

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 Racial Disproportionality in Child Welfare Task Force Act.

Section 3. Purposes. The purposes of this Act are to understand the underlying factors of child welfare system involvement for families; examine the racial disparities of children and families involved in the child welfare system at every key procedural phase of system involvement and the causes of such disparities; and explore resources, policies, and practices that could prevent system entry for families and reduce racial disproportionality at each key procedural phase of system involvement.

Section 5. Findings. The General Assembly finds the following:

(1) Historically, Black children and Black parents and caregivers, women in particular, are disproportionately represented in the child welfare system.

(2) According to the Fiscal Year 2018 Disproportionality and Disparity Report prepared by the Children and Family Research Center of the University of Illinois, School of

Social Work, racial disparities exist at each key decision point in the Illinois child welfare system with Black children being overrepresented at each point.

(3) Multiple studies show that removals which separate children from parents, even "short removals" lasting 48 hours, trigger responses in the children that include anxiety, isolation, aggression, substance abuse, and post-traumatic stress disorder and release higher levels of cortisol and damages brain cells. These impacts are experienced in "reciprocal and synergistic" ways by parents during separation.

(4) According to Child Trends' fiscal year 2019 "State-level Data for Understanding Child Welfare in the United States", the average length of stay in foster care in Illinois was 28.6 months compared to the national average of 19.8 months, and 12% of children in Illinois foster care were there 5 or more years compared to 5% of children nationally in foster care for that long.

(5) As of December 31, 2020, the population of Illinois' youth in care was approximately 44% Black according to data from the Department of Children and Family Services, while recent data from the Annie E. Casey Foundation's KIDS COUNT Data Center estimate the 2019 child population of Illinois to have been approximately 15% Black.

(6) Black children and youth are represented in the child welfare system in Illinois at approximately 3 times the

percentage of the statewide child population that is Black. Nationally, Black children and youth are represented in foster care at approximately 2 times the percentage of the national child population that is Black according to the National Conference of State Legislatures.

(7) Between fiscal years 2018 and 2020, the number of Illinois children removed from their homes annually increased by 30%, according to data from the Department of Children and Family Services. The increase in 2019 was 17%, the second-highest increase in the country.

(8) More than 90% of foster youth with 5 or more moves become involved in the juvenile justice system. In 2019, children in the custody of the Department of Children and Family Services averaged 3.8 moves/1,000 days; for Black children, the average was 4.4 moves/1,000 days.

(9) In Chapin Hall's Midwest Study of the Illinois, Wisconsin, and Iowa child welfare systems, almost 70% of youth involved in the study had been arrested by their mid-20s.

(10) In 2018, 79% of calls made to the Illinois Child Abuse Hotline were made by mandated reporters. Of these calls, 25.8% came from education personnel, 24.2% from law enforcement personnel, 13.5% from medical personnel, and 10.7% from social service personnel.

(11) According to Child Trends' state-level data for federal fiscal year 2018 for Illinois, 65% of child abuse and neglect cases were due to allegations of neglect, 12% due to

allegations of physical abuse, and 13% due to allegations of sexual abuse.

(12) According to Child Trends' state-level data for federal fiscal year 2019 for Illinois, 89% of entries into foster care were due to neglect, 12% due to parental substance abuse, 11% due to physical abuse, and 2% due to sexual abuse.

(13) In 2018, 20,815 reports to the Illinois Child Abuse Hotline involved an allegation of abuse and 35,310 involved a neglect allegation. Of these reports, only 10,189 were investigated, and of these investigations, only 1,544 resulted in an indicated finding. Of the investigations resulting in an indicated finding, only 225 were screened into court.

(14) According to the Fiscal Year 2020 Monitoring Report of the B.H. Consent Decree prepared by the Children and Family Research Center of the University of Illinois, School of Social Work, Black children in 2019 were less likely than white and Latinx children to be placed in kinship foster homes. Black children were more likely to be placed in traditional foster homes than white and Latinx children. Black children were also more likely to be placed in institutions or group homes than white and Latinx children.

Section 10. Composition. The Racial Disproportionality in Child Welfare Task Force is created within the Department of Children and Family Services consisting of members appointed as follows:

(1) Two members from the Senate, one appointed by the President of the Senate and one appointed by the Senate Minority Leader.

(2) Two members from the House of Representatives, one appointed by the Speaker of the House of Representatives and one appointed by the House Minority Leader.

(3) Two General Assembly members from the Illinois Legislative Black Caucus, appointed by the Joint Caucus Chair of the Illinois Legislative Black Caucus.

(4) Two General Assembly members from the Illinois Latino Caucus, appointed by the Chair of the Illinois Latino Caucus.

(5) One member from the Office of the Governor appointed by the Governor.

(6) The Director of Children and Family Services, or his or her designee.

(7) The Secretary of Human Services, or his or her designee.

(8) The Director of Healthcare and Family Services, or his or her designee.

(9) One member from an organization with expertise in housing and the Continuum of Care Program that works with impacted populations or convenes advocates to prevent and end homelessness, appointed by the Governor's Office.

(10) The Inspector General of the Department of Children and Family Services, or his or her designee.

(11) One member from an organization with expertise in the

child welfare system that advocates to preserve and reunify families, appointed by the Governor's Office.

(12) One member who is an academic researcher who has studied the racialized history and impact of the child welfare system on children, families, and communities, appointed by the Governor's Office.

(13) One member from the Administrative Office of the Illinois Courts, Children and Families Unit, Court Services Division, appointed by the Director of the Administrative Office of the Illinois Courts.

(14) Three members who are parents directly impacted by the child welfare system, at least 2 of whom come from a disproportionately represented racial group, appointed by the Governor's Office.

(15) The Cook County Public Guardian, or his or her designee.

(16) One member who provides legal representation to children in child protection cases from outside of Cook County, appointed by the Governor's Office.

(17) Two members who provide legal representation to parents in child protection cases, one from the Law Office of the Cook County Public Defender, appointed by the Governor's Office, and one from outside of Cook County, appointed by the Governor's Office.

(18) Two members who provide legal representation on behalf of the State of Illinois in child protection cases, one

from the Cook County State's Attorney's Office, appointed by the Governor's Office, and one from a State's Attorney's office outside of Cook County, appointed by the Governor's Office.

(19) One member who provides legal services to parents impacted by gender-based violence during the investigation phase of child abuse or neglect cases, including services related to safety plans, intact services, and administrative appeals, appointed by the Governor's Office.

(20) Three members who have experience as youth in the child welfare system, at least 2 of whom come from a disproportionately represented racial group, appointed by the Governor's Office.

(21) One member from a statewide organization advocating for the advancement of civil liberties for at least 80 years in Illinois, appointed by the Governor's Office.

(22) One member from an organization that advocates on behalf of children, youth, and families and the community-based providers that serve them, appointed by the Governor's Office.

Section 15. Meetings; co-chairs; administrative support. All members appointed under Section 10 shall serve without compensation. Task Force members shall be appointed within 60 days after the effective date of this Act. The Task Force shall hold its initial meetings within 90 days after the effective

date of this Act. The Task Force shall meet at least 4 times. The following individuals shall serve as co-chairs of the Task Force: (i) the member from the organization with expertise in the child welfare system that advocates to preserve and reunify families; and (ii) the member from the organization that advocates on behalf of children, youth, and families and the community-based providers that serve them. The Department of Children and Family Services shall provide any necessary administrative and other support to the Task Force. Any data provided by the Department of Children and Family Services to the Task Force shall not contain any personally identifiable information of any clients or families in accordance with the provisions of the Abused and Neglected Child Reporting Act. The Department of Children and Family Services shall facilitate the prompt and timely collection and provision of data as requested by or on behalf of the Task Force. Such facilitation shall include, without limitation, authorizing the provision of reports and underlying Department data that the Department currently or previously has provided or made available to the Children and Family Research Center of the University of Illinois at Urbana-Champaign, Chapin Hall, Northwestern University, and any other of the Department's university partners and consultants.

Section 20. Duties. The Task Force shall:

- (1) Examine the historical and current role of

mandatory reporting and its impact on the racial and gender disparities of families involved with the Department of Children and Family Services.

(2) Examine the underlying factors that bring families into contact with the Department of Children and Family Services and the factors that lead to child removal, including, but not limited to, suspected or known substance use or dependency, intergenerational child welfare system involvement, and lack of access to shelter, food, clothing, income or employment, and healthcare, and how these impact the length of time families remain involved in the child welfare system.

(3) Review the Department of Children and Family Services' progress on the planning and implementation of the Family First Prevention Services Act and determine what impact, if any, the plan may have on the current racial disparities of children and families in the child welfare system.

(4) Examine the current processes and policies, data, and data collection methods for families involved simultaneously in the child welfare, juvenile justice, or criminal justice systems, including, but not limited to, youth who are dually involved in the juvenile justice and child welfare systems.

(5) Explore policies and protocols that honor language, culture, and heritage in identity formation and

familial relationships, including, but not limited to, race-blind child protection screenings and child removal reviews, as implemented in other jurisdictions around the United States, and make recommendations for implementation in Illinois.

(6) Explore the development of a curriculum for a child welfare specific implicit bias training for all public and private direct service staff and supervisors who interact with children and families.

Section 25. Report. The Task Force shall produce and submit policy recommendations, both administrative and legislative, to the General Assembly and the Governor within one year after the first meeting of the Task Force. The recommendations shall seek to: (i) prioritize preserving and reunifying families involved in the child welfare system, particularly Black families; (ii) reduce child welfare system involvement, particularly for Black families; and (iii) eliminate racial disproportionality in system involvement and the disproportionate impact of system involvement on families. The Task Force co-chairs shall convene a final meeting before the repeal date of this Act to discuss an implementation plan based on the produced policy recommendations.

Section 30. Repeal. The Task Force is dissolved, and this Act is repealed on, January 1, 2024.

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