



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2249

Introduced 4/9/2019, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Access to Justice Grant Program Act. Establishes a Program and a Panel to issue and award grants to 2 community-based organizations to increase outreach, education on legal matters, and access to legal services to low-income communities of color. Requires the organizations to act as fiscal agents. Provides for the recruitment and training of community navigators to conduct legal screenings. Requires the Governor to include a \$10,000,000 appropriation for the Program in the annual State budget. Contains provisions concerning: grant application requirements; a grant review committee; financial audits; and other matters. Amends the Children and Family Services Act. Provides that, if a child is placed in the custody or guardianship of the Department of Children and Family Services or a child is returned to the custody of a parent or guardian and the court retains jurisdiction of the case, the Department must ensure that the child is up to date on well-child visits, including immunizations, or there is a documented religious or medical reason the child is not immunized. Requires the Department to complete, before a child's discharge from foster or substitute care, a home safety checklist regarding the child's home. Requires any aftercare services to a child and his or her family to start on the date the child is returned to the custody or guardianship of the parent or guardian. Amends the Abused and Neglected Child Reporting Act. Provides that when a report is made by a mandated reporter and there is a prior indicated report of abuse or neglect and a prior open service case involving a member of the household, the Department must accept the report as a child welfare services referral. Requires the Auditor General to conduct performance audits on the Department. Effective immediately.

LRB101 12039 KTG 59466 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 1. Short title. This Act may be cited as the  
5 Access to Justice Grant Program Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds that:

8 (1) The Department of Homeland Security reported a 171%  
9 increase in the arrest and detention of undocumented  
10 immigrants with no criminal record over the last 2 years.

11 (2) In Illinois alone, 525,000 undocumented  
12 immigrants, including 40,000 immigrants with temporary  
13 protected status and 42,000 immigrants with DACA status  
14 under the Deferred Action for Childhood Arrivals program,  
15 are at risk of deportation and being separated from their  
16 families.

17 (3) As of December 2018, about 71,000 adults and  
18 juveniles were incarcerated in various facilities across  
19 Illinois, including 40,872 individuals in Illinois  
20 State-operated facilities and approximately 23,000  
21 individuals incarcerated in local jails.

22 (4) On February 11, 2019, Governor Pritzker unveiled a  
23 justice reform initiative and said, "It's time to reduce

1 the recidivism rate and reentry through a holistic approach  
2 that addresses opportunity both inside and outside of our  
3 prisons".

4 (5) Completing a prison sentence is only the first step  
5 in a long road to reentry into society.

6 (6) Many formerly incarcerated adults struggle to find  
7 jobs and housing because of their criminal history, even  
8 when records are expungeable.

9 (7) Illinois' vulnerable communities of color also  
10 experience mental health challenges at higher rates,  
11 including depression, anxiety, acculturative stress, and  
12 trauma.

13 (8) The mental health needs of this population are  
14 high, yet many are unable to access mental health services  
15 due to lack of health insurance, transportation, or  
16 cultural or language barriers.

17 (9) These insecurities and challenges facing  
18 low-income communities of color have a large effect on the  
19 State's economy and on the ability of employers to find and  
20 retain employees.

21 (10) In response to some of these challenges, the City  
22 of Chicago established and funded a successful Legal  
23 Protection Fund and Community Navigator Program. The  
24 program has strengthened existing community-based  
25 organizations and trained 400 community navigators (such  
26 as majority immigrant women: Latinos, Asians, and

1 Africans.) who have reached over 50,000 individuals  
2 through mass Know Your Rights trainings and have connected  
3 immigrant families and persons classified as DREAMers  
4 under the Development, Relief, and Education for Alien  
5 Minors Act to free community-based legal services. The  
6 community navigators were supported by attorneys.

7 (11) Chicago's Community Navigator Program increased  
8 the rate of immigrants with legal representation from 30%  
9 to 59% with \$1,300,000 while New York increased  
10 representation from 50% to 61% with \$10,000,000 according  
11 to an independent study conducted by Syracuse University.

12 (12) Adequate funding is necessary to ensure Illinois'  
13 communities of color, including immigrants,  
14 African-Americans, and returning citizens, know their  
15 rights and have access to legal support and social and  
16 mental health services.

17 Section 10. Definitions. As used in this Act:

18 "Legal services" means legal aid services rendered to  
19 individuals, including legal consultations, representations at  
20 expungement proceedings, and representation before the U.S.  
21 Citizenship and Immigration Services, the National Visa Center  
22 within the U.S. Department of State, the Executive Office of  
23 Immigration Review within the U.S. Department of Justice, the  
24 U.S. Immigration and Customs Enforcement, and any other  
25 immigration related agency or office.

1 "Community navigator" means an individual formally trained  
2 by a qualified nonprofit community organization to educate and  
3 inform individuals on a specific subject matter.

4 "Grant Panel" means the Access to Justice Grant Program  
5 Panel created under Section 15 to review and administer grant  
6 applications.

7 Section 15. Access to Justice Grant Program.

8 (a) The Access to Justice Grant Program is created for the  
9 purpose of issuing, subject to appropriation, grants to 2  
10 nonprofit, community-based organizations to serve as fiscal  
11 agents and increase outreach, education on legal matters, and  
12 access to legal services to low-income communities of color,  
13 including immigrant and African-American populations.

14 (b) There is created the Access to Justice Grant Program  
15 Panel. The Grant Panel shall consist of the following members:

16 (1) 2 co-chairs, one of whom shall be appointed by the  
17 principal sponsor of this Act in the House of  
18 Representatives and one of whom shall be appointed by the  
19 chief co-sponsor of this Act in the House of  
20 Representatives;

21 (2) 2 members, one of whom shall be appointed by the  
22 principal sponsor of this Act in the Senate and one of whom  
23 shall be appointed by the chief co-sponsor of this Act in  
24 the Senate; and

25 (3) one member appointed by the Governor.

1 (c) The Department of Human Services shall provide staff  
2 and administrative support to the Grant Panel. Members of the  
3 Grant Panel shall not receive compensation for their service on  
4 the Grant Panel but shall be reimbursed for necessary travel  
5 expenses incurred in the performance of their duties.

6 (d) On or before July 1, 2019, nonprofit, community-based  
7 organizations that meet the requirements outlined in Section 20  
8 may apply to the Grant Panel for a grant under this Act.

9 (e) Subject to appropriation, on or before August 1, 2019,  
10 the Grant Panel shall award grant funds, in an amount to be  
11 determined by the Grant Panel, to 2 nonprofit, community-based  
12 organizations, as set forth in this Section.

13 (f) For State Fiscal Year 2020, the Governor shall include  
14 in the annual State budget for the Access to Justice Grant  
15 Program an appropriation of \$10,000,000 which shall generate a  
16 one-to-one match from private employers and philanthropic or  
17 non-profit groups.

18 Section 20. Grant application; grant review committee.

19 (a) Grant applicants shall use the grant application format  
20 prepared and made available by the Grant Panel for this  
21 purpose. The applications shall be available on the Department  
22 of Human Services' website.

23 (b) To apply to be a fiscal agent and receive a grant under  
24 this Act, an applicant must be a nonprofit, community-based  
25 organization that provides legal services to meet the unique

1 legal needs of the targeted populations. A fiscal agent that  
2 provides immigration services must:

3 (1) have previous experience in serving as a fiscal  
4 agent;

5 (2) have an in-house community navigator program;

6 (3) have previously trained other organizations in the  
7 community navigator program;

8 (4) have headquarters in a census tract where at least  
9 75% of the population is from a community of color; and

10 (5) be recognized by the Department of Justice to  
11 practice immigration law.

12 (b-5) A fiscal agent that provides services to  
13 predominantly African-American communities must:

14 (1) have a pre-existing in-house community navigator  
15 program;

16 (2) have a pre-existing program supporting formerly  
17 incarcerated individuals with legal and social services;

18 (3) have a pre-existing Know Your Rights education  
19 program with at least monthly seminars;

20 (4) have a formal relationship with a community bond  
21 fund;

22 (5) have headquarters in a census tract where at least  
23 75% of the population is African-American;

24 (6) have a pre-existing relationship with 3 or more  
25 private law firms (whose main offices are located in a  
26 census tract where at least 75% of the people are

1 African-American) that provide pro bono legal services;  
2 and

3 (7) have a pre-existing relationship with an  
4 organization that works with incarcerated individuals and  
5 survivors of domestic and sexual violence.

6 (c) Each fiscal agent must fund and train 10  
7 community-based organizations throughout the State to recruit  
8 and train community navigators to reach and inform 20,000  
9 Illinois low-income and vulnerable individuals living in  
10 communities of color on Know Your Rights, expungement  
11 processes, mental health services, and immigration legal  
12 services.

13 (d) Each fiscal agent must fund and train 10  
14 community-based legal service organizations that will conduct  
15 5,000 legal screenings for low-income and vulnerable  
16 communities of color.

17 (e) At least one fiscal agent must be able to work with  
18 mental health organizations to implement 4 pilot  
19 community-based mental health programs.

20 (f) Each grant applicant shall:

21 (1) describe itself, indicate whether it is a  
22 nonprofit, community-based organization, and provide its  
23 legal status and a summary of its mission;

24 (2) be authorized to conduct affairs in the State of  
25 Illinois;

26 (3) designate that it is applying for a grant to ensure



1 access to legal services in low-income communities of  
2 color, including immigrant and African-American  
3 populations; and

4 (4) have a partnership with business associations to  
5 reduce barriers to employment, provide certified training,  
6 and address labor shortage for Illinois employers.

7 (j) Each grant application shall include a detailed,  
8 narrative statement describing the proposed use of the grant  
9 funds. Each grant applicant shall also provide:

10 (1) the name and contact information of the Director of  
11 the nonprofit, community-based organization;

12 (2) a description of the applicant's ability to  
13 administer the grant;

14 (3) a project title;

15 (4) a project description;

16 (5) a description of the applicant's  
17 request-for-proposals process and any other process used  
18 for selecting sub-grantee organizations;

19 (6) the applicant's target audience and needs;

20 (7) a project schedule;

21 (8) methods for evaluating outcomes; and

22 (9) the applicant's proposed budget and a detailed  
23 explanation of expenses.

24 Grant applicants must demonstrate in their grant  
25 applications that they have satisfactorily met all  
26 requirements set forth in this Section, and that they possess

1 the administrative capacity to perform the purposes of the  
2 Access to Justice Grant Program and the fiscal and reporting  
3 functions stipulated in this Section.

4 (k) The Grant Panel may deny a grant application if the  
5 requirements of this Section are not met or are inadequately  
6 met. The Grant Panel shall not discriminate on the basis of  
7 race, color, religion, gender, age, national origin,  
8 disability, marital status, sexual orientation, or military  
9 status in the awarding of grants.

10 (l) Grant applications that are not submitted in the  
11 required format by July 1, 2019, as set forth in subsection (d)  
12 of Section 15, or that are not completed, shall not be  
13 considered for funding by the Grant Panel.

14 (m) The grant application process shall be competitive. A  
15 grant review committee shall review all grant applications and  
16 make recommendations to the Grant Panel regarding the selection  
17 of grant award recipients.

18 (n) The grant review committee shall consist of one  
19 representative from the Department of Human Services, and, at  
20 the discretion of the Grant Panel, any other additional  
21 qualified reviewers. Any additional reviewers shall be  
22 selected based on their academic qualifications and their  
23 vocational and volunteer experience related to the subject  
24 matter of the grant.

25 (o) No person shall serve on the grant review committee if  
26 that person:

1 (1) is applying for a grant under this Act;

2 (2) is employed by any entity applying for a grant  
3 under this Act;

4 (3) has an ownership interest in or receives income  
5 from any entity applying for a grant under this Act; or

6 (4) is related more closely than the 5th degree of  
7 consanguinity (second cousins) to an owner or employee of  
8 any entity applying for a grant under this Act.

9 (p) Members of the grant review committee shall  
10 independently consider the following criteria and assign  
11 weighted scores up to the total amount of points indicated:

12 (1) Requirements. Does the nonprofit meet the  
13 requirements as outlined in Section 20? (500 points)

14 (2) Abstract. Does the project overview appropriately  
15 communicate the proposed project? (25 points)

16 (3) Administrative capacity. Does the applicant have  
17 adequate experience and qualifications to accomplish the  
18 proposed project? Is the applicant a known and trusted  
19 voice in the community to be served? (100 points)

20 (4) Project description. Has the applicant provided a  
21 comprehensive description of the project, including  
22 details about methods, activities, and services to be  
23 provided in light of the legislative findings under Section  
24 5? (200 points)

25 (5) Connection to employers. Has the applicant stated  
26 how this program will partner with trade and business

1 associations to reach the workforce and to increase the  
2 pipeline of available workers to fill high and low skilled  
3 employment positions? Does the application include at  
4 least 3 letters of support from Illinois trade or business  
5 associations? (100 points)

6 (6) Capacity building. Has the applicant described how  
7 it will build capacity for smaller nonprofits to be able to  
8 achieve their goals, including training, technical  
9 assistance, and coordination with public and private  
10 entities? (300 points)

11 (7) Target audience and need. Has the applicant  
12 identified the intended audience and its need for services  
13 proposed? Has the applicant set forth a plan for  
14 identifying and reaching target communities? (500 points)

15 (8) Project schedule. Does the applicant's timeline  
16 clearly illustrate appropriate scheduling of the proposed  
17 actions and activities? (50 points)

18 (9) Evaluation. Is the methodology and strategy that  
19 the applicant will use to evaluate the success of the  
20 project reasonable? (25 points)

21 (10) Budget. Is the proposed budget reasonable,  
22 necessary, appropriate, and adequate to perform the  
23 proposed services? (100 points)

24 (q) For purposes of this grant application and review  
25 process:

26 (1) Two organizations shall serve as fiscal agents.

1 Fiscal agents then must sub-grant as provided in this Act  
2 and in with the approval of the Department of Human  
3 Services.

4 (2) All grant applicants shall be notified whether or  
5 not their application has been approved. The decision of  
6 the Grant Panel regarding the award of grants under this  
7 Section is final.

8 (3) The Grant Panel shall notify the submitting entity  
9 when an application is approved. All approved applicants  
10 shall enter into a grant agreement provided by the Grant  
11 Panel before any grant funds are distributed.

12 Section 25. Grant reporting requirements.

13 (a) As stipulated by the grant agreement, the following  
14 reports shall be completed and transmitted to the Department of  
15 Human Services by each grant recipient:

16 (1) monthly narrative and financial reports that  
17 identify by line item all expenditures made from grant  
18 funds;

19 (2) a final financial report showing all expenditures  
20 of grant funds and the return of any unexpended grant  
21 funds; and

22 (3) a final narrative report evaluating the degree to  
23 which the grantee achieved the goals and objectives of the  
24 project.

25 The Grant Panel may request additional information and data

1 from any grant applicant.

2 (b) Grants awarded under this Section are subject to the  
3 Grant Accountability and Transparency Act. The Grant Panel  
4 shall not consider grant applications submitted by entities  
5 that are included in the Illinois Debarred and Suspended List  
6 maintained by the Governor's Office of Management and Budget.

7 (c) Grant recipients shall maintain books and records  
8 relating to the expenditure of grant funds. Books and records,  
9 including information stored in computer systems, shall be  
10 maintained by the grant recipient for a period of 3 years from  
11 the later of the date of the final grant payment or the  
12 completion of the projects for which the grant was issued.

13 (d) Books and records required to be maintained under this  
14 Section shall be available for review or audit by the  
15 Department of Commerce and Economic Opportunity, the Attorney  
16 General, or the Auditor General. Failure to maintain books and  
17 records required by this Section shall establish a presumption  
18 in favor of the Grant Panel for the recovery of any grant  
19 funds, attorney's fees, and costs paid by the Grant Panel or  
20 its designee.

21 (e) Grants made under this Section are subject to the  
22 provisions of the Illinois Grant Funds Recovery Act. Actions  
23 brought under that Act may include, but are not limited to, a  
24 grant recipient's: (i) failure to spend funds in accordance  
25 with the application or any approved amendment to the  
26 application or (ii) failure to comply with reporting procedures

1 stipulated in this Section. If a provision of this Section  
2 conflicts with a provision of the Illinois Grant Funds Recovery  
3 Act, then the provision of the Illinois Grant Funds Recovery  
4 Act controls.

5 (f) Obligations of the Grant Panel to fund the Access to  
6 Justice Grant Program shall cease immediately without penalty  
7 or further payment being required if the funds for the grants  
8 are not available to the Grant Panel.

9 Section 30. The Children and Family Services Act is amended  
10 by adding Section 7.8 as follows:

11 (20 ILCS 505/7.8 new)

12 Sec. 7.8. Home safety checklist; aftercare services;  
13 immunization checks.

14 (a) As used in this Section, "purchase of service agency"  
15 means any entity that contracts with the Department to provide  
16 services that are consistent with the purposes of this Act.

17 (b) Whenever a child is placed in the custody or  
18 guardianship of the Department or a child is returned to the  
19 custody of a parent or guardian and the court retains  
20 jurisdiction of the case, the Department must ensure that the  
21 child is up to date on his or her well-child visits, including  
22 age-appropriate immunizations, or that there is a documented  
23 religious or medical reason the child did not receive the  
24 immunizations.

1       (c) Whenever a child has been placed in foster or  
2 substitute care by court order and the court later determines  
3 that the child can return to the custody of his or her parent  
4 or guardian, the Department must complete, prior to the child's  
5 discharge from foster or substitute care, a home safety  
6 checklist to ensure that the conditions of the child's home are  
7 sufficient to ensure the child's safety and well-being, as  
8 defined in Department rules and procedures. At a minimum, the  
9 home safety checklist shall be completed within 24 hours prior  
10 to the child's return home and completed again or recertified  
11 in the absence of any environmental barriers or hazards within  
12 5 working days after a child is returned home and every month  
13 thereafter until the child's case is closed pursuant to the  
14 Juvenile Court Act of 1987. The home safety checklist shall  
15 include a certification that there are no environmental  
16 barriers or hazards to prevent returning the child home.

17       (d) When a court determines that a child should return to  
18 the custody or guardianship of a parent or guardian, any  
19 aftercare services provided to the child and the child's family  
20 by the Department or a purchase of service agency shall  
21 commence on the date upon which the child is returned to the  
22 custody or guardianship of his or her parent or guardian.  
23 However, if multiple children are returned at different times  
24 to the custody or guardianship of the parent or guardian,  
25 aftercare services shall commence on the date upon which the  
26 last child returns home.



1       (e) One year after the effective date of this amendatory  
2 Act of the 101st General Assembly, the Auditor General shall  
3 commence a performance audit of the Department of Children and  
4 Family Services to determine whether the Department is meeting  
5 the requirements of this Section. Within 2 years after the  
6 audit's release, the Auditor General shall commence a follow-up  
7 performance audit to determine whether the Department has  
8 implemented the recommendations contained in the initial  
9 performance audit. Upon completion of each audit, the Auditor  
10 General shall report its findings to the General Assembly. The  
11 Auditor General's reports shall include any issues or  
12 deficiencies and recommendations. The audits required by this  
13 Section shall be in accordance with and subject to the Illinois  
14 State Auditing Act.

15       Section 35. The Abused and Neglected Child Reporting Act is  
16 amended by adding Section 7.01 as follows:

17       (325 ILCS 5/7.01 new)

18       Sec. 7.01. Safety assessments for reports made by mandated  
19 reporters.

20       (a) When a report is made by a mandated reporter to the  
21 statewide toll-free telephone number established under Section  
22 7.6 of this Act and there is a prior indicated report of abuse  
23 or neglect and a prior open service case involving any member  
24 of the household, the Department must, at a minimum, accept the

1 report as a child welfare services referral. If the family  
2 refuses to cooperate or refuses access to the home or children,  
3 then a child protective services investigation shall be  
4 initiated if the facts otherwise meet the criteria to accept a  
5 report.

6 As used in this Section, "child welfare services referral"  
7 means an assessment of the family for service needs and linkage  
8 to available local community resources for the purpose of  
9 preventing or remedying or assisting in the solution of  
10 problems which may result in the neglect, abuse, exploitation,  
11 or delinquency of children, and as further defined in  
12 Department rules and procedures.

13 As used in this Section, "prior open service case" means a  
14 case in which the Department has provided services to the  
15 family either directly or through a purchase of service agency.

16 (b) One year after the effective date of this amendatory  
17 Act of the 101st General Assembly, the Auditor General shall  
18 commence a performance audit of the Department of Children and  
19 Family Services to determine whether the Department is meeting  
20 the requirements of this Section. Within 2 years after the  
21 audit's release, the Auditor General shall commence a follow-up  
22 performance audit to determine whether the Department has  
23 implemented the recommendations contained in the initial  
24 performance audit. Upon completion of each audit, the Auditor  
25 General shall report its findings to the General Assembly. The  
26 Auditor General's reports shall include any issues or

1 deficiencies and recommendations. The audits required by this  
2 Section shall be in accordance with and subject to the Illinois  
3 State Auditing Act.

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

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 505/7.8 new

5 325 ILCS 5/7.01 new