**Section 300.100 Initial Investigation**

a) When a report of child abuse or neglect is received, Department investigative staff will make an initial investigation to validate whether there is reasonable cause to believe that child abuse or neglect exists.

b) The initial investigation will consist of the following steps:

1) in-person contact with all alleged child victims or in-person examination of the environment for inadequate shelter and environmental neglect reports only, and

2) in-person or telephone contact with the reporter, if the reporter's identity and whereabouts are available and

3) data checks of Departmental and law enforcement records.

4) If the initial investigation is not completed within seven days, the alleged perpetrator and the children's caretaker shall be contacted.

c) Investigative staff shall begin an investigation within 24 hours after the Department receives a report alleging child abuse or neglect. An investigation shall begin immediately when:

1) a child is believed to be in immediate danger of physical harm; or

2) it is likely that the family may flee with the child.

d) An investigation normally shall be started by in-person contact with all the children alleged to have been abused or neglected. When the incident occurred in a group setting and a number of perpetrators or children are alleged to be involved, contact may be delayed while a comprehensive investigative plan is developed with other investigative bodies (e.g. local law enforcement, the Department of State Police, out-of-state law enforcement, the Federal Bureau of Investigation) as long as the children's safety can be assured during the delay.

e) However, in some instances, the Department's good faith attempt to contact the children alleged to have been abused or neglected shall be sufficient to start the investigation. The following constitute good faith attempts to begin the investigation:

1) when investigative staff learns, upon proceeding to the location given for the children alleged to have been abused or neglected, that the children have disappeared, the family has fled, the address does not exist, no one is at the location, or not all of the children alleged as abused or neglected are at the location; or

2) when the involved child subjects are not accessible; or

3) when the adult caretaker refuses to let child protective service staff see or speak with the involved child subject.

f) Although a good faith attempt to contact the children alleged to be abused or neglected begins the investigation, this good faith attempt does not relieve investigative staff of the responsibility to complete the contacts required by Department rule. Investigative staff will continue to attempt to establish in-person contact with the alleged child victim, conducting a diligent search to locate the child.

g) Investigative staff will examine the following criteria to determine whether there is a good faith indication to believe that abuse or neglect exists:

1) The alleged victim(s) must be less than 18 years of age; and

2) The alleged victim(s) must either have been harmed or must be in substantial risk of harm; and

3) There must be an abusive or neglectful incident or set of circumstances as defined in Appendix B of this Part which caused the alleged harm or substantial risk of harm to the child.

4) For abuse, the alleged perpetrator must be the child's parent, foster parent, guardian, immediate family member, any individual who resides in the same house as the child, the paramour of the child's parent or any person responsible for the child's welfare at the time of the alleged abuse;

5) For neglect, the alleged perpetrator must be the child's parent, guardian, foster parent or any person responsible for the child's welfare at the time of the alleged neglect.

h) If any one of the above criteria is not present, a determination will be made that the report does not provide a good faith indication that child abuse or neglect exists, and the investigation will be terminated. If the above criteria are present, investigative staff will begin a formal investigation.

i) If, after the initial investigation, investigative staff determine that:

1) there is good faith indication that child abuse or neglect exists, and

2) the person who is alleged to have caused the abuse or neglect is employed or otherwise engaged in activity resulting in frequent contact with children; and

3) the alleged child abuse or neglect occurred in the course of that employment or activity;

then upon commencement of the formal investigation the Department shall inform the appropriate supervisor or administrator of that employment or activity that a formal investigation has been commenced which may or may not result in an indicated report unless the Director determines that such notification would be detrimental to the Department's investigation. The Department may also notify the person being investigated, unless the Department determines that such notification would be detrimental to the Department's investigation.

j) The Department will notify the following persons when an initial investigation determines that a report does not contain a good faith indication that child abuse or neglect exists and, therefore, a formal investigation will not be commenced:

1) mandated reporters,

2) custodial parents, personal guardians and legal custodians of the alleged child victims, and

3) alleged perpetrators.

k) The subjects of the report may request that a report which was not validated by the initial investigation be retained in the Department's computer and local index files, if the subjects of the report believe that the report was made for harassment purposes. The Department shall honor all such written requests and shall retain these records for five years, as allowed in the Abused and Neglected Child Reporting Act.

(Source: Amended at 14 Ill. Reg. 17558, effective October 15, 1990)