



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0616

Introduced 2/5/2007, by Rep. Thomas Holbrook - Ron Stephens

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4.2

Amends the Abused and Neglected Child Reporting Act. Requires the Department of Children and Family Services to investigate and report on cases involving a serious life-threatening injury of a child (as well as cases involving the death of a child). Makes changes concerning the information that must be contained in the Department's reports. Provides that in any case involving the death or near death of a child, when a person responsible for the child has been charged with committing a crime that results in the child's death or near death, there shall be a presumption that the best interest of the public will be served by public disclosure of certain information concerning the circumstances of the investigations of the death or near death of the child and any other investigations concerning that child or other children living in the same household. Makes other changes concerning the release of such information.

LRB095 05209 DRJ 25283 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 4.2 as follows:

6 (325 ILCS 5/4.2)

7 Sec. 4.2. Departmental report on death or serious
8 life-threatening injury of child.

9 (a) In the case of the death or serious life-threatening
10 injury of a child whose care and custody or custody and
11 guardianship has been transferred to the Department, or in the
12 case of a child abuse or neglect report made to the central
13 register involving the death of a child, the Department shall
14 (i) investigate or provide for an investigation of the cause of
15 and circumstances surrounding the death or serious
16 life-threatening injury, (ii) review the investigation, and
17 (iii) prepare and issue a report on the death or serious
18 life-threatening injury.

19 (b) The report shall include (i) the cause of death or
20 serious life-threatening injury, whether from natural or other
21 causes, (ii) ~~identification of child protective or other~~
22 ~~services provided or actions taken regarding the child and his~~
23 ~~or her family, (iii) any extraordinary or pertinent information~~

1 concerning the circumstances of the child's death or serious
2 life-threatening injury, (iii) identification of child
3 protective or other social services provided or actions taken
4 regarding the child or his or her family at the time of the
5 death or serious life-threatening injury or within the
6 preceding 5 years, (iv) ~~whether the child or the child's family~~
7 ~~had received assistance, care, or services from the social~~
8 ~~services district prior to the child's death, (v) any action or~~
9 further investigation undertaken by the Department since the
10 death or serious life-threatening injury of the child, (v) and
11 ~~(vi)~~ as appropriate, recommendations for State administrative
12 or policy changes, and (vi) whether the alleged perpetrator of
13 the abuse or neglect has been charged with committing a crime
14 related to the report and allegation of abuse or neglect. In
15 any case involving the death or near death of a child, when a
16 person responsible for the child has been charged with
17 committing a crime that results in the child's death or near
18 death, there shall be a presumption that the best interest of
19 the public will be served by public disclosure of certain
20 information concerning the circumstances of the investigations
21 of the death or near death of the child and any other
22 investigations concerning that child or other children living
23 in the same household.

24 If the Department receives from the public a request for
25 information relating to a case of child abuse or neglect
26 involving the death or serious life-threatening injury of a

1 child, the Director shall consult with the State's Attorney in
2 the county of venue and release the report related to the case,
3 except for the following, which may be redacted from the
4 information disclosed to the public: any mental health or
5 psychological information that is confidential as otherwise
6 provided in State law; privileged communications of an
7 attorney; the identity of the individual or individuals, if
8 known, who made the report; information that may cause mental
9 or physical harm to a sibling or another child living in the
10 household; information that may undermine an ongoing criminal
11 investigation; and any information prohibited from disclosure
12 by federal law or regulation. Any information provided by an
13 adult subject of a report that is released about the case in a
14 public forum shall be subject to disclosure upon a public
15 information request. Information about the case shall also be
16 subject to disclosure upon consent of an adult subject.
17 Information about the case shall also be subject to disclosure
18 if it has been publicly disclosed in a report by a law
19 enforcement agency or official, a State's Attorney, a judge, or
20 any other State or local investigative agency or official. The
21 ~~report shall contain no information that would identify the~~
22 ~~name of the deceased child, his or her siblings, the parent or~~
23 ~~other person legally responsible for the child, or any other~~
24 ~~members of the child's household, but shall refer instead to~~
25 ~~the case, which may be denoted in any fashion determined~~
26 ~~appropriate by the Department. In making a fatality report~~

1 ~~available to the public pursuant to subsection (c) of this~~
2 ~~Section, the Department may respond to a child specific request~~
3 ~~for a report if the Department determines that the disclosure~~
4 ~~is not contrary to the best interests of the deceased child's~~
5 ~~siblings or other children in the household.~~ Except as it may
6 apply directly to the cause of the death or serious
7 life-threatening injury of the child, nothing in this Section
8 shall be deemed to authorize the release or disclosure to the
9 public of the substance or content of any psychological,
10 psychiatric, therapeutic, clinical, or medical reports,
11 evaluation, or like materials or information pertaining to the
12 child or the child's family.

13 (c) No later than 6 months after the date of the death or
14 serious life-threatening injury of the child, the Department
15 shall ~~complete its report. The Department shall~~ notify the
16 President of the Senate, the Minority Leader of the Senate, the
17 Speaker of the House of Representatives, the Minority Leader of
18 the House of Representatives, and the members of the Senate and
19 the House of Representatives in whose district the child's
20 death or serious life-threatening injury occurred upon the
21 completion of each report and shall submit an annual cumulative
22 report to the Governor and the General Assembly incorporating
23 cumulative ~~the~~ data about ~~in~~ the above reports and including
24 appropriate findings and recommendations. The reports required
25 by this subsection (c) ~~concerning the death of a child and the~~
26 ~~cumulative reports~~ shall be made available to the public after

1 completion or submittal.

2 (d) To enable the Department to prepare the report, the
3 Department may request and shall timely receive from
4 departments, boards, bureaus, or other agencies of the State,
5 or any of its political subdivisions, or any duly authorized
6 agency, or any other agency which provided assistance, care, or
7 services to the deceased or injured child any information they
8 are authorized to provide.

9 (Source: P.A. 90-15, eff. 6-13-97.)