

**103RD GENERAL ASSEMBLY****State of Illinois****2023 and 2024****SB3630**

Introduced 2/9/2024, by Sen. Kimberly A. Lightford

**SYNOPSIS AS INTRODUCED:**

325 ILCS 5/7.4

Amends the Abused and Neglected Child Reporting Act. Sets forth certain protections that must be provided to the parent or guardian of a child at the center of an abuse or neglect investigation whenever the Department of Children and Family Services refers a child to a board-certified child abuse pediatrician for a medical opinion. Provides that the board-certified child abuse pediatrician must explain to the parent or guardian of the child, whenever the pediatrician has direct contact with the child or the family of the child, that the pediatrician is completing the examination of the child at the request of the Department for the purpose of providing an opinion to the Department regarding whether the mechanism of injury is suspicious for child maltreatment. Provides that the parent or guardian of the child of the center of an investigation shall: (i) be informed of the referral and his or her right to request and receive a copy of the opinion; (ii) be notified that the parent or guardian of the child has the right to obtain, at his or her own expense, and submit to the Department a second medical opinion at any time; (iii) be informed that any second medical opinion submitted to the Department prior to the Department rendering a final determination in the investigation will be considered as inculpatory or exculpatory evidence; and (iv) be notified of the Department's time frames for the investigative process. Requires the Department to annually prepare and make available on the Department's Reports and Statistics webpage a report on the number of children or families referred by the Department to a board-certified child abuse pediatrician as part of an investigation of abuse or neglect by the Department. Sets forth the information that must be contained in the annual reports. Provides that the first report must be posted within 9 months after the effective date of the amendatory Act.

LRB103 39424 JAG 69607 b

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)

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  
10 alleging that a child is a truant as defined in Section 26-2a  
11 of the School Code, as now or hereafter amended, the  
12 Department shall notify the superintendent of the school  
13 district in which the child resides and the appropriate  
14 superintendent of the educational service region. The  
15 notification to the appropriate officials by the Department  
16 shall not be considered an allegation of abuse or neglect  
17 under this Act.

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

1 provide a remedy for 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  
24 substantial child abuse or neglect or a serious threat to  
25 the child's safety exists.

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

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

6 (4) Shall promulgate criteria, standards, and  
7 procedures that shall be applied in making this  
8 determination, taking into consideration the Safety-Based  
9 Child Welfare Intervention System 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 Illinois State Police if the local  
16 law enforcement agency or Illinois State Police is conducting  
17 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,  
26 when relevant: information with regard to the person reporting

1 the 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  
17 and convictions. The alleged offender may submit  
18 supporting 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  
19           Department concludes that no services shall be offered, then  
20           the case shall be closed. If the Department concludes that  
21           services shall be offered, the Department shall develop a  
22           family preservation plan and offer or refer services to the  
23           family.

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

1 the Department shall do so.

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

5 If the Department implements a differential response  
6 program authorized under this subsection (a-5), the Department  
7 shall arrange for an independent evaluation of the program for  
8 at least the first 3 years of implementation to determine  
9 whether it is meeting the goals in accordance with Section 2 of  
10 this Act.

11 The Department may adopt administrative rules necessary  
12 for the execution of this Section, in accordance with Section  
13 4 of the Children and Family Services Act.

14 The Department shall submit a report to the General  
15 Assembly by January 15, 2018 on the implementation progress  
16 and recommendations for additional needed legislative changes.

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

20 (2) If, during a family assessment authorized by  
21 subsection (a-5) or an investigation, it appears that the  
22 immediate safety or well-being of a child is endangered, that  
23 the family may flee or the child disappear, or that the facts  
24 otherwise so warrant, the Child Protective Service Unit shall  
25 commence an investigation immediately, regardless of the time  
26 of day or night. All other investigations shall be commenced

1 within 24 hours of receipt of the report. Upon receipt of a  
2 report, the Child Protective Service Unit shall conduct a  
3 family assessment authorized by subsection (a-5) or begin an  
4 initial investigation and make an initial determination  
5 whether the report is a good faith indication of alleged child  
6 abuse or neglect.

7 (3) Based on an initial investigation, if the Unit  
8 determines the report is a good faith indication of alleged  
9 child abuse or neglect, then a formal investigation shall  
10 commence and, pursuant to Section 7.12 of this Act, may or may  
11 not result in an indicated report. The formal investigation  
12 shall include: direct contact with the subject or subjects of  
13 the report as soon as possible after the report is received; an  
14 evaluation of the environment of the child named in the report  
15 and any other children in the same environment; a  
16 determination of the risk to such children if they continue to  
17 remain in the existing environments, as well as a  
18 determination of the nature, extent and cause of any condition  
19 enumerated in such report; the name, age and condition of  
20 other children in the environment; and an evaluation as to  
21 whether there would be an immediate and urgent necessity to  
22 remove the child from the environment if appropriate family  
23 preservation services were provided. After seeing to the  
24 safety of the child or children, the Department shall  
25 forthwith notify the subjects of the report in writing, of the  
26 existence of the report and their rights existing under this



1 Act in regard to amendment or expungement. To fulfill the  
2 requirements of this Section, the Child Protective Service  
3 Unit shall have the capability of providing or arranging for  
4 comprehensive emergency services to children and families at  
5 all times of the day or night.

6 (4) If (i) at the conclusion of the Unit's initial  
7 investigation of a report, the Unit determines the report to  
8 be a good faith indication of alleged child abuse or neglect  
9 that warrants a formal investigation by the Unit, the  
10 Department, any law enforcement agency or any other  
11 responsible agency and (ii) the person who is alleged to have  
12 caused the abuse or neglect is employed or otherwise engaged  
13 in an activity resulting in frequent contact with children and  
14 the alleged abuse or neglect are in the course of such  
15 employment or activity, then the Department shall, except in  
16 investigations where the Director determines that such  
17 notification would be detrimental to the Department's  
18 investigation, inform the appropriate supervisor or  
19 administrator of that employment or activity that the Unit has  
20 commenced a formal investigation pursuant to this Act, which  
21 may or may not result in an indicated report. The Department  
22 shall also notify the person being investigated, unless the  
23 Director determines that such notification would be  
24 detrimental to the Department's investigation.

25 (c) In an investigation of a report of suspected abuse or  
26 neglect of a child by a school employee at a school or on

1 school grounds, the Department shall make reasonable efforts  
2 to follow the following procedures:

3 (1) Investigations involving teachers shall not, to  
4 the extent possible, be conducted when the teacher is  
5 scheduled to conduct classes. Investigations involving  
6 other school employees shall be conducted so as to  
7 minimize disruption of the school day. The school employee  
8 accused of child abuse or neglect may have the school  
9 employee's superior, the school employee's association or  
10 union representative, and the school employee's attorney  
11 present at any interview or meeting at which the teacher  
12 or administrator is present. The accused school employee  
13 shall be informed by a representative of the Department,  
14 at any interview or meeting, of the accused school  
15 employee's due process rights and of the steps in the  
16 investigation process. These due process rights shall also  
17 include the right of the school employee to present  
18 countervailing evidence regarding the accusations. In an  
19 investigation in which the alleged perpetrator of abuse or  
20 neglect is a school employee, including, but not limited  
21 to, a school teacher or administrator, and the  
22 recommendation is to determine the report to be indicated,  
23 in addition to other procedures as set forth and defined  
24 in Department rules and procedures, the employee's due  
25 process rights shall also include: (i) the right to a copy  
26 of the investigation summary; (ii) the right to review the

1 specific allegations which gave rise to the investigation;  
2 and (iii) the right to an administrator's teleconference  
3 which shall be convened to provide the school employee  
4 with the opportunity to present documentary evidence or  
5 other information that supports the school employee's  
6 position and to provide information before a final finding  
7 is entered.

8 (2) If a report of neglect or abuse of a child by a  
9 teacher or administrator does not involve allegations of  
10 sexual abuse or extreme physical abuse, the Child  
11 Protective Service Unit shall make reasonable efforts to  
12 conduct the initial investigation in coordination with the  
13 employee's supervisor.

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

18 (3) If a report of neglect or abuse of a child by a  
19 teacher or administrator involves an allegation of sexual  
20 abuse or extreme physical abuse, the Child Protective Unit  
21 shall commence an investigation under paragraph (2) of  
22 subsection (b) of this Section.

23 (c-5) In any instance in which a report is made or caused  
24 to made by a school district employee involving the conduct of  
25 a person employed by the school district, at the time the  
26 report was made, as required under Section 4 of this Act, the

1 Child Protective Service Unit shall send a copy of its final  
2 finding report to the general superintendent of that school  
3 district.

4 (c-10) The Department may recommend that a school district  
5 remove a school employee who is the subject of an  
6 investigation from the school employee's employment position  
7 pending the outcome of the investigation; however, all  
8 employment decisions regarding school personnel shall be the  
9 sole responsibility of the school district or employer. The  
10 Department may not require a school district to remove a  
11 school employee from the school employee's employment position  
12 or limit the school employee's duties pending the outcome of  
13 an investigation.

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

1 official that the Department's investigation has resulted in  
2 an unfounded report.

3 (d-1) Whenever a report alleges that a child was abused or  
4 neglected while receiving care in a hospital, including a  
5 freestanding psychiatric hospital licensed by the Department  
6 of Public Health, the Department shall send a copy of its final  
7 finding to the Director of Public Health and the Director of  
8 Healthcare and Family Services.

9 (d-2) In any investigation conducted in accordance with  
10 this Act during which the Department refers a child to a  
11 board-certified child abuse pediatrician for a medical  
12 opinion, the following protections shall be provided to the  
13 parent or guardian of the child at the center of an  
14 investigation:

15 (1) The board-certified child abuse pediatrician must  
16 explain to the parent or guardian of the child, whenever  
17 the child abuse pediatrician has direct contact with the  
18 child or the family of the child, that the child abuse  
19 pEDIatrician is completing the examination of the child at  
20 the request of the Department for the purpose of providing  
21 an opinion to the Department regarding whether the  
22 mechanism of injury is suspicious for child maltreatment.  
23 The board-certified child abuse pediatrician must explain  
24 that, based on the referral, the board-certified child  
25 abuse pediatrician may be required to communicate with law  
26 enforcement and provide court testimony. The

1 board-certified child abuse pediatrician must also provide  
2 the child's parent or guardian with accurate information  
3 about his or her medical specialties, including that the  
4 provider is a board-certified child abuse pediatrician. As  
5 used in this subsection and in subsection (d-3),  
6 "board-certified child abuse pediatrician" means an  
7 individual who is certified by the Sub-board for Child  
8 Abuse Pediatrics, American Board of Pediatrics.

9 (2) In any investigation where a child or a child's  
10 records have been referred by the Department to a  
11 board-certified child abuse pediatrician for a medical  
12 opinion, the parent or guardian of the child at the center  
13 of an investigation shall:

14 (A) be informed of the referral and his or her  
15 right to request and receive a copy of the opinion,  
16 including the basis for the opinion, and a copy of any  
17 written report the board-certified child abuse  
18 pedsiatrician has provided to the Department;

19 (B) be notified that the parent or guardian of the  
20 child has the right to obtain, at his or her own  
21 expense, and submit to the Department a second medical  
22 opinion at any time;

23 (C) be informed that any second medical opinion  
24 submitted to the Department prior to the Department  
25 rendering a final determination in the investigation  
26 will be considered as inculpatory or exculpatory

1 evidence; and

2 (D) be notified of the Department's time frames  
3 for the investigative process.

4 (d-3) The Department shall annually prepare and make  
5 available on the Department's Reports and Statistics webpage a  
6 report on the number of children or families referred by the  
7 Department to a board-certified child abuse pediatrician as  
8 part of an investigation of abuse or neglect by the  
9 Department. The report shall not contain any personally  
10 identifiable information about a child referred, the family  
11 members of such a child, or the board-certified child abuse  
12 pEDIatrician. If the number of cases in any category of  
13 information under items (4) through (9) of this subsection is  
14 less than 10, the Department shall not include that  
15 information in the report. The first report must be posted  
16 within 9 months after the effective date of this amendatory  
17 Act of the 103rd General Assembly. The first report and each  
18 annual report thereafter shall contain the following  
19 information regarding cases referred by the Department to a  
20 board-certified child abuse pediatrician:

21 (1) The total number of abuse or neglect cases  
22 referred to a board-certified child abuse pediatrician  
23 that were indicated by the Department, with separate line  
24 items for:

25 (A) the total number of abuse and neglect cases  
26 that the Department determined were indicated but were

1 appealed and the outcomes of those appeals, organized  
2 as follows:

3 (i) first, by the total number of indicated  
4 cases appealed via administrative appeal hearing  
5 before an administrative law judge and the  
6 outcomes of those hearings; and

7 (ii) second, by the total number of cases in  
8 which an administrative law judge's affirmance of  
9 the indicated findings was appealed to a court and  
10 the outcomes of the court's findings; and

11 (B) the total number of abuse and neglect cases  
12 that were indicated by the Department but indicated as  
13 to an unknown perpetrator.

14 (2) The total number of abuse or neglect cases  
15 referred by the Department to a board-certified child  
16 abuse pediatrician that the Department determined were  
17 unfounded.

18 (3) The total number of abuse or neglect cases  
19 referred by the Department to a board-certified child  
20 abuse pediatrician in which a petition for adjudication of  
21 wardship was filed.

22 (4) The total number of abuse and neglect cases  
23 referred by the Department to a board-certified child  
24 abuse pediatrician under paragraphs (1), (2), and (3)  
25 organized by abuse allegation.

26 (5) The total number of abuse and neglect cases



1 referred by the Department to a board-certified child  
2 abuse pediatrician under paragraphs (1), (2), and (3)  
3 organized by DCFS region.

4 (6) The total number of abuse and neglect cases  
5 referred by the Department to a board-certified child  
6 abuse pediatrician under paragraphs (1), (2), and (3)  
7 organized by race of the child.

8 (7) The total number of abuse and neglect cases  
9 referred by the Department to a board-certified child  
10 abuse pediatrician under paragraphs (1), (2), and (3)  
11 organized by gender of the child.

12 (8) The total number of abuse and neglect cases under  
13 paragraphs (1), (2), and (3) involving children with  
14 safety plans.

15 (9) The total number of abuse and neglect cases under  
16 paragraphs (1), (2), and (3) where the child was put in  
17 protective custody.

18 (e) Upon request by the Department, the Illinois State  
19 Police and law enforcement agencies are authorized to provide  
20 criminal history record information as defined in the Illinois  
21 Uniform Conviction Information Act and information maintained  
22 in the adjudicatory and dispositional record system as defined  
23 in Section 2605-355 of the Illinois State Police Law to  
24 properly designated employees of the Department of Children  
25 and Family Services if the Department determines the  
26 information is necessary to perform its duties under the

1 Abused and Neglected Child Reporting Act, the Child Care Act  
2 of 1969, and the Children and Family Services Act. The request  
3 shall be in the form and manner required by the Illinois State  
4 Police. Any information obtained by the Department of Children  
5 and Family Services under this Section is confidential and may  
6 not be transmitted outside the Department of Children and  
7 Family Services other than to a court of competent  
8 jurisdiction or unless otherwise authorized by law. Any  
9 employee of the Department of Children and Family Services who  
10 transmits confidential information in violation of this  
11 Section or causes the information to be transmitted in  
12 violation of this Section is guilty of a Class A misdemeanor  
13 unless the transmittal of the information is authorized by  
14 this Section or otherwise authorized by law.

15 (f) For purposes of this Section, "child abuse or neglect"  
16 includes abuse or neglect of an adult resident as defined in  
17 this Act.

18 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;  
19 103-460, eff. 1-1-24; revised 9-15-23.)