

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 2. The Child Death Review Team Act is amended by
5 changing Sections 20 and 40 as follows:

6 (20 ILCS 515/20)

7 Sec. 20. Reviews of child deaths.

8 (a) Every child death shall be reviewed by the team in the
9 subregion which has primary case management responsibility.

10 The deceased child must be one of the following:

11 (1) A ward of the Department.

12 (2) The subject of an open service case maintained by
13 the Department.

14 (3) The subject of a pending child abuse or neglect
15 investigation.

16 (4) A child who was the subject of an abuse or neglect
17 investigation at any time during the 12 months preceding
18 the child's death.

19 (5) Any other child whose death is reported to the
20 State central register as a result of alleged child abuse
21 or neglect which report is subsequently indicated.

22 A child death review team may, at its discretion, review
23 other sudden, unexpected, or unexplained child deaths.

1 (b) A child death review team's purpose in conducting
2 reviews of child deaths is to do the following:

3 (1) Assist in determining the cause and manner of the
4 child's death, when requested.

5 (2) Evaluate means by which the death might have been
6 prevented.

7 (3) Report its findings to appropriate agencies and
8 make recommendations that may help to reduce the number of
9 child deaths caused by abuse or neglect.

10 (4) Promote continuing education for professionals
11 involved in investigating, treating, and preventing child
12 abuse and neglect as a means of preventing child deaths due
13 to abuse or neglect.

14 (5) Make specific recommendations to the Director and
15 the Inspector General of the Department concerning the
16 prevention of child deaths due to abuse or neglect and the
17 establishment of protocols for investigating child deaths.

18 (c) A child death review team shall review a child death as
19 soon as practical and not later than 90 days following the
20 completion by the Department of the investigation of the death
21 under the Abused and Neglected Child Reporting Act. When there
22 has been no investigation by the Department, the child death
23 review team shall review a child's death within 90 days after
24 obtaining the information necessary to complete the review from
25 the coroner, pathologist, medical examiner, or law enforcement
26 agency, depending on the nature of the case. A child death

1 review team shall meet at least once in each calendar quarter.

2 (d) The Director shall, within 90 days, review and reply to
3 recommendations made by a team under item (5) of subsection
4 (b). With respect to each recommendation made by a team, the
5 Director shall submit his or her reply both to the chairperson
6 of that team and to the chairperson of the Executive Council.
7 The Director's reply to each recommendation must include a
8 statement as to whether the Director intends to implement the
9 recommendation.

10 The Director shall implement recommendations as feasible
11 and appropriate and shall respond in writing to explain the
12 implementation or nonimplementation of the recommendations.

13 (e) Within 90 days after the Director submits a reply with
14 respect to a recommendation as required by subsection (d), the
15 Director must submit an additional report that sets forth in
16 detail the way, if any, in which the Director will implement
17 the recommendation and the schedule for implementing the
18 recommendation. The Director shall submit this report to the
19 chairperson of the team that made the recommendation and to the
20 chairperson of the Executive Council.

21 (f) Within 180 days after the Director submits a report
22 under subsection (e) concerning the implementation of a
23 recommendation, the Director shall submit a further report to
24 the chairperson of the team that made the recommendation and to
25 the chairperson of the Executive Council. This report shall set
26 forth the specific changes in the Department's policies and

1 procedures that have been made in response to the
2 recommendation.

3 (Source: P.A. 90-239, eff. 7-28-97; 90-608, eff. 6-30-98.)

4 (20 ILCS 515/40)

5 Sec. 40. Illinois Child Death Review Teams Executive
6 Council.

7 (a) The Illinois Child Death Review Teams Executive
8 Council, consisting of the chairpersons of the 9 child death
9 review teams in Illinois, is the coordinating and oversight
10 body for child death review teams and activities in Illinois.
11 The vice-chairperson of a child death review team, as
12 designated by the chairperson, may serve as a back-up member or
13 an alternate member of the Executive Council, if the
14 chairperson of the child death review team is unavailable to
15 serve on the Executive Council. The Inspector General of the
16 Department, ex officio, is a non-voting member of the Executive
17 Council. The Director may appoint to the Executive Council any
18 ex-officio members deemed necessary. Persons with expertise
19 needed by the Executive Council may be invited to meetings. The
20 Executive Council must select from its members a chairperson
21 and a vice-chairperson, each to serve a 2-year, renewable term.

22 The Executive Council must meet at least 4 times during
23 each calendar year. At each such meeting, in addition to any
24 other matters under consideration, the Executive Council shall
25 review all replies and reports received from the Director

1 pursuant to subsections (d), (e), and (f) of Section 20 since
2 the Executive Council's previous meeting. The Executive
3 Council's review must include consideration of the Director's
4 proposed manner of and schedule for implementing each
5 recommendation made by a child death review team.

6 (b) The Department must provide or arrange for the staff
7 support necessary for the Executive Council to carry out its
8 duties. The Director, in cooperation and consultation with the
9 Executive Council, shall appoint, reappoint, and remove team
10 members.

11 (c) The Executive Council has, but is not limited to, the
12 following duties:

13 (1) To serve as the voice of child death review teams
14 in Illinois.

15 (2) To oversee the regional teams in order to ensure
16 that the teams' work is coordinated and in compliance with
17 the statutes and the operating protocol.

18 (3) To ensure that the data, results, findings, and
19 recommendations of the teams are adequately used to make
20 any necessary changes in the policies, procedures, and
21 statutes in order to protect children in a timely manner.

22 (4) To collaborate with the General Assembly, the
23 Department, and others in order to develop any legislation
24 needed to prevent child fatalities and to protect children.

25 (5) To assist in the development of quarterly and
26 annual reports based on the work and the findings of the

1 teams.

2 (6) To ensure that the regional teams' review processes
3 are standardized in order to convey data, findings, and
4 recommendations in a usable format.

5 (7) To serve as a link with child death review teams
6 throughout the country and to participate in national child
7 death review team activities.

8 (8) To develop an annual statewide symposium to update
9 the knowledge and skills of child death review team members
10 and to promote the exchange of information between teams.

11 (9) To provide the child death review teams with the
12 most current information and practices concerning child
13 death review and related topics.

14 (10) To perform any other functions necessary to
15 enhance the capability of the child death review teams to
16 reduce and prevent child injuries and fatalities.

17 (c-5) The Executive Council shall prepare an annual report.
18 The report must include, but need not be limited to, (i) each
19 recommendation made by a child death review team pursuant to
20 item (5) of subsection (b) of Section 20 during the period
21 covered by the report, (ii) the Director's proposed schedule
22 for implementing each such recommendation, and (iii) a
23 description of the specific changes in the Department's
24 policies and procedures that have been made in response to the
25 recommendation. The Executive Council shall send a copy of its
26 annual report to each of the following:

1 (1) The Governor.

2 (2) Each member of the Senate or the House of
3 Representatives whose legislative district lies wholly or
4 partly within the region covered by any child death review
5 team whose recommendation is addressed in the annual
6 report.

7 (3) Each member of each child death review team in the
8 State.

9 (d) In any instance when a child death review team does not
10 operate in accordance with established protocol, the Director,
11 in consultation and cooperation with the Executive Council,
12 must take any necessary actions to bring the team into
13 compliance with the protocol.

14 (Source: P.A. 92-468, eff. 8-22-01.)

15 Section 5. The Abused and Neglected Child Reporting Act is
16 amended by changing Section 4.2 as follows:

17 (325 ILCS 5/4.2)

18 Sec. 4.2. Departmental report on death or serious
19 life-threatening injury of child.

20 (a) In the case of the death or serious life-threatening
21 injury of a child whose care and custody or custody and
22 guardianship has been transferred to the Department, or in the
23 case of a child abuse or neglect report made to the central
24 register involving the death of a child, the Department shall

1 (i) investigate or provide for an investigation of the cause of
2 and circumstances surrounding the death or serious
3 life-threatening injury, (ii) review the investigation, and
4 (iii) prepare and issue a report on the death or serious
5 life-threatening injury.

6 (b) The report shall include (i) the cause of death or
7 serious life-threatening injury, whether from natural or other
8 causes, (ii) ~~identification of child protective or other~~
9 ~~services provided or actions taken regarding the child and his~~
10 ~~or her family~~, (iii) any extraordinary or pertinent information
11 concerning the circumstances of the child's death or serious
12 life-threatening injury, (iii) identification of child
13 protective or other social services provided or actions taken
14 regarding the child or his or her family at the time of the
15 death or serious life-threatening injury or within the
16 preceding 5 years, (iv) ~~whether the child or the child's family~~
17 ~~had received assistance, care, or services from the social~~
18 ~~services district prior to the child's death~~, (v) any action or
19 further investigation undertaken by the Department since the
20 death or serious life-threatening injury of the child, (v) and
21 ~~(vi)~~ as appropriate, recommendations for State administrative
22 or policy changes, and (vi) whether the alleged perpetrator of
23 the abuse or neglect has been charged with committing a crime
24 related to the report and allegation of abuse or neglect. In
25 any case involving the death or near death of a child, when a
26 person responsible for the child has been charged with

1 committing a crime that results in the child's death or near
2 death, there shall be a presumption that the best interest of
3 the public will be served by public disclosure of certain
4 information concerning the circumstances of the investigations
5 of the death or near death of the child and any other
6 investigations concerning that child or other children living
7 in the same household.

8 If the Department receives from the public a request for
9 information relating to a case of child abuse or neglect
10 involving the death or serious life-threatening injury of a
11 child, the Director shall consult with the State's Attorney in
12 the county of venue and release the report related to the case,
13 except for the following, which may be redacted from the
14 information disclosed to the public: any mental health or
15 psychological information that is confidential as otherwise
16 provided in State law; privileged communications of an
17 attorney; the identity of the individual or individuals, if
18 known, who made the report; information that may cause mental
19 or physical harm to a sibling or another child living in the
20 household; information that may undermine an ongoing criminal
21 investigation; and any information prohibited from disclosure
22 by federal law or regulation. Any information provided by an
23 adult subject of a report that is released about the case in a
24 public forum shall be subject to disclosure upon a public
25 information request. Information about the case shall also be
26 subject to disclosure upon consent of an adult subject.

1 Information about the case shall also be subject to disclosure
2 if it has been publicly disclosed in a report by a law
3 enforcement agency or official, a State's Attorney, a judge, or
4 any other State or local investigative agency or official. ~~The~~
5 ~~report shall contain no information that would identify the~~
6 ~~name of the deceased child, his or her siblings, the parent or~~
7 ~~other person legally responsible for the child, or any other~~
8 ~~members of the child's household, but shall refer instead to~~
9 ~~the case, which may be denoted in any fashion determined~~
10 ~~appropriate by the Department. In making a fatality report~~
11 ~~available to the public pursuant to subsection (c) of this~~
12 ~~Section, the Department may respond to a child specific request~~
13 ~~for a report if the Department determines that the disclosure~~
14 ~~is not contrary to the best interests of the deceased child's~~
15 ~~siblings or other children in the household.~~ Except as it may
16 apply directly to the cause of the death or serious
17 life-threatening injury of the child, nothing in this Section
18 shall be deemed to authorize the release or disclosure to the
19 public of the substance or content of any psychological,
20 psychiatric, therapeutic, clinical, or medical reports,
21 evaluation, or like materials or information pertaining to the
22 child or the child's family.

23 (c) No later than 6 months after the date of the death or
24 serious life-threatening injury of the child, the Department
25 shall ~~complete its report.~~ ~~The Department shall~~ notify the
26 President of the Senate, the Minority Leader of the Senate, the

1 Speaker of the House of Representatives, the Minority Leader of
2 the House of Representatives, and the members of the Senate and
3 the House of Representatives in whose district the child's
4 death or serious life-threatening injury occurred upon the
5 completion of each report and shall submit an annual cumulative
6 report to the Governor and the General Assembly incorporating
7 cumulative ~~the~~ data about ~~in~~ the above reports and including
8 appropriate findings and recommendations. The reports required
9 by this subsection (c) ~~concerning the death of a child and the~~
10 ~~cumulative reports~~ shall be made available to the public after
11 completion or submittal.

12 (d) To enable the Department to prepare the report, the
13 Department may request and shall timely receive from
14 departments, boards, bureaus, or other agencies of the State,
15 or any of its political subdivisions, or any duly authorized
16 agency, or any other agency which provided assistance, care, or
17 services to the deceased or injured child any information they
18 are authorized to provide.

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