

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 Sections 7.4, 7.8, and 11.1 and by adding
6 Section 4.4c as follows:

7 (325 ILCS 5/4.4c new)

8 Sec. 4.4c. Duty to notify the Directors of Public Health
9 and Healthcare and Family Services. Whenever the Department
10 receives, by means of its statewide toll-free telephone number
11 established under Section 7.6 for the purpose of reporting
12 suspected child abuse or neglect or by any other means or from
13 any mandated reporter under Section 4, a report of suspected
14 abuse or neglect of a child and the child is alleged to have
15 been abused or neglected while receiving care in a hospital,
16 including a freestanding psychiatric hospital licensed by the
17 Department of Public Health, the Department shall notify the
18 Director of Public Health and the Director of Healthcare and
19 Family Services of the report.

20 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

21 Sec. 7.4. (a) The Department shall be capable of receiving
22 reports of suspected child abuse or neglect 24 hours a day, 7

1 days a week. Whenever the Department receives a report alleging
2 that a child is a truant as defined in Section 26-2a of the
3 School Code, as now or hereafter amended, the Department shall
4 notify the superintendent of the school district in which the
5 child resides and the appropriate superintendent of the
6 educational service region. The notification to the
7 appropriate officials by the Department shall not be considered
8 an allegation of abuse or neglect under this Act.

9 (a-5) The Department of Children and Family Services may
10 implement a "differential response program" in accordance with
11 criteria, standards, and procedures prescribed by rule. The
12 program may provide that, upon receiving a report, the
13 Department shall determine whether to conduct a family
14 assessment or an investigation as appropriate to prevent or
15 provide a remedy for child abuse or neglect.

16 For purposes of this subsection (a-5), "family assessment"
17 means a comprehensive assessment of child safety, risk of
18 subsequent child maltreatment, and family strengths and needs
19 that is applied to a child maltreatment report that does not
20 allege substantial child endangerment. "Family assessment"
21 does not include a determination as to whether child
22 maltreatment occurred but does determine the need for services
23 to address the safety of family members and the risk of
24 subsequent maltreatment.

25 For purposes of this subsection (a-5), "investigation"
26 means fact-gathering related to the current safety of a child

1 and the risk of subsequent abuse or neglect that determines
2 whether a report of suspected child abuse or neglect should be
3 indicated or unfounded and whether child protective services
4 are needed.

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

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

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

14 (3) May conduct a family assessment for reports that do
15 not allege substantial child endangerment. In determining
16 that a family assessment is appropriate, the Department may
17 consider issues, including, but not limited to, child
18 safety, parental cooperation, and the need for an immediate
19 response.

20 (4) Shall promulgate criteria, standards, and
21 procedures that shall be applied in making this
22 determination, taking into consideration the Child
23 Endangerment Risk Assessment Protocol of the Department.

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

26 In determining that a complete investigation is not

1 required, the Department must document the reason for
2 terminating the investigation and notify the local law
3 enforcement agency or the Department of State Police if the
4 local law enforcement agency or Department of State Police is
5 conducting a joint investigation.

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

9 During a family assessment, the Department shall collect
10 any available and relevant information to determine child
11 safety, risk of subsequent abuse or neglect, and family
12 strengths.

13 Information collected includes, but is not limited to, when
14 relevant: information with regard to the person reporting the
15 alleged abuse or neglect, including the nature of the
16 reporter's relationship to the child and to the alleged
17 offender, and the basis of the reporter's knowledge for the
18 report; the child allegedly being abused or neglected; the
19 alleged offender; the child's caretaker; and other collateral
20 sources having relevant information related to the alleged
21 abuse or neglect. Information relevant to the assessment must
22 be asked for, and may include:

23 (A) The child's sex and age, prior reports of abuse or
24 neglect, information relating to developmental
25 functioning, credibility of the child's statement, and
26 whether the information provided under this paragraph (A)

1 is consistent with other information collected during the
2 course of the assessment or investigation.

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

7 (C) Collateral source information regarding the
8 alleged abuse or neglect and care of the child. Collateral
9 information includes, when relevant: (i) a medical
10 examination of the child; (ii) prior medical records
11 relating to the alleged maltreatment or care of the child
12 maintained by any facility, clinic, or health care
13 professional, and an interview with the treating
14 professionals; and (iii) interviews with the child's
15 caretakers, including the child's parent, guardian, foster
16 parent, child care provider, teachers, counselors, family
17 members, relatives, and other persons who may have
18 knowledge regarding the alleged maltreatment and the care
19 of the child.

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

22 Nothing in this subsection (a-5) precludes the Department
23 from collecting other relevant information necessary to
24 conduct the assessment or investigation. Nothing in this
25 subsection (a-5) shall be construed to allow the name or
26 identity of a reporter to be disclosed in violation of the

1 protections afforded under Section 7.19 of this Act.

2 After conducting the family assessment, the Department
3 shall determine whether services are needed to address the
4 safety of the child and other family members and the risk of
5 subsequent abuse or neglect.

6 Upon completion of the family assessment, if the Department
7 concludes that no services shall be offered, then the case
8 shall be closed. If the Department concludes that services
9 shall be offered, the Department shall develop a family
10 preservation plan and offer or refer services to the family.

11 At any time during a family assessment, if the Department
12 believes there is any reason to stop the assessment and conduct
13 an investigation based on the information discovered, the
14 Department shall do so.

15 The procedures available to the Department in conducting
16 investigations under this Act shall be followed as appropriate
17 during a family assessment.

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

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

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

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

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

20 (3) Based on an initial investigation, if the Unit
21 determines the report is a good faith indication of alleged
22 child abuse or neglect, then a formal investigation shall
23 commence and, pursuant to Section 7.12 of this Act, may or may
24 not result in an indicated report. The formal investigation
25 shall include: direct contact with the subject or subjects of
26 the report as soon as possible after the report is received; an

1 evaluation of the environment of the child named in the report
2 and any other children in the same environment; a determination
3 of the risk to such children if they continue to remain in the
4 existing environments, as well as a determination of the
5 nature, extent and cause of any condition enumerated in such
6 report; the name, age and condition of other children in the
7 environment; and an evaluation as to whether there would be an
8 immediate and urgent necessity to remove the child from the
9 environment if appropriate family preservation services were
10 provided. After seeing to the safety of the child or children,
11 the Department shall forthwith notify the subjects of the
12 report in writing, of the existence of the report and their
13 rights existing under this Act in regard to amendment or
14 expungement. To fulfill the requirements of this Section, the
15 Child Protective Service Unit shall have the capability of
16 providing or arranging for comprehensive emergency services to
17 children and families at all times of the day or night.

18 (4) If (i) at the conclusion of the Unit's initial
19 investigation of a report, the Unit determines the report to be
20 a good faith indication of alleged child abuse or neglect that
21 warrants a formal investigation by the Unit, the Department,
22 any law enforcement agency or any other responsible agency and
23 (ii) the person who is alleged to have caused the abuse or
24 neglect is employed or otherwise engaged in an activity
25 resulting in frequent contact with children and the alleged
26 abuse or neglect are in the course of such employment or

1 activity, then the Department shall, except in investigations
2 where the Director determines that such notification would be
3 detrimental to the Department's investigation, inform the
4 appropriate supervisor or administrator of that employment or
5 activity that the Unit has commenced a formal investigation
6 pursuant to this Act, which may or may not result in an
7 indicated report. The Department shall also notify the person
8 being investigated, unless the Director determines that such
9 notification would be detrimental to the Department's
10 investigation.

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

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

1 process. These due process rights shall also include the
2 right of the school employee to present countervailing
3 evidence regarding the accusations. In an investigation in
4 which the alleged perpetrator of abuse or neglect is a
5 school employee, including, but not limited to, a school
6 teacher or administrator, and the recommendation is to
7 determine the report to be indicated, in addition to other
8 procedures as set forth and defined in Department rules and
9 procedures, the employee's due process rights shall also
10 include: (i) the right to a copy of the investigation
11 summary; (ii) the right to review the specific allegations
12 which gave rise to the investigation; and (iii) the right
13 to an administrator's teleconference which shall be
14 convened to provide the school employee with the
15 opportunity to present documentary evidence or other
16 information that supports his or her position and to
17 provide information before a final finding is entered.

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

24 If the Unit determines that the report is a good faith
25 indication of potential child abuse or neglect, it shall
26 then commence a formal investigation under paragraph (3) of

1 subsection (b) of this Section.

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

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

14 (c-10) The Department may recommend that a school district
15 remove a school employee who is the subject of an investigation
16 from his or her employment position pending the outcome of the
17 investigation; however, all employment decisions regarding
18 school personnel shall be the sole responsibility of the school
19 district or employer. The Department may not require a school
20 district to remove a school employee from his or her employment
21 position or limit the school employee's duties pending the
22 outcome of an investigation.

23 (d) If the Department has contact with an employer, or with
24 a religious institution or religious official having
25 supervisory or hierarchical authority over a member of the
26 clergy accused of the abuse of a child, in the course of its

1 investigation, the Department shall notify the employer or the
2 religious institution or religious official, in writing, when a
3 report is unfounded so that any record of the investigation can
4 be expunged from the employee's or member of the clergy's
5 personnel or other records. The Department shall also notify
6 the employee or the member of the clergy, in writing, that
7 notification has been sent to the employer or to the
8 appropriate religious institution or religious official
9 informing the employer or religious institution or religious
10 official that the Department's investigation has resulted in an
11 unfounded report.

12 (d-1) Whenever a report alleges that a child was abused or
13 neglected while receiving care in a hospital, including a
14 freestanding psychiatric hospital licensed by the Department
15 of Public Health, the Department shall send a copy of its final
16 finding to the Director of Public Health and the Director of
17 Healthcare and Family Services.

18 (e) Upon request by the Department, the Department of 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 Department of State Police Law (20
24 ILCS 2605/2605-355) to properly designated employees of the
25 Department of Children and Family Services if the Department
26 determines the information is necessary to perform its duties

1 under the Abused and Neglected Child Reporting Act, the Child
2 Care Act of 1969, and the Children and Family Services Act. The
3 request shall be in the form and manner required by the
4 Department of State Police. Any information obtained by the
5 Department of Children and Family Services under this Section
6 is confidential and may not be transmitted outside the
7 Department of Children and Family Services other than to a
8 court of competent jurisdiction or unless otherwise authorized
9 by law. Any employee of the Department of Children and Family
10 Services who transmits confidential information in violation
11 of this 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 this
14 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. 100-68, eff. 1-1-18; 100-176, eff. 1-1-18;
19 100-191, eff. 1-1-18; 100-863, eff. 8-14-18.)

20 (325 ILCS 5/7.8)

21 Sec. 7.8. Upon receiving an oral or written report of
22 suspected child abuse or neglect, the Department shall
23 immediately notify, either orally or electronically, the Child
24 Protective Service Unit of a previous report concerning a
25 subject of the present report or other pertinent information.

1 In addition, upon satisfactory identification procedures, to
2 be established by Department regulation, any person authorized
3 to have access to records under Section 11.1 relating to child
4 abuse and neglect may request and shall be immediately provided
5 the information requested in accordance with this Act. However,
6 no information shall be released unless it prominently states
7 the report is "indicated", and only information from
8 "indicated" reports shall be released, except that information
9 concerning pending reports may be released pursuant to Sections
10 7.14 and 7.22 of this Act to the attorney or guardian ad litem
11 appointed under Section 2-17 of the Juvenile Court Act of 1987
12 and to any person authorized under paragraphs (1), (2), (3) and
13 (11) of Section 11.1. In addition, State's Attorneys are
14 authorized to receive unfounded reports (i) for prosecution
15 purposes related to the transmission of false reports of child
16 abuse or neglect in violation of subsection (a), paragraph (7)
17 of Section 26-1 of the Criminal Code of 2012 or (ii) for the
18 purposes of screening and prosecuting a petition filed under
19 Article II of the Juvenile Court Act of 1987 alleging a
20 subsequent allegation of abuse or neglect relating to the same
21 child, a sibling of the child, or the same perpetrator; the
22 parties to the proceedings filed under Article II of the
23 Juvenile Court Act of 1987 are entitled to receive copies of
24 previously unfounded reports regarding the same child, a
25 sibling of the child, or the same perpetrator for purposes of
26 hearings under Sections 2-10 and 2-21 of the Juvenile Court Act

1 of 1987, and attorneys and guardians ad litem appointed under
2 Article II of the Juvenile Court Act of 1987 shall receive the
3 reports set forth in Section 7.14 of this Act in conformance
4 with paragraph (19) of Section 11.1 and Section 7.14 of this
5 Act. The Department of Public Health shall receive information
6 from unfounded reports involving children alleged to have been
7 abused or neglected while hospitalized, including while
8 hospitalized in freestanding psychiatric hospitals licensed by
9 the Department of Public Health, as necessary for the
10 Department of Public Health to conduct its licensing
11 investigation. The Department is authorized and required to
12 release information from unfounded reports, upon request by a
13 person who has access to the unfounded report as provided in
14 this Act, as necessary in its determination to protect children
15 and adult residents who are in child care facilities licensed
16 by the Department under the Child Care Act of 1969. The names
17 and other identifying data and the dates and the circumstances
18 of any persons requesting or receiving information from the
19 central register shall be entered in the register record.

20 (Source: P.A. 98-807, eff. 8-1-14; 99-78, eff. 7-20-15; 99-349,
21 eff. 1-1-16; 99-350, eff. 6-1-16; 99-642, eff. 7-28-16.)

22 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

23 Sec. 11.1. Access to records.

24 (a) A person shall have access to the records described in
25 Section 11 only in furtherance of purposes directly connected

1 with the administration of this Act or the Intergovernmental
2 Missing Child Recovery Act of 1984. Those persons and purposes
3 for access include:

4 (1) Department staff in the furtherance of their
5 responsibilities under this Act, or for the purpose of
6 completing background investigations on persons or
7 agencies licensed by the Department or with whom the
8 Department contracts for the provision of child welfare
9 services.

10 (2) A law enforcement agency investigating known or
11 suspected child abuse or neglect, known or suspected
12 involvement with child pornography, known or suspected
13 criminal sexual assault, known or suspected criminal
14 sexual abuse, or any other sexual offense when a child is
15 alleged to be involved.

16 (3) The Department of State Police when administering
17 the provisions of the Intergovernmental Missing Child
18 Recovery Act of 1984.

19 (4) A physician who has before him a child whom he
20 reasonably suspects may be abused or neglected.

21 (5) A person authorized under Section 5 of this Act to
22 place a child in temporary protective custody when such
23 person requires the information in the report or record to
24 determine whether to place the child in temporary
25 protective custody.

26 (6) A person having the legal responsibility or

1 authorization to care for, treat, or supervise a child, or
2 a parent, prospective adoptive parent, foster parent,
3 guardian, or other person responsible for the child's
4 welfare, who is the subject of a report.

5 (7) Except in regard to harmful or detrimental
6 information as provided in Section 7.19, any subject of the
7 report, and if the subject of the report is a minor, his
8 guardian or guardian ad litem.

9 (8) A court, upon its finding that access to such
10 records may be necessary for the determination of an issue
11 before such court; however, such access shall be limited to
12 in camera inspection, unless the court determines that
13 public disclosure of the information contained therein is
14 necessary for the resolution of an issue then pending
15 before it.

16 (8.1) A probation officer or other authorized
17 representative of a probation or court services department
18 conducting an investigation ordered by a court under the
19 Juvenile Court Act of 1987.

20 (9) A grand jury, upon its determination that access to
21 such records is necessary in the conduct of its official
22 business.

23 (10) Any person authorized by the Director, in writing,
24 for audit or bona fide research purposes.

25 (11) Law enforcement agencies, coroners or medical
26 examiners, physicians, courts, school superintendents and

1 child welfare agencies in other states who are responsible
2 for child abuse or neglect investigations or background
3 investigations.

4 (12) The Department of Professional Regulation, the
5 State Board of Education and school superintendents in
6 Illinois, who may use or disclose information from the
7 records as they deem necessary to conduct investigations or
8 take disciplinary action, as provided by law.

9 (13) A coroner or medical examiner who has reason to
10 believe that a child has died as the result of abuse or
11 neglect.

12 (14) The Director of a State-operated facility when an
13 employee of that facility is the perpetrator in an
14 indicated report.

15 (15) The operator of a licensed child care facility or
16 a facility licensed by the Department of Human Services (as
17 successor to the Department of Alcoholism and Substance
18 Abuse) in which children reside when a current or
19 prospective employee of that facility is the perpetrator in
20 an indicated child abuse or neglect report, pursuant to
21 Section 4.3 of the Child Care Act of 1969.

22 (16) Members of a multidisciplinary team in the
23 furtherance of its responsibilities under subsection (b)
24 of Section 7.1. All reports concerning child abuse and
25 neglect made available to members of such
26 multidisciplinary teams and all records generated as a

1 result of such reports shall be confidential and shall not
2 be disclosed, except as specifically authorized by this Act
3 or other applicable law. It is a Class A misdemeanor to
4 permit, assist or encourage the unauthorized release of any
5 information contained in such reports or records. Nothing
6 contained in this Section prevents the sharing of reports
7 or records relating or pertaining to the death of a minor
8 under the care of or receiving services from the Department
9 of Children and Family Services and under the jurisdiction
10 of the juvenile court with the juvenile court, the State's
11 Attorney, and the minor's attorney.

12 (17) The Department of Human Services, as provided in
13 Section 17 of the Rehabilitation of Persons with
14 Disabilities Act.

15 (18) Any other agency or investigative body, including
16 the Department of Public Health and a local board of
17 health, authorized by State law to conduct an investigation
18 into the quality of care provided to children in hospitals
19 and other State regulated care facilities. ~~The access to
20 and release of information from such records shall be
21 subject to the approval of the Director of the Department
22 or his designee.~~

23 (19) The person appointed, under Section 2-17 of the
24 Juvenile Court Act of 1987, as the guardian ad litem of a
25 minor who is the subject of a report or records under this
26 Act; or the person appointed, under Section 5-610 of the

1 Juvenile Court Act of 1987, as the guardian ad litem of a
2 minor who is in the custody or guardianship of the
3 Department or who has an open intact family services case
4 with the Department and who is the subject of a report or
5 records made pursuant to this Act.

6 (20) The Department of Human Services, as provided in
7 Section 10 of the Early Intervention Services System Act,
8 and the operator of a facility providing early intervention
9 services pursuant to that Act, for the purpose of
10 determining whether a current or prospective employee who
11 provides or may provide direct services under that Act is
12 the perpetrator in an indicated report of child abuse or
13 neglect filed under this Act.

14 (b) Nothing contained in this Act prevents the sharing or
15 disclosure of information or records relating or pertaining to
16 juveniles subject to the provisions of the Serious Habitual
17 Offender Comprehensive Action Program when that information is
18 used to assist in the early identification and treatment of
19 habitual juvenile offenders.

20 (c) To the extent that persons or agencies are given access
21 to information pursuant to this Section, those persons or
22 agencies may give this information to and receive this
23 information from each other in order to facilitate an
24 investigation conducted by those persons or agencies.

25 (Source: P.A. 99-143, eff. 7-27-15; 100-158, eff. 1-1-18.)