

HB3835



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3835

Introduced 10/19/2011, by Rep. Paul Evans

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4.2

Amends the Abused and Neglected Child Reporting Act. Provides that a copy of any documents, files, records, books, and papers created or used in connection with the Department of Children and Family Services' investigation of a child's death or serious life-threatening injury shall be included in the Department's investigation report.

LRB097 12439 KTG 56921 b

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) any extraordinary or pertinent information
22 concerning the circumstances of the child's death or serious
23 life-threatening injury, (iii) identification of child

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

23 If the Department receives from the public a request for
24 information relating to a case of child abuse or neglect
25 involving the death or serious life-threatening injury of a
26 child, the Director shall consult with the State's Attorney in

1 the county of venue and release the report related to the case,
2 except for the following, which may be redacted from the
3 information disclosed to the public: any mental health or
4 psychological information that is confidential as otherwise
5 provided in State law; privileged communications of an
6 attorney; the identity of the individual or individuals, if
7 known, who made the report; information that may cause mental
8 or physical harm to a sibling or another child living in the
9 household; information that may undermine an ongoing criminal
10 investigation; and any information prohibited from disclosure
11 by federal law or regulation. Any information provided by an
12 adult subject of a report that is released about the case in a
13 public forum shall be subject to disclosure upon a public
14 information request. Information about the case shall also be
15 subject to disclosure upon consent of an adult subject.
16 Information about the case shall also be subject to disclosure
17 if it has been publicly disclosed in a report by a law
18 enforcement agency or official, a State's Attorney, a judge, or
19 any other State or local investigative agency or official.
20 Except as it may apply directly to the cause of the death or
21 serious life-threatening injury of the child, nothing in this
22 Section shall be deemed to authorize the release or disclosure
23 to the public of the substance or content of any psychological,
24 psychiatric, therapeutic, clinical, or medical reports,
25 evaluation, or like materials or information pertaining to the
26 child or the child's family.

1 (c) No later than 6 months after the date of the death or
2 serious life-threatening injury of the child, the Department
3 shall notify the President of the Senate, the Minority Leader
4 of the Senate, the Speaker of the House of Representatives, the
5 Minority Leader of the House of Representatives, and the
6 members of the Senate and the House of Representatives in whose
7 district the child's death or serious life-threatening injury
8 occurred upon the completion of each report and shall submit an
9 annual cumulative report to the Governor and the General
10 Assembly incorporating cumulative data about the above reports
11 and including appropriate findings and recommendations. The
12 reports required by this subsection (c) shall be made available
13 to the public after completion or submittal.

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

21 (Source: P.A. 95-405, eff. 6-1-08.)