



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4832

Introduced 2/18/2020, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

325 ILCS 5/7.4

from Ch. 23, par. 2057.4

Amends the Abused and Neglected Child Reporting Act. Provides that if there have been 3 or more reports of suspected child abuse or neglect of a child and the Department of Children and Family Services did not conclude in its reports that it found evidence of abuse or neglect during the first 2 visits to the child's home, a local law enforcement officer or State's Attorney, or his or her designee in the appropriate county, shall accompany the Department's investigator to the child's home and make a report with his or her own findings and conclusions on (i) whether or not abuse or neglect exists and (ii) whether or not action should be taken to provide services to the parent or parents or to remove the child or children from the home.

LRB101 18172 KTG 67614 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) (from Ch. 23, par. 2057.4)

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

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

1 For purposes of this subsection (a-5), "family assessment"
2 means a comprehensive assessment of child safety, risk of
3 subsequent child maltreatment, and family strengths and needs
4 that is applied to a child maltreatment report that does not
5 allege substantial child endangerment. "Family assessment"
6 does not include a determination as to whether child
7 maltreatment occurred but does determine the need for services
8 to address the safety of family members and the risk of
9 subsequent maltreatment.

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

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

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

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

25 (3) May conduct a family assessment for reports that do
26 not allege substantial child endangerment. In determining

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

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

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

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

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

20 During a family assessment, the Department shall collect
21 any available and relevant information to determine child
22 safety, risk of subsequent abuse or neglect, and family
23 strengths.

24 Information collected includes, but is not limited to, when
25 relevant: information with regard to the person reporting the
26 alleged abuse or neglect, including the nature of the

1 reporter's relationship to the child and to the alleged
2 offender, and the basis of the reporter's knowledge for the
3 report; the child allegedly being abused or neglected; the
4 alleged offender; the child's caretaker; and other collateral
5 sources having relevant information related to the alleged
6 abuse or neglect. Information relevant to the assessment must
7 be asked for, and may include:

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

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

18 (C) Collateral source information regarding the
19 alleged abuse or neglect and care of the child. Collateral
20 information includes, when relevant: (i) a medical
21 examination of the child; (ii) prior medical records
22 relating to the alleged maltreatment or care of the child
23 maintained by any facility, clinic, or health care
24 professional, and an interview with the treating
25 professionals; and (iii) interviews with the child's
26 caretakers, including the child's parent, guardian, foster

1 parent, child care provider, teachers, counselors, family
2 members, relatives, and other persons who may have
3 knowledge regarding the alleged maltreatment and the care
4 of the child.

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

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

13 After conducting the family assessment, the Department
14 shall determine whether services are needed to address the
15 safety of the child and other family members and the risk of
16 subsequent abuse or neglect.

17 Upon completion of the family assessment, if the Department
18 concludes that no services shall be offered, then the case
19 shall be closed. If the Department concludes that services
20 shall be offered, the Department shall develop a family
21 preservation plan and offer or refer services to the family.

22 At any time during a family assessment, if the Department
23 believes there is any reason to stop the assessment and conduct
24 an investigation based on the information discovered, the
25 Department shall do so.

26 The procedures available to the Department in conducting

1 investigations under this Act shall be followed as appropriate
2 during a family assessment.

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

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

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

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

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

1 authorized by subsection (a-5) or begin an initial
2 investigation and make an initial determination whether the
3 report is a good faith indication of alleged child abuse or
4 neglect.

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

1 providing or arranging for comprehensive emergency services to
2 children and families at all times of the day or night.

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

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

26 (1) Investigations involving teachers shall not, to

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

1 information that supports his or her position and to
2 provide information before a final finding is entered.

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

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

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

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

25 (c-10) The Department may recommend that a school district
26 remove a school employee who is the subject of an investigation

1 from his or her employment position pending the outcome of the
2 investigation; however, all employment decisions regarding
3 school personnel shall be the sole responsibility of the school
4 district or employer. The Department may not require a school
5 district to remove a school employee from his or her employment
6 position or limit the school employee's duties pending the
7 outcome of an investigation.

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

23 (d-1) Whenever a report alleges that a child was abused or
24 neglected while receiving care in a hospital, including a
25 freestanding psychiatric hospital licensed by the Department
26 of Public Health, the Department shall send a copy of its final

1 finding to the Director of Public Health and the Director of
2 Healthcare and Family Services.

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

26 (f) For purposes of this Section, "child abuse or neglect"

1 includes abuse or neglect of an adult resident as defined in
2 this Act.

3 (g) If there have been 3 or more reports of suspected child
4 abuse or neglect of a child and the Department did not conclude
5 in its reports that it found evidence of abuse or neglect
6 during the first 2 visits to the child's home, a local law
7 enforcement officer or State's Attorney, or his or her designee
8 in the appropriate county, shall accompany the Department's
9 investigator to the child's home and make a report with his or
10 her own findings and conclusions on (i) whether or not abuse or
11 neglect exists and (ii) whether or not action should be taken
12 to provide services to the parent or parents or to remove the
13 child or children from the home.

14 (Source: P.A. 100-68, eff. 1-1-18; 100-176, eff. 1-1-18;
15 100-191, eff. 1-1-18; 100-863, eff. 8-14-18; 101-43, eff.
16 1-1-20.)