

**ADMINISTRATIVE PROCEDURES #1**  
**POLICY CONTROL SYSTEM**  
**April 12, 2013**

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**Section 1.10 General Description and Purpose**

**a) Purpose**

The purpose of the Policy Control System (PCS) is to ensure development, review, distribution and maintenance of Department policy in an orderly fashion.

**b) Administration of Policy**

Any and all Department policies shall be administrated by and through the Office of Child and Family Policy (OCFP). All policies must be approved by the Director. OCFP will provide Department staff with a regularly updated method of accessing policy and procedures. The PCS provides a process by which Department staff may initiate policy requests, and provides for executive guidance and resolution.

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OCFP shall provide, within the mandate of the law, written policies in the most efficient way that implement the Director's vision, provide guidance and support to the field and communicate information to the public.

### **c) Staff Compliance with Policy and PCS**

In order to comply with Department policy as promulgated through the Policy Control System, staff shall follow all directives set forth in official Department rules, procedures and policy guides.

### **Section 1.20 Definition of Terms**

“Administrative Procedures” (AP) are standardized, enforceable, ongoing operating procedures, not directly related to Department rules, that are applicable to all or to more than one Division or Office reporting to the Director. Administrative Procedures inform staff how to perform a particular administrative function as it applies to their job. (E.g., Policy Control System, Interagency Agreements, Discretionary Grants Management, Travel Guide, etc.) Administrative Procedures are part of the Policy Control System.

“Action Transmittals” (AT) are issued by OCFP and convey time-limited, non-policy directives, of a one-time-only nature or brief duration. An AT must be used when any directive is applicable to more than one Department Division or Office. Action Transmittals are reviewed by the Director's staff and signed by the Director. Action Transmittals may also be used to issue non-policy directives to staff within a discrete unit (e.g., Director to Executive Staff or expanded staff; Executive Staff members to subordinates, etc.) These ATs are signed by the issuing Administrator.

Action Transmittals that do not contain or imply an expiration date automatically expire at the end of the calendar year. If the intent is to continue the directive into the new calendar year, a new AT shall be issued. Actions Transmittals, although not policy statements, are documents of the general administrative accountability system, and therefore part of the Policy Control System. Action Transmittals, however, are not subject to the PCS process of development and review.

“Information Transmittals” (IT) may contain informative accounts, reports, studies, guidelines, abstracts, or analyses. Information Transmittals do not direct staff to take action.

“Operating Procedures” are standard procedures, not related to Department policy rules or procedures that are applicable to the operation of only one Division or Office reporting to the Director. In such instances, that Division or Office Administrator has the option of promulgating such procedures to their staff within the Division or Unit with approval of the Deputy Director.

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“Policy Guides” (PG) are used in relation to either a rule or a procedure.

- When issued in Rule – Policy Guides are used when necessary to clarify, interpret, detail, coordinate and/or analyze federal and state statutes, rules, and court orders. Policy Guides may not expand the scope of rules or statutes. Policy Guides may transmit instructions related to court orders. Policy Guides are issued on an interim basis until their contents can be reformatted in rules that have been officially filed with the Secretary of State and issued to staff by the Director. Policy Guides issued after April 1, 2013 that do not contain or imply an expiration date automatically expire one year from the Policy Guide’s issuance date.
- When issued in Procedures – Policy Guides are also used to convey procedural instructions on an emergency or interim basis; they are issued when there is insufficient time to prepare revisions to Procedures and it is necessary that the instructions be implemented as soon as possible. Policy Guides issued after April 1, 2013 automatically expire a year from the date issued unless they contain an expiration date.
- Policy Guides issued before April 1, 2013 will be rescinded at regular intervals after their contents have been incorporated into Rules and/or Procedures or repealed.

“Policy Transmittals” are consecutively numbered documents that officially transmit a new or revised policy. Policy Transmittals contain a summary of the policy document being transmitted (e.g., date issued, effective date, subject, purpose, summary) and lists or identifies any policy documents being rescinded or amended. OCFP shall issue all Policy Transmittals electronically.

“Primary user” means the Division that bears primary responsibility for implementing a policy.

“Procedures” are instructions on how to carry out the requirements contained in the rules. Procedures help staff implement the rule. In some cases, Procedures will contain guidelines or recommendations to licensees of Department-licensed facilities on the implementation of a rule. Procedures must be followed unless discretion is indicated in the Procedure. OCFP shall post all Procedures electronically, by section, on the Department’s website. However, when possible, the Department will make an entire procedure available as a PDF document on the Department’s website.

Some sections of the rules may be so self-explanatory as not to require a corresponding procedure. In such instances, that section of the procedure will be blank, with a designation in the margin of double equal signs (= =).

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“Rules” are policy documents issued by the Department that implement all or portions of statutes, federal regulations, or court orders. All Rules are promulgated in accordance with the Administrative Procedures Act [5 ILCS 100] and filed with the Secretary of State’s Index Division. Rules are a bridge between statutory authority and actual agency operations; however, they may not expand or limit the scope of any statute. Rules embody the rights and entitlements of the public and have the force and effect of law. Rules are broad and normally will instruct what is to be done or implemented by the Department in its dealings with members of the general public or our licensed providers.

Under the Administrative Procedures Act, Rules must undergo an extensive public review process and by the Joint Committee on Administrative Rules (JCAR). The rulemaking process (i.e., adopting new Rules and/or revising existing rules), may take up to one year to complete.

When a Rule is adopted JCAR posts the Rule, by section, on its website. The Rule can be accessed by DCFS/POS staff and the general public via the “Policy & Rules & Forms” link on the Department’s website. When possible, the Department will make the entire Rule available as a PDF document on the Department’s website.

## **Section 1.30 Distribution, Maintenance and Retrieval of PCS Documents**

### **a) Distribution**

OCFP shall distribute all policy documents electronically on D-Net and the Department’s website.

### **b) Formatting and Numbering of PCS Documents**

OCFP shall ensure that all PCS documents are appropriately formatted.

Separate, sequential numbers will be assigned to the following types of PCS documents: Policy Transmittals, Policy Guides, and Action Transmittals.

## **Section 1.40 Policy Document Development and Review**

### **a) Policy Draft Development**

This section describes the step-by-step development and review of a policy document, from its inception to final approval by the Director, and the parties responsible during each various stage of the process. “Policy document” in this context means Rule, Procedure and Administrative Procedure. The Director may waive any internal timeframes if emergency action is needed.

**Note:** Policy Guides, Information Transmittals and Action Transmittals do not follow this process.

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## 1) Identification of Need

The need for developing a policy document may arise because of legislation (federal or state), a court decision, or a major program initiative approved by the Director. The need may also arise because of staff perceptions and analyses of problems that require changes in methods or procedures used to implement Department Rules, delivery of services or technical support. The Division that bears primary responsibility for implementing a policy is referred to as the “**primary user.**”

When the need for a policy document has been identified, the appropriate Deputy Director or member of the Executive Staff shall complete a **CFS 109, Request for New or Revised Rules Procedures or Forms**, to the Office of Child and Family Policy. The CFS 109 must clearly articulate the need.

## 2) Identification of Primary User

The Office of Child and Family Policy will determine what type of policy document is most appropriate, and identify the Department unit to be involved in the development of a first draft. A target date for completion of the first draft will be established.

## 3) Developing a Draft

The primary user shall have major responsibility for developing the first draft of the Rule or Procedure. When appropriate, OCFP staff shall work with a committee composed of field staff, supervisory staff and other persons with expertise on the subject, as determined by the Deputy Director. The final draft approved by the Deputy Director of the user unit should accompany the **CFS 109**.

## 4) OCFP Draft Review

OCFP staff shall edit and format the draft, but may not change the substance of the document. OCFP staff will also identify any apparent inconsistencies with existing statutes, Rules or Procedures. Inconsistencies will be brought to the attention of the Deputy Director, or designee, who will resolve those inconsistencies with the input of OCFP staff, when necessary, before the draft is circulated for comments

### Circulation for Proposed Policy Review and Comments

When a draft document is ready for review, OCFP will post an Announcement on D-Net called Proposed Policy Review Notice and attach a correctly formatted electronic draft of the policy document. Advisory committees and other groups invited to comment will be

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contacted by e-mail. The document will be available for comment for 15 workdays.

All comments shall be directed to OCFP. OCFP may receive comments by email, U.S. or Inter-departmental mail, or by fax. OCFP encourages commenters to make proposed changes directly in the draft document using Track Changes. The proposed changes are sent electronically to [CFPolicy@idcfs.state.il.us](mailto:CFPolicy@idcfs.state.il.us)

**Note:** Failure of the primary users to submit comments within the prescribed timeframe shall be deemed evidence that they agree with the form, style, and substance of the draft.

### 5) Disposition of Comments

OCFP will forward a summary of comments received during the review period to the primary user committee. When requested, unedited copies of all comments shall be shared with the committee. The comments will be jointly reviewed by OCFP staff and the committee, and changes in the draft made when comments are found to be appropriate by the committee or Deputy Director.

### 6) Final Drafts

**Rules** – OCFP shall prepare a Notice of Proposed Rules, format the final draft of a proposed Rule (or Rule amendment) and forward the documents to the Director for signature. (See Rulemaking Process below)

**Procedures** – OCFP shall format all final changes to Procedure, prepare a Policy Transmittal and forward the documents to the Director for signature.

### b) Rulemaking Process

Draft Rules must go through the following steps.

#### 1) Policy Review

See section 1.3(a) above

#### 2) First Notice

The term “First Notice” describes the notice given to the public of an agency’s proposed Rulemaking, and the opportunity to comment on proposed rulemaking. OCFP files First Notice documents with the Secretary of State’s Index Department. The First Notice period commences upon publication of the Notice of Rulemaking in the *Illinois*

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*Register*. The First Notice period lasts a minimum of 45 days. The Department extends an invitation to advisory committees and other interested parties to review proposed rule changes during the policy review period. A public hearing may be held during this period, but is not required.

### **Ex Parte Communications During the Rulemaking Process**

When a proposed rulemaking is filed and published in the *Illinois Register*, DCFS staff shall avoid having conversations or written communications with persons outside DCFS that 1) explicitly refer to a "rulemaking proceeding" or "rule" that has been filed with JCAR, and 2) give or ask for substantive information or make an argument regarding the rule. Any communications between DCFS staff and outside persons that fit this description must be called in to the OIG Ethics Staff by the next business day. A written report must follow, summarizing the conversation.

DCFS staff can:

- Talk with other DCFS staff about the substance of the draft Rule (but not with POS staff, licensees, providers, or other persons outside DCFS).
- Tell persons outside DCFS how to obtain a copy of the draft Rule (i.e., to contact OCFP or obtain a copy from the *Illinois Register*).
- Tell persons outside DCFS that a state ethics law requires DCFS staff to report to the OIG all conversations about rules that have been filed with JCAR with persons outside DCFS during the rulemaking process.
- Tell persons outside DCFS to submit written comments on the Rule before the end of the First Notice period via DCFS Outlook Email to "OCFP Mailbox" or [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us) for non-Outlook users.

### Public Comments to 1<sup>st</sup> Notice

After the 45 day period for public comments has expired, OCFP will forward a summary of significant public comments that may result in revisions to the proposed amendments, to the primary user committee. The summary will include any OCFP recommendations for changes to the proposed amendments. Upon request, OCFP staff will share unedited copies of all comments with the committee, Deputy Director, or designee. The comments will be jointly reviewed by OCFP staff and the primary user committee, and will incorporate changes in the proposed rulemaking

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when comments are found to be appropriate by the committee or Deputy. The Department must provide to JCAR the rational for the rejection of any public comments.

### **3) Second Notice.**

OCFP shall prepare Second Notice documents, format the final draft of the proposed Rule (or Rule amendment) and forward the documents to the Director for signature.

The Second Notice documents show all changes made to the initial text submitted at First Notice based on the comments received. The Second Notice period commences when the Department files the Second Notice documents with JCAR. The Second Notice period lasts for a maximum of 45 days. Second Notice can be extended for an additional 45 days by mutual agreement of JCAR and the Department. During the Second Notice period, the “JCAR review” includes a review of the proposed Rulemaking by JCAR staff; and by the Representatives and Senators on the Joint Committee on Administrative Rules. JCAR reviews the proposed Rulemaking for statutory authority, propriety, standards for the exercise of discretion, economic effects, clarity, procedural requirements, and technical aspects.

During the JCAR review, JCAR staff and the Department can agree to modifications in the Rulemaking in a written Second Notice Agreement. This Agreement, along with the Certificate of No Objection issued by JCAR at its regular meeting, becomes part of the final adoption paperwork for the Rulemaking.

### **4) Adoption Notice**

OCFP staff prepares documents for filing the Adoption Notice with the Secretary of State after the Rulemaking has been considered and approved at a JCAR hearing.

**Note:** A Rulemaking will expire if it is not adopted within one year after its initial publication on the *Illinois Register*.

### **5) Posting Revised/Adopted Rules for Easy Access**

The Illinois Secretary of State is the official charged with maintaining official copies of all Rules adopted by all State Agencies, including DCFS. JCAR publishes all Rules on its website within two weeks of the filing of a rulemaking. The Department’s website has linked all Rules to the JCAR website.



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### **c) Procedure Making Process**

Procedures go through the same initial steps as a Rule, except that there is no JCAR oversight. Steps 3, 4 and 5 above do not apply to Procedures.

### **Section 1.50 Forms**

#### **a) Origin and Responsibility for Forms**

OCFP shall be contacted when the need arises for development of a new form or revisions to existing forms.

The primary user Division shall produce a first draft of a new form, as well as instructions for its use.

Forms undergo the same process of development, review and approval as Procedures.

#### **b) Other Forms**

Some new forms or revisions to existing forms are developed due to audit findings, program or systems evaluations, new reporting requirements or staff suggestions for improving Department performance or service.

In these instances, the staff who identified the need for the form (or for revision) shall produce a first draft of the form (or revision) and instructions for its use. When approved by the Deputy of their Division, the CFS 109 shall be forwarded along with the draft form to the Office of Child and Family Policy.

#### **c) Procedures for Production of Forms**

1) When the final draft of a form has been approved, OCFP will assign a number to the form and issue instructions for the use of the form in accordance with the procedure requiring the form. The form will be posted electronically and available to staff in PDF format. OCFP will authorize production of sufficient numbers of the form for distribution only when deemed necessary and appropriate.

#### **2) Revision and Reprinting of Forms**

OCFP is responsible for the final revision of Department forms. Prior to the reprint of existing forms, OCFP must confirm that form to be reprinted is the most recent revised form. DCFS and POS staff may request additional supplies of forms from Central Stores, Springfield or Chicago.

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### **Section 1.60 Documents in Spanish and Other Languages**

#### **a) Responsibility for Translations**

OCFP shall arrange for the translation of pertinent policies, forms pamphlets, notices and other documents into the Spanish language, other languages where the non- English speaking population reaches 3% of the community or as the need arises. OCFP is not responsible for the translation of case specific documents or files, but may instruct or assist staff individually as the need arises.

#### **b) Criteria for Translations**

OCFP will use the following criteria in order to authorize the translation of documents:

- 1) Documents such as publications, Rules, Procedures, notifications being issued by the Department to the general public providers, or persons served by the Department (e.g., foster parents) must be translated and made available in Spanish.
- 2) All official DCFS forms and documents that are given to the client, or require a client's signature or acknowledgement of receipt must be made available in Spanish.
- 3) Documents needed in a language other than Spanish because of the language needs of clients or to communicate with other non-English speaking target audiences.

#### **c) Requests for Translations**

DCFS and POS staff shall send requests for translation of documents based on the above criteria to the OCFP Mailbox, or by calling OCFP at **(217) 524-1983**. All requests must include the CFS number or title of the needed document, language needed, and the reason for the need. OCFP shall notify the requestor when the translated document is available for use, or when a request for translation has been denied.