



Rep. Stephanie A. Kifowit

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1 AMENDMENT TO HOUSE BILL 831

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 831 by replacing  
3 everything after the enacting clause with the following:

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

1 Department of Public Health, the Department shall notify the  
2 Director of Public Health and the Director of Healthcare and  
3 Family Services of the report.

4 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

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

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

22 For purposes of this subsection (a-5), "family assessment"  
23 means a comprehensive assessment of child safety, risk of  
24 subsequent child maltreatment, and family strengths and needs  
25 that is applied to a child maltreatment report that does not

1 allege substantial child endangerment. "Family assessment"  
2 does not include a determination as to whether child  
3 maltreatment occurred but does determine the need for services  
4 to address the safety of family members and the risk of  
5 subsequent maltreatment.

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

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

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

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

21 (3) May conduct a family assessment for reports that do  
22 not allege substantial child endangerment. In determining  
23 that a family assessment is appropriate, the Department may  
24 consider issues, including, but not limited to, child  
25 safety, parental cooperation, and the need for an immediate  
26 response.

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

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

7           In determining that a complete investigation is not  
8           required, the Department must document the reason for  
9           terminating the investigation and notify the local law  
10          enforcement agency or the Department of State Police if the  
11          local law enforcement agency or Department of State Police is  
12          conducting a joint investigation.

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

16          During a family assessment, the Department shall collect  
17          any available and relevant information to determine child  
18          safety, risk of subsequent abuse or neglect, and family  
19          strengths.

20          Information collected includes, but is not limited to, when  
21          relevant: information with regard to the person reporting the  
22          alleged abuse or neglect, including the nature of the  
23          reporter's relationship to the child and to the alleged  
24          offender, and the basis of the reporter's knowledge for the  
25          report; the child allegedly being abused or neglected; the  
26          alleged offender; the child's caretaker; and other collateral

1 sources having relevant information related to the alleged  
2 abuse or neglect. Information relevant to the assessment must  
3 be asked for, and may include:

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

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

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

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

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

9           After conducting the family assessment, the Department  
10          shall determine whether services are needed to address the  
11          safety of the child and other family members and the risk of  
12          subsequent abuse or neglect.

13          Upon completion of the family assessment, if the Department  
14          concludes that no services shall be offered, then the case  
15          shall be closed. If the Department concludes that services  
16          shall be offered, the Department shall develop a family  
17          preservation plan and offer or refer services to the family.

18          At any time during a family assessment, if the Department  
19          believes there is any reason to stop the assessment and conduct  
20          an investigation based on the information discovered, the  
21          Department shall do so.

22          The procedures available to the Department in conducting  
23          investigations under this Act shall be followed as appropriate  
24          during a family assessment.

25          If the Department implements a differential response  
26          program authorized under this subsection (a-5), the Department

1 shall arrange for an independent evaluation of the program for  
2 at least the first 3 years of implementation to determine  
3 whether it is meeting the goals in accordance with Section 2 of  
4 this Act.

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

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

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

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

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

25           (4) If (i) at the conclusion of the Unit's initial  
26 investigation of a report, the Unit determines the report to be



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

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

22 (1) Investigations involving teachers shall not, to  
23 the extent possible, be conducted when the teacher is  
24 scheduled to conduct classes. Investigations involving  
25 other school employees shall be conducted so as to minimize  
26 disruption of the school day. The school employee accused

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

25 (2) If a report of neglect or abuse of a child by a  
26 teacher or administrator does not involve allegations of

1 sexual abuse or extreme physical abuse, the Child  
2 Protective Service Unit shall make reasonable efforts to  
3 conduct the initial investigation in coordination with the  
4 employee's supervisor.

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

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

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

21 (c-10) The Department may recommend that a school district  
22 remove a school employee who is the subject of an investigation  
23 from his or her employment position pending the outcome of the  
24 investigation; however, all employment decisions regarding  
25 school personnel shall be the sole responsibility of the school  
26 district or employer. The Department may not require a school

1 district to remove a school employee from his or her employment  
2 position or limit the school employee's duties pending the  
3 outcome of an investigation.

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

19 (d-1) Whenever a report alleges that a child was abused or  
20 neglected while receiving care in a hospital, including a  
21 freestanding psychiatric hospital licensed by the Department  
22 of Public Health, the Department shall send a copy of its final  
23 finding to the Director of Public Health and the Director of  
24 Healthcare and Family Services.

25 (e) Upon request by the Department, the Department of State  
26 Police and law enforcement agencies are authorized to provide

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

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

25 (Source: P.A. 100-68, eff. 1-1-18; 100-176, eff. 1-1-18;  
26 100-191, eff. 1-1-18; 100-863, eff. 8-14-18.)

1 (325 ILCS 5/7.8)

2 Sec. 7.8. Upon receiving an oral or written report of  
3 suspected child abuse or neglect, the Department shall  
4 immediately notify, either orally or electronically, the Child  
5 Protective Service Unit of a previous report concerning a  
6 subject of the present report or other pertinent information.  
7 In addition, upon satisfactory identification procedures, to  
8 be established by Department regulation, any person authorized  
9 to have access to records under Section 11.1 relating to child  
10 abuse and neglect may request and shall be immediately provided  
11 the information requested in accordance with this Act. However,  
12 no information shall be released unless it prominently states  
13 the report is "indicated", and only information from  
14 "indicated" reports shall be released, except that information  
15 concerning pending reports may be released pursuant to Sections  
16 7.14 and 7.22 of this Act to the attorney or guardian ad litem  
17 appointed under Section 2-17 of the Juvenile Court Act of 1987  
18 and to any person authorized under paragraphs (1), (2), (3) and  
19 (11) of Section 11.1. In addition, State's Attorneys are  
20 authorized to receive unfounded reports (i) for prosecution  
21 purposes related to the transmission of false reports of child  
22 abuse or neglect in violation of subsection (a), paragraph (7)  
23 of Section 26-1 of the Criminal Code of 2012 or (ii) for the  
24 purposes of screening and prosecuting a petition filed under  
25 Article II of the Juvenile Court Act of 1987 alleging a

1 subsequent allegation of abuse or neglect relating to the same  
2 child, a sibling of the child, or the same perpetrator; the  
3 parties to the proceedings filed under Article II of the  
4 Juvenile Court Act of 1987 are entitled to receive copies of  
5 previously unfounded reports regarding the same child, a  
6 sibling of the child, or the same perpetrator for purposes of  
7 hearings under Sections 2-10 and 2-21 of the Juvenile Court Act  
8 of 1987, and attorneys and guardians ad litem appointed under  
9 Article II of the Juvenile Court Act of 1987 shall receive the  
10 reports set forth in Section 7.14 of this Act in conformance  
11 with paragraph (19) of Section 11.1 and Section 7.14 of this  
12 Act. The Department of Public Health shall receive information  
13 from unfounded reports involving children alleged to have been  
14 abused or neglected while hospitalized, including while  
15 hospitalized in freestanding psychiatric hospitals licensed by  
16 the Department of Public Health, as necessary for the  
17 Department of Public Health to conduct its licensing  
18 investigation. The Department is authorized and required to  
19 release information from unfounded reports, upon request by a  
20 person who has access to the unfounded report as provided in  
21 this Act, as necessary in its determination to protect children  
22 and adult residents who are in child care facilities licensed  
23 by the Department under the Child Care Act of 1969. The names  
24 and other identifying data and the dates and the circumstances  
25 of any persons requesting or receiving information from the  
26 central register shall be entered in the register record.

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

3 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

4 Sec. 11.1. Access to records.

5 (a) A person shall have access to the records described in  
6 Section 11 only in furtherance of purposes directly connected  
7 with the administration of this Act or the Intergovernmental  
8 Missing Child Recovery Act of 1984. Those persons and purposes  
9 for access include:

10 (1) Department staff in the furtherance of their  
11 responsibilities under this Act, or for the purpose of  
12 completing background investigations on persons or  
13 agencies licensed by the Department or with whom the  
14 Department contracts for the provision of child welfare  
15 services.

16 (2) A law enforcement agency investigating known or  
17 suspected child abuse or neglect, known or suspected  
18 involvement with child pornography, known or suspected  
19 criminal sexual assault, known or suspected criminal  
20 sexual abuse, or any other sexual offense when a child is  
21 alleged to be involved.

22 (3) The Department of State Police when administering  
23 the provisions of the Intergovernmental Missing Child  
24 Recovery Act of 1984.

25 (4) A physician who has before him a child whom he



1 reasonably suspects may be abused or neglected.

2 (5) A person authorized under Section 5 of this Act to  
3 place a child in temporary protective custody when such  
4 person requires the information in the report or record to  
5 determine whether to place the child in temporary  
6 protective custody.

7 (6) A person having the legal responsibility or  
8 authorization to care for, treat, or supervise a child, or  
9 a parent, prospective adoptive parent, foster parent,  
10 guardian, or other person responsible for the child's  
11 welfare, who is the subject of a report.

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

16 (8) A court, upon its finding that access to such  
17 records may be necessary for the determination of an issue  
18 before such court; however, such access shall be limited to  
19 in camera inspection, unless the court determines that  
20 public disclosure of the information contained therein is  
21 necessary for the resolution of an issue then pending  
22 before it.

23 (8.1) A probation officer or other authorized  
24 representative of a probation or court services department  
25 conducting an investigation ordered by a court under the  
26 Juvenile Court Act of 1987.

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

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

6           (11) Law enforcement agencies, coroners or medical  
7 examiners, physicians, courts, school superintendents and  
8 child welfare agencies in other states who are responsible  
9 for child abuse or neglect investigations or background  
10 investigations.

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

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

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

22           (15) The operator of a licensed child care facility or  
23 a facility licensed by the Department of Human Services (as  
24 successor to the Department of Alcoholism and Substance  
25 Abuse) in which children reside when a current or  
26 prospective employee of that facility is the perpetrator in

1 an indicated child abuse or neglect report, pursuant to  
2 Section 4.3 of the Child Care Act of 1969.

3 (16) Members of a multidisciplinary team in the  
4 furtherance of its responsibilities under subsection (b)  
5 of Section 7.1. All reports concerning child abuse and  
6 neglect made available to members of such  
7 multidisciplinary teams and all records generated as a  
8 result of such reports shall be confidential and shall not  
9 be disclosed, except as specifically authorized by this Act  
10 or other applicable law. It is a Class A misdemeanor to  
11 permit, assist or encourage the unauthorized release of any  
12 information contained in such reports or records. Nothing  
13 contained in this Section prevents the sharing of reports  
14 or records relating or pertaining to the death of a minor  
15 under the care of or receiving services from the Department  
16 of Children and Family Services and under the jurisdiction  
17 of the juvenile court with the juvenile court, the State's  
18 Attorney, and the minor's attorney.

19 (17) The Department of Human Services, as provided in  
20 Section 17 of the Rehabilitation of Persons with  
21 Disabilities Act.

22 (18) Any other agency or investigative body, including  
23 the Department of Public Health and a local board of  
24 health, authorized by State law to conduct an investigation  
25 into the quality of care provided to children in hospitals  
26 and other State regulated care facilities. ~~The access to~~

1 ~~and release of information from such records shall be~~  
2 ~~subject to the approval of the Director of the Department~~  
3 ~~or his designee.~~

4 (19) The person appointed, under Section 2-17 of the  
5 Juvenile Court Act of 1987, as the guardian ad litem of a  
6 minor who is the subject of a report or records under this  
7 Act; or the person appointed, under Section 5-610 of the  
8 Juvenile Court Act of 1987, as the guardian ad litem of a  
9 minor who is in the custody or guardianship of the  
10 Department or who has an open intact family services case  
11 with the Department and who is the subject of a report or  
12 records made pursuant to this Act.

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

21 (b) Nothing contained in this Act prevents the sharing or  
22 disclosure of information or records relating or pertaining to  
23 juveniles subject to the provisions of the Serious Habitual  
24 Offender Comprehensive Action Program when that information is  
25 used to assist in the early identification and treatment of  
26 habitual juvenile offenders.

1           (c) To the extent that persons or agencies are given access  
2 to information pursuant to this Section, those persons or  
3 agencies may give this information to and receive this  
4 information from each other in order to facilitate an  
5 investigation conducted by those persons or agencies.

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