



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5990

by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

55 ILCS 80/2	from Ch. 23, par. 1802
55 ILCS 80/2.5 new	
55 ILCS 80/3	from Ch. 23, par. 1803
55 ILCS 80/4	from Ch. 23, par. 1804

Amends the Children's Advocacy Center Act. Makes legislative findings. Defines required terms. Modifies the composition of the Advisory Board. Sets forth requirements for establishing a written protocol. Expands the list of components of a Child Advocacy Center's investigation into child maltreatment cases. Makes other changes.

LRB098 16906 JLK 51981 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Children's Advocacy Center Act is amended by  
5 changing Sections 2, 3, and 4 and by adding Section 2.5 as  
6 follows:

7 (55 ILCS 80/2) (from Ch. 23, par. 1802)

8 Sec. 2. Legislative findings.

9 (a) The General Assembly finds that the creation  
10 ~~establishment~~ of Children's Advocacy Centers ("CACs")  
11 accredited throughout the State of Illinois shall provide a  
12 formal, comprehensive, integrated, and multidisciplinary  
13 response to the investigation and disposition of reports of  
14 child maltreatment; by expediting and improving the validation  
15 or invalidation of such allegations for the benefit of  
16 children, their families and accused perpetrators; by  
17 requiring the use of collaborative decision making and case  
18 management, thereby reducing the number of times children are  
19 questioned and examined, thus preventing further trauma of  
20 children; by coordinating therapeutic intervention and  
21 services thereby providing safety and treatment for child  
22 victims and their families; by developing communication, case  
23 coordination, and information sharing policies and protocols

1 among allied professionals and agencies who play a role in  
2 child protection in a given jurisdiction; by collecting data to  
3 report to partner agencies, the community, and the General  
4 Assembly, and to use in continually improving collaborative  
5 multidisciplinary investigations; and, by maintaining the  
6 confidentiality of client records and records from partner  
7 agencies, to ensure the protection of the privacy of children,  
8 their families and accused perpetrators. A CAC organized and  
9 operating under this Act may accept, receive and disburse in  
10 furtherance of its duties and functions any funds, grants and  
11 services made available by the State of Illinois and its  
12 agencies, the federal government and its agencies, a unit of  
13 local government, or private or civic sources. Any  
14 multidisciplinary team member assigned to a specific CAC shall  
15 remain an employee of the original agency. To the extent  
16 permitted by applicable law, participating entities shall  
17 maintain the confidentiality of case-related information which  
18 includes, but is not limited to, case review discussions, case  
19 review notes, written reports and records, and verbal exchanges  
20 ~~is desirable to coordinate the investigation, prosecution and~~  
21 ~~treatment referral of child sexual abuse.~~

22 ~~Further, the General Assembly finds that the creation of an~~  
23 ~~advisory board is desirable to develop a coordinated protocol~~  
24 ~~for the handling of child sexual abuse cases among various~~  
25 ~~agencies responsible for investigation, prosecution and~~  
26 ~~treatment referral and that such agencies should be encouraged~~

1 ~~to adopt such a coordinated protocol.~~

2 (b) The General Assembly further finds that the most  
3 precious resource in the State of Illinois is our children. The  
4 protection of children from physical abuse, sexual abuse and  
5 exploitation, and neglect, hereinafter "child maltreatment,"  
6 is at the core of the duties and fundamental responsibilities  
7 of the General Assembly and provides the highest compelling  
8 interest to create and maintain a system to effectively respond  
9 to reports of child maltreatment and protect children from  
10 harm.

11 (Source: P.A. 86-276.)

12 (55 ILCS 80/2.5 new)

13 Sec. 2.5. Definitions. As used in this Section:

14 "Accreditation" means the process in which certification  
15 of competency, authority, or credibility is presented by  
16 standards set by the National Children's Alliance to ensure  
17 effective, efficient and consistent delivery of services by a  
18 CAC.

19 "Child maltreatment" includes any act or occurrence, as  
20 defined in Section 5 of the Criminal Code of 2012, under the  
21 Children and Family Services Act or the Juvenile Court Act  
22 involving either a child victim or child witness.

23 "Forensic interview" means an interview between a trained  
24 forensic interviewer, as defined by NCA standards, and a child  
25 in which the interviewer obtains information from children in

1 an unbiased and fact finding manner that is developmentally  
2 appropriate and culturally sensitive to support accurate and  
3 fair decision making by the multidisciplinary team in the  
4 criminal justice and child protection systems. Whenever  
5 practical, all parties involved in investigating reports of  
6 child maltreatment shall observe the interview, which shall be  
7 digitally recorded.

8 "Multidisciplinary team" or "MDT" means a group of  
9 professionals working collaboratively under a written  
10 protocol, who represent various disciplines from the point of a  
11 report of child maltreatment to assure the most effective  
12 coordinated response possible for every child. Employees from  
13 each participating entity shall be included on the MDT. A CAC's  
14 MDT must include professionals involved in the coordination,  
15 investigation, and prosecution of child abuse cases, including  
16 the CAC's staff, participating law enforcement agencies, the  
17 county state's attorney, and the Illinois Department of  
18 Children and Family Services, and must include professionals  
19 involved in the delivery of services to victims of child  
20 maltreatment and non-offending parent or parents, caregiver,  
21 and their families.

22 "National Children's Alliance" or "NCA" means the  
23 professional membership organization dedicated to helping  
24 local communities respond to allegations of child abuse in an  
25 effective and efficient manner. NCA provides training,  
26 support, technical assistance and leadership on a national

1 level to state and local CACs and communities responding to  
2 reports of child maltreatment. NCA is the national organization  
3 that provides the standards for CAC accreditation.

4 "Protocol" means a written methodology defining the  
5 responsibilities of each of the MDT members in the  
6 investigation and prosecution of child maltreatment within a  
7 defined jurisdiction. Written protocols are signed documents  
8 and are reviewed and/or updated annually, at a minimum, by a  
9 CAC's Advisory Board.

10 "Victim advocate" means a person responsible for  
11 advocating or supporting a child and/or a non-offending  
12 caregiver that has been referred to a CAC.

13 (55 ILCS 80/3) (from Ch. 23, par. 1803)

14 Sec. 3. Child Advocacy Advisory Board.

15 (a) Each county or group of counties in the State of  
16 Illinois shall establish a Child Advocacy Advisory Board  
17 ("Advisory Board").

18 Each of the following county officers or State agencies or  
19 allied professional entities shall designate a representative  
20 or representatives to serve on the Advisory Board: law  
21 enforcement within the appropriate jurisdiction(s), ~~the~~  
22 sheriff, the Illinois Department of Children and Family  
23 Services, the State's attorney, and the Children's Advocacy  
24 Center or Children's Advocacy Centers ~~the county mental health~~  
25 ~~department, and the Department of State Police.~~

1           The Advisory Board ~~chairman~~ may appoint additional members  
2 of the Advisory Board as is deemed necessary to accomplish the  
3 purposes of this Act, the additional members to include but not  
4 be limited to representatives of local law enforcement  
5 agencies, allied professionals, and the Circuit Courts.

6           (b) The Advisory Board shall have the authority to organize  
7 itself and appoint, assign, or elect leaders. The Advisory  
8 Board shall determine the voting rights of multiple members  
9 from the same agency or entity. ~~from among its members a~~  
10 ~~chairman and such other officers as are deemed necessary. Until~~  
11 ~~a chairman is so elected, the State's attorney shall serve as~~  
12 ~~interim chairman.~~

13           (c) The Advisory Board shall adopt, by a majority of the  
14 members, a written operational protocol. The Advisory Board  
15 shall, prior to finalization, submit a draft to the Children's  
16 Advocacy Center of Illinois ("CACI") for review and comments to  
17 ensure compliance with accreditation standards from NCA. After  
18 considering the comments of the CACI and upon finalization of  
19 its protocol, the Advisory Board shall file the protocol with  
20 the Department of Children and Family Services and the CACI. If  
21 requested, a copy shall be made available to the public by the  
22 local CAC. Each Advisory Board shall, on an annual basis,  
23 review and/or update the written protocol. Any changes made to  
24 the written protocol shall be approved by majority vote and,  
25 prior to finalization, a draft shall be submitted to the CACI  
26 for review and comments to ensure compliance with accreditation

1 standards from NCA. After considering the comments of the CACI  
2 and upon finalization of its protocol, the Advisory Board shall  
3 file the protocol with the Department of Children and Family  
4 Services and the CACI ~~child sexual abuse protocol within one~~  
5 ~~year after the effective date of this Act. An Advisory Board~~  
6 ~~adopting a protocol after the effective date of this amendatory~~  
7 ~~Act of 1996 shall, prior to finalization, submit its draft to~~  
8 ~~the Illinois Child Advocacy Commission for review and comments.~~  
9 ~~After considering the comments of the Illinois Child Advocacy~~  
10 ~~Commission and upon finalization of its protocol, the Advisory~~  
11 ~~Board shall file the protocol with the Department of Children~~  
12 ~~and Family Services. A copy shall be furnished to the Illinois~~  
13 ~~Child Advocacy Commission and to each agency in the county or~~  
14 ~~counties which has any involvement with the cases of sexually~~  
15 ~~abused children.~~

16 ~~The Illinois Child Advocacy Commission shall consist of the~~  
17 ~~Attorney General and the Directors of the Illinois State Police~~  
18 ~~and the Department of Children and Family Services or their~~  
19 ~~designees. Additional members may be appointed to the Illinois~~  
20 ~~Child Advocacy Commission as deemed necessary by the Attorney~~  
21 ~~General and the Directors of the Illinois State Police and the~~  
22 ~~Department of Children and Family Services. The Illinois Child~~  
23 ~~Advocacy Commission may also provide technical assistance and~~  
24 ~~guidance to the Advisory Boards.~~

25 (d) The purpose of the protocol shall be to ensure  
26 coordination and cooperation among all agencies involved in



1 child maltreatment ~~sexual abuse~~ cases so as to increase the  
2 efficiency and effectiveness of those agencies, to minimize the  
3 trauma ~~stress~~ created for the child and his or her  
4 non-offending parents, caregivers, or family members by the  
5 investigatory and judicial process, and to ensure that more  
6 effective treatment is provided for the child and his or her  
7 non-offending parents, caregivers, or family members. Agencies  
8 that are members of the Advisory Board are encouraged to amend  
9 their internal operating protocol in a manner that further  
10 facilitates coordination and cooperation among all agencies.

11 (e) The protocol shall be a written document outlining in  
12 detail the procedures to be used in investigating and  
13 responding to ~~prosecuting~~ cases arising from alleged child  
14 maltreatment ~~sexual abuse~~ and in coordinating treatment  
15 referrals for the child and his or her non-offending parents,  
16 caregivers, or family members. In preparing the written  
17 protocol, the Advisory Board shall ensure that the CAC includes  
18 all of the components listed in Section 4 of this Act. ~~consider~~  
19 ~~the following:~~

20 ~~(1) An interdisciplinary, coordinated systems approach~~  
21 ~~to the investigation of child sexual abuse which shall~~  
22 ~~include, at a minimum;~~

23 ~~(i) an interagency notification procedure;~~

24 ~~(ii) a dispute resolution process between the~~  
25 ~~involved agencies when a conflict arises on how to~~  
26 ~~proceed with the investigation of a case;~~

1                   ~~(iii) a policy on interagency decision making; and~~  
2                   ~~(iv) a description of the role each agency has in~~  
3                   ~~the investigation of the case;~~

4                   ~~(2) A safe, separate space with assigned personnel~~  
5                   ~~designated for the investigation and coordination of child~~  
6                   ~~sexual abuse cases;~~

7                   ~~(3) An interdisciplinary case review process for~~  
8                   ~~purposes of decision making, problem solving, systems~~  
9                   ~~coordination, and information sharing;~~

10                   ~~(4) A comprehensive tracking system to receive and~~  
11                   ~~coordinate information concerning child sexual abuse cases~~  
12                   ~~from each participating agency;~~

13                   ~~(5) Interdisciplinary specialized training for all~~  
14                   ~~professionals involved with the victims and families of~~  
15                   ~~child sexual abuse cases; and~~

16                   ~~(6) A process for evaluating the implementation and~~  
17                   ~~effectiveness of the protocol.~~

18                   (f) The Advisory Board shall evaluate the implementation  
19                   and effectiveness of the protocol required under subsection (c)  
20                   of this Section on an annual basis, and shall propose  
21                   appropriate modifications to the protocol to maximize its  
22                   effectiveness. A report of the Advisory Board's review, along  
23                   with proposed modifications, shall be submitted to the CACI ~~the~~  
24                   ~~Illinois Child Advocacy Commission~~ for its review and comments.  
25                   After considering the comments of the CACI ~~the Illinois Child~~  
26                   ~~Advocacy Commission~~ and adopting modifications, the Advisory

1 Board shall file its amended protocol with the Department of  
2 Children and Family Services. A copy of the Advisory Board's  
3 review and amended protocol shall be furnished to the CACI ~~the~~  
4 ~~Illinois Child Advocacy Commission~~ and to the public upon each  
5 ~~agency in the county or counties having any involvement with~~  
6 ~~the cases covered by the protocol.~~

7 (g) (Blank). ~~The Advisory Board shall adopt, by a majority~~  
8 ~~of the members, a written protocol for coordinating cases of~~  
9 ~~serious or fatal injury to a child, following the procedures~~  
10 ~~and purposes described in subsections (c), (d), (e), and (f) of~~  
11 ~~this Section. The protocol shall be a written document~~  
12 ~~outlining in detail the procedures that will be used by all of~~  
13 ~~the agencies involved in investigating and prosecuting cases~~  
14 ~~arising from alleged cases of serious or fatal injury to a~~  
15 ~~child and in coordinating treatment referrals for the child and~~  
16 ~~his or her family.~~

17 (Source: P.A. 95-527, eff. 6-1-08.)

18 (55 ILCS 80/4) (from Ch. 23, par. 1804)

19 Sec. 4. Children's Advocacy Center.

20 (a) A CAC shall ~~Children's Advocacy Center ("Center")~~ may  
21 be established to coordinate the activities of the various  
22 agencies involved in the investigation, prosecution and  
23 treatment ~~referral~~ of child maltreatment ~~sexual abuse~~. The  
24 individual county or regional Advisory Board shall set the  
25 written protocol of the CAC within the appropriate jurisdiction

1 ~~serve as the governing board for the Center.~~ The operation of  
2 the CAC Center may be funded through public or private grants,  
3 contracts, donations, fees, and ~~or any~~ other available sources  
4 under this Act. Each CAC shall operate to the best of its  
5 ability in accordance with available funding. In counties in  
6 which a referendum has been adopted under Section 5 of this  
7 Act, the Advisory Board, by the majority vote of its members,  
8 shall submit a proposed annual budget for the operation of the  
9 CAC Center to the county board, which shall appropriate funds  
10 and levy a tax sufficient to operate the CAC Center. The county  
11 board in each county in which a referendum has been adopted  
12 shall establish a Children's Advocacy Center Fund and shall  
13 deposit the net proceeds of the tax authorized by Section 6 of  
14 this Act in that Fund, which shall be kept separate from all  
15 other county funds and shall only be used for the purposes of  
16 this Act.

17 (b) The Advisory Board shall pay from the Children's  
18 Advocacy Center Fund or from other available funds the salaries  
19 of all employees of the Center and the expenses of acquiring a  
20 physical plant for the Center by construction or lease and  
21 maintaining the Center, including the expenses of  
22 administering the coordination of the investigation,  
23 prosecution and treatment referral of child maltreatment  
24 ~~sexual abuse~~ under the provisions of the protocol adopted  
25 pursuant to this Act.

26 (c) Every CAC Center shall include at least the following

1 components:

2 (1) A multidisciplinary ~~An interdisciplinary,~~  
3 coordinated systems approach to the investigation of child  
4 maltreatment ~~sexual abuse~~ which shall include, at a  
5 minimum;

6 (i) an interagency notification procedure;

7 (ii) a policy on multidisciplinary team  
8 collaboration and communication that requires MDT  
9 members share information pertinent to investigations  
10 and the safety of children ~~a dispute resolution process~~  
11 ~~between the involved agencies when a conflict arises on~~  
12 ~~how to proceed with the investigation of a case;~~

13 (iii) (blank); ~~a policy on interagency~~  
14 ~~decision making; and~~

15 (iv) a description of the role each agency has in  
16 responding to a referral for services in an individual  
17 ~~the investigation of the case;~~

18 (v) a dispute resolution process between the  
19 involved agencies when a conflict arises on how to  
20 proceed on the referral of a particular case;

21 (vi) a process for the CAC to assist in the  
22 forensic interview of children that witness alleged  
23 crimes

24 (vii) a child-friendly, trauma informed space for  
25 children and their non-offending family members;

26 (viii) an MDT approach including law enforcement,

1 prosecution, medical, mental health, victim advocacy,  
2 and other community resources;

3 (ix) medical evaluation on-site or off-site  
4 through referral;

5 (x) mental health services on-site or off-site  
6 through referral;

7 (xi) on-site forensic interviews;

8 (xii) culturally competent services;

9 (xiii) case tracking and review;

10 (xiv) case staffing on each investigation;

11 (xv) effective organizational capacity; and

12 (xvi) a policy or procedure to familiarize a child  
13 and his or her non-offending family members or  
14 guardians with the court process as well as  
15 preparations for testifying in court, if necessary.

16 (2) A safe, separate space with assigned personnel  
17 designated for the investigation and coordination of child  
18 maltreatment ~~sexual abuse~~ cases;

19 (3) A multidisciplinary ~~An interdisciplinary~~ case  
20 review process for purposes of decision-making, problem  
21 solving, systems coordination, and information sharing;

22 (4) A comprehensive client tracking system to receive  
23 and coordinate information concerning child sexual abuse  
24 cases from each participating agency;

25 (5) Multidisciplinary ~~Interdisciplinary~~ specialized  
26 training for all professionals involved with the victims

1           and non-offending family members in ~~families of~~ child  
2           maltreatment ~~sexual abuse~~ cases; and

3           (6) A process for evaluating the effectiveness of the  
4           CAC ~~Center~~ and its operations.

5           (d) In the event that a Center has been established as  
6           provided in this Section, the Advisory Board of that CAC ~~Center~~  
7           may, by a majority vote of the members, authorize the CAC  
8           ~~Center~~ to coordinate the activities of the various agencies  
9           involved in the investigation, prosecution, and treatment  
10          referral in cases of serious or fatal injury to a child. For  
11          CACs receiving funds under Section 5 or 6 of this Act, the ~~The~~

12          Advisory Board shall provide for the financial support of these  
13          activities in a manner similar to that set out in subsections

14          (a) and (b) of this Section and shall be allowed to submit a  
15          budget that includes support for physical abuse and neglect  
16          activities to the County Board, which shall appropriate funds  
17          that may be available under Section 5 of this Act. In  
18          cooperation with the Department of Children and Family Services  
19          Child Death Review Teams, the Department of Children and Family  
20          Services Office of the Inspector General, ~~the Department of~~  
21          ~~State Police,~~ and other stakeholders, this protocol must be  
22          initially implemented in selected counties to the extent that  
23          State appropriations or funds from other sources for this  
24          purpose allow.

25          (e) CACI ~~The Illinois Child Advocacy Commission~~ may also  
26          provide technical assistance and guidance to the Advisory

1 ~~Boards and shall make a single annual grant for the purpose of~~  
2 ~~providing technical support and assistance for advocacy center~~  
3 ~~development in Illinois whenever an appropriation is made by~~  
4 ~~the General Assembly specifically for that purpose. The grant~~  
5 ~~may be made only to an Illinois not for profit corporation that~~  
6 ~~qualifies for tax treatment under Section 501(c)(3) of the~~  
7 ~~Internal Revenue Code and that has a voting membership~~  
8 ~~consisting of children's advocacy centers. The grant may be~~  
9 ~~spent on staff, office space, equipment, and other expenses~~  
10 ~~necessary for the development of resource materials and other~~  
11 ~~forms of technical support and assistance. The grantee shall~~  
12 ~~report to the Commission on the specific uses of grant funds by~~  
13 ~~no later than October 1 of each year and shall retain~~  
14 ~~supporting documentation for a period of at least 5 years after~~  
15 ~~the corresponding report is filed.~~

16 (Source: P.A. 95-527, eff. 6-1-08.)