



Sen. Julie A. Morrison

Filed: 4/17/2015

09900SB1763sam002

LRB099 10385 KTG 34221 a

1 AMENDMENT TO SENATE BILL 1763

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1763, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 1. The Children and Family Services Act is amended  
6 by adding Section 5.05 and by adding Section 5.40 as follows:

7 (20 ILCS 505/5.05 new)

8 Sec. 5.05. Victims of sex trafficking.

9 (a) Legislative findings. Because of their histories of  
10 trauma, youth in the care of the Department of Children and  
11 Family Services are particularly vulnerable to sex  
12 traffickers. Sex traffickers often target child care  
13 facilities licensed by the Department to recruit their victims.  
14 Foster children who are victims of sex trafficking present  
15 unique treatment needs that existing treatment programs are not  
16 always able to address. The Department of Children and Family

1 Services needs to develop a comprehensive strategy and  
2 continuum of care to treat foster children who are identified  
3 as victims of sex trafficking.

4 (b) Multi-disciplinary workgroup. By January 1, 2016, the  
5 Department shall convene a multi-disciplinary workgroup to  
6 review treatment programs for youth in the Department's care  
7 who are victims of sex trafficking and to make recommendations  
8 regarding a continuum of care for these vulnerable youth. The  
9 workgroup shall do all of the following:

10 (1) Conduct a survey of literature and of existing  
11 treatment program models available in the State and outside  
12 the State for youth in the Department's care who are  
13 victims of sex trafficking, taking into account whether the  
14 programs have been subject to evaluation.

15 (2) Evaluate the need for new programs in the State,  
16 taking into account that youth in the Department's care who  
17 are victims of sex trafficking can present a variety of  
18 additional needs, including mental illness, medical needs,  
19 emotional disturbance, and cognitive delays.

20 (3) Review existing State laws and rules that permit  
21 children to be placed in secured therapeutic residential  
22 care and recommend (i) whether secured residential care  
23 should be part of a continuum of care in the State for  
24 foster youth who have been sexually trafficked and who  
25 repeatedly run away from treatment facilities, and if so,  
26 whether any amendments to existing State laws and rules

1 should be made; and (ii) the circumstances under which  
2 youth should be considered for placement in secured  
3 therapeutic residential care.

4 (4) Make recommendations regarding a continuum of care  
5 for children in the Department's care who are victims of  
6 sex trafficking.

7 (c) Composition of workgroup. The workgroup shall consist  
8 of a minimum of:

9 (1) two representatives of the Department, including  
10 at least one who is familiar with child care facilities  
11 licensed by the Department under the Child Care Act of 1969  
12 that provide residential services;

13 (2) one representative of a child advocacy  
14 organization;

15 (3) one licensed clinician with expertise in working  
16 with youth in the Department's care;

17 (4) one licensed clinician with expertise in working  
18 with youth who are victims of sex trafficking;

19 (5) one board-certified child and adolescent  
20 psychiatrist;

21 (6) two persons representing providers of residential  
22 treatment programs operating in the State;

23 (7) two persons representing providers of adolescent  
24 foster care or specialized foster care programs operating  
25 in the State;

26 (8) one representative of the Department of Children

1 and Family Services' Statewide Youth Advisory Board;

2 (9) one representative of an agency independent of the  
3 Department who has experience in providing treatment to  
4 children and youth who are victims of sex trafficking; and

5 (10) one representative of a law enforcement agency  
6 that works with youth who are victims of sex trafficking.

7 (d) Records and information. Upon request, the Department  
8 shall provide the workgroup with all records and information in  
9 the Department's possession that are relevant to the  
10 workgroup's review of existing programs and to the workgroup's  
11 review of the need for new programs for victims of sex  
12 trafficking. The Department shall redact any confidential  
13 information from the records and information provided to the  
14 workgroup to maintain the confidentiality of persons served by  
15 the Department.

16 (e) Workgroup report. The workgroup shall provide a report  
17 to the General Assembly no later than January 1, 2017 with its  
18 findings and recommendations.

19 (f) Department report. No later than March 1, 2017, the  
20 Department shall implement the workgroup's recommendations, as  
21 feasible and appropriate, and shall submit a written report to  
22 the General Assembly that explains the Department's decision to  
23 implement or to not implement each of the workgroup's  
24 recommendations.

1       Sec. 5.40. Multi-dimensional treatment foster care.

2       Subject to appropriations, beginning January 1, 2016, the  
3 Department shall implement a 5-year pilot program of  
4 multi-dimensional treatment foster care, or a substantially  
5 similar evidence-based program of professional foster care,  
6 for (i) children entering care with severe trauma histories,  
7 with the goal of returning the child home or maintaining the  
8 child in foster care instead of placing the child in congregate  
9 care or a more restrictive setting or placement, (ii) children  
10 who require placement in foster care when they are ready for  
11 discharge from a residential treatment facility, and (iii)  
12 children who are identified for residential or group home care  
13 and who, based on a determination made by the Department, could  
14 be placed in a foster home if higher level interventions are  
15 provided. The Department shall contract with licensed private  
16 child welfare agencies to administer the program.

17       The Department shall arrange for an independent evaluation  
18 of the pilot program to determine whether it is meeting the  
19 goal of maintaining children in the least restrictive, most  
20 appropriate family-like setting, near the child's home  
21 community, while they are in the Department's care and to  
22 determine whether there is a long-term cost benefit to  
23 continuing the pilot program.

24       At the end of the 5-year pilot program, the Department  
25 shall submit a report to the General Assembly with its findings  
26 of the evaluation. The report shall state whether the

1 Department intends to continue the pilot program and the  
2 rationale for its decision.

3 Section 10. The Department of Human Services Act is amended  
4 by adding Section 10-34 as follows:

5 (20 ILCS 1305/10-34 new)

6 Sec. 10-34. Public awareness of the national hotline  
7 number. The Department of Human Services shall cooperate with  
8 the Department of Transportation to promote public awareness  
9 regarding the national human trafficking hotline. This  
10 includes, but is not limited to, displaying public awareness  
11 signs in high risk areas, such as, but not limited to, truck  
12 stops, bus stations, train stations, airports, and rest stops.

13 Section 15. The Child Care Act of 1969 is amended by adding  
14 Section 8.5 as follows:

15 (225 ILCS 10/8.5 new)

16 Sec. 8.5. Reporting suspected abuse or neglect. The  
17 Department shall address through rules and procedures the  
18 failure of individual staff at child care facilities or child  
19 welfare agencies to report suspected abuse or neglect of  
20 children within the child care facility as required by the  
21 Abused and Neglected Child Reporting Act.

22 The rules and procedures shall include provisions for when

1 the Department learns of the child care facility's staff's  
2 failure to report suspected abuse or neglect of children and  
3 the actions the Department will take to ensure the child care  
4 facility takes immediate action with the individual staff  
5 involved, if the failure to report suspected abuse and neglect  
6 was a single incident or part of a larger incident involving  
7 additional staff members who failed to report, or if the  
8 failure to report suspected abuse and neglect is a system-wide  
9 problem within the child care facility or child welfare agency.  
10 The rules and procedures shall also include the use of  
11 corrective action plans and the use of supervisory teams to  
12 review staff and facility understanding of their reporting  
13 requirements.

14 The Department shall adopt rules by July 1, 2016.

15 Section 20. The Abused and Neglected Child Reporting Act is  
16 amended by changing Sections 3, 7.3, and 7.8 as follows:

17 (325 ILCS 5/3) (from Ch. 23, par. 2053)

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

20 "Adult resident" means any person between 18 and 22 years  
21 of age who resides in any facility licensed by the Department  
22 under the Child Care Act of 1969. For purposes of this Act, the  
23 criteria set forth in the definitions of "abused child" and  
24 "neglected child" shall be used in determining whether an adult

1 resident is abused or neglected.

2 "Agency" means a child care facility licensed under Section  
3 2.05 or Section 2.06 of the Child Care Act of 1969 and includes  
4 a transitional living program that accepts children and adult  
5 residents for placement who are in the guardianship of the  
6 Department.

7 "Blatant disregard" means an incident where the real,  
8 significant, and imminent risk of harm would be so obvious to a  
9 reasonable parent or caretaker that it is unlikely that a  
10 reasonable parent or caretaker would have exposed the child to  
11 the danger without exercising precautionary measures to  
12 protect the child from harm. With respect to a person working  
13 at an agency in his or her professional capacity with a child  
14 or adult resident, "blatant disregard" includes a failure by  
15 the person to perform job responsibilities intended to protect  
16 the child's or adult resident's health, physical well-being, or  
17 welfare, and, when viewed in light of the surrounding  
18 circumstances, evidence exists that would cause a reasonable  
19 person to believe that the child was neglected. With respect to  
20 an agency, "blatant disregard" includes a failure to implement  
21 practices that ensure the health, physical well-being, or  
22 welfare of the children and adult residents residing in the  
23 facility.

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



1 "Department" means Department of Children and Family  
2 Services.

3 "Local law enforcement agency" means the police of a city,  
4 town, village or other incorporated area or the sheriff of an  
5 unincorporated area or any sworn officer of the Illinois  
6 Department of State Police.

7 "Abused child" means a child whose parent or immediate  
8 family member, or any person responsible for the child's  
9 welfare, or any individual residing in the same home as the  
10 child, or a paramour of the child's parent:

11 (a) inflicts, causes to be inflicted, or allows to be  
12 inflicted upon such child physical injury, by other than  
13 accidental means, which causes death, disfigurement,  
14 impairment of physical or emotional health, or loss or  
15 impairment of any bodily function;

16 (b) creates a substantial risk of physical injury to  
17 such child by other than accidental means which would be  
18 likely to cause death, disfigurement, impairment of  
19 physical or emotional health, or loss or impairment of any  
20 bodily function;

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

26 (d) commits or allows to be committed an act or acts of

1 torture upon such child;

2 (e) inflicts excessive corporal punishment or, in the  
3 case of a person working for an agency who is prohibited  
4 from using corporal punishment, inflicts corporal  
5 punishment upon a child or adult resident with whom the  
6 person is working in his or her professional capacity;

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

10 (g) causes to be sold, transferred, distributed, or  
11 given to such child under 18 years of age, a controlled  
12 substance as defined in Section 102 of the Illinois  
13 Controlled Substances Act in violation of Article IV of the  
14 Illinois Controlled Substances Act or in violation of the  
15 Methamphetamine Control and Community Protection Act,  
16 except for controlled substances that are prescribed in  
17 accordance with Article III of the Illinois Controlled  
18 Substances Act and are dispensed to such child in a manner  
19 that substantially complies with the prescription; or

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

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

1 "Neglected child" means any child who is not receiving the  
2 proper or necessary nourishment or medically indicated  
3 treatment including food or care not provided solely on the  
4 basis of the present or anticipated mental or physical  
5 impairment as determined by a physician acting alone or in  
6 consultation with other physicians or otherwise is not  
7 receiving the proper or necessary support or medical or other  
8 remedial care recognized under State law as necessary for a  
9 child's well-being, or other care necessary for his or her  
10 well-being, including adequate food, clothing and shelter; or  
11 who is subjected to an environment which is injurious insofar  
12 as (i) the child's environment creates a likelihood of harm to  
13 the child's health, physical well-being, or welfare and (ii)  
14 the likely harm to the child is the result of a blatant  
15 disregard of parent, ~~or~~ caretaker, or agency responsibilities;  
16 or who is abandoned by his or her parents or other person  
17 responsible for the child's welfare without a proper plan of  
18 care; or who has been provided with interim crisis intervention  
19 services under Section 3-5 of the Juvenile Court Act of 1987  
20 and whose parent, guardian, or custodian refuses to permit the  
21 child to return home and no other living arrangement agreeable  
22 to the parent, guardian, or custodian can be made, and the  
23 parent, guardian, or custodian has not made any other  
24 appropriate living arrangement for the child; or who is a  
25 newborn infant whose blood, urine, or meconium contains any  
26 amount of a controlled substance as defined in subsection (f)

1 of Section 102 of the Illinois Controlled Substances Act or a  
2 metabolite thereof, with the exception of a controlled  
3 substance or metabolite thereof whose presence in the newborn  
4 infant is the result of medical treatment administered to the  
5 mother or the newborn infant. A child shall not be considered  
6 neglected for the sole reason that the child's parent or other  
7 person responsible for his or her welfare has left the child in  
8 the care of an adult relative for any period of time. A child  
9 shall not be considered neglected for the sole reason that the  
10 child has been relinquished in accordance with the Abandoned  
11 Newborn Infant Protection Act. A child shall not be considered  
12 neglected or abused for the sole reason that such child's  
13 parent or other person responsible for his or her welfare  
14 depends upon spiritual means through prayer alone for the  
15 treatment or cure of disease or remedial care as provided under  
16 Section 4 of this Act. A child shall not be considered  
17 neglected or abused solely because the child is not attending  
18 school in accordance with the requirements of Article 26 of The  
19 School Code, as amended.

20 "Child Protective Service Unit" means certain specialized  
21 State employees of the Department assigned by the Director to  
22 perform the duties and responsibilities as provided under  
23 Section 7.2 of this Act.

24 "Person responsible for the child's welfare" means the  
25 child's parent; guardian; foster parent; relative caregiver;  
26 any person responsible for the child's welfare in a public or

1 private residential agency or institution; any person  
2 responsible for the child's welfare within a public or private  
3 profit or not for profit child care facility; or any other  
4 person responsible for the child's welfare at the time of the  
5 alleged abuse or neglect, including any person that is the  
6 custodian of a child under 18 years of age who commits or  
7 allows to be committed, against the child, the offense of  
8 involuntary servitude, involuntary sexual servitude of a  
9 minor, or trafficking in persons for forced labor or services,  
10 as provided in Section 10-9 of the Criminal Code of 2012, or  
11 any person who came to know the child through an official  
12 capacity or position of trust, including but not limited to  
13 health care professionals, educational personnel, recreational  
14 supervisors, members of the clergy, and volunteers or support  
15 personnel in any setting where children may be subject to abuse  
16 or neglect.

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

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

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

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

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

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

18 "Member of the clergy" means a clergyman or practitioner of  
19 any religious denomination accredited by the religious body to  
20 which he or she belongs.

21 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;  
22 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11; 97-803, eff.  
23 7-13-12; 97-897, eff. 1-1-13; 97-1063, eff. 8-24-12; 97-1150,  
24 eff. 1-25-13.)

25 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

1           Sec. 7.3. (a) The Department shall be the sole agency  
2 responsible for receiving and investigating reports of child  
3 abuse or neglect made under this Act, including reports of  
4 adult resident abuse or neglect as defined in this Act, except  
5 where investigations by other agencies may be required with  
6 respect to reports alleging the death of a child, serious  
7 injury to a child or sexual abuse to a child made pursuant to  
8 Sections 4.1 or 7 of this Act, and except that the Department  
9 may delegate the performance of the investigation to the  
10 Department of State Police, a law enforcement agency and to  
11 those private social service agencies which have been  
12 designated for this purpose by the Department prior to July 1,  
13 1980.

14           (b) Notwithstanding any other provision of this Act, the  
15 Department shall adopt rules expressly allowing law  
16 enforcement personnel to investigate reports of suspected  
17 child abuse or neglect concurrently with the Department,  
18 without regard to whether the Department determines a report to  
19 be "indicated" or "unfounded" or deems a report to be  
20 "undetermined".

21           (c) By June 1, 2016, the Department shall adopt rules that  
22 address and set forth criteria and standards relevant to  
23 investigations of reports of abuse or neglect committed by any  
24 agency, as defined in Section 3 of this Act, or person working  
25 for an agency responsible for the welfare of a child or adult  
26 resident.

1 (Source: P.A. 95-57, eff. 8-10-07; 96-1446, eff. 8-20-10.)

2 (325 ILCS 5/7.8) (from Ch. 23, par. 2057.8)

3 Sec. 7.8. Upon receiving an oral or written report of  
4 suspected child abuse or neglect, the Department shall  
5 immediately notify, either orally or electronically, the Child  
6 Protective Service Unit of a previous report concerning a  
7 subject of the present report or other pertinent information.  
8 In addition, upon satisfactory identification procedures, to  
9 be established by Department regulation, any person authorized  
10 to have access to records under Section 11.1 relating to child  
11 abuse and neglect may request and shall be immediately provided  
12 the information requested in accordance with this Act. However,  
13 no information shall be released unless it prominently states  
14 the report is "indicated", and only information from  
15 "indicated" reports shall be released, except that information  
16 concerning pending reports may be released pursuant to Sections  
17 7.14 and 7.22 of this Act to the attorney or guardian ad litem  
18 appointed under Section 2-17 of the Juvenile Court Act of 1987  
19 and to any person authorized under paragraphs (1), (2), (3) and  
20 (11) of Section 11.1. In addition, State's Attorneys are  
21 authorized to receive unfounded reports for prosecution  
22 purposes related to the transmission of false reports of child  
23 abuse or neglect in violation of subsection (a), paragraph (7)  
24 of Section 26-1 of the Criminal Code of 2012 and attorneys and  
25 guardians ad litem appointed under Article II of the Juvenile



1 Court Act of 1987 shall receive the reports set forth in  
2 Section 7.14 of this Act in conformance with paragraph (19) of  
3 Section 11.1 and Section 7.14 of this Act. The Department is  
4 authorized and required to release information from unfounded  
5 reports, upon request by a person who has access to the  
6 unfounded report as provided in this Act, as necessary in its  
7 determination to protect children and adult residents who are  
8 in child care facilities licensed by the Department under the  
9 Child Care Act of 1969. The names and other identifying data  
10 and the dates and the circumstances of any persons requesting  
11 or receiving information from the central register shall be  
12 entered in the register record.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-807, eff. 8-1-14;  
14 revised 11-25-14.)

15 Section 99. Effective date. This Act takes effect on  
16 January 1, 2016, except that Section 20 takes effect on June 1,  
17 2016.".