

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.)