

1 AN ACT concerning children and family services.

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
5 amended by adding Section 4b and by changing Section 35.5 as
6 follows:

7 (20 ILCS 505/4b new)

8 Sec. 4b. Required investigations. The Department must
9 investigate any complaint of alleged neglect or abuse to
10 minors or group care residents ages 17 through 21 who are in
11 any home or child care institution licensed by or under the
12 jurisdiction of the Department. In connection with the
13 investigations required by this Section, the Department must
14 make any initial, preliminary, and final reports required
15 under the Abused and Neglected Child Reporting Act.

16 (20 ILCS 505/35.5)

17 Sec. 35.5. Inspector General.

18 (a) The Governor shall appoint, and the Senate shall
19 confirm, an Inspector General who shall have the authority to
20 conduct investigations into allegations of or incidents of
21 possible misconduct, misfeasance, malfeasance, or violations
22 of rules, procedures, or laws by any employee, foster parent,
23 service provider, or contractor of the Department of Children
24 and Family Services. The Inspector General is authorized to
25 investigate any complaint of alleged neglect or abuse to
26 minors or group care residents ages 17 through 21 who are in
27 any home or child care institution licensed by or under the
28 jurisdiction of the Department. The Inspector General shall
29 make recommendations to the Director of Children and Family
30 Services concerning sanctions or disciplinary actions against

1 Department employees or providers of service under contract
2 to the Department. Any investigation conducted by the
3 Inspector General shall be independent and separate from the
4 investigation mandated by the Abused and Neglected Child
5 Reporting Act. The Inspector General shall be appointed for
6 a term of 4 years. The Inspector General shall be
7 independent of the operations of the Department and shall
8 report to the Director of Children and Family Services and
9 the Governor and perform other duties the Director may
10 designate. The Inspector General shall adopt rules as
11 necessary to carry out the functions, purposes, and duties of
12 the office of Inspector General in the Department of Children
13 and Family Services, in accordance with the Illinois
14 Administrative Procedure Act and any other applicable law.

15 (b) The Inspector General shall have access to all
16 information and personnel necessary to perform the duties of
17 the office. To minimize duplication of efforts, and to
18 assure consistency and conformance with the requirements and
19 procedures established in the B.H. v. Suter consent decree
20 and to share resources when appropriate, the Inspector
21 General shall coordinate his or her activities with the
22 Bureau of Quality Assurance within the Department.

23 (c) The Inspector General shall be the primary liaison
24 between the Department and the Department of State Police
25 with regard to investigations conducted under the Inspector
26 General's auspices. If the Inspector General determines that
27 a possible criminal act has been committed, or that special
28 expertise is required in the investigation, he or she shall
29 immediately notify the Department of State Police. All
30 investigations conducted by the Inspector General shall be
31 conducted in a manner designed to ensure the preservation of
32 evidence for possible use in a criminal prosecution.

33 (d) The Inspector General may recommend to the
34 Department of Children and Family Services, the Department of

1 Public Health, or any other appropriate agency, sanctions to
2 be imposed against service providers under the jurisdiction
3 of or under contract with the Department for the protection
4 of children in the custody or under the guardianship of the
5 Department who received services from those providers. The
6 Inspector General may seek the assistance of the Attorney
7 General or any of the several State's Attorneys in imposing
8 sanctions.

9 (e) The Inspector General shall at all times be granted
10 access to any foster home, facility, or program operated for
11 or licensed or funded by the Department.

12 (f) Nothing in this Section shall limit investigations
13 by the Department of Children and Family Services that may
14 otherwise be required by law or that may be necessary in that
15 Department's capacity as the central administrative authority
16 for child welfare.

17 (g) The Inspector General shall have the power to
18 subpoena witnesses and compel the production of books and
19 papers pertinent to an investigation authorized by this Act.
20 The power to subpoena or to compel the production of books
21 and papers, however, shall not extend to the person or
22 documents of a labor organization or its representatives
23 insofar as the person or documents of a labor organization
24 relate to the function of representing an employee subject to
25 investigation under this Act. Any person who fails to appear
26 in response to a subpoena or to answer any question or
27 produce any books or papers pertinent to an investigation
28 under this Act, except as otherwise provided in this Section,
29 or who knowingly gives false testimony in relation to an
30 investigation under this Act is guilty of a Class A
31 misdemeanor.

32 (h) The Inspector General shall provide to the General
33 Assembly and the Governor, no later than January 1 of each
34 year, a summary of reports and investigations made under this

1 Section for the prior fiscal year. The summaries shall
2 detail the imposition of sanctions and the final disposition
3 of those recommendations. The summaries shall not contain
4 any confidential or identifying information concerning the
5 subjects of the reports and investigations. The summaries
6 also shall include detailed recommended administrative
7 actions and matters for consideration by the General
8 Assembly.

9 (Source: P.A. 90-512, eff. 8-22-97.)