



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3223

Introduced 2/15/2018, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

20 ILCS 515/45 rep.
325 ILCS 5/3
325 ILCS 5/11.9 new

from Ch. 23, par. 2053

Amends the Child Death Review Team Act by repealing provisions permitting the Child Death Review Teams Executive Council to establish in the Southern Region of the State a special Child Death Investigation Task Force. Amends the Abused and Neglected Child Reporting Act. Provides that the Department of Children and Family Services shall establish a Child Death Investigation Task Force to operate in the Southern Region of the State and in other regions at the discretion of the Director of the Department. Requires the Task Force to develop and implement a plan for the investigation of sudden, unexpected, or unexplained child fatalities or near fatalities of children under 18 years of age occurring within that region. Requires the Task Force's plan to include provisions for local or State law enforcement agencies and other specified entities to promptly notify the Task Force of a sudden, unexpected, or unexplained child fatality or near fatality of a child, and for the Task Force to review and investigate the notification. Requires the investigation to include coordination among members of a multidisciplinary team. Provides for appointment of a Board of Directors to govern the Task Force. Provides for State indemnification of the Task Force and the Board of Directors, except for willful or wanton misconduct.

LRB100 18621 KTG 33846 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

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

4 (20 ILCS 515/45 rep.)

5 Section 5. The Child Death Review Team Act is amended by
6 repealing Section 45.

7 Section 10. The Abused and Neglected Child Reporting Act is
8 amended by changing Section 3 and by adding Section 11.9 as
9 follows:

10 (325 ILCS 5/3) (from Ch. 23, par. 2053)

11 Sec. 3. As used in this Act unless the context otherwise
12 requires:

13 "Adult resident" means any person between 18 and 22 years
14 of age who resides in any facility licensed by the Department
15 under the Child Care Act of 1969. For purposes of this Act, the
16 criteria set forth in the definitions of "abused child" and
17 "neglected child" shall be used in determining whether an adult
18 resident is abused or neglected.

19 "Agency" means a child care facility licensed under Section
20 2.05 or Section 2.06 of the Child Care Act of 1969 and includes
21 a transitional living program that accepts children and adult
22 residents for placement who are in the guardianship of the

1 Department.

2 "Blatant disregard" means an incident where the real,
3 significant, and imminent risk of harm would be so obvious to a
4 reasonable parent or caretaker that it is unlikely that a
5 reasonable parent or caretaker would have exposed the child to
6 the danger without exercising precautionary measures to
7 protect the child from harm. With respect to a person working
8 at an agency in his or her professional capacity with a child
9 or adult resident, "blatant disregard" includes a failure by
10 the person to perform job responsibilities intended to protect
11 the child's or adult resident's health, physical well-being, or
12 welfare, and, when viewed in light of the surrounding
13 circumstances, evidence exists that would cause a reasonable
14 person to believe that the child was neglected. With respect to
15 an agency, "blatant disregard" includes a failure to implement
16 practices that ensure the health, physical well-being, or
17 welfare of the children and adult residents residing in the
18 facility.

19 "Child" means any person under the age of 18 years, unless
20 legally emancipated by reason of marriage or entry into a
21 branch of the United States armed services.

22 "Department" means Department of Children and Family
23 Services.

24 "Local law enforcement agency" means the police of a city,
25 town, village or other incorporated area or the sheriff of an
26 unincorporated area or any sworn officer of the Illinois

1 Department of State Police.

2 "Abused child" means a child whose parent or immediate
3 family member, or any person responsible for the child's
4 welfare, or any individual residing in the same home as the
5 child, or a paramour of the child's parent:

6 (a) inflicts, causes to be inflicted, or allows to be
7 inflicted upon such child physical injury, by other than
8 accidental means, which causes death, disfigurement,
9 impairment of physical or emotional health, or loss or
10 impairment of any bodily function;

11 (b) creates a substantial risk of physical injury to
12 such child by other than accidental means which would be
13 likely to cause death, disfigurement, impairment of
14 physical or emotional health, or loss or impairment of any
15 bodily function;

16 (c) commits or allows to be committed any sex offense
17 against such child, as such sex offenses are defined in the
18 Criminal Code of 2012 or in the Wrongs to Children Act, and
19 extending those definitions of sex offenses to include
20 children under 18 years of age;

21 (d) commits or allows to be committed an act or acts of
22 torture upon such child;

23 (e) inflicts excessive corporal punishment or, in the
24 case of a person working for an agency who is prohibited
25 from using corporal punishment, inflicts corporal
26 punishment upon a child or adult resident with whom the

1 person is working in his or her professional capacity;

2 (f) commits or allows to be committed the offense of
3 female genital mutilation, as defined in Section 12-34 of
4 the Criminal Code of 2012, against the child;

5 (g) causes to be sold, transferred, distributed, or
6 given to such child under 18 years of age, a controlled
7 substance as defined in Section 102 of the Illinois
8 Controlled Substances Act in violation of Article IV of the
9 Illinois Controlled Substances Act or in violation of the
10 Methamphetamine Control and Community Protection Act,
11 except for controlled substances that are prescribed in
12 accordance with Article III of the Illinois Controlled
13 Substances Act and are dispensed to such child in a manner
14 that substantially complies with the prescription; or

15 (h) commits or allows to be committed the offense of
16 involuntary servitude, involuntary sexual servitude of a
17 minor, or trafficking in persons as defined in Section 10-9
18 of the Criminal Code of 2012 against the child.

19 A child shall not be considered abused for the sole reason
20 that the child has been relinquished in accordance with the
21 Abandoned Newborn Infant Protection Act.

22 "Neglected child" means any child who is not receiving the
23 proper or necessary nourishment or medically indicated
24 treatment including food or care not provided solely on the
25 basis of the present or anticipated mental or physical
26 impairment as determined by a physician acting alone or in

1 consultation with other physicians or otherwise is not
2 receiving the proper or necessary support or medical or other
3 remedial care recognized under State law as necessary for a
4 child's well-being, or other care necessary for his or her
5 well-being, including adequate food, clothing and shelter; or
6 who is subjected to an environment which is injurious insofar
7 as (i) the child's environment creates a likelihood of harm to
8 the child's health, physical well-being, or welfare and (ii)
9 the likely harm to the child is the result of a blatant
10 disregard of parent, caretaker, or agency responsibilities; or
11 who is abandoned by his or her parents or other person
12 responsible for the child's welfare without a proper plan of
13 care; or who has been provided with interim crisis intervention
14 services under Section 3-5 of the Juvenile Court Act of 1987
15 and whose parent, guardian, or custodian refuses to permit the
16 child to return home and no other living arrangement agreeable
17 to the parent, guardian, or custodian can be made, and the
18 parent, guardian, or custodian has not made any other
19 appropriate living arrangement for the child; or who is a
20 newborn infant whose blood, urine, or meconium contains any
21 amount of a controlled substance as defined in subsection (f)
22 of Section 102 of the Illinois Controlled Substances Act or a
23 metabolite thereof, with the exception of a controlled
24 substance or metabolite thereof whose presence in the newborn
25 infant is the result of medical treatment administered to the
26 mother or the newborn infant. A child shall not be considered

1 neglected for the sole reason that the child's parent or other
2 person responsible for his or her welfare has left the child in
3 the care of an adult relative for any period of time. A child
4 shall not be considered neglected for the sole reason that the
5 child has been relinquished in accordance with the Abandoned
6 Newborn Infant Protection Act. A child shall not be considered
7 neglected or abused for the sole reason that such child's
8 parent or other person responsible for his or her welfare
9 depends upon spiritual means through prayer alone for the
10 treatment or cure of disease or remedial care as provided under
11 Section 4 of this Act. A child shall not be considered
12 neglected or abused solely because the child is not attending
13 school in accordance with the requirements of Article 26 of The
14 School Code, as amended.

15 "Child Protective Service Unit" means certain specialized
16 State employees of the Department assigned by the Director to
17 perform the duties and responsibilities as provided under
18 Section 7.2 of this Act.

19 "Near fatality" means an act that, as certified by a
20 physician, places the child in serious or critical condition,
21 including acts of great bodily harm inflicted upon children
22 under 13 years of age, and as otherwise defined by Department
23 rule.

24 "Great bodily harm" includes bodily injury which creates a
25 high probability of death, or which causes serious permanent
26 disfigurement, or which causes a permanent or protracted loss

1 or impairment of the function of any bodily member or organ, or
2 other serious bodily harm.

3 "Person responsible for the child's welfare" means the
4 child's parent; guardian; foster parent; relative caregiver;
5 any person responsible for the child's welfare in a public or
6 private residential agency or institution; any person
7 responsible for the child's welfare within a public or private
8 profit or not for profit child care facility; or any other
9 person responsible for the child's welfare at the time of the
10 alleged abuse or neglect, including any person that is the
11 custodian of a child under 18 years of age who commits or
12 allows to be committed, against the child, the offense of
13 involuntary servitude, involuntary sexual servitude of a
14 minor, or trafficking in persons for forced labor or services,
15 as provided in Section 10-9 of the Criminal Code of 2012, or
16 any person who came to know the child through an official
17 capacity or position of trust, including but not limited to
18 health care professionals, educational personnel, recreational
19 supervisors, members of the clergy, and volunteers or support
20 personnel in any setting where children may be subject to abuse
21 or neglect.

22 "Temporary protective custody" means custody within a
23 hospital or other medical facility or a place previously
24 designated for such custody by the Department, subject to
25 review by the Court, including a licensed foster home, group
26 home, or other institution; but such place shall not be a jail

1 or other place for the detention of criminal or juvenile
2 offenders.

3 "An unfounded report" means any report made under this Act
4 for which it is determined after an investigation that no
5 credible evidence of abuse or neglect exists.

6 "An indicated report" means a report made under this Act if
7 an investigation determines that credible evidence of the
8 alleged abuse or neglect exists.

9 "An undetermined report" means any report made under this
10 Act in which it was not possible to initiate or complete an
11 investigation on the basis of information provided to the
12 Department.

13 "Subject of report" means any child reported to the central
14 register of child abuse and neglect established under Section
15 7.7 of this Act as an alleged victim of child abuse or neglect
16 and the parent or guardian of the alleged victim or other
17 person responsible for the alleged victim's welfare who is
18 named in the report or added to the report as an alleged
19 perpetrator of child abuse or neglect.

20 "Perpetrator" means a person who, as a result of
21 investigation, has been determined by the Department to have
22 caused child abuse or neglect.

23 "Member of the clergy" means a clergyman or practitioner of
24 any religious denomination accredited by the religious body to
25 which he or she belongs.

26 (Source: P.A. 99-350, eff. 6-1-16.)

1 (325 ILCS 5/11.9 new)

2 Sec. 11.9. Child Death Investigation Task Force;
3 establishment.

4 (a) The Department of Children and Family Services shall,
5 from funds appropriated by the General Assembly to the
6 Department for this purpose, or from funds that may otherwise
7 be provided for this purpose from other public or private
8 sources, establish a Child Death Investigation Task Force to
9 operate in the Southern Region of the State and in other
10 regions at the discretion of the Director of the Department.
11 The Child Death Investigation Task Force shall develop and
12 implement a plan for the investigation of sudden, unexpected,
13 or unexplained child fatalities or near fatalities of children
14 under 18 years of age occurring within that region, as may be
15 further defined in Department rule and procedure. The plan must
16 include provisions for local or State law enforcement agencies,
17 the Department, hospitals, and coroners to promptly notify the
18 Task Force of a sudden, unexpected, or unexplained child
19 fatality or near fatality of a child, and for the Task Force to
20 review and investigate the notification. The investigation
21 shall include coordination among members of a
22 multidisciplinary team, including local or State law
23 enforcement agencies, the Department, hospitals, coroners, the
24 appropriate State's Attorney's Office, and the appropriate
25 children's advocacy center. The plan must also include

1 provisions for training members of each multidisciplinary team
2 on the various components of the investigation of fatalities or
3 near fatalities of children. The Task Force shall maintain case
4 tracking and related case information for activations.
5 Information shall be shared and reviewed by the Task Force's
6 Board of Directors. The plan must be submitted in writing and
7 approved by the Board of Directors.

8 (b) The Child Death Investigation Task Force shall be
9 governed by a Board of Directors composed of, but not limited
10 to, an approved representative from each of the following
11 agencies or groups: the Department of Children and Family
12 Services, the Southern Illinois Police Chiefs' Association,
13 the Illinois Coroners and Medical Examiners Association, the
14 Illinois State's Attorneys Association, the Illinois Sheriffs'
15 Association, the Illinois State Police, the Child Advocacy
16 Centers of Illinois, and the Illinois Law Enforcement Training
17 Standards Board. The Board of Directors shall have the
18 authority to organize itself and adopt bylaws and to appoint,
19 assign, and elect members and leaders, and shall determine the
20 voting rights of its members. The Board of Directors shall
21 determine all major policies and establish all necessary
22 principles and procedures of the Task Force. The Board of
23 Directors shall meet 4 times a year or as called for in the
24 bylaws of the organization.

25 (c) The State shall indemnify and hold harmless members of
26 the Child Death Investigation Task Force and the Board of

1 Directors for all their acts, omissions, decisions, or other
2 conduct arising out of the scope of their service on the Task
3 Force or Board, except those involving willful or wanton
4 misconduct. The method of providing indemnification shall be as
5 provided in the State Employee Indemnification Act.