



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by David R. Leitch

SYNOPSIS AS INTRODUCED:

20 ILCS 505/2.1

Amends the Children and Family Services Act. Provides that if the Department of Children and Family Services contracts with a private child welfare agency to provide child welfare services or to provide the arrangement of child welfare services, then the private child welfare agency and its employees shall not, as a result of their acts or omissions, be liable for civil damages, unless the acts or omissions constitute willful and wanton misconduct.

LRB093 17825 BDD 43506 b

1 AN ACT concerning children and families.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 2.1 as follows:

6 (20 ILCS 505/2.1)

7 Sec. 2.1. Sufficient resources required; liability. The
8 Department shall ensure a sufficient number of placement and
9 other resources of sufficient quality and variety to meet the
10 needs of children and families as specified in the individual
11 case plan in Sec. 6a of this Act. Nothing in this Sec. shall be
12 construed to create a private right of action or a judicially
13 enforceable claim on the part of any individual or agency.

14 If the Department contracts with a private child welfare
15 agency to provide child welfare services or to provide the
16 arrangement of child welfare services, then the private child
17 welfare agency and its employees shall not, as a result of
18 their acts or omissions, be liable for civil damages, unless
19 the acts or omissions constitute willful and wanton misconduct.

20 (Source: P.A. 88-614, eff. 9-7-94.)