias-free" means to review a case file without the following identifying demographic information on the parent and child: gender, race, ethnicity, geographic location, and

socioeconomic status, which prevents a reader from inserting bias, implicit or explicit, into critical decisions such as removing a child from the child's family.

"BIPOC" means people who are members of the groups described in subparagraphs (a) through (e) of paragraph (A) of subsection (1) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Child" means any person under 18 years of age.

"Child welfare court personnel" means lawyers, judges, public defenders, and guardians ad litem.

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

"Evaluation design" means identifying an overall strategy for analyzing the effectiveness of a program to include outlining a distinct approach to formulating key outputs and outcomes, selecting an appropriate research method, and evaluating the outcomes of a program.

"Immediate and urgent necessity", in accordance with Section 5 of the Abused and Neglected Child reporting Act, means (i) that there is a reason to believe that the child cannot be cared for at home or in the custody of the person responsible for the child's welfare without endangering the child's health or safety and (ii) that there is no time to apply for a court order under the Juvenile Court Act of 1987 for temporary custody of the child.

"Lived experience" means a representation of the

experiences of a person involved in the child welfare system, the knowledge and understanding that the person gains from these experiences, and the ability to understand the policies or guidelines of the Department.

"Program" or "pilot program" means the Bias-Free Child Removal Pilot Program.

"Review Team" means the Bias-Free Case Review Team.

Section 20. Program. The Department of Children and Family Services shall establish a 3-year Bias-Free Child Removal Pilot Program no later than January 1, 2024, for the purpose of promoting unbiased decision making in the child removal process. The pilot program shall be implemented in a field office located in DuPage County, a field office located in Champaign County, and a field office located in Williamson County. The purpose of promoting unbiased decision making in the child removal process shall be achieved by the identified county using a bias-free child removal strategy when deciding whether a child should be removed from the custody of the child's parent or guardian, as specified.

By January 1, 2024, the steering committee established by the Department as provided in Section 25 shall develop the pilot program for the purpose of addressing racial disproportionality in the child welfare system. The pilot program shall be implemented for a period of no less than 3 years in at least one office located in DuPage County, one

office located in Champaign County, and one office located in Williamson County.

The Department shall on January 1, 2025, January 1, 2026, and January 1, 2027 submit to the General Assembly an evaluation report that details the pilot program's implementation and that provides an analysis of the pilot program's effect and impact on the removal rates of BIPOC children. The January 1, 2027 report shall be the final evaluation report submitted to the General Assembly by the Department.

Section 25. Implementation.

(a) By January 1, 2023, the Department shall establish a steering committee consisting of an interdisciplinary, diverse group of child welfare professionals and advocates for the purpose of creating the Bias-Free Child Removal Pilot Program and the pre-implementation plan for the pilot program. The steering committee shall be diverse in regard to the geographic location, race/ethnicity, gender, and profession and lived experience of committee members. As used in this Section, "lived experience" includes knowledge and understanding of Department processes and policies. The steering committee shall develop and oversee the implementation of the Bias-Free Case Review Team and bias-free removal process. Once established, the steering committee shall initiate implementation of the pilot program ensuring:

(i) organizational readiness; (ii) adequate data collection and analysis; (iii) professional development and training for the staff; and (iv) adherence to existing rules and State laws concerning child safety. The steering committee shall include, but not be limited to, the following members:

(1) A parent with lived experience in the child welfare system.

(2) A former youth in care with lived experience in the child welfare system.

(3) A member of an organization or office that represents children in abuse and neglect proceedings.

(4) A community-based organization that advocates for parents' rights within the child welfare system.

(5) A public or private university responsible for evaluating the pilot program.

(6) Five staff members from the Department, which shall include a child protection investigator, a child protection supervisor, the Deputy Director of the Department's Division of Child Protection, the Deputy Director of the Department's Division of Race Equity Practice, and the Deputy Director of the Department's Division of Intact Services.

(7) A licensed attorney who has practiced within the Illinois child welfare court system in a county represented in the pilot program such as, but not limited to, a public defender, an assistant state's attorney, a

guardian ad litem, or a judge.

(8) A member of a statewide organization that advocates on behalf of community-based services for children and families.

(b) By January 1, 2024, the steering committee shall establish the pilot program for the purpose of addressing racial disproportionality in the child welfare system. The pilot program shall be implemented for a period of no less than 3 years in at least one office located in DuPage County, one office located in Champaign County, and one office located in Williamson County.

(c) The steering committee shall develop a written plan for the pilot program, in accordance with the goals of this Act, that shall be adopted by a unanimous vote.

(d) The steering committee must include in the development of the pilot program the following:

(1) Three permanent Bias-Free Case Review Team members for each county with a pilot program. The Review Team shall be diverse in regard to the members' geographic location, race and ethnicity, and gender. All Review Team members shall possess the knowledge, experience, understanding, and training equivalent to that of a child welfare caseworker or investigator, or higher. The Review Team shall be made up of the following:

(A) one child protection supervisor;

(B) one area administrator; and

(C) one regional administrator.

(2) At least 4 alternate Review Team members who meet the same criteria set forth in paragraph (1) to fill in if or when a permanent Review Team member is unable to participate or attend meetings.

(3) A decision regarding a timeline for convening the Bias-Free Case Review Team.

(4) Establishment of decision-making protocols for the following questions:

(i) What constitutes a child protection investigation meeting or not meeting the criteria to be presented to the Review Team?

(ii) Who decides to bring the investigation to the Review Team?

(iii) How and when the Review Team is to convene during holidays, weekends, and after normal business hours?

(e) The steering committee shall ensure that the pilot program includes:

(1) A timeline for when the Bias-Free Case Review Team shall convene.

(2) How and when the child protection investigator or child protection supervisor shall present the investigation to the Bias-Free Case Review Team.

(3) A requirement that, prior to the Review Team convening, the following demographic and identifiable

information must be removed from the case notes, intake summary, and investigation:

(A) The name of the child and the child's parents.

(B) The race or ethnicity of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to a family's culture, ethnicity, or religion.

(C) The sexual orientation or gender identity of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to the LGBTQ status or gender identity of the child.

(D) The religious affiliation or beliefs of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to a family's culture, ethnicity, or religion.

(E) The disability status of a parent, except when the allegations require thoughtful considerations pertaining to a family's disability status.

(F) The political affiliation or beliefs of the child and the child's parents.

(G) The marital status of the child's parents.

(H) The income level of the child's parents.

(I) The education level of the child's parents.

(J) Any reference to the location of the

neighborhood or county of the parent's address.

Redacting the demographic and identifiable information from the intake summary, case notes, and investigation reduces the potential for biased decision making among Review Team members. In adherence with the standards under the Abused and Neglected Child Reporting Act and Department rules, the focus shall instead be on the evidence of safety factors, risk elements, and family strengths. If removal is identified as unwarranted, the Review Team shall make appropriate recommendations to ensure the safety and well-being of the child, including, but not limited to, voluntary or court-ordered intact family services.

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

The redaction of case file information or the preparation of case files for the Review Team shall not be completed by the child protection investigator or the child protection supervisor.

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

(f) The Department shall develop a tool or rubric for the Review Team to fully document the decision-making process and

what led to the final decision.

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

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

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

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

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

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

(3) Cases that include photographs of injuries.

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

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

(1) community-based partners from the fields of

domestic violence, substance abuse, mental health, or housing;

(2) public or private university partners;

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

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

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

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

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

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

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

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

(k) Criteria for determining success. The pilot program

shall be considered successful and expanded statewide if it is implemented with fidelity and the evaluation reveals that disproportionality of BIPOC children is reduced by the end of the pilot program. The pilot program shall not be expanded statewide if the evaluation reveals that the bias-free removal process did not reduce disproportionality.

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

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

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