

AN ACT concerning children.

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

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

(20 ILCS 505/5.05 new)

Sec. 5.05. Victims of sex trafficking.

(a) Legislative findings. Because of their histories of trauma, youth in the care of the Department of Children and Family Services are particularly vulnerable to sex traffickers. Sex traffickers often target child care facilities licensed by the Department to recruit their victims. Foster children who are victims of sex trafficking present unique treatment needs that existing treatment programs are not always able to address. The Department of Children and Family Services needs to develop a comprehensive strategy and continuum of care to treat foster children who are identified as victims of sex trafficking.

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

workgroup shall do all of the following:

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

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

(3) Review existing State laws and rules that permit children to be placed in secured therapeutic residential care and recommend (i) whether secured residential care should be part of a continuum of care in the State for foster youth who have been sexually trafficked and who repeatedly run away from treatment facilities, and if so, whether any amendments to existing State laws and rules should be made; and (ii) the circumstances under which youth should be considered for placement in secured therapeutic residential care.

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

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

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

(2) one representative of a child advocacy organization;

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

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

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

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

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

(8) one representative of the Department of Children and Family Services' Statewide Youth Advisory Board;

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

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

(d) Records and information. Upon request, the Department shall provide the workgroup with all records and information in

the Department's possession that are relevant to the workgroup's review of existing programs and to the workgroup's review of the need for new programs for victims of sex trafficking. The Department shall redact any confidential information from the records and information provided to the workgroup to maintain the confidentiality of persons served by the Department.

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

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

(20 ILCS 505/5.40 new)

Sec. 5.40. Multi-dimensional treatment foster care.

Subject to appropriations, beginning June 1, 2016, the Department shall implement a 5-year pilot program of multi-dimensional treatment foster care, or a substantially similar evidence-based program of professional foster care, for (i) children entering care with severe trauma histories, with the goal of returning the child home or maintaining the child in foster care instead of placing the child in congregate

care or a more restrictive setting or placement, (ii) children who require placement in foster care when they are ready for discharge from a residential treatment facility, and (iii) children who are identified for residential or group home care and who, based on a determination made by the Department, could be placed in a foster home if higher level interventions are provided.

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

At the end of the 5-year pilot program, the Department shall submit a report to the General Assembly with its findings of the evaluation. The report shall state whether the Department intends to continue the pilot program and the rationale for its decision.

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

(20 ILCS 1305/10-34 new)

Sec. 10-34. Public awareness of the national hotline number. The Department of Human Services shall cooperate with

the Department of Transportation to promote public awareness regarding the national human trafficking hotline. This includes, but is not limited to, displaying public awareness signs in high risk areas, such as, but not limited to, truck stops, bus stations, train stations, airports, and rest stops.

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

(225 ILCS 10/8.5 new)

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

The rules and procedures shall include provisions for when the Department learns of the child care facility's staff's failure to report suspected abuse or neglect of children and the actions the Department will take to (i) ensure that the child care facility takes immediate action with the individual staff involved and (ii) investigate whether the failure to report suspected abuse and neglect was a single incident or part of a larger incident involving additional staff members who failed to report, or whether the failure to report suspected abuse and neglect is a system-wide problem within the

child care facility or child welfare agency. The rules and procedures shall also include the use of corrective action plans and the use of supervisory teams to review staff and facility understanding of their reporting requirements.

The Department shall adopt rules by July 1, 2016.

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

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

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

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

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

"Blatant disregard" means an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a

reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. With respect to a person working at an agency in his or her professional capacity with a child or adult resident, "blatant disregard" includes a failure by the person to perform job responsibilities intended to protect the child's or adult resident's health, physical well-being, or welfare, and, when viewed in light of the surrounding circumstances, evidence exists that would cause a reasonable person to believe that the child was neglected. With respect to an agency, "blatant disregard" includes a failure to implement practices that ensure the health, physical well-being, or welfare of the children and adult residents residing in the facility.

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

"Department" means Department of Children and Family Services.

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

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the

child, or a paramour of the child's parent:

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

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

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

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

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

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

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

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

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

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her

well-being, including adequate food, clothing and shelter; or who is subjected to an environment which is injurious insofar as (i) the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare and (ii) the likely harm to the child is the result of a blatant disregard of parent, ~~or~~ caretaker, or agency responsibilities; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the

child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

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

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including any person that is the custodian of a child under 18 years of age who commits or allows to be committed, against the child, the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services,

as provided in Section 10-9 of the Criminal Code of 2012, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

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

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

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

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

"Subject of report" means any child reported to the central register of child abuse and neglect established under Section

7.7 of this Act as an alleged victim of child abuse or neglect and the parent or guardian of the alleged victim or other person responsible for the alleged victim's welfare who is named in the report or added to the report as an alleged perpetrator of child abuse or neglect.

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

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

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

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

Sec. 7.3. (a) The Department shall be the sole agency responsible for receiving and investigating reports of child abuse or neglect made under this Act, including reports of adult resident abuse or neglect as defined in this Act, except where investigations by other agencies may be required with respect to reports alleging the death of a child, serious injury to a child or sexual abuse to a child made pursuant to Sections 4.1 or 7 of this Act, and except that the Department may delegate the performance of the investigation to the

Department of State Police, a law enforcement agency and to those private social service agencies which have been designated for this purpose by the Department prior to July 1, 1980.

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

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

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

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

Sec. 7.8. Upon receiving an oral or written report of suspected child abuse or neglect, the Department shall immediately notify, either orally or electronically, the Child Protective Service Unit of a previous report concerning a subject of the present report or other pertinent information. In addition, upon satisfactory identification procedures, to

be established by Department regulation, any person authorized to have access to records under Section 11.1 relating to child abuse and neglect may request and shall be immediately provided the information requested in accordance with this Act. However, no information shall be released unless it prominently states the report is "indicated", and only information from "indicated" reports shall be released, except that information concerning pending reports may be released pursuant to Sections 7.14 and 7.22 of this Act to the attorney or guardian ad litem appointed under Section 2-17 of the Juvenile Court Act of 1987 and to any person authorized under paragraphs (1), (2), (3) and (11) of Section 11.1. In addition, State's Attorneys are authorized to receive unfounded reports for prosecution purposes related to the transmission of false reports of child abuse or neglect in violation of subsection (a), paragraph (7) of Section 26-1 of the Criminal Code of 2012 and attorneys and guardians ad litem appointed under Article II of the Juvenile Court Act of 1987 shall receive the reports set forth in Section 7.14 of this Act in conformance with paragraph (19) of Section 11.1 and Section 7.14 of this Act. The Department is authorized and required to release information from unfounded reports, upon request by a person who has access to the unfounded report as provided in this Act, as necessary in its determination to protect children and adult residents who are in child care facilities licensed by the Department under the Child Care Act of 1969. The names and other identifying data

and the dates and the circumstances of any persons requesting or receiving information from the central register shall be entered in the register record.

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

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