



Rep. Michelle Mussman

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LRB098 16906 JLK 56957 a

1 AMENDMENT TO HOUSE BILL 5990

2 AMENDMENT NO. _____. Amend House Bill 5990 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children's Advocacy Center Act is amended
5 by 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 accredited Children's Advocacy Centers
11 ("CACs") accredited throughout the State of Illinois is
12 essential to providing a formal, comprehensive, integrated,
13 and multidisciplinary response to the investigation and
14 disposition of reports of child maltreatment; by expediting and
15 improving the validation or invalidation of such allegations
16 for the benefit of children, their families and accused

1 perpetrators; by requiring the use of collaborative decision
2 making and case management, thereby reducing the number of
3 times children are questioned and examined, thus preventing
4 further trauma of children; by coordinating therapeutic
5 intervention and services thereby providing safety and
6 treatment for child victims and their families; by developing
7 communication, case coordination, and information sharing
8 policies and protocols among allied professionals and agencies
9 who play a role in child protection in a given jurisdiction; by
10 collecting data to report to partner agencies, the community,
11 and the General Assembly, and to use in continually improving
12 collaborative multidisciplinary investigations; and, by
13 maintaining the confidentiality of client records and records
14 from partner agencies, to ensure the protection of the privacy
15 of children, their families and accused perpetrators. A CAC
16 organized and operating under this Act may accept, receive and
17 disburse in furtherance of its duties and functions any funds,
18 grants and services made available by the State of Illinois and
19 its agencies, the federal government and its agencies, a unit
20 of local government, or private or civic sources. To the extent
21 permitted by applicable law, participating entities shall
22 maintain the confidentiality of case-related information which
23 includes, but is not limited to, case review discussions, case
24 review notes, written reports and records, and verbal exchanges
25 ~~is desirable to coordinate the investigation, prosecution and~~
26 ~~treatment referral of child sexual abuse.~~

1 ~~Further, the General Assembly finds that the creation of an~~
2 ~~advisory board is desirable to develop a coordinated protocol~~
3 ~~for the handling of child sexual abuse cases among various~~
4 ~~agencies responsible for investigation, prosecution and~~
5 ~~treatment referral and that such agencies should be encouraged~~
6 ~~to adopt such a coordinated protocol.~~

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

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

17 (55 ILCS 80/2.5 new)

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

19 "Accreditation" means the process in which certification
20 of competency, authority, or credibility is presented by
21 standards set by the National Children's Alliance to ensure
22 effective, efficient and consistent delivery of services by a
23 CAC.

24 "Child maltreatment" includes any act or occurrence, as
25 defined in Section 5 of the Criminal Code of 2012, under the

1 Children and Family Services Act or the Juvenile Court Act
2 involving either a child victim or child witness.

3 "Children's Advocacy Center" or "CAC" is a child-focused,
4 trauma-informed, facility-based program in which
5 representatives from law enforcement, child protection,
6 prosecution, mental health, forensic interviewing, medical,
7 and victim advocacy disciplines collaborate to interview
8 children, meet with a child's parent or parents, caregivers,
9 and family members, and make team decisions about the
10 investigation, prosecution, safety, treatment, and support
11 services for child maltreatment cases.

12 "Children's Advocacy Centers of Illinois" or "CACI" is a
13 state chapter of the National Children's Alliance ("NCA") and
14 organizing entity for Children's Advocacy Centers in the State
15 of Illinois. It defines membership and engages member CACs in
16 the NCA accreditation process and collecting and sharing of
17 data, and provides training, leadership, and technical
18 assistance to existing and emerging CACs in the State.

19 "Forensic interview" means an interview between a trained
20 forensic interviewer, as defined by NCA standards, and a child
21 in which the interviewer obtains information from children in
22 an unbiased and fact finding manner that is developmentally
23 appropriate and culturally sensitive to support accurate and
24 fair decision making by the multidisciplinary team in the
25 criminal justice and child protection systems. Whenever
26 practical, all parties involved in investigating reports of

1 child maltreatment shall observe the interview, which shall be
2 digitally recorded.

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

17 "National Children's Alliance" or "NCA" means the
18 professional membership organization dedicated to helping
19 local communities respond to allegations of child abuse in an
20 effective and efficient manner. NCA provides training,
21 support, technical assistance and leadership on a national
22 level to state and local CACs and communities responding to
23 reports of child maltreatment. NCA is the national organization
24 that provides the standards for CAC accreditation.

25 "Protocol" means a written methodology defining the
26 responsibilities of each of the MDT members in the

1 investigation and prosecution of child maltreatment within a
2 defined jurisdiction. Written protocols are signed documents
3 and are reviewed and/or updated annually, at a minimum, by a
4 CAC's Advisory Board.

5 (55 ILCS 80/3) (from Ch. 23, par. 1803)

6 Sec. 3. Child Advocacy Advisory Board.

7 (a) Each county or group of counties in the State of
8 Illinois shall establish a Child Advocacy Advisory Board
9 ("Advisory Board").

10 Each of the following county officers or State agencies or
11 allied professional entities shall designate a representative
12 to serve on the Advisory Board: law enforcement within the
13 appropriate jurisdiction(s), ~~the sheriff,~~ the Illinois
14 Department of Children and Family Services, the State's
15 attorney, and the Children's Advocacy Center ~~the county mental~~
16 ~~health department, and the Department of State Police.~~

17 The Advisory Board ~~chairman~~ may appoint additional members
18 of the Advisory Board as is deemed necessary to accomplish the
19 purposes of this Act, the additional members to include but not
20 be limited to representatives of local law enforcement
21 agencies, allied professionals, and the Circuit Courts.

22 (b) The Advisory Board shall have the authority to organize
23 itself and appoint, assign, or elect leaders. The Advisory
24 Board shall determine the voting rights of multiple members
25 from the same agency or entity. ~~from among its members a~~

1 ~~chairman and such other officers as are deemed necessary. Until~~
2 ~~a chairman is so elected, the State's attorney shall serve as~~
3 ~~interim chairman.~~

4 (c) The Advisory Board shall adopt, by a majority of the
5 members, a written operational protocol. The Advisory Board
6 shall, prior to finalization, submit a draft to the Children's
7 Advocacy Center of Illinois ("CACI") for review and comments to
8 ensure compliance with accreditation standards from NCA. After
9 considering the comments of the CACI and upon finalization of
10 its protocol, the Advisory Board shall file the protocol with
11 the Department of Children and Family Services and the CACI. If
12 requested, a copy shall be made available to the public by the
13 local CAC. Each Advisory Board shall, on an annual basis,
14 review and/or update the written protocol. Any changes made to
15 the written protocol shall be approved by majority vote and,
16 prior to finalization, a draft shall be submitted to the CACI
17 for review and comments to ensure compliance with accreditation
18 standards from NCA. After considering the comments of the CACI
19 and upon finalization of its protocol, the Advisory Board shall
20 file the protocol with the Department of Children and Family
21 Services and the CACI ~~child sexual abuse protocol within one~~
22 ~~year after the effective date of this Act. An Advisory Board~~
23 ~~adopting a protocol after the effective date of this amendatory~~
24 ~~Act of 1996 shall, prior to finalization, submit its draft to~~
25 ~~the Illinois Child Advocacy Commission for review and comments.~~
26 ~~After considering the comments of the Illinois Child Advocacy~~

1 ~~Commission and upon finalization of its protocol, the Advisory~~
2 ~~Board shall file the protocol with the Department of Children~~
3 ~~and Family Services. A copy shall be furnished to the Illinois~~
4 ~~Child Advocacy Commission and to each agency in the county or~~
5 ~~counties which has any involvement with the cases of sexually~~
6 ~~abused children.~~

7 ~~The Illinois Child Advocacy Commission shall consist of the~~
8 ~~Attorney General and the Directors of the Illinois State Police~~
9 ~~and the Department of Children and Family Services or their~~
10 ~~designees. Additional members may be appointed to the Illinois~~
11 ~~Child Advocacy Commission as deemed necessary by the Attorney~~
12 ~~General and the Directors of the Illinois State Police and the~~
13 ~~Department of Children and Family Services. The Illinois Child~~
14 ~~Advocacy Commission may also provide technical assistance and~~
15 ~~guidance to the Advisory Boards.~~

16 (d) The purpose of the protocol shall be to ensure
17 coordination and cooperation among all agencies involved in
18 child maltreatment ~~sexual abuse~~ cases so as to increase the
19 efficiency and effectiveness of those agencies, to minimize the
20 trauma ~~stress~~ created for the child and his or her
21 non-offending parents, caregivers, or family members by the
22 investigatory and judicial process, and to ensure that more
23 effective treatment is provided for the child and his or her
24 non-offending parents, caregivers, or family members. Agencies
25 that are members of the Advisory Board are encouraged to amend
26 their internal operating protocol in a manner that further

1 facilitates coordination and cooperation among all agencies.

2 (e) The protocol shall be a written document outlining in
3 detail the procedures to be used in investigating and
4 responding to prosecuting cases arising from alleged child
5 maltreatment ~~sexual abuse~~ and in coordinating treatment
6 referrals for the child and his or her non-offending parents,
7 caregivers, or family members. In preparing the written
8 protocol, the Advisory Board shall ensure that the CAC includes
9 all of the components listed in Section 4 of this Act. ~~consider~~
10 ~~the following:~~

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

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

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

18 ~~(iii) a policy on interagency decision making; and~~

19 ~~(iv) a description of the role each agency has in~~
20 ~~the investigation of the case;~~

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

24 ~~(3) An interdisciplinary case review process for~~
25 ~~purposes of decision making, problem solving, systems~~
26 ~~coordination, and information sharing;~~

1 ~~(4) A comprehensive tracking system to receive and~~
2 ~~coordinate information concerning child sexual abuse cases~~
3 ~~from each participating agency;~~

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

7 ~~(6) A process for evaluating the implementation and~~
8 ~~effectiveness of the protocol.~~

9 (f) The Advisory Board shall evaluate the implementation
10 and effectiveness of the protocol required under subsection (c)
11 of this Section on an annual basis, and shall propose
12 appropriate modifications to the protocol to maximize its
13 effectiveness. A report of the Advisory Board's review, along
14 with proposed modifications, shall be submitted to the CACI ~~the~~
15 ~~Illinois Child Advocacy Commission~~ for its review and comments.
16 After considering the comments of the CACI ~~the Illinois Child~~
17 ~~Advocacy Commission~~ and adopting modifications, the Advisory
18 Board shall file its amended protocol with the Department of
19 Children and Family Services. A copy of the Advisory Board's
20 review and amended protocol shall be furnished to the CACI ~~the~~
21 ~~Illinois Child Advocacy Commission~~ and to the public ~~each~~
22 ~~agency in the county or counties having any involvement with~~
23 ~~the cases covered by the protocol.~~

24 (g) (Blank). ~~The Advisory Board shall adopt, by a majority~~
25 ~~of the members, a written protocol for coordinating cases of~~
26 ~~serious or fatal injury to a child, following the procedures~~

1 ~~and purposes described in subsections (c), (d), (e), and (f) of~~
2 ~~this Section. The protocol shall be a written document~~
3 ~~outlining in detail the procedures that will be used by all of~~
4 ~~the agencies involved in investigating and prosecuting cases~~
5 ~~arising from alleged cases of serious or fatal injury to a~~
6 ~~child and in coordinating treatment referrals for the child and~~
7 ~~his or her family.~~

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

9 (55 ILCS 80/4) (from Ch. 23, par. 1804)

10 Sec. 4. Children's Advocacy Center.

11 (a) A CAC ~~Children's Advocacy Center ("Center")~~ may be
12 established to coordinate the activities of the various
13 agencies involved in the investigation, prosecution and
14 treatment ~~referral~~ of child maltreatment ~~sexual abuse~~. The
15 individual county or regional Advisory Board shall set the
16 written protocol of the CAC within the appropriate jurisdiction
17 ~~serve as the governing board for the Center~~. The operation of
18 the CAC Center may be funded through public or private grants,
19 contracts, donations, fees, and ~~or any~~ other available sources
20 under this Act. Each CAC shall operate to the best of its
21 ability in accordance with available funding. In counties in
22 which a referendum has been adopted under Section 5 of this
23 Act, the Advisory Board, by the majority vote of its members,
24 shall submit a proposed annual budget for the operation of the
25 CAC Center to the county board, which shall appropriate funds

1 and levy a tax sufficient to operate the CAC Center. The county
2 board in each county in which a referendum has been adopted
3 shall establish a Children's Advocacy Center Fund and shall
4 deposit the net proceeds of the tax authorized by Section 6 of
5 this Act in that Fund, which shall be kept separate from all
6 other county funds and shall only be used for the purposes of
7 this Act.

8 (b) The Advisory Board shall pay from the Children's
9 Advocacy Center Fund or from other available funds the salaries
10 of all employees of the Center and the expenses of acquiring a
11 physical plant for the Center by construction or lease and
12 maintaining the Center, including the expenses of
13 administering the coordination of the investigation,
14 prosecution and treatment referral of child maltreatment
15 ~~sexual abuse~~ under the provisions of the protocol adopted
16 pursuant to this Act.

17 (c) Every CAC Center shall include at least the following
18 components:

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

23 (i) an interagency notification procedure;

24 (ii) a policy on multidisciplinary team
25 collaboration and communication that requires MDT
26 members share information pertinent to investigations

1 and the safety of children ~~a dispute resolution process~~
2 ~~between the involved agencies when a conflict arises on~~
3 ~~how to proceed with the investigation of a case;~~

4 (iii) (blank); ~~a policy on interagency~~
5 ~~decision making; and~~

6 (iv) a description of the role each agency has in
7 responding to a referral for services in an individual
8 ~~the investigation of the case;~~

9 (v) a dispute resolution process between the
10 involved agencies when a conflict arises on how to
11 proceed on the referral of a particular case;

12 (vi) a process for the CAC to assist in the
13 forensic interview of children that witness alleged
14 crimes

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

17 (viii) an MDT approach including law enforcement,
18 prosecution, medical, mental health, victim advocacy,
19 and other community resources;

20 (ix) medical evaluation on-site or off-site
21 through referral;

22 (x) mental health services on-site or off-site
23 through referral;

24 (xi) on-site forensic interviews;

25 (xii) culturally competent services;

26 (xiii) case tracking and review;

1 (xiv) case staffing on each investigation;

2 (xv) effective organizational capacity; and

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

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

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

13 (4) A comprehensive client tracking system to receive
14 and coordinate information concerning child maltreatment
15 ~~sexual abuse~~ cases from each participating agency;

16 (5) Multidisciplinary ~~Interdisciplinary~~ specialized
17 training for all professionals involved with the victims
18 and non-offending family members in ~~families of~~ child
19 maltreatment ~~sexual abuse~~ cases; and

20 (6) A process for evaluating the effectiveness of the
21 CAC Center and its operations.

22 (d) In the event that a CAC Center has been established as
23 provided in this Section, the Advisory Board of that CAC Center
24 may, by a majority vote of the members, authorize the CAC
25 ~~Center~~ to coordinate the activities of the various agencies
26 involved in the investigation, prosecution, and treatment

1 referral in cases of serious or fatal injury to a child. For
2 CACs receiving funds under Section 5 or 6 of this Act, the ~~The~~
3 Advisory Board shall provide for the financial support of these
4 activities in a manner similar to that set out in subsections
5 (a) and (b) of this Section and shall be allowed to submit a
6 budget that includes support for physical abuse and neglect
7 activities to the County Board, which shall appropriate funds
8 that may be available under Section 5 of this Act. In
9 cooperation with the Department of Children and Family Services
10 Child Death Review Teams, the Department of Children and Family
11 Services Office of the Inspector General, ~~the Department of~~
12 ~~State Police,~~ and other stakeholders, this protocol must be
13 initially implemented in selected counties to the extent that
14 State appropriations or funds from other sources for this
15 purpose allow.

16 (e) CACI ~~The Illinois Child Advocacy Commission~~ may also
17 provide technical assistance and guidance to the Advisory
18 Boards ~~and shall make a single annual grant for the purpose of~~
19 ~~providing technical support and assistance for advocacy center~~
20 ~~development in Illinois whenever an appropriation is made by~~
21 ~~the General Assembly specifically for that purpose. The grant~~
22 ~~may be made only to an Illinois not-for-profit corporation that~~
23 ~~qualifies for tax treatment under Section 501(c)(3) of the~~
24 ~~Internal Revenue Code and that has a voting membership~~
25 ~~consisting of children's advocacy centers. The grant may be~~
26 ~~spent on staff, office space, equipment, and other expenses~~

1 ~~necessary for the development of resource materials and other~~
2 ~~forms of technical support and assistance. The grantee shall~~
3 ~~report to the Commission on the specific uses of grant funds by~~
4 ~~no later than October 1 of each year and shall retain~~
5 ~~supporting documentation for a period of at least 5 years after~~
6 ~~the corresponding report is filed.~~

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