



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

### SB1752

Introduced 2/20/2015, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/6b	from Ch. 23, par. 5006b
20 ILCS 505/21	from Ch. 23, par. 5021
325 ILCS 5/3	from Ch. 23, par. 2053
325 ILCS 5/5	from Ch. 23, par. 2055
325 ILCS 5/7.4	from Ch. 23, par. 2057.4
325 ILCS 5/7.16a new	

Amends the Children and Family Services Act. In a provision concerning the Department of Children and Family Services' case tracking system, provides that the case tracking system shall monitor and provide data concerning families subject to safety plans as that term is defined in the Abused and Neglected Child Reporting Act. Adds provisions concerning certain requirements a safety plan shall comport with and the termination of a safety plan. Amends the Abused and Neglected Child Reporting Act. Defines "safety plan". Makes changes to a provision concerning conditions under which an officer of a local law enforcement agency or other specified persons may take or retain temporary protective custody of a child without the consent of the person responsible for the child's welfare. Adds provisions concerning (i) the conditions under which a person is prohibited from maintaining a child in temporary protective custody or implementing and maintaining a safety plan; (ii) certain actions that must be taken when implementing a safety plan and certain information required in a safety plan; and (iii) a parent or guardian's right to review a safety plan. Effective immediately.

LRB099 06947 KTG 27029 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended  
5 by changing Sections 6b and 21 as follows:

6 (20 ILCS 505/6b) (from Ch. 23, par. 5006b)

7 Sec. 6b. Case tracking system.

8 (1) The Department shall establish and operate a case  
9 tracking system which shall be designed to monitor and evaluate  
10 family preservation, family reunification and placement  
11 services.

12 (2) The Department shall establish and operate the case  
13 tracking system for the Department clients for whom the  
14 Department is providing or paying for such services. The  
15 Department shall work with the courts in the development of a  
16 cooperative case tracking system.

17 (3) The Department shall determine the basic elements and  
18 access and provide for records of the case tracking system to  
19 not be open to the general public.

20 (4) The Department shall use the case tracking system to  
21 determine whether any child reported to the Department under  
22 Section 3.5 of the Intergovernmental Missing Child Recovery Act  
23 of 1984 matches a Department ward and whether that child had

1 been abandoned within the previous 2 months.

2 (5) The case tracking system shall monitor and provide data  
3 concerning families subject to safety plans as defined in  
4 Section 3 of the Abused and Neglected Child Reporting Act.

5 (Source: P.A. 89-213, eff. 1-1-96.)

6 (20 ILCS 505/21) (from Ch. 23, par. 5021)

7 Sec. 21. Investigative powers; training.

8 (a) To make such investigations as it may deem necessary to  
9 the performance of its duties.

10 (b) In the course of any such investigation any qualified  
11 person authorized by the Director may administer oaths and  
12 secure by its subpoena both the attendance and testimony of  
13 witnesses and the production of books and papers relevant to  
14 such investigation. Any person who is served with a subpoena by  
15 the Department to appear and testify or to produce books and  
16 papers, in the course of an investigation authorized by law,  
17 and who refuses or neglects to appear, or to testify, or to  
18 produce books and papers relevant to such investigation, as  
19 commanded in such subpoena, shall be guilty of a Class B  
20 misdemeanor. The fees of witnesses for attendance and travel  
21 shall be the same as the fees of witnesses before the circuit  
22 courts of this State. Any circuit court of this State, upon  
23 application of the person requesting the hearing or the  
24 Department, may compel the attendance of witnesses, the  
25 production of books and papers, and giving of testimony before

1 the Department or before any authorized officer or employee  
2 thereof, by an attachment for contempt or otherwise, in the  
3 same manner as production of evidence may be compelled before  
4 such court. Every person who, having taken an oath or made  
5 affirmation before the Department or any authorized officer or  
6 employee thereof, shall willfully swear or affirm falsely,  
7 shall be guilty of perjury and upon conviction shall be  
8 punished accordingly.

9 (c) Investigations initiated under this Section shall  
10 provide individuals due process of law, including the right to  
11 a hearing, to cross-examine witnesses, to obtain relevant  
12 documents, and to present evidence. Administrative findings  
13 shall be subject to the provisions of the Administrative Review  
14 Law.

15 (d) Beginning July 1, 1988, any child protective  
16 investigator or supervisor or child welfare specialist or  
17 supervisor employed by the Department on the effective date of  
18 this amendatory Act of 1987 shall have completed a training  
19 program which shall be instituted by the Department. The  
20 training program shall include, but not be limited to, the  
21 following: (1) training in the detection of symptoms of child  
22 neglect and drug abuse; (2) specialized training for dealing  
23 with families and children of drug abusers; and (3) specific  
24 training in child development, family dynamics and interview  
25 techniques. Such program shall conform to the criteria and  
26 curriculum developed under Section 4 of the Child Protective

1 Investigator and Child Welfare Specialist Certification Act of  
2 1987. Failure to complete such training due to lack of  
3 opportunity provided by the Department shall in no way be  
4 grounds for any disciplinary or other action against an  
5 investigator or a specialist.

6 The Department shall develop a continuous inservice staff  
7 development program and evaluation system. Each child  
8 protective investigator and supervisor and child welfare  
9 specialist and supervisor shall participate in such program and  
10 evaluation and shall complete a minimum of 20 hours of  
11 inservice education and training every 2 years in order to  
12 maintain certification.

13 Any child protective investigator or child protective  
14 supervisor, or child welfare specialist or child welfare  
15 specialist supervisor hired by the Department who begins his  
16 actual employment after the effective date of this amendatory  
17 Act of 1987, shall be certified pursuant to the Child  
18 Protective Investigator and Child Welfare Specialist  
19 Certification Act of 1987 before he begins such employment.  
20 Nothing in this Act shall replace or diminish the rights of  
21 employees under the Illinois Public Labor Relations Act, as  
22 amended, or the National Labor Relations Act. In the event of  
23 any conflict between either of those Acts, or any collective  
24 bargaining agreement negotiated thereunder, and the provisions  
25 of subsections (d) and (e), the former shall prevail and  
26 control.

1 (e) The Department shall develop and implement the  
2 following:

3 (1) A standardized child endangerment risk assessment  
4 protocol.

5 (2) Related training procedures.

6 (3) A standardized method for demonstration of  
7 proficiency in application of the protocol.

8 (4) An evaluation of the reliability and validity of  
9 the protocol.

10 All child protective investigators and supervisors and child  
11 welfare specialists and supervisors employed by the Department  
12 or its contractors shall be required, subsequent to the  
13 availability of training under this Act, to demonstrate  
14 proficiency in application of the protocol previous to being  
15 permitted to make decisions about the degree of risk posed to  
16 children for whom they are responsible. The Department shall  
17 establish a multi-disciplinary advisory committee appointed by  
18 the Director, including but not limited to representatives from  
19 the fields of child development, domestic violence, family  
20 systems, juvenile justice, law enforcement, health care,  
21 mental health, substance abuse, and social service to advise  
22 the Department and its related contractors in the development  
23 and implementation of the child endangerment risk assessment  
24 protocol, related training, method for demonstration of  
25 proficiency in application of the protocol, and evaluation of  
26 the reliability and validity of the protocol. The Department

1 shall develop the protocol, training curriculum, method for  
2 demonstration of proficiency in application of the protocol and  
3 method for evaluation of the reliability and validity of the  
4 protocol by July 1, 1995. Training and demonstration of  
5 proficiency in application of the child endangerment risk  
6 assessment protocol for all child protective investigators and  
7 supervisors and child welfare specialists and supervisors  
8 shall be completed as soon as practicable, but no later than  
9 January 1, 1996. The Department shall submit to the General  
10 Assembly on or before May 1, 1996, and every year thereafter,  
11 an annual report on the evaluation of the reliability and  
12 validity of the child endangerment risk assessment protocol.  
13 The Department shall contract with a not for profit  
14 organization with demonstrated expertise in the field of child  
15 endangerment risk assessment to assist in the development and  
16 implementation of the child endangerment risk assessment  
17 protocol, related training, method for demonstration of  
18 proficiency in application of the protocol, and evaluation of  
19 the reliability and validity of the protocol.

20 (f) Whenever a safety plan as defined in Section 3 of the  
21 Abused and Neglected Child Reporting Act is implemented, the  
22 ~~The~~ Department shall provide each parent or guardian, and  
23 ~~responsible adult~~ any caregiver with responsibilities under  
24 the safety plan, ~~participating in a safety plan~~ a copy of the  
25 written safety plan as signed by each parent or guardian and  
26 ~~responsible adult~~ such caregiver and by a representative of the

1 Department. The Department shall also provide each parent or  
2 guardian, and ~~responsible adult~~ any caregiver with  
3 responsibilities under the safety plan, safety plan  
4 information on their rights and responsibilities that shall  
5 include, but need not be limited to, information on how to  
6 obtain medical care, emergency phone numbers, and information  
7 on how to notify schools or day care providers as appropriate.  
8 The Department's representative shall ensure that the safety  
9 plan is reviewed and approved by the child protection  
10 supervisor. A safety plan shall comport with the requirements  
11 set forth in paragraph (3.5) of subsection (b) of Section 7.4  
12 of the Abused and Neglected Child Reporting Act.

13 (g) Upon termination of a safety plan, each parent or  
14 guardian and each caregiver with responsibilities under the  
15 safety plan shall be given written verification from the  
16 Department, or its designee, that the safety plan has been  
17 terminated. Upon termination of the safety plan, the  
18 Department, or its designee, shall make all reasonable efforts  
19 to transition physical possession of the child to the custodial  
20 parent or legal guardian.

21 (Source: P.A. 98-830, eff. 1-1-15.)

22 Section 10. The Abused and Neglected Child Reporting Act is  
23 amended by changing Sections 3, 5, and 7.4 and by adding  
24 Section 7.16a as follows:



1 (325 ILCS 5/3) (from Ch. 23, par. 2053)

2 Sec. 3. As used in this Act unless the context otherwise  
3 requires:

4 "Adult resident" means any person between 18 and 22 years  
5 of age who resides in any facility licensed by the Department  
6 under the Child Care Act of 1969. For purposes of this Act, the  
7 criteria set forth in the definitions of "abused child" and  
8 "neglected child" shall be used in determining whether an adult  
9 resident is abused or neglected.

10 "Blatant disregard" means an incident where the real,  
11 significant, and imminent risk of harm would be so obvious to a  
12 reasonable parent or caretaker that it is unlikely that a  
13 reasonable parent or caretaker would have exposed the child to  
14 the danger without exercising precautionary measures to  
15 protect the child from harm.

16 "Child" means any person under the age of 18 years, unless  
17 legally emancipated by reason of marriage or entry into a  
18 branch of the United States armed services.

19 "Department" means Department of Children and Family  
20 Services.

21 "Local law enforcement agency" means the police of a city,  
22 town, village or other incorporated area or the sheriff of an  
23 unincorporated area or any sworn officer of the Illinois  
24 Department of State Police.

25 "Abused child" means a child whose parent or immediate  
26 family member, or any person responsible for the child's

1 welfare, or any individual residing in the same home as the  
2 child, or a paramour of the child's parent:

3 (a) inflicts, causes to be inflicted, or allows to be  
4 inflicted upon such child physical injury, by other than  
5 accidental means, which causes death, disfigurement,  
6 impairment of physical or emotional health, or loss or  
7 impairment of any bodily function;

8 (b) creates a substantial risk of physical injury to  
9 such child by other than accidental means which would be  
10 likely to cause death, disfigurement, impairment of  
11 physical or emotional health, or loss or impairment of any  
12 bodily function;

13 (c) commits or allows to be committed any sex offense  
14 against such child, as such sex offenses are defined in the  
15 Criminal Code of 2012 or in the Wrongs to Children Act, and  
16 extending those definitions of sex offenses to include  
17 children under 18 years of age;

18 (d) commits or allows to be committed an act or acts of  
19 torture upon such child;

20 (e) inflicts excessive corporal punishment;

21 (f) commits or allows to be committed the offense of  
22 female genital mutilation, as defined in Section 12-34 of  
23 the Criminal Code of 2012, against the child;

24 (g) causes to be sold, transferred, distributed, or  
25 given to such child under 18 years of age, a controlled  
26 substance as defined in Section 102 of the Illinois

1           Controlled Substances Act in violation of Article IV of the  
2           Illinois Controlled Substances Act or in violation of the  
3           Methamphetamine Control and Community Protection Act,  
4           except for controlled substances that are prescribed in  
5           accordance with Article III of the Illinois Controlled  
6           Substances Act and are dispensed to such child in a manner  
7           that substantially complies with the prescription; or

8           (h) commits or allows to be committed the offense of  
9           involuntary servitude, involuntary sexual servitude of a  
10          minor, or trafficking in persons as defined in Section 10-9  
11          of the Criminal Code of 2012 against the child.

12          A child shall not be considered abused for the sole reason  
13          that the child has been relinquished in accordance with the  
14          Abandoned Newborn Infant Protection Act.

15          "Neglected child" means any child who is not receiving the  
16          proper or necessary nourishment or medically indicated  
17          treatment including food or care not provided solely on the  
18          basis of the present or anticipated mental or physical  
19          impairment as determined by a physician acting alone or in  
20          consultation with other physicians or otherwise is not  
21          receiving the proper or necessary support or medical or other  
22          remedial care recognized under State law as necessary for a  
23          child's well-being, or other care necessary for his or her  
24          well-being, including adequate food, clothing and shelter; or  
25          who is subjected to an environment which is injurious insofar  
26          as (i) the child's environment creates a likelihood of harm to

1 the child's health, physical well-being, or welfare and (ii)  
2 the likely harm to the child is the result of a blatant  
3 disregard of parent or caretaker responsibilities; or who is  
4 abandoned by his or her parents or other person responsible for  
5 the child's welfare without a proper plan of care; or who has  
6 been provided with interim crisis intervention services under  
7 Section 3-5 of the Juvenile Court Act of 1987 and whose parent,  
8 guardian, or custodian refuses to permit the child to return  
9 home and no other living arrangement agreeable to the parent,  
10 guardian, or custodian can be made, and the parent, guardian,  
11 or custodian has not made any other appropriate living  
12 arrangement for the child; or who is a newborn infant whose  
13 blood, urine, or meconium contains any amount of a controlled  
14 substance as defined in subsection (f) of Section 102 of the  
15 Illinois Controlled Substances Act or a metabolite thereof,  
16 with the exception of a controlled substance or metabolite  
17 thereof whose presence in the newborn infant is the result of  
18 medical treatment administered to the mother or the newborn  
19 infant. A child shall not be considered neglected for the sole  
20 reason that the child's parent or other person responsible for  
21 his or her welfare has left the child in the care of an adult  
22 relative for any period of time. A child shall not be  
23 considered neglected for the sole reason that the child has  
24 been relinquished in accordance with the Abandoned Newborn  
25 Infant Protection Act. A child shall not be considered  
26 neglected or abused for the sole reason that such child's

1 parent or other person responsible for his or her welfare  
2 depends upon spiritual means through prayer alone for the  
3 treatment or cure of disease or remedial care as provided under  
4 Section 4 of this Act. A child shall not be considered  
5 neglected or abused solely because the child is not attending  
6 school in accordance with the requirements of Article 26 of The  
7 School Code, as amended.

8 "Child Protective Service Unit" means certain specialized  
9 State employees of the Department assigned by the Director to  
10 perform the duties and responsibilities as provided under  
11 Section 7.2 of this Act.

12 "Person responsible for the child's welfare" means the  
13 child's parent; guardian; foster parent; relative caregiver;  
14 any person responsible for the child's welfare in a public or  
15 private residential agency or institution; any person  
16 responsible for the child's welfare within a public or private  
17 profit or not for profit child care facility; or any other  
18 person responsible for the child's welfare at the time of the  
19 alleged abuse or neglect, including any person that is the  
20 custodian of a child under 18 years of age who commits or  
21 allows to be committed, against the child, the offense of  
22 involuntary servitude, involuntary sexual servitude of a  
23 minor, or trafficking in persons for forced labor or services,  
24 as provided in Section 10-9 of the Criminal Code of 2012, or  
25 any person who came to know the child through an official  
26 capacity or position of trust, including but not limited to

1 health care professionals, educational personnel, recreational  
2 supervisors, members of the clergy, and volunteers or support  
3 personnel in any setting where children may be subject to abuse  
4 or neglect.

5 "Safety plan" means any plan that sets forth a written  
6 condition that limits, restricts, or modifies a parent or  
7 guardian's interaction with his or her child, including but not  
8 limited to a requirement that a child, parent, or guardian  
9 relocate from the family home, that another person reside in  
10 the family home, or that a parent or guardian have no  
11 unsupervised contact with a child, except that a safety plan  
12 does not include such conditions when incorporated in a court  
13 order entered under the Juvenile Court Act of 1987.

14 "Temporary protective custody" means custody within a  
15 hospital or other medical facility or a place previously  
16 designated for such custody by the Department, subject to  
17 review by the Court, including a licensed foster home, group  
18 home, or other institution; but such place shall not be a jail  
19 or other place for the detention of criminal or juvenile  
20 offenders.

21 "An unfounded report" means any report made under this Act  
22 for which it is determined after an investigation that no  
23 credible evidence of abuse or neglect exists.

24 "An indicated report" means a report made under this Act if  
25 an investigation determines that credible evidence of the  
26 alleged abuse or neglect exists.

1 "An undetermined report" means any report made under this  
2 Act in which it was not possible to initiate or complete an  
3 investigation on the basis of information provided to the  
4 Department.

5 "Subject of report" means any child reported to the central  
6 register of child abuse and neglect established under Section  
7 7.7 of this Act as an alleged victim of child abuse or neglect  
8 and the parent or guardian of the alleged victim or other  
9 person responsible for the alleged victim's welfare who is  
10 named in the report or added to the report as an alleged  
11 perpetrator of child abuse or neglect.

12 "Perpetrator" means a person who, as a result of  
13 investigation, has been determined by the Department to have  
14 caused child abuse or neglect.

15 "Member of the clergy" means a clergyman or practitioner of  
16 any religious denomination accredited by the religious body to  
17 which he or she belongs.

18 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;  
19 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11; 97-803, eff.  
20 7-13-12; 97-897, eff. 1-1-13; 97-1063, eff. 8-24-12; 97-1150,  
21 eff. 1-25-13.)

22 (325 ILCS 5/5) (from Ch. 23, par. 2055)

23 Sec. 5. An officer of a local law enforcement agency, a  
24 designated employee of the Department, or a physician treating  
25 a child may take or retain temporary protective custody of the

1 child without the consent of the person responsible for the  
2 child's welfare, or may state that he or she or his or her  
3 agent will do so, only if: (1) there is imminent danger to the  
4 child; (2) there is no time to apply for a court order under  
5 the Juvenile Court Act of 1987 for temporary custody of the  
6 child; and (3) there is objective reasonable evidence that a  
7 child is abused or neglected by his or her parent or guardian  
8 such that the protection of the child requires such action  
9 prior to judicial authorization. ~~if (1) he has reason to~~  
10 ~~believe that the child cannot be cared for at home or in the~~  
11 ~~custody of the person responsible for the child's welfare~~  
12 ~~without endangering the child's health or safety; and (2) there~~  
13 ~~is not time to apply for a court order under the Juvenile Court~~  
14 ~~Act of 1987 for temporary custody of the child.~~ The person  
15 taking or retaining a child in temporary protective custody  
16 shall immediately make every reasonable effort to notify the  
17 person responsible for the child's welfare and shall  
18 immediately notify the Department. The Department shall  
19 provide to the temporary caretaker of a child any information  
20 in the Department's possession concerning the positive results  
21 of a test performed on the child to determine the presence of  
22 the antibody or antigen to Human Immunodeficiency Virus (HIV),  
23 or of HIV infection, as well as any communicable diseases or  
24 communicable infections that the child has. The temporary  
25 caretaker of a child shall not disclose to another person any  
26 information received by the temporary caretaker from the



1 Department concerning the results of a test performed on the  
2 child to determine the presence of the antibody or antigen to  
3 HIV, or of HIV infection, except pursuant to Section 9 of the  
4 AIDS Confidentiality Act, as now or hereafter amended. The  
5 Department shall promptly initiate proceedings under the  
6 Juvenile Court Act of 1987 for the continued temporary custody  
7 of the child.

8 No person acting pursuant to this Section shall maintain a  
9 child in temporary protective custody or implement or maintain  
10 a safety plan if: (i) there will no longer exist imminent  
11 danger to the child if the temporary protective custody or  
12 safety plan condition is removed; or (ii) there is no longer  
13 objective reasonable evidence that a child is abused or  
14 neglected by his or her parent or guardian. If the Department  
15 or another authorized person has applied for a court order for  
16 the temporary custody of the child and the application has been  
17 rejected by the State's Attorney or public official reviewing  
18 the application, the Department or other authorized person  
19 shall promptly inform the parent or guardian of that rejection.

20 Where the physician keeping a child in his custody does so  
21 in his capacity as a member of the staff of a hospital or  
22 similar institution, he shall notify the person in charge of  
23 the institution or his designated agent, who shall then become  
24 responsible for the further care of such child in the hospital  
25 or similar institution under the direction of the Department.

26 Said care includes, but is not limited to the granting of

1 permission to perform emergency medical treatment to a minor  
2 where the treatment itself does not involve a substantial risk  
3 of harm to the minor and the failure to render such treatment  
4 will likely result in death or permanent harm to the minor, and  
5 there is not time to apply for a court order under the Juvenile  
6 Court Act of 1987.

7 Any person authorized and acting in good faith in the  
8 removal of a child under this Section shall have immunity from  
9 any liability, civil or criminal that might otherwise be  
10 incurred or imposed as a result of such removal. Any physician  
11 authorized and acting in good faith and in accordance with  
12 acceptable medical practice in the treatment of a child under  
13 this Section shall have immunity from any liability, civil or  
14 criminal, that might otherwise be incurred or imposed as a  
15 result of granting permission for emergency treatment.

16 With respect to any child taken into temporary protective  
17 custody pursuant to this Section, the Department of Children  
18 and Family Services Guardianship Administrator or his designee  
19 shall be deemed the child's legally authorized representative  
20 for purposes of consenting to an HIV test if deemed necessary  
21 and appropriate by the Department's Guardianship Administrator  
22 or designee and obtaining and disclosing information  
23 concerning such test pursuant to the AIDS Confidentiality Act  
24 if deemed necessary and appropriate by the Department's  
25 Guardianship Administrator or designee and for purposes of  
26 consenting to the release of information pursuant to the

1 Illinois Sexually Transmissible Disease Control Act if deemed  
2 necessary and appropriate by the Department's Guardianship  
3 Administrator or designee.

4 Any person who administers an HIV test upon the consent of  
5 the Department of Children and Family Services Guardianship  
6 Administrator or his designee, or who discloses the results of  
7 such tests to the Department's Guardianship Administrator or  
8 his designee, shall have immunity from any liability, civil,  
9 criminal or otherwise, that might result by reason of such  
10 actions. For the purpose of any proceedings, civil or criminal,  
11 the good faith of any persons required to administer or  
12 disclose the results of tests, or permitted to take such  
13 actions, shall be presumed.

14 (Source: P.A. 90-28, eff. 1-1-98.)

15 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

16 Sec. 7.4. (a) The Department shall be capable of receiving  
17 reports of suspected child abuse or neglect 24 hours a day, 7  
18 days a week. Whenever the Department receives a report alleging  
19 that a child is a truant as defined in Section 26-2a of The  
20 School Code, as now or hereafter amended, the Department shall  
21 notify the superintendent of the school district in which the  
22 child resides and the appropriate superintendent of the  
23 educational service region. The notification to the  
24 appropriate officials by the Department shall not be considered  
25 an allegation of abuse or neglect under this Act.

1 (a-5) Beginning January 1, 2010, the Department of Children  
2 and Family Services may implement a 5-year demonstration of a  
3 "differential response program" in accordance with criteria,  
4 standards, and procedures prescribed by rule. The program may  
5 provide that, upon receiving a report, the Department shall  
6 determine whether to conduct a family assessment or an  
7 investigation as appropriate to prevent or provide a remedy for  
8 child abuse or neglect.

9 For purposes of this subsection (a-5), "family assessment"  
10 means a comprehensive assessment of child safety, risk of  
11 subsequent child maltreatment, and family strengths and needs  
12 that is applied to a child maltreatment report that does not  
13 allege substantial child endangerment. "Family assessment"  
14 does not include a determination as to whether child  
15 maltreatment occurred but does determine the need for services  
16 to address the safety of family members and the risk of  
17 subsequent maltreatment.

18 For purposes of this subsection (a-5), "investigation"  
19 means fact-gathering related to the current safety of a child  
20 and the risk of subsequent abuse or neglect that determines  
21 whether a report of suspected child abuse or neglect should be  
22 indicated or unfounded and whether child protective services  
23 are needed.

24 Under the "differential response program" implemented  
25 under this subsection (a-5), the Department:

26 (1) Shall conduct an investigation on reports

1 involving substantial child abuse or neglect.

2 (2) Shall begin an immediate investigation if, at any  
3 time when it is using a family assessment response, it  
4 determines that there is reason to believe that substantial  
5 child abuse or neglect or a serious threat to the child's  
6 safety exists.

7 (3) May conduct a family assessment for reports that do  
8 not allege substantial child endangerment. In determining  
9 that a family assessment is appropriate, the Department may  
10 consider issues including, but not limited to, child  
11 safety, parental cooperation, and the need for an immediate  
12 response.

13 (4) Shall promulgate criteria, standards, and  
14 procedures that shall be applied in making this  
15 determination, taking into consideration the Child  
16 Endangerment Risk Assessment Protocol of the Department.

17 (5) May conduct a family assessment on a report that  
18 was initially screened and assigned for an investigation.

19 In determining that a complete investigation is not  
20 required, the Department must document the reason for  
21 terminating the investigation and notify the local law  
22 enforcement agency or the Department of State Police if the  
23 local law enforcement agency or Department of State Police is  
24 conducting a joint investigation.

25 Once it is determined that a "family assessment" will be  
26 implemented, the case shall not be reported to the central

1 register of abuse and neglect reports.

2 During a family assessment, the Department shall collect  
3 any available and relevant information to determine child  
4 safety, risk of subsequent abuse or neglect, and family  
5 strengths.

6 Information collected includes, but is not limited to, when  
7 relevant: information with regard to the person reporting the  
8 alleged abuse or neglect, including the nature of the  
9 reporter's relationship to the child and to the alleged  
10 offender, and the basis of the reporter's knowledge for the  
11 report; the child allegedly being abused or neglected; the  
12 alleged offender; the child's caretaker; and other collateral  
13 sources having relevant information related to the alleged  
14 abuse or neglect. Information relevant to the assessment must  
15 be asked for, and may include:

16 (A) The child's sex and age, prior reports of abuse or  
17 neglect, information relating to developmental  
18 functioning, credibility of the child's statement, and  
19 whether the information provided under this paragraph (A)  
20 is consistent with other information collected during the  
21 course of the assessment or investigation.

22 (B) The alleged offender's age, a record check for  
23 prior reports of abuse or neglect, and criminal charges and  
24 convictions. The alleged offender may submit supporting  
25 documentation relevant to the assessment.

26 (C) Collateral source information regarding the

1           alleged abuse or neglect and care of the child. Collateral  
2           information includes, when relevant: (i) a medical  
3           examination of the child; (ii) prior medical records  
4           relating to the alleged maltreatment or care of the child  
5           maintained by any facility, clinic, or health care  
6           professional, and an interview with the treating  
7           professionals; and (iii) interviews with the child's  
8           caretakers, including the child's parent, guardian, foster  
9           parent, child care provider, teachers, counselors, family  
10          members, relatives, and other persons who may have  
11          knowledge regarding the alleged maltreatment and the care  
12          of the child.

13                 (D) Information on the existence of domestic abuse and  
14          violence in the home of the child, and substance abuse.

15          Nothing in this subsection (a-5) precludes the Department  
16          from collecting other relevant information necessary to  
17          conduct the assessment or investigation. Nothing in this  
18          subsection (a-5) shall be construed to allow the name or  
19          identity of a reporter to be disclosed in violation of the  
20          protections afforded under Section 7.19 of this Act.

21          After conducting the family assessment, the Department  
22          shall determine whether services are needed to address the  
23          safety of the child and other family members and the risk of  
24          subsequent abuse or neglect.

25          Upon completion of the family assessment, if the Department  
26          concludes that no services shall be offered, then the case

1 shall be closed. If the Department concludes that services  
2 shall be offered, the Department shall develop a family  
3 preservation plan and offer or refer services to the family.

4 At any time during a family assessment, if the Department  
5 believes there is any reason to stop the assessment and conduct  
6 an investigation based on the information discovered, the  
7 Department shall do so.

8 The procedures available to the Department in conducting  
9 investigations under this Act shall be followed as appropriate  
10 during a family assessment.

11 The Department shall arrange for an independent evaluation  
12 of the "differential response program" authorized and  
13 implemented under this subsection (a-5) to determine whether it  
14 is meeting the goals in accordance with Section 2 of this Act.  
15 The Department may adopt administrative rules necessary for the  
16 execution of this Section, in accordance with Section 4 of the  
17 Children and Family Services Act.

18 The demonstration conducted under this subsection (a-5)  
19 shall become a permanent program on July 1, 2016, upon  
20 completion of the demonstration project period.

21 (b) (1) The following procedures shall be followed in the  
22 investigation of all reports of suspected abuse or neglect of a  
23 child, except as provided in subsection (c) of this Section.

24 (2) If, during a family assessment authorized by subsection  
25 (a-5) or an investigation, it appears that the immediate safety  
26 or well-being of a child is endangered, that the family may



1 flee or the child disappear, or that the facts otherwise so  
2 warrant, the Child Protective Service Unit shall commence an  
3 investigation immediately, regardless of the time of day or  
4 night. All other investigations shall be commenced within 24  
5 hours of receipt of the report. Upon receipt of a report, the  
6 Child Protective Service Unit shall conduct a family assessment  
7 authorized by subsection (a-5) or begin an initial  
8 investigation and make an initial determination whether the  
9 report is a good faith indication of alleged child abuse or  
10 neglect.

11 (3) Based on an initial investigation, if the Unit  
12 determines the report is a good faith indication of alleged  
13 child abuse or neglect, then a formal investigation shall  
14 commence and, pursuant to Section 7.12 of this Act, may or may  
15 not result in an indicated report. The formal investigation  
16 shall include: direct contact with the subject or subjects of  
17 the report as soon as possible after the report is received; an  
18 evaluation of the environment of the child named in the report  
19 and any other children in the same environment; a determination  
20 of the risk to such children if they continue to remain in the  
21 existing environments, as well as a determination of the  
22 nature, extent and cause of any condition enumerated in such  
23 report; the name, age and condition of other children in the  
24 environment; and an evaluation as to whether there would be an  
25 immediate and urgent necessity to remove the child from the  
26 environment if appropriate family preservation services were

1 provided. After seeing to the safety of the child or children,  
2 the Department shall forthwith notify the subjects of the  
3 report in writing, of the existence of the report and their  
4 rights existing under this Act in regard to amendment or  
5 expungement. To fulfill the requirements of this Section, the  
6 Child Protective Service Unit shall have the capability of  
7 providing or arranging for comprehensive emergency services to  
8 children and families at all times of the day or night.

9 (3.5) If, during an investigation, a designated employee of  
10 the Department has lawful grounds to take protective custody of  
11 a child pursuant to Section 5 of this Act, the employee may  
12 notify the parent or guardian that a safety plan, as defined in  
13 Section 3 of this Act, is an alternative to protective custody.  
14 A safety plan must meet all of the following requirements:

15 (A) It must specify the limitations on the contact  
16 between the parent or guardian and the child, including (i)  
17 where the child shall reside during the time the safety  
18 plan is in effect and (ii) who has responsibility for any  
19 supervision of the parent or guardian's contact with the  
20 child.

21 (B) It must be of limited duration as specified in the  
22 plan.

23 (C) It must be reviewed by the Department every 5  
24 business days to determine whether the basis for the plan  
25 still exists or whether the conditions should be modified.

26 (D) It must include a certification that a background

1 check has been performed and cleared as to each caregiver  
2 with responsibilities under the safety plan before the  
3 child is placed in the caregiver's care or under the  
4 caregiver's supervision.

5 (E) It must be the least restrictive arrangement  
6 possible. A safety plan may be modified or terminated on  
7 request of the parent or guardian. Each parent or guardian  
8 subject to a safety plan is entitled to a timely neutral  
9 review as set forth in Section 7.16a of this Act. A safety  
10 plan under this Section is subject to the requirements set  
11 forth in subsections (f) and (g) of Section 21 of the  
12 Children and Family Services Act.

13 (4) If (i) at the conclusion of the Unit's initial  
14 investigation of a report, the Unit determines the report to be  
15 a good faith indication of alleged child abuse or neglect that  
16 warrants a formal investigation by the Unit, the Department,  
17 any law enforcement agency or any other responsible agency and  
18 (ii) the person who is alleged to have caused the abuse or  
19 neglect is employed or otherwise engaged in an activity  
20 resulting in frequent contact with children and the alleged  
21 abuse or neglect are in the course of such employment or  
22 activity, then the Department shall, except in investigations  
23 where the Director determines that such notification would be  
24 detrimental to the Department's investigation, inform the  
25 appropriate supervisor or administrator of that employment or  
26 activity that the Unit has commenced a formal investigation

1 pursuant to this Act, which may or may not result in an  
2 indicated report. The Department shall also notify the person  
3 being investigated, unless the Director determines that such  
4 notification would be detrimental to the Department's  
5 investigation.

6 (c) In an investigation of a report of suspected abuse or  
7 neglect of a child by a school employee at a school or on  
8 school grounds, the Department shall make reasonable efforts to  
9 follow the following procedures:

10 (1) Investigations involving teachers shall not, to  
11 the extent possible, be conducted when the teacher is  
12 scheduled to conduct classes. Investigations involving  
13 other school employees shall be conducted so as to minimize  
14 disruption of the school day. The school employee accused  
15 of child abuse or neglect may have his superior, his  
16 association or union representative and his attorney  
17 present at any interview or meeting at which the teacher or  
18 administrator is present. The accused school employee  
19 shall be informed by a representative of the Department, at  
20 any interview or meeting, of the accused school employee's  
21 due process rights and of the steps in the investigation  
22 process. The information shall include, but need not  
23 necessarily be limited to the right, subject to the  
24 approval of the Department, of the school employee to  
25 confront the accuser, if the accuser is 14 years of age or  
26 older, or the right to review the specific allegations

1           which gave rise to the investigation, and the right to  
2           review all materials and evidence that have been submitted  
3           to the Department in support of the allegation. These due  
4           process rights shall also include the right of the school  
5           employee to present countervailing evidence regarding the  
6           accusations.

7           (2) If a report of neglect or abuse of a child by a  
8           teacher or administrator does not involve allegations of  
9           sexual abuse or extreme physical abuse, the Child  
10          Protective Service Unit shall make reasonable efforts to  
11          conduct the initial investigation in coordination with the  
12          employee's supervisor.

13          If the Unit determines that the report is a good faith  
14          indication of potential child abuse or neglect, it shall  
15          then commence a formal investigation under paragraph (3) of  
16          subsection (b) of this Section.

17          (3) If a report of neglect or abuse of a child by a  
18          teacher or administrator involves an allegation of sexual  
19          abuse or extreme physical abuse, the Child Protective Unit  
20          shall commence an investigation under paragraph (2) of  
21          subsection (b) of this Section.

22          (c-5) In any instance in which a report is made or caused  
23          to made by a school district employee involving the conduct of  
24          a person employed by the school district, at the time the  
25          report was made, as required under Section 4 of this Act, the  
26          Child Protective Service Unit shall send a copy of its final

1 finding report to the general superintendent of that school  
2 district.

3 (d) If the Department has contact with an employer, or with  
4 a religious institution or religious official having  
5 supervisory or hierarchical authority over a member of the  
6 clergy accused of the abuse of a child, in the course of its  
7 investigation, the Department shall notify the employer or the  
8 religious institution or religious official, in writing, when a  
9 report is unfounded so that any record of the investigation can  
10 be expunged from the employee's or member of the clergy's  
11 personnel or other records. The Department shall also notify  
12 the employee or the member of the clergy, in writing, that  
13 notification has been sent to the employer or to the  
14 appropriate religious institution or religious official  
15 informing the employer or religious institution or religious  
16 official that the Department's investigation has resulted in an  
17 unfounded report.

18 (e) Upon request by the Department, the Department of State  
19 Police and law enforcement agencies are authorized to provide  
20 criminal history record information as defined in the Illinois  
21 Uniform Conviction Information Act and information maintained  
22 in the adjudicatory and dispositional record system as defined  
23 in Section 2605-355 of the Department of State Police Law (20  
24 ILCS 2605/2605-355) to properly designated employees of the  
25 Department of Children and Family Services if the Department  
26 determines the information is necessary to perform its duties

1 under the Abused and Neglected Child Reporting Act, the Child  
2 Care Act of 1969, and the Children and Family Services Act. The  
3 request shall be in the form and manner required by the  
4 Department of State Police. Any information obtained by the  
5 Department of Children and Family Services under this Section  
6 is confidential and may not be transmitted outside the  
7 Department of Children and Family Services other than to a  
8 court of competent jurisdiction or unless otherwise authorized  
9 by law. Any employee of the Department of Children and Family  
10 Services who transmits confidential information in violation  
11 of this Section or causes the information to be transmitted in  
12 violation of this Section is guilty of a Class A misdemeanor  
13 unless the transmittal of the information is authorized by this  
14 Section or otherwise authorized by law.

15 (f) For purposes of this Section "child abuse or neglect"  
16 includes abuse or neglect of an adult resident as defined in  
17 this Act.

18 (Source: P.A. 98-1141, eff. 12-30-14.)

19 (325 ILCS 5/7.16a new)

20 Sec. 7.16a. Review of safety plans. Any parent or guardian  
21 who is subject to a safety plan may secure a timely neutral  
22 review of the basis for the safety plan or of the conditions of  
23 the safety plan. The Department shall adopt rules to ensure  
24 that any parent or guardian who is subject to a safety plan is  
25 afforded an opportunity to review the safety plan as provided

1 in this Section.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.