

1 AN ACT concerning children.

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

4 Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 7.4 as follows:

6 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

7 Sec. 7.4. (a) The Department shall be capable of receiving
8 reports of suspected child abuse or neglect 24 hours a day, 7
9 days a week. Whenever the Department receives a report alleging
10 that a child is a truant as defined in Section 26-2a of The
11 School Code, as now or hereafter amended, the Department shall
12 notify the superintendent of the school district in which the
13 child resides and the appropriate superintendent of the
14 educational service region. The notification to the
15 appropriate officials by the Department shall not be considered
16 an allegation of abuse or neglect under this Act.

17 (a-5) Beginning January 1, 2010, the Department of Children
18 and Family Services may implement a 5-year demonstration of a
19 "differential response program" in accordance with criteria,
20 standards, and procedures prescribed by rule. The program may
21 provide that, upon receiving a report, the Department shall
22 determine whether to conduct a family assessment or an
23 investigation as appropriate to prevent or provide a remedy for

1 child abuse or neglect.

2 For purposes of this subsection (a-5), "family assessment"
3 means a comprehensive assessment of child safety, risk of
4 subsequent child maltreatment, and family strengths and needs
5 that is applied to a child maltreatment report that does not
6 allege substantial child endangerment. "Family assessment"
7 does not include a determination as to whether child
8 maltreatment occurred but does determine the need for services
9 to address the safety of family members and the risk of
10 subsequent maltreatment.

11 For purposes of this subsection (a-5), "investigation"
12 means fact-gathering related to the current safety of a child
13 and the risk of subsequent abuse or neglect that determines
14 whether a report of suspected child abuse or neglect should be
15 indicated or unfounded and whether child protective services
16 are needed.

17 Under the "differential response program" implemented
18 under this subsection (a-5), the Department:

19 (1) Shall conduct an investigation on reports
20 involving substantial child abuse or neglect.

21 (2) Shall begin an immediate investigation if, at any
22 time when it is using a family assessment response, it
23 determines that there is reason to believe that substantial
24 child abuse or neglect or a serious threat to the child's
25 safety exists.

26 (3) May conduct a family assessment for reports that do

1 not allege substantial child endangerment. In determining
2 that a family assessment is appropriate, the Department may
3 consider issues including, but not limited to, child
4 safety, parental cooperation, and the need for an immediate
5 response.

6 (4) Shall promulgate criteria, standards, and
7 procedures that shall be applied in making this
8 determination, taking into consideration the Child
9 Endangerment Risk Assessment Protocol of the Department.

10 (5) May conduct a family assessment on a report that
11 was initially screened and assigned for an investigation.

12 In determining that a complete investigation is not
13 required, the Department must document the reason for
14 terminating the investigation and notify the local law
15 enforcement agency or the Department of State Police if the
16 local law enforcement agency or Department of State Police is
17 conducting a joint investigation.

18 Once it is determined that a "family assessment" will be
19 implemented, the case shall not be reported to the central
20 register of abuse and neglect reports.

21 During a family assessment, the Department shall collect
22 any available and relevant information to determine child
23 safety, risk of subsequent abuse or neglect, and family
24 strengths.

25 Information collected includes, but is not limited to, when
26 relevant: information with regard to the person reporting the

1 alleged abuse or neglect, including the nature of the
2 reporter's relationship to the child and to the alleged
3 offender, and the basis of the reporter's knowledge for the
4 report; the child allegedly being abused or neglected; the
5 alleged offender; the child's caretaker; and other collateral
6 sources having relevant information related to the alleged
7 abuse or neglect. Information relevant to the assessment must
8 be asked for, and may include:

9 (A) The child's sex and age, prior reports of abuse or
10 neglect, information relating to developmental
11 functioning, credibility of the child's statement, and
12 whether the information provided under this paragraph (A)
13 is consistent with other information collected during the
14 course of the assessment or investigation.

15 (B) The alleged offender's age, a record check for
16 prior reports of abuse or neglect, and criminal charges and
17 convictions. The alleged offender may submit supporting
18 documentation relevant to the assessment.

19 (C) Collateral source information regarding the
20 alleged abuse or neglect and care of the child. Collateral
21 information includes, when relevant: (i) a medical
22 examination of the child; (ii) prior medical records
23 relating to the alleged maltreatment or care of the child
24 maintained by any facility, clinic, or health care
25 professional, and an interview with the treating
26 professionals; and (iii) interviews with the child's

1 caretakers, including the child's parent, guardian, foster
2 parent, child care provider, teachers, counselors, family
3 members, relatives, and other persons who may have
4 knowledge regarding the alleged maltreatment and the care
5 of the child.

6 (D) Information on the existence of domestic abuse and
7 violence in the home of the child, and substance abuse.

8 Nothing in this subsection (a-5) precludes the Department
9 from collecting other relevant information necessary to
10 conduct the assessment or investigation. Nothing in this
11 subsection (a-5) shall be construed to allow the name or
12 identity of a reporter to be disclosed in violation of the
13 protections afforded under Section 7.19 of this Act.

14 After conducting the family assessment, the Department
15 shall determine whether services are needed to address the
16 safety of the child and other family members and the risk of
17 subsequent abuse or neglect.

18 Upon completion of the family assessment, if the Department
19 concludes that no services shall be offered, then the case
20 shall be closed. If the Department concludes that services
21 shall be offered, the Department shall develop a family
22 preservation plan and offer or refer services to the family.

23 At any time during a family assessment, if the Department
24 believes there is any reason to stop the assessment and conduct
25 an investigation based on the information discovered, the
26 Department shall do so.

1 The procedures available to the Department in conducting
2 investigations under this Act shall be followed as appropriate
3 during a family assessment.

4 The Department shall arrange for an independent evaluation
5 of the "differential response program" authorized and
6 implemented under this subsection (a-5) to determine whether it
7 is meeting the goals in accordance with Section 2 of this Act.
8 The Department may adopt administrative rules necessary for the
9 execution of this Section, in accordance with Section 4 of the
10 Children and Family Services Act.

11 The demonstration conducted under this subsection (a-5)
12 shall become a permanent program on July 1, 2016, upon
13 completion of the demonstration project period.

14 (a-6) As used in this subsection:

15 "Domestic violence co-location program" means a program,
16 administered in partnership with a co-location program
17 management entity, where certified domestic violence advocates
18 who are trained in domestic violence services and employed
19 through a certified domestic violence provider are assigned to
20 work in a field office of the Department of Children and Family
21 Services alongside and in collaboration with child welfare
22 investigators and caseworkers working with families where
23 there are indicators of domestic violence.

24 "Domestic violence" has the meaning ascribed to it in the
25 Illinois Domestic Violence Act of 1986.

26 "Co-location program management entity" means the

1 organization that partners with the Department to administer
2 the domestic violence co-location program.

3 "Certified domestic violence advocate" means a domestic
4 violence professional who has completed the requirements as
5 specified in the certification criteria of the Illinois
6 Certified Domestic Violence Professionals.

7 Subject to appropriations or the availability of other
8 funds for this purpose, the Department may implement a 5-year
9 pilot program of a domestic violence co-location program. The
10 domestic violence co-location program shall be designed to
11 improve child welfare interventions provided to families
12 experiencing domestic violence in part by enhancing the safety
13 and stability of children, reducing the number of children
14 removed from their parents, and improving outcomes for children
15 within their families through a strength-based and
16 trauma-informed collaborative support program. The pilot
17 program shall occur in no fewer than 3 Department offices.
18 Additional sites may be added during the pilot program, and the
19 pilot program may be expanded and converted into a permanent
20 statewide program.

21 The Department shall adopt rules and procedures and shall
22 develop and facilitate training for the effective
23 implementation of the domestic violence co-location program.

24 The Department shall track, collect, report on, and share
25 data about domestic violence-affected families, including, but
26 not limited to, data related to hotline calls, investigations,

1 protective custody, cases referred to the juvenile court, and
2 outcomes of the domestic violence co-location program.

3 The Department may arrange for an independent,
4 evidence-based evaluation of the domestic violence co-location
5 program authorized and implemented under this subsection to
6 determine whether it is meeting its goals. The independent
7 evidence-based evaluation may include, but is not limited to,
8 data regarding: (i) the number of children removed from their
9 parents; (ii) the number of children who remain with the
10 non-offending parent; (iii) the number of indicated and
11 unfounded investigative findings and corresponding allegations
12 of maltreatment for the non-offending parent and domestic
13 violence perpetrator; (iv) the number of referrals to the
14 co-located certified domestic violence advocates; (v) the
15 number of referrals for services; and (vi) the number of months
16 that children remained in foster care whose cases involved the
17 co-located certified domestic violence advocate.

18 Following the expiration of the 5-year pilot program or
19 prior to the expiration of the pilot program, if there is
20 evidence that the pilot program is effective, the domestic
21 violence co-location program may expand into each county,
22 investigative office of the Department of Children and Family
23 Services, or purchase of service or other contracted private
24 agency delivering intact family or foster care services in
25 Illinois.

26 Nothing in this Section shall be construed to breach the

1 confidentiality protections provided under State law to
2 domestic violence professionals, including co-located
3 certified domestic violence advocates, in the provision of
4 services to domestic violence victims as employees of certified
5 domestic violence agencies or to any individual who receives
6 services from certified domestic violence agencies.

7 (b) (1) The following procedures shall be followed in the
8 investigation of all reports of suspected abuse or neglect of a
9 child, except as provided in subsection (c) of this Section.

10 (2) If, during a family assessment authorized by subsection
11 (a-5) or an investigation, it appears that the immediate safety
12 or well-being of a child is endangered, that the family may
13 flee or the child disappear, or that the facts otherwise so
14 warrant, the Child Protective Service Unit shall commence an
15 investigation immediately, regardless of the time of day or
16 night. All other investigations shall be commenced within 24
17 hours of receipt of the report. Upon receipt of a report, the
18 Child Protective Service Unit shall conduct a family assessment
19 authorized by subsection (a-5) or begin an initial
20 investigation and make an initial determination whether the
21 report is a good faith indication of alleged child abuse or
22 neglect.

23 (3) Based on an initial investigation, if the Unit
24 determines the report is a good faith indication of alleged
25 child abuse or neglect, then a formal investigation shall
26 commence and, pursuant to Section 7.12 of this Act, may or may

1 not result in an indicated report. The formal investigation
2 shall include: direct contact with the subject or subjects of
3 the report as soon as possible after the report is received; an
4 evaluation of the environment of the child named in the report
5 and any other children in the same environment; a determination
6 of the risk to such children if they continue to remain in the
7 existing environments, as well as a determination of the
8 nature, extent and cause of any condition enumerated in such
9 report; the name, age and condition of other children in the
10 environment; and an evaluation as to whether there would be an
11 immediate and urgent necessity to remove the child from the
12 environment if appropriate family preservation services were
13 provided. After seeing to the safety of the child or children,
14 the Department shall forthwith notify the subjects of the
15 report in writing, of the existence of the report and their
16 rights existing under this Act in regard to amendment or
17 expungement. To fulfill the requirements of this Section, the
18 Child Protective Service Unit shall have the capability of
19 providing or arranging for comprehensive emergency services to
20 children and families at all times of the day or night.

21 (4) If (i) at the conclusion of the Unit's initial
22 investigation of a report, the Unit determines the report to be
23 a good faith indication of alleged child abuse or neglect that
24 warrants a formal investigation by the Unit, the Department,
25 any law enforcement agency or any other responsible agency and
26 (ii) the person who is alleged to have caused the abuse or

1 neglect is employed or otherwise engaged in an activity
2 resulting in frequent contact with children and the alleged
3 abuse or neglect are in the course of such employment or
4 activity, then the Department shall, except in investigations
5 where the Director determines that such notification would be
6 detrimental to the Department's investigation, inform the
7 appropriate supervisor or administrator of that employment or
8 activity that the Unit has commenced a formal investigation
9 pursuant to this Act, which may or may not result in an
10 indicated report. The Department shall also notify the person
11 being investigated, unless the Director determines that such
12 notification would be detrimental to the Department's
13 investigation.

14 (c) In an investigation of a report of suspected abuse or
15 neglect of a child by a school employee at a school or on
16 school grounds, the Department shall make reasonable efforts to
17 follow the following procedures:

18 (1) Investigations involving teachers shall not, to
19 the extent possible, be conducted when the teacher is
20 scheduled to conduct classes. Investigations involving
21 other school employees shall be conducted so as to minimize
22 disruption of the school day. The school employee accused
23 of child abuse or neglect may have his superior, his
24 association or union representative and his attorney
25 present at any interview or meeting at which the teacher or
26 administrator is present. The accused school employee

1 shall be informed by a representative of the Department, at
2 any interview or meeting, of the accused school employee's
3 due process rights and of the steps in the investigation
4 process. The information shall include, but need not
5 necessarily be limited to the right, subject to the
6 approval of the Department, of the school employee to
7 confront the accuser, if the accuser is 14 years of age or
8 older, or the right to review the specific allegations
9 which gave rise to the investigation, and the right to
10 review all materials and evidence that have been submitted
11 to the Department in support of the allegation. These due
12 process rights shall also include the right of the school
13 employee to present countervailing evidence regarding the
14 accusations.

15 (2) If a report of neglect or abuse of a child by a
16 teacher or administrator does not involve allegations of
17 sexual abuse or extreme physical abuse, the Child
18 Protective Service Unit shall make reasonable efforts to
19 conduct the initial investigation in coordination with the
20 employee's supervisor.

21 If the Unit determines that the report is a good faith
22 indication of potential child abuse or neglect, it shall
23 then commence a formal investigation under paragraph (3) of
24 subsection (b) of this Section.

25 (3) If a report of neglect or abuse of a child by a
26 teacher or administrator involves an allegation of sexual

1 abuse or extreme physical abuse, the Child Protective Unit
2 shall commence an investigation under paragraph (2) of
3 subsection (b) of this Section.

4 (c-5) In any instance in which a report is made or caused
5 to made by a school district employee involving the conduct of
6 a person employed by the school district, at the time the
7 report was made, as required under Section 4 of this Act, the
8 Child Protective Service Unit shall send a copy of its final
9 finding report to the general superintendent of that school
10 district.

11 (d) If the Department has contact with an employer, or with
12 a religious institution or religious official having
13 supervisory or hierarchical authority over a member of the
14 clergy accused of the abuse of a child, in the course of its
15 investigation, the Department shall notify the employer or the
16 religious institution or religious official, in writing, when a
17 report is unfounded so that any record of the investigation can
18 be expunged from the employee's or member of the clergy's
19 personnel or other records. The Department shall also notify
20 the employee or the member of the clergy, in writing, that
21 notification has been sent to the employer or to the
22 appropriate religious institution or religious official
23 informing the employer or religious institution or religious
24 official that the Department's investigation has resulted in an
25 unfounded report.

26 (e) Upon request by the Department, the Department of State

1 Police and law enforcement agencies are authorized to provide
2 criminal history record information as defined in the Illinois
3 Uniform Conviction Information Act and information maintained
4 in the adjudicatory and dispositional record system as defined
5 in Section 2605-355 of the Department of State Police Law (20
6 ILCS 2605/2605-355) to properly designated employees of the
7 Department of Children and Family Services if the Department
8 determines the information is necessary to perform its duties
9 under the Abused and Neglected Child Reporting Act, the Child
10 Care Act of 1969, and the Children and Family Services Act. The
11 request shall be in the form and manner required by the
12 Department of State Police. Any information obtained by the
13 Department of Children and Family Services under this Section
14 is confidential and may not be transmitted outside the
15 Department of Children and Family Services other than to a
16 court of competent jurisdiction or unless otherwise authorized
17 by law. Any employee of the Department of Children and Family
18 Services who transmits confidential information in violation
19 of this Section or causes the information to be transmitted in
20 violation of this Section is guilty of a Class A misdemeanor
21 unless the transmittal of the information is authorized by this
22 Section or otherwise authorized by law.

23 (f) For purposes of this Section "child abuse or neglect"
24 includes abuse or neglect of an adult resident as defined in
25 this Act.

26 (Source: P.A. 98-1141, eff. 12-30-14.)