

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

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

22 (2) If it appears that the immediate safety or  
23 well-being of a child is endangered, that the family may  
24 flee or the child disappear, or that the facts otherwise  
25 so warrant, the Child Protective Service Unit shall  
26 commence an investigation immediately, regardless of the  
27 time of day or night. In all other cases, investigation  
28 shall be commenced within 24 hours of receipt of the  
29 report. Upon receipt of a report, the Child Protective  
30 Service Unit shall make an initial investigation and an  
31 initial determination whether the report is a good faith

1           indication of alleged child abuse or neglect.

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

29          (4) If (i) at the conclusion of the Unit's initial  
30          investigation of a report, the Unit determines the report  
31          to be a good faith indication of alleged child abuse or  
32          neglect that warrants a formal investigation by the Unit,  
33          the Department, any law enforcement agency or any other  
34          responsible agency and (ii) the person who is alleged to

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

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

19 (1) Investigations involving teachers shall not, to  
20 the extent possible, be conducted when the teacher is  
21 scheduled to conduct classes. Investigations involving  
22 other school employees shall be conducted so as to  
23 minimize disruption of the school day. The school  
24 employee accused of child abuse or neglect may have his  
25 superior, his association or union representative and his  
26 attorney present at any interview or meeting at which the  
27 teacher or administrator is present. The accused school  
28 employee shall be informed by a representative of the  
29 Department, at any interview or meeting, of the accused  
30 school employee's due process rights and of the steps in  
31 the investigation process. The information shall include,  
32 but need not necessarily be limited to the right, subject  
33 to the approval of the Department, of the school employee  
34 to confront the accuser, if the accuser is 14 years of

1 age or older, or the right to review the specific  
2 allegations which gave rise to the investigation, and the  
3 right to review all materials and evidence that have been  
4 submitted to the Department in support of the allegation.  
5 These due process rights shall also include the right of  
6 the school employee to present countervailing evidence  
7 regarding the accusations.

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

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

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

23 (d) If the Department has contact with an employer, or  
24 with 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  
27 investigation, the Department shall notify the employer or  
28 the religious institution or religious official, in writing,  
29 when a report is unfounded so that any record of the  
30 investigation can be expunged from the employee's or member  
31 of the clergy's personnel or other records. The Department  
32 shall also notify the employee or the member of the clergy,  
33 in writing, that notification has been sent to the employer  
34 or to the appropriate religious institution or religious

1 official informing the employer or religious institution or  
2 religious official that the Department's investigation has  
3 resulted in an unfounded report.

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

28 (f) If an employee of the Department involved in making  
29 an initial or formal investigation of a report of suspected  
30 abuse or neglect of a child intentionally makes a false  
31 finding or intentionally misrepresents a fact in connection  
32 with the investigation, and that false finding or  
33 misrepresentation is material in determining whether the  
34 report is "indicated" or "unfounded", the person is guilty of

1 a Class A misdemeanor.

2 (Source: P.A. 91-239, eff. 1-1-00; 92-801, eff. 8-16-02.)