

## Grandparent Visits Get Little Help From Courts

Illinois, and five states in the Legislative Research Unit's 18-state standard survey list, do not allow trial courts to grant visitation to grandparents over objections by fit parents. Illinois courts have held that allowing visitation over such objections infringes on parents' fundamental rights to make decisions about the upbringing of their children.

### *Illinois Laws*

Subsection 607(a-5)(1) of the Illinois Marriage and Dissolution of Marriage Act (as amended in 2005 and 2007) says that a grandparent, great-grandparent, or sibling can petition for visitation of a minor if "there is an unreasonable denial of visitation by a parent" *and* any one of the following is true:

- (1) The other parent is dead, or has been missing at least 3 months.
- (2) Either parent is legally incompetent.
- (3) Either parent has been confined to jail or prison for the last 3 months before a petition is filed.
- (4) The parents are divorced or "have been legally separated" (the law does not say how recently or for how long); or there is a pending divorce proceeding involving at least one of the parents, or another court proceeding involving custody or visitation of the minor—if in each such case at least one parent does not object to visitation.
- (5) The minor was born out of wedlock; the parents are not living together; and the petitioner is an ancestor of the mother, or of the adjudicated father (or is a sibling of the minor).

These statutory grandparent visitation rights end if the child is adopted, unless both of the child's parents are dead. Subsection 607(a-5)(3) creates a rebuttable presumption that a fit parent's visitation decisions regarding grandparents are not harmful to the child; a grandparent petitioning for visitation with a minor has the burden of proving that the parent's decisions are harmful to the minor.

The provisions just described were added by two acts effective in 2005 and 2007. The first act amended subsection 607(b)(1) to remove the following conditions in which a grandparent could petition for visitation with a grandchild:

- (1) the parents are not currently cohabiting on a permanent or indefinite basis;
- (2) one parent has been absent from the marital abode, at a place or place unknown to the other spouse, for more than 1 month;
- (3) one of the parents is deceased;
- (4) one of the parents joins the petition with the grandparents; or
- (5) a sibling is in state custody.

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## Illinois ResourceNet: A Funding Access Initiative

(The Great Cities Institute at the University of Illinois at Chicago—opened in 1995 to study and improve life in Chicago and other major cities—is starting a statewide program called "Illinois ResourceNet: A Funding Access Initiative." It is intended to help small localities, and nonprofit organizations, get federal funds. Illinois ResourceNet's Project Director, Richard Kordeh, and Communications and Outreach Coordinator, Irene Tostado, provided the following article on this new program.—Ed.)

Illinois ResourceNet: A Funding Access Initiative is a new statewide capacity building project aimed at helping nonprofit organizations and small municipalities to acquire more federal resources. Building on a community development paradigm, Illinois ResourceNet strives to strengthen local community networks while also improving the grant-seeking capabilities of individual organizations.

Many local organizations find the pursuit of federal funds to be a particularly challenging endeavor. As a partnership between the University of Illinois at Chicago's (UIC) Great Cities

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## Grandparent Visits Get Little Help From Courts (continued from p. 2)

The Illinois Supreme Court held previous versions of subsection 607(b)(1) unconstitutional in two cases described below.

### *Lulay v. Lulay* (2000)

Michael and Kily Lulay divorced, and Michael's mother (Gail Lulay) petitioned under subsection 607(b)(1) for visitation rights to their three children. Michael and Kily had joint custody of the children, and both objected to Gail's petition. Citing earlier Illinois Supreme Court cases, and a then-recent U.S. Supreme Court case, the Illinois Supreme Court held subsection 607(b)(1) unconstitutional to the extent it would allow visitation over both parents' objections. The court said that allowing a court to order visitation infringed on Michael and Kily's fundamental right to make decisions about the upbringing of their children.

### *Wickham v. Byrne* (2002)

Paul Byrne and Lizabeth Wickham Byrne were married and had a child, known as "J.B." Lizabeth died and Paul agreed to allow visitation by her mother, Virginia. Lizabeth's will had requested frequent visitation between J.B. and Virginia. Paul often drove J.B. to Virginia's home (a 50-minute trip). Virginia requested more time with J.B., and asked Paul to leave J.B. for overnight visits. Paul refused, and Virginia filed a petition under subsection 607(b)(1) for mandatory overnight visitation with J.B. on two full weekends per month.

The court said that parents' right to make decisions about the care, custody, and control of their children without unwarranted state intrusion is a fundamental right protected by the Fourteenth Amendment to the U.S. Constitution. The court acknowledged

that state interference is justified to protect the health, safety, and welfare of children (such as by requiring immunizations), but held that the state should not interfere with a *fit* parent's decision to limit or deny grandparent visitation. The court presumed that a fit parent's decision would be in the best interest of the child. The court held subsection 607(b)(1) unconstitutional on its face for infringing on a fundamental right of parents.

In a later case with similar facts, the Illinois Supreme Court affirmed a trial court's decision to refuse a grandparent's petition for visitation, again holding subsection 607(b)(1) unconstitutional on its face.

In a 2007 case the Illinois Supreme Court reversed a trial court's decision that had allowed a grandparent's petition for visitation. The Illinois Supreme Court held that subsection 607(a-5)(3), which created a presumption that a fit parent's decision to deny grandparent visitation is not harmful to the child, is supported by the Fourteenth Amendment to the U.S. Constitution. This case is described below.

### *Flynn v. Henkel* (2007)

Alice Henkel was a single mother of a child known as "E.H." Cory Flynn, E.H.'s father, and Alice were never married and never lived together. Alice agreed to let Cory's mother, Cindy Flynn, and her husband visit E.H. if they kept Cory (who had been in prison) from visiting him. Cory later filed a petition for visitation and was granted supervised visitation. The order stated that Cindy could not see E.H. without Cory present. Cory later left the state, and Alice refused Cindy's requests to visit E.H. alone.

Cindy filed a petition for visitation under subsection 607(a-5)(1), which states grounds for granting visitation that are listed above. The Illinois Supreme Court reversed the lower

courts' decision to allow Cindy visitation rights. It said that the trial court failed to require Cindy to prove that Alice's decision to deny visitation was harmful to E.H.'s mental, physical, or emotional health. The Supreme Court held that the rebuttable presumption stated in subsection 607(a-5)(3)—that a fit parent's visitation decisions regarding grandparents is not harmful to the grandchildren—is protected by the Fourteenth Amendment.

### *Other States' Laws*

All 18 states in the Legislative Research Unit's standard survey list have laws on grandparent visitation. Like Illinois, those states usually require that at least one of the following conditions be true before grandparents can seek visitation rights: one or both of the child's parents are missing or deceased; the child was born out of wedlock; or the parents are seeking or have obtained a divorce, legal separation, or annulment.

Laws of California, Iowa, Michigan, Missouri, and Texas add that to get visitation rights, a grandparent must, by a preponderance of the evidence, overcome the presumption that a parent acts in the child's best interest. The Michigan and Missouri laws specifically deny visitation rights to grandparents if the child's parents are married. Seven surveyed states deny visitation to (biological) grandparents if someone other than a stepparent has adopted the child.

Rights granted to Florida grandparents include unsupervised visitation in their homes unless there is a compelling reason to deny such visitation, and appropriate displays of affection to the children during visitation. □

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# Abstracts of Reports Required to be Filed with General Assembly

The Legislative Research Unit staff is required to prepare abstracts of reports required to be filed with the General Assembly. Legislators may receive copies of entire reports by sending the enclosed form to the State Government Report Distribution Center at the Illinois State Library. Abstracts are published quarterly. Legislators who wish to receive them more often may contact the executive director.

## **Administrative Rules, Joint Committee on**

*Annual report, 2007*

In 2007, JCAR considered 333 general rulemakings, 32 emergency rulemakings, 13 peremptory rulemakings, and 24 Pollution Control Board exempt rulemakings. JCAR actions included 5 filing prohibitions, 17 objections, and 7 recommendations on general rulemakings; 2 suspensions, 6 objections, and 1 recommendation on emergency rulemakings; and 1 objection on a peremptory rulemaking. Summarizes some rulemakings and related court decisions, lists rulemakings and JCAR action by agency, and gives historical data on rulemaking since 1978. (5 ILCS 100/5-140; Feb. 2008, 93 pp.)

## **Aging, Dept. on**

*Elder Abuse and Neglect Program annual report, FY 2005*

Elder Abuse and Neglect Program received 8,584 reports of abuse, up 2.6% from FY 2004. Most common allegations (more than one type can be alleged) were financial exploitation (58%); emotional abuse (43%); passive neglect (38%); physical abuse (22%); willful deprivation (10%); confinement (7%); and sexual abuse (5%). Among alleged victims, over one in four were 86 or older; 70% were women. In 76% of cases, abusers were the spouse, child, or other relative. Department continued B\*SAFE (Bankers and Seniors Against Financial Exploitation) to train bank employees to identify financial exploitation, and sponsored 19th Annual Elder Rights Conference. (320 ILCS 20/11; Jan. 2007, fold-out brochure)

## **Central Management Services, Dept. of**

*Bilingual needs and pay survey, FY 2007*

Of 40 responding agencies, 27 reported needing bilingual employees. Agencies reported 1,522 bilingual positions needed; 1,443 employees in bilingual positions; and 7 vacated bilingual positions that were deleted. In total, 908 Hispanic and 542 non-Hispanic employees received bilingual pay. Department of Human Services reported needing the most bilingual employees with 1,059. (20 ILCS 415/9(6); Jan. 2008, 10 pp.)

*Flex Time positions, 2007*

The Personnel Code requires agencies to develop plans to reduce use of day care through the use of flex time among eligible employees. Among those 49,380 employees under the Personnel Code, 14,394 (29%) used flexible work hours. Twenty-five agencies reported increased participation while 14 reported decreased participation. Of participants, 11,315 (78%) used flexible hours, 2,386 (16%) worked full time in a compressed work week, 659 (4%) worked part time, and 42 (0.2%) participated in job sharing. (20 ILCS 415/9(13); April 2008, 3 pp.)

*Off-shore outsourcing annual report, 2007*

CMS surveyed 58 state agencies to identify off-shore outsourcing associated with state contracts. None of the agencies surveyed identified any such outsourcing. Lists agencies surveyed and their purchasing officer's name

and contact information. (30 ILCS 500/25-65; Oct. 2007, 4 pp.)

*Small Business Set-Aside Program, FY 2007*

The total value of awards made in FY 2007 under the designation of Small Business Set-Aside Purchases was \$56.9 million, an increase of \$42.9 million (306.4%) over the value of awards in FY 2005. Of the total, \$13.8 million (24.2%) was made to businesses owned by minorities, women, or disabled persons. Registered businesses competing outside the program were awarded over \$100 million of state business for a total of \$162.7 million of awards to registered small businesses. There were 64 types of set-aside services and 42 agencies, boards, or commissions listed as set-aside purchasers. The number of registered small businesses increased 118.3% since FY 2005. (30 ILCS 500/45-45(f); Nov. 2007, 4 pp.)

*State employee child care centers, 2007*

The State oversees two privately run on-site child care centers in Chicago and Springfield for employees' children. Chicago's Child Development Center in the Michael Bilandic Building is managed by Early Childcare Services, Inc., and has been accredited for the third time with the National Association for the Education of Young Children. The Center provides full-time child care for children ages 2 through kindergarten. It is licensed for 78 children, but keeps the center at 66 children. It has 3 full-time teachers for 4 classrooms. The Springfield Center is located in the Revenue Building and operated by Bright Horizons Family Solution. It has 5 teachers and a director, but is looking for more part-time staff due to growing enrollment. The Shapiro Center in Kankakee closed its child care program in 2007 because of financial problems. The Dependent Care Assistance Program allows employees to

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## Abstracts of Reports Required to be Filed With General Assembly

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pay for child care with tax-free dollars by using flexible spending accounts. In 2007, an average 1,637 employees participated in the program with contributions totaling \$6.5 million (30 ILCS 590/3; Dec. 2007, 4 pp.)

### *State-owned and surplus real property report*

CMS Bureau of Property Management has declared surplus approximately 164 acres in White County, near the Illinois-Indiana border containing partially constructed prison building. Property is available for transfer to State agencies. Agencies may submit a written request to CMS by the end of January 2008, including a reason for the transfer and the intended use of the property. (30 ILCS 605/7.1; Nov. 2007, 1 p.)

### *Supported Employment Program (SEP) annual report, 2007*

Begun in 1991, the SEP helps state agencies employ people with severe mental or physical disabilities. As of December 2007, there were twelve SEP employees: 1 at Central Management Services, 2 at the Department of Children and Family Services, 7 at the Department of Human Services, 1 at the Prisoner Review Board, and 1 at the Department of Transportation. These employees required job coaches or other support at time of placement, although five of the placements no longer need assistance. (5 ILCS 390/9(b); Dec. 2007, 2 pp.)

### **College Insurance Program, Joint Task Force on the Report, 2007**

The Joint Task Force on the College Insurance Program (CIP) was created to investigate the state of the CIP; consider including retirees of the City Colleges of Chicago (CCC) in the program; and report to the General

Assembly. After meeting seven times from 2006-2007, the Task Force made four recommendations: (1) establish an advisory board to oversee fiscal status of the Program; (2) exempt CIP funds from sweeps and administrative charge-backs; (3) guarantee a combined revenue contribution at 3.15% from active employees, employers, and state; and (4) include CCC in the Program contingent on agreed buy-in amount. (2006 S.J.R. 91 and 2007 S.J.R. 2; March 2007, 13 pp. + 9 appendices)

### **Commerce and Economic Opportunity, Dept. of**

*Build Illinois Revenue Funds, FY 2007*  
Build Illinois Capital Revolving Loan Fund decreased from \$8,908,167 to \$8,524,274; Illinois Equity Fund decreased from \$2,937,521 to \$1,177,792; Large Business Attraction Fund decreased from \$2,676,944 to \$877,281. Build Illinois Capital Revolving Loan Fund loan, investment, award, and grant disbursements totaled \$2,715,750; Illinois Equity Fund disbursements, \$2.14 million; and Large Business Attraction Fund disbursements, \$2.25 million. (30 ILCS 750/ 9-9 and 30 ILCS 750/10-9; Nov. 2007, 4 pp.)

### *Employment Opportunities Grant Program, FY 2007*

The goal of this grant is to expand the number of people in historically underrepresented populations who enter and complete building trade apprenticeship programs. Program model is different from other programs because it is industry-driven; includes all major constituents; impacts private and public construction projects; and provides a regional solution by providing easy mobility. Report includes a list of 10 Cook County and 5 statewide grantees. From July 1, 2007 through December 31, 2007, 1,958 individuals were recruited, with 446 accepting and 47 graduating. (20 ILCS 605/605-812(f); Jan. 2008, 3 pp.)

### *Energy Efficiency Trust Fund Program, 2007*

DCEO receives approximately \$3 million annually to help consumers reduce utility costs. Three programs and one study were funded in 2007: (1) Illinois Energy Efficient Affordable Housing Construction Program (\$1.45 million for incremental energy-efficiency costs in low- and moderate-income households); (2) Lights for Learning (\$42,000 for Energy Star® compact fluorescent lights in schools); and (3) Illinois Home Performance with Energy Star Pilot (Peoria-area program for “whole-house” energy efficiency). In the study, the American Council for an Energy-Efficient Economy examined energy-efficiency policies and programs in the state (\$50,000). Based on the study, DCEO recommends legislative adoption of the Governor’s Sustainable Energy Plan and Energy Independence Plan. (20 ILCS 687/6-6(e); undated, rec’d Feb. 2008, 10 pp.)

### **Community College Board**

#### *Adult education and family literacy, FY 2007*

Adult education programs in FY 2007 served 125,020 students, of whom 13,084 earned GEDs. Of those who completed instruction, 16,916 earned money in the first quarter after exiting the program, and 82% of them were still employed in the third quarter. Over 4,500 Illinois students are enrolled in GED-i online. Providers delivering instruction in the state include community colleges (39); community-based organizations (30); public schools/regional offices of education (29); one public university; and the Illinois Department of Corrections. (105 ILCS 405/2-4; Feb. 2008, 4 pp.)

### **Education, State Board of**

#### *Annual report on public university revenues and expenditures: FY 2007*

Illinois public universities (Chicago State, Eastern, Governors State, Illinois State, Northeastern, Northern,

Southern, University of Illinois, and Western) reported \$5.45 billion in revenues and \$5.42 billion in expenditures for FY 2007. State appropriated funds were the largest source of revenue at 24.5% (down from 25.4% in FY 2006). From FY 2006 to FY 2007 expenditures from all fund sources grew from \$5.1 billion to \$5.4 billion, or 5.8%. The largest expenditure was for personal services, 53.3% of total funds. The largest overall expenditure by function was for instructional programs, 26.7% of total funds. (30 ILCS 105/13.5; Nov. 2007, 148 pp., 8 tables, 13 figures, 5 appendices)

*Annual statistical report, 2006*

Gives statistics on student distribution and attendance among public and nonpublic elementary and secondary schools during 2005-2006; enrollment by race, sex, grade, and geographical boundaries; enrollment for bilingual and special education services; number of graduates and dropouts; school building construction; personnel; teacher certificates issued; school district receipts and expenditures; bond and tax referenda; costs per capita; transportation services and expenses; bonds and teachers orders; EAVs and tax rates; driver education expenses; state aid claims; and schools with less than full recognition status. (105 ILCS 5/2-3.11; Oct. 2007, 353 pp., 29 tables, and 1 appendix)

*Catalogue of reports, 2008*

The Board filed 20 reports with the General Assembly in 2007. Reports include 2006 annual report and annual statistical report, plus reports on educator supply and demand; mandates and mandate waivers; "Preschool for All" funding; charter schools; and school breakfast incentives. (105 ILCS 5/2-3.87; Jan. 2008, 6 pp.)

*Cumulative report on waivers and modifications, 1995-2007*

Summary chart classifies 4,383 approved waivers and modifications into

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## Illinois ResourceNet: A Funding Access Initiative *(continued from p. 1)*

Institute/Neighborhoods Initiative, and the University of Illinois Extension, this initiative will provide a variety of value-added services to community groups statewide to help pursue federal grants successfully. Such benefits will include:

- Confidential advice on, and critiques of, proposals as they are drafted
- Training about the technical aspects of federal proposals such as logic models and evaluation strategies
- Timely notifications of relevant grant opportunities
- Training about how to build effective, multi-organizational proposals
- Access to reliable data
- Guidance about preparing budgets
- Assistance with thinking through the identification of matching funds
- Preparatory advice about how to manage federal grants
- Tracking of overall federal funding trends and their strategic implications for nonprofit organizations and small municipalities in Illinois.

Illinois ResourceNet will deliver the above services through workshops in local communities; regional conferences for rural organizations, small towns, and cities; a statewide, annual conference; on-line courses; individualized technical assistance; and a multi-faceted web site with interactive capabilities.

The workshops and regional conferences will be customized for local communities, working with existing partnerships wherever possible in order to capitalize on the value of strong local and regional networks. The statewide conference will highlight emerging federal funding trends, taking into account the priorities of a new Administration in Washington, D.C.. It will also provide a "trade fair," enabling attendees to meet directly with federal agency representatives.

On-line courses will build on UIC's existing, successful educational platform that provides training in nonprofit management. They will be tailored to address the nuances of federal funding, including how to write federal proposals that have smart objectives and are focused on point criteria and how to prepare federal budget justifications with cost sharing. Participants will be encouraged to bring their own working proposals into the sessions, thereby ensuring the practical relevance of the training. The technical assistance will be made available to organizations that are in many respects ready to pursue federal funds successfully, but require some particular types of advice, information, or assistance with high quality proposal development.

Illinois ResourceNet's web site will feature several components. It will provide the opportunity for visitors to register for workshops, conferences, assistance, and the project's newsletter. It will provide updated information on federal funds available, including links to various funding notification sites on the Internet. The web site will also make available a highly interactive "virtual proposal building studio" that will enable groups collaborating on proposals to work in a secure space, sharing materials, writing drafts, and storing resource documents.

The project team is currently meeting with community groups in Chicago and throughout Illinois to learn about their experiences with, views about, and capabilities for seeking federal funds. The web site is under construction, and will open during June. The first regional conference will take place in the fall. Technical assistance is now being made available in order to "field test" various approaches with active funding announcements.

For further information about Illinois ResourceNet: A Funding Access Initiative contact: Richard Kordesh, Project Director, [Kordesh@uic.edu](mailto:Kordesh@uic.edu); Thea Crum, Assistant Director, [TCrum3@uic.edu](mailto:TCrum3@uic.edu); and Al Zwilling, UIUC Extension Coordinator, [AZwillin@illinois.edu](mailto:AZwillin@illinois.edu). □

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## Abstracts of Reports Required to be Filed With General Assembly

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seven general categories for school districts: accountability (18); calendar or instructional time (2,990); course offerings (824); employment issues (238); fiscal issues (256); governance (10); and health and safety (47). To date, waivers or modifications were approved for 936 school districts (107.7%); 8 area vocational centers (32%); 29 regional offices of education (64%); and 30 special education cooperatives (44.1%). Percentage of school districts is over 100% since the cumulative total of districts includes districts that no longer exist. Recommendations include authorizing local control for legally mandated school holidays; allowing school districts more flexible use of parent-teacher conference days; and removing the driver's education fee limit of \$50 so districts can set fees in response to local needs. (105 ILCS 5/2-3.25g; Jan. 2008, 15 pp.)

### *Reading Improvement Block Grant Program, 2007*

Reading Improvement Block Grant program is designed to improve the reading skills of students in kindergarten through sixth grade. Report takes districts in random samples and lists: number of students served in each district; total district population; gender and ethnicity of students served; number of full-time-equivalent reading specialists, teachers, or aides; and assessments used. For 2006-2007, 770 school districts received a Reading Improvement Block Grant and 706 submitted a complete report showing improvement in reading skills. (105 ILCS 5/2-3.51(a-15); Jan. 2008, 8 pp.)

### *School breakfast initiatives report, FY 2008*

Lists the schools, total enrollment, and number of children eligible for free, reduced-price, and paid breakfasts

and lunches. During the 2007-2008 school year, 3,008 schools received an additional 10¢ per meal incentive; 94 started a school breakfast program; 71 received \$3,500 startup grants; 10 participated in the USDA provision 2 or 3 programs; 4 dropped the national breakfast and/or lunch program; and 1 was granted an exemption from the program by its Regional Office of Education. (105 ILCS 125/4; Feb. 2008, 2 pp. + 2 attachments)

### *School Finance Authority annual report, 2007*

Hazel Crest School District 152.5 was put on the "financial watch" list in June 2003. Because of a voter-approved tax rate increase, closing two of the District's five buildings, and a reduction in staff, the District turned a FY 2003 deficit of \$5 million into a surplus of \$1.5 million in FY 2004. Since then, the District has shown a surplus each year, totaling over \$5 million for FY 2007. ISAT scores have also increased each year since FY 2004 in reading and mathematics. (105 ILCS 5/1E-130; Sept. 2007, 5 pp. + 1 table)

### **Electronic Health Records Taskforce Report, 2006**

Details the activities of the Electronic Health Records Taskforce. Recommends a law making the Illinois Department of Public Health responsible for advancing electronic health records and health information exchange initiatives. Also recommends requiring the Department to establish a public-private partnership with the new nonprofit organization named the Illinois Health Information Network (ILHIN). (20 ILCS 3934/10(c); Dec. 2006, 108 pp.)

### **Government Forecasting and Accountability, Commission on Wagering in Illinois, 2007**

Examines the economic impact and potential for expansion of state lottery, horse racing, and riverboat gambling in Illinois. State lottery transferred \$622 million, 7.2% less than in FY 2006, to

the Common School Fund. Riverboat gambling transferred to the Education Assistance Fund and deposited in the Common School Fund a total of \$685 million, down 0.5% from FY 2006. Horse racing brought \$9 million in revenue for the state, down 18.1% from FY 2006. Lower tax rates in 2006 and 2007 reduced the state's riverboat revenues, although the boats' admissions (and gross receipts) rose—probably due to the lower tax rates. The hold-harmless provision statutorily ended in FY 2007. Ideas to bring more gaming revenue include adding additional gaming positions at current riverboats, allowing slot machines at horse tracks, adding new riverboats and casinos, and reissuing the 10th license. (1991 S. Res. 875; Oct. 2007, 52 pp., tables and charts)

### **Higher Education, Board of Public university tuition and fee waivers, FYs 2006 and 2007**

Public universities issued 48,123 waivers worth \$291.8 million in FY 2006 and 48,414 waivers worth \$325.9 million in FY 2007. In 2006, 19.3% of the money was awarded to undergraduates and 80.7% to graduates; in 2007, 19.8% of the money was awarded to undergraduates and 80.2% to graduates; 87.4% was discretionary (such as teaching and research assistantships). Appendix A lists the number and value of mandatory and discretionary waivers for each public university; Appendix B describes purpose, goals, and eligibility and criteria for each mandatory and discretionary tuition and fee waiver. (110 ILCS 205/9.29; Dec. 2007, 8 pp. + 2 appendices)

### **Human Services, Dept. of Autism Program report, January 2007**

Describes progress in addressing early intervention services for autistic children; enhancing family support so people with autism can remain in their homes; transition services from public school services; and federal financial participation. State funding

for the Autism Program doubled in FY 2008 to \$5 million. The increase will allow expansion of existing services, and additional services in eight areas of the state. In July 2007, two Children's Medicaid Home and Community-Based Services waivers were federally approved and authorized for three years. They cover residential support for children in group homes and home-based support for children living with their families. (20 ILCS 1705/57; Dec. 2007, 14 pp.)

*Electronic Monitoring in Developmental Disabilities Settings Interim Report, 2007*

Facilities being considered for monitoring include developmental training day program sites, DHS-owned and operated community integrated living arrangement sites, state operated developmental centers, and home-based waiver sites. Agency has determined the following: (1) informed consent by individuals and guardians will be required; (2) policies will comply with federal, state, and local laws and regulations; (3) effectiveness of policies must be assessed and modified where necessary; and (4) funding installation and maintenance of equipment must be addressed. Final report was to be issued February 15, 2008. (20 ILCS 1705/70; Dec. 2007, 5 pp.)

**Illinois Stroke Task Force**

*Annual report, 2006*

The Stroke Task Force was created in 2004 by the Illinois Department of Public Health to advise the Department in stroke prevention and treatment efforts. In 2006, the Department had 3 meetings of the Stroke Task Force; held a Public Health Stroke Summit in Chicago; developed a proclamation with the Governor's Office for May's promotion of stroke and high blood pressure awareness; and added information to the Department's web site. Illinois CAPTURE (Care and Prevention Treatment Utilization Registry) is

a collaborative effort between the Department and the University of Illinois at Chicago to improve care of stroke victims. There are 46 participating hospitals with 7,307 cases in the registry. No state money was spent on activities related to the task force. (20 ILCS 2310/2310-372; undated, rec'd Feb. 2008, 10 pp.)

**Legislative Reference Bureau**

*Review of cases through 2007*

Major Illinois Supreme Court holdings:

(1) P.A. 88-669 (1994), which among other things, increased the penalties for violation of the Illinois Income Tax Act, was declared unconstitutional as a violation of the single-subject rule.

Major Illinois Appellate Court holdings:

(1) Compensation Review Act's prohibition against a cost-of-living adjustment (COLA) to a State's Attorney's salary in FY 2003 was effective because that officer's salary is not constitutionally protected from reduction. Also, Comptroller does not have constitutional authority to "override" General Assembly.

(2) Criminal Code's identity theft provision prohibits using another person's identifying information to gain employment, even though the person does not actually steal money or services from employer. (25 ILCS 135.05; Dec. 2007, 127 pp.)

**Lottery**

*Annual report, FY 2006*

Revenues were \$1.99 billion; prizes awarded were \$1.15 billion. Two new tickets were launched, "Ticket for the Cure" and "Veteran's Cash," with all proceeds supporting breast cancer and veterans' programs in Illinois. Transfers to Ticket for the Cure were \$2.60 million; transfers to the Veterans Fund

were \$1.61 million; and transfers to the Common School Fund were \$641 million. Overviews games offered and lottery retailers; including financial statements. (20 ILCS 1605/7.8; undated, rec'd Sept. 2007, 48 pp.)

**Public Health, Dept. of**

*Alzheimer's Disease Assistance Plan, 2004-2006*

An estimated 210,000 Illinoisans suffer from Alzheimer's disease, with an annual cost of over \$5.2 billion. In 2004, Alzheimer's was the fifth leading cause of death for Illinoisans age 65 or older. Recommendations include: increasing state research to tap into funding sources; evaluating how other states get federal money; training and educating health care workers; increasing funding for home and community-based care facilities; and developing driving guidelines for people with dementia. (410 ILCS 405/5; Aug. 2007, 56 pp.)

**School Wellness Policy Task Force**

*Report, 2007*

Federal law requires local education authorities to establish local wellness policies by the 2006-2007 school year to address students' poor nutrition and physical inactivity. One duty of the Task Force's was to review 5-10 school districts' wellness policies. Fifteen districts were contacted by phone; 7 agreed to participate, and 6 submitted survey results. All 6 had adopted a school wellness policy, 4 had a wellness committee in place, 2 had a written implementation plan, and none had budgeted funds to implement a local school wellness policy. Barriers to implementing wellness programs include lack of funding, facilities, and time to write curriculum and coordinate activities. Includes copy of the survey, specific results to survey questions, and anecdotal comments by the districts. (105 ILCS 5/2-3.137, Dec. 2007, 49 pp.)

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## Abstracts of Reports Required to be Filed With General Assembly

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### State Employees Suggestion Award Board

*Annual report, 2007*

The Board met monthly in 2007 and received 14 new suggestions, none of which got awards. (20 ILCS 405/405-130(b); Dec. 2007, 2 p.)

### State Fire Marshal

*Annual report, 2007*

The Arson Investigation Division conducted 1,533 investigations with 426 canine assists, and arrested 98 suspects. The Office performed 45,825 boiler

and pressure vessel inspections and wrote 2,106 violations. Office conducted 787 inspections of active petroleum and hazardous substance tanks, and issued 1,835 notices of violation. It administered 12,982 firefighter examinations and issued 11,559 certifications. The fire equipment exchange program has provided over 150 fire departments with more than 10,000 pieces of equipment. Also describes the activity of the Elevator Safety and Public Education Divisions, and describes bills passed by the 95th General Assembly relating to the Office of the State Fire Marshal. (50 ILCS 740/13; Feb. 2008, 26 pp.)

### State Police

*Missing children report, FY 2007*

There were 37,882 persons under 18 reported as missing in FY 2007. Of those, 36,478 (96%) were found; 2,335 are still listed as missing, including 931 from previous years. Illinois' AMBER Alert was activated 11 times with 9 broadcasts; all children involved in the activations were

found—5 as a direct result of the alert. Includes detailed information on the number of missing children reported, cleared, and pending by county. (325 ILCS 40/8; Dec. 2007, 15 pp.)

### Task Force on Growth Models

*Report, 2007*

Senate Joint Resolution 87 (2006) urged the U.S. Dept. of Education to use more flexible criteria in determining adequate yearly progress for the No Child Left Behind Act and created the Task Force to study the feasibility of using a growth model for Illinois. A growth model or “value-added model” gives schools credit for individual student achievement over time instead of taking a snapshot “one-look-in-time” review. The Task Force met 5 times in 2006. Recommendations include: developing a growth model formula for the state; supporting growth model pilot projects; and providing state funding and resources for growth model assessments. (S.J.R. 87 (2006); Jan. 2007, 14 pp.)

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