

AN ACT concerning State government.

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

Section 5. The Children and Family Services Act is amended by changing Section 35.5 and by adding Section 35.7 as follows:

(20 ILCS 505/35.5)

Sec. 35.5. Inspector General.

(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General who shall have the authority to conduct investigations into allegations of or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws by any employee, foster parent, service provider, or contractor of the Department of Children and Family Services. The Inspector General shall make recommendations to the Director of Children and Family Services concerning sanctions or disciplinary actions against Department employees or providers of service under contract to the Department. The Director of Children and Family Services shall provide the Inspector General with an implementation report on the status of any corrective actions taken on recommendations under review and shall continue sending updated reports until the corrective action is completed. The Director shall provide a written response to the Inspector

General indicating the status of any sanctions or disciplinary actions against employees or providers of service involving any investigation subject to review. In any case, information included in the reports to the Inspector General and Department responses shall be subject to the public disclosure requirements of the Abused and Neglected Child Reporting Act.

Any investigation conducted by the Inspector General shall be independent and separate from the investigation mandated by the Abused and Neglected Child Reporting Act. The Inspector General shall be appointed for a term of 4 years. The Inspector General shall function independently within the Department of Children and Family Services with respect to ~~be independent of~~ the operations of the Office of Inspector General, including the performance of investigations and issuance of findings and recommendations, ~~Department~~ and shall report to the Director of Children and Family Services and the Governor and perform other duties the Director may designate. The Inspector General shall adopt rules as necessary to carry out the functions, purposes, and duties of the office of Inspector General in the Department of Children and Family Services, in accordance with the Illinois Administrative Procedure Act and any other applicable law.

(b) The Inspector General shall have access to all information and personnel necessary to perform the duties of the office. To minimize duplication of efforts, and to assure consistency and conformance with the requirements and

procedures established in the B.H. v. Suter consent decree and to share resources when appropriate, the Inspector General shall coordinate his or her activities with the Bureau of Quality Assurance within the Department.

(c) The Inspector General shall be the primary liaison between the Department and the Department of State Police with regard to investigations conducted under the Inspector General's auspices. If the Inspector General determines that a possible criminal act has been committed, or that special expertise is required in the investigation, he or she shall immediately notify the Department of State Police. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(d) The Inspector General may recommend to the Department of Children and Family Services, the Department of Public Health, or any other appropriate agency, sanctions to be imposed against service providers under the jurisdiction of or under contract with the Department for the protection of children in the custody or under the guardianship of the Department who received services from those providers. The Inspector General may seek the assistance of the Attorney General or any of the several State's Attorneys in imposing sanctions.

(e) The Inspector General shall at all times be granted access to any foster home, facility, or program operated for or

licensed or funded by the Department.

(f) Nothing in this Section shall limit investigations by the Department of Children and Family Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority for child welfare.

(g) The Inspector General shall have the power to subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Act. The power to subpoena or to compel the production of books and papers, however, shall not extend to the person or documents of a labor organization or its representatives insofar as the person or documents of a labor organization relate to the function of representing an employee subject to investigation under this Act. Any person who fails to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to an investigation under this Act, except as otherwise provided in this Section, or who knowingly gives false testimony in relation to an investigation under this Act is guilty of a Class A misdemeanor.

(h) The Inspector General shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this Section for the prior fiscal year. The summaries shall detail the imposition of sanctions and the final disposition of those recommendations. The summaries shall not contain any

confidential or identifying information concerning the subjects of the reports and investigations. The summaries also shall include detailed recommended administrative actions and matters for consideration by the General Assembly.

(Source: P.A. 90-512, eff. 8-22-97.)

(20 ILCS 505/35.7 new)

Sec. 35.7. Error Reduction Implementations Plans; Inspector General.

(a) The Inspector General of the Department of Children and Family Services shall develop Error Reduction Implementation Plans, as necessary, to remedy patterns of errors or problematic practices that compromise or threaten the safety of children as identified in the DCFS Office of the Inspector General (OIG) death or serious injury investigations and Child Death Review Teams recommendations. The Error Reduction Implementation Plans shall include both training and on-site components. The Inspector General shall submit proposed Error Reduction Implementation Plans to the Director for review. The Director may approve the plans submitted, or approve plans amended by the Office of the Inspector General, taking into consideration policies and procedures that govern the function and performance of any affected frontline staff. The Director shall document the basis for disapproval of any submitted or amended plan. The Department shall deploy Error Reduction Safety Teams to implement the Error Reduction Implementation

Plans. The Error Reduction Safety Teams shall be composed of Quality Assurance and Division of Training staff to implement hands-on training and Error Reduction Implementation Plans. The teams shall work in the offices of the Department or of agencies, or both, as required by the Error Reduction Implementation Plans, and shall work to ensure that systems are in place to continue reform efforts after the departure of the teams. The Director shall develop a method to ensure consistent compliance with any Error Reduction Implementation Plans, the provisions of which shall be incorporated into the plan.

(b) Quality Assurance shall prepare public reports annually detailing the following: the substance of any Error Reduction Implementation Plan approved; any deviations from the Error Reduction Plan; whether adequate staff was available to perform functions necessary to the Error Reduction Implementation Plan, including identification and reporting of any staff needs; other problems noted or barriers to implementing the Error Reduction Implementation Plan; and recommendations for additional training, amendments to rules and procedures, or other systemic reform identified by the teams. Quality Assurance shall work with affected frontline staff to implement provisions of the approved Error Reduction Implementation Plans related to staff function and performance.

(c) The Error Reduction Teams shall implement training and reform protocols through incubating change in each region,

Department office, or purchase of service office, as required. The teams shall administer hands-on assistance, supervision, and management while ensuring that the office, region, or agency develops the skills and systems necessary to incorporate changes on a permanent basis. For each Error Reduction Implementation Plan, the Team shall determine whether adequate staff is available to fulfill the Error Reduction Implementation Plan, provide case-by-case supervision to ensure that the plan is implemented, and ensure that management puts systems in place to enable the reforms to continue. Error Reduction Teams shall work with affected frontline staff to ensure that provisions of the approved Error Reduction Implementation Plans relating to staff functions and performance are achieved to effect necessary reforms.

(d) The OIG shall develop and submit new Error Reduction Implementation Plans as necessary. To implement each Error Reduction Implementation Plan, as approved by the Director, the OIG shall work with Quality Assurance members of the Error Reduction Teams designated by the Department. The teams shall be comprised of staff from Quality Assurance and Training. Training shall work with the OIG and with the child death review teams to develop a curriculum to address errors identified that compromise the safety of children. Following the training roll-out, the Teams shall work on-site in identified offices. The Teams shall review and supervise all work relevant to the Error Reduction Implementation Plan.

Quality Assurance shall identify outcome measures and track compliance with the training curriculum. Each quarter, Quality Assurance shall prepare a report detailing compliance with the Error Reduction Implementation Plan and alert the Director to staffing needs or other needs to accomplish the goals of the Error Reduction Implementation Plan. The report shall be transmitted to the Director, the OIG, and all management staff involved in the Error Reduction Implementation Plan.

(e) The Director shall review quarterly Quality Assurance reports and determine adherence to the Error Reduction Implementation Plan using criteria and standards developed by the Department.

Section 10. The Child Death Review Team Act is amended by changing Sections 15, 20, 25, and 40 and by adding Section 45 as follows:

(20 ILCS 515/15)

Sec. 15. Child death review teams; establishment.

(a) The Director, in consultation with the Executive Council, law enforcement, and other professionals who work in the field of investigating, treating, or preventing child abuse or neglect in that subregion, shall appoint members to a child death review team in each of the Department's administrative subregions of the State outside Cook County and at least one child death review team in Cook County. The members of a team

shall be appointed for 2-year terms and shall be eligible for reappointment upon the expiration of the terms. The Director must fill any vacancy in a team within 60 days after that vacancy occurs.

(b) Each child death review team shall consist of at least one member from each of the following categories:

(1) Pediatrician or other physician knowledgeable about child abuse and neglect.

(2) Representative of the Department.

(3) State's attorney or State's attorney's representative.

(4) Representative of a local law enforcement agency.

(5) Psychologist or psychiatrist.

(6) Representative of a local health department.

(7) Representative of a school district or other education or child care interests.

(8) Coroner or forensic pathologist.

(9) Representative of a child welfare agency or child advocacy organization.

(10) Representative of a local hospital, trauma center, or provider of emergency medical services.

(11) Representative of the Department of State Police.

Each child death review team may make recommendations to the Director concerning additional appointments.

Each child death review team member must have demonstrated experience and an interest in investigating, treating, or

preventing child abuse or neglect.

(c) Each child death review team shall select a chairperson from among its members. The chairperson shall also serve on the Illinois Child Death Review Teams Executive Council.

(d) The child death review teams shall be funded under a separate line item in the Department's annual budget.

(Source: P.A. 92-468, eff. 8-22-01.)

(20 ILCS 515/20)

Sec. 20. Reviews of child deaths.

(a) Every child death shall be reviewed by the team in the subregion which has primary case management responsibility. The deceased child must be one of the following:

- (1) A ward of the Department.
- (2) The subject of an open service case maintained by the Department.
- (3) The subject of a pending child abuse or neglect investigation.
- (4) A child who was the subject of an abuse or neglect investigation at any time during the 12 months preceding the child's death.
- (5) Any other child whose death is reported to the State central register as a result of alleged child abuse or neglect which report is subsequently indicated.

A child death review team may, at its discretion, review other sudden, unexpected, or unexplained child deaths, and

cases of serious or fatal injuries to a child identified under the Child Advocacy Center Act.

(b) A child death review team's purpose in conducting reviews of child deaths is to do the following:

(1) Assist in determining the cause and manner of the child's death, when requested.

(2) Evaluate means by which the death might have been prevented.

(3) Report its findings to appropriate agencies and make recommendations that may help to reduce the number of child deaths caused by abuse or neglect.

(4) Promote continuing education for professionals involved in investigating, treating, and preventing child abuse and neglect as a means of preventing child deaths due to abuse or neglect.

(5) Make specific recommendations to the Director and the Inspector General of the Department concerning the prevention of child deaths due to abuse or neglect and the establishment of protocols for investigating child deaths.

(c) A child death review team shall review a child death as soon as practical and not later than 90 days following the completion by the Department of the investigation of the death under the Abused and Neglected Child Reporting Act. When there has been no investigation by the Department, the child death review team shall review a child's death within 90 days after obtaining the information necessary to complete the review from

the coroner, pathologist, medical examiner, or law enforcement agency, depending on the nature of the case. A child death review team shall meet at least once in each calendar quarter.

(d) The Director shall, within 90 days, review and reply to recommendations made by a team under item (5) of subsection (b). The Director shall implement recommendations as feasible and appropriate and shall respond in writing to explain the implementation or nonimplementation of the recommendations.

(Source: P.A. 90-239, eff. 7-28-97; 90-608, eff. 6-30-98.)

(20 ILCS 515/25)

Sec. 25. Team access to information.

(a) The Department shall provide to a child death review team, on the request of the team chairperson, all records and information in the Department's possession that are relevant to the team's review of a child death, including records and information concerning previous reports or investigations of suspected child abuse or neglect.

(b) A child death review team shall have access to all records and information that are relevant to its review of a child death and in the possession of a State or local governmental agency, including, but not limited to, information gained through the Child Advocacy Center protocol for cases of serious or fatal injury to a child. These records and information include, without limitation, birth certificates, all relevant medical and mental health records,

records of law enforcement agency investigations, records of coroner or medical examiner investigations, records of the Department of Corrections concerning a person's parole, records of a probation and court services department, and records of a social services agency that provided services to the child or the child's family.

(Source: P.A. 91-812, eff. 6-13-00.)

(20 ILCS 515/40)

Sec. 40. Illinois Child Death Review Teams Executive Council.

(a) The Illinois Child Death Review Teams Executive Council, consisting of the chairpersons of the 9 child death review teams in Illinois, is the coordinating and oversight body for child death review teams and activities in Illinois. The vice-chairperson of a child death review team, as designated by the chairperson, may serve as a back-up member or an alternate member of the Executive Council, if the chairperson of the child death review team is unavailable to serve on the Executive Council. The Inspector General of the Department, ex officio, is a non-voting member of the Executive Council. The Director may appoint to the Executive Council any ex-officio members deemed necessary. Persons with expertise needed by the Executive Council may be invited to meetings. The Executive Council must select from its members a chairperson and a vice-chairperson, each to serve a 2-year, renewable term.

The Executive Council must meet at least 4 times during each calendar year.

(b) The Department must provide or arrange for the staff support necessary for the Executive Council to carry out its duties. The Director, in cooperation and consultation with the Executive Council, shall appoint, reappoint, and remove team members. From funds available, the Director may select from a list of 2 or more candidates recommended by the Executive Council to serve as the Child Death Review Teams Executive Director. The Child Death Review Teams Executive Director shall oversee the operations of the child death review teams and shall report directly to the Executive Council.

(c) The Executive Council has, but is not limited to, the following duties:

(1) To serve as the voice of child death review teams in Illinois.

(2) To oversee the regional teams in order to ensure that the teams' work is coordinated and in compliance with the statutes and the operating protocol.

(3) To ensure that the data, results, findings, and recommendations of the teams are adequately used to make any necessary changes in the policies, procedures, and statutes in order to protect children in a timely manner.

(4) To collaborate with the General Assembly, the Department, and others in order to develop any legislation needed to prevent child fatalities and to protect children.

(5) To assist in the development of quarterly and annual reports based on the work and the findings of the teams.

(6) To ensure that the regional teams' review processes are standardized in order to convey data, findings, and recommendations in a usable format.

(7) To serve as a link with child death review teams throughout the country and to participate in national child death review team activities.

(8) To develop an annual statewide symposium to update the knowledge and skills of child death review team members and to promote the exchange of information between teams.

(9) To provide the child death review teams with the most current information and practices concerning child death review and related topics.

(10) To perform any other functions necessary to enhance the capability of the child death review teams to reduce and prevent child injuries and fatalities.

(d) In any instance when a child death review team does not operate in accordance with established protocol, the Director, in consultation and cooperation with the Executive Council, must take any necessary actions to bring the team into compliance with the protocol.

(Source: P.A. 92-468, eff. 8-22-01.)

Sec. 45. Child Death Investigation Task Force; pilot program. The Child Death Review Teams Executive Council may, from funds appropriated by the Illinois General Assembly to the Department and provided to the Child Death Review Teams Executive Council for this purpose, or from funds that may otherwise be provided for this purpose from other public or private sources, establish a 3-year pilot program in the Southern Region of the State, as designated by the Department, under which a special Child Death Investigation Task Force will be created by the Child Death Review Teams Executive Council to develop and implement a plan for the investigation of sudden, unexpected, or unexplained deaths of children under 18 years of age occurring within that region. The plan shall include a protocol to be followed by child death review teams in the review of child deaths authorized under paragraph (a)(5) of Section 20 of this Act. The plan must include provisions for local or State law enforcement agencies, hospitals, or coroners to promptly notify the Task Force of a death or serious life-threatening injury to a child, and for the Child Death Investigation Task Force to review the death and submit a report containing findings and recommendations to the Child Death Review Teams Executive Council, the Director, the Department of Children and Family Services Inspector General, the appropriate State's Attorney, and the State Representative and State Senator in whose legislative districts the case arose. The plan may include coordination with any investigation

conducted under the Children's Advocacy Center Act. By January 1, 2010, the Child Death Review Teams Executive Council shall submit a report to the Director, the General Assembly, and the Governor summarizing the results of the pilot program together with any recommendations for statewide implementation of a protocol for the investigating all sudden, unexpected, or unexplained child deaths.

Section 15. The Children's Advocacy Center Act is amended by changing Sections 3 and 4 as follows:

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

Sec. 3. Child Advocacy Advisory Board.

(a) Each county in the State of Illinois shall establish a Child Advocacy Advisory Board ("Advisory Board").

Each of the following county officers or State agencies shall designate a representative to serve on the Advisory Board: the sheriff, the Illinois Department of Children and Family Services, the State's attorney, ~~and~~ the county mental health department, and the Department of State Police.

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

(b) The Advisory Board shall organize itself and elect from

among its members a chairman and such other officers as are deemed necessary. Until a chairman is so elected, the State's attorney shall serve as interim chairman.

(c) The Advisory Board shall adopt, by a majority of the members, a written child sexual abuse protocol within one year after the effective date of this Act. An Advisory Board adopting a protocol after the effective date of this amendatory Act of 1996 shall, prior to finalization, submit its draft to the Illinois Child Advocacy Commission for review and comments. After considering the comments of the Illinois Child Advocacy Commission and upon finalization of its protocol, the Advisory Board shall file the protocol with the Department of Children and Family Services. A copy shall be furnished to the Illinois Child Advocacy Commission and to each agency in the county or counties which has any involvement with the cases of sexually abused children.

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

(d) The purpose of the protocol shall be to ensure

coordination and cooperation among all agencies involved in child sexual abuse cases so as to increase the efficiency and effectiveness of those agencies, to minimize the stress created for the child and his or her family by the investigatory and judicial process, and to ensure that more effective treatment is provided for the child and his or her family.

(e) The protocol shall be a written document outlining in detail the procedures to be used in investigating and prosecuting cases arising from alleged child sexual abuse and in coordinating treatment referrals for the child and his or her family. In preparing the written protocol, the Advisory Board shall consider the following:

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

(i) an interagency notification procedure;

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

(iii) a policy on interagency decision-making; and

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

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

(3) An interdisciplinary case review process for

purposes of decision-making, problem solving, systems coordination, and information sharing;

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

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

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

(f) The Advisory Board shall evaluate the implementation and effectiveness of the protocol required under subsection (c) of this Section on an annual basis, and shall propose appropriate modifications to the protocol to maximize its effectiveness. A report of the Advisory Board's review, along with proposed modifications, shall be submitted to the Illinois Child Advocacy Commission for its review and comments. After considering the comments of the Illinois Child Advocacy Commission and adopting modifications, the Advisory Board shall file its amended protocol with the Department of Children and Family Services. A copy of the Advisory Board's review and amended protocol shall be furnished to the Illinois Child Advocacy Commission and to each agency in the county or counties having any involvement with the cases covered by the protocol.

(g) The Advisory Board shall ~~may~~ adopt, by a majority of

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

(Source: P.A. 89-543, eff. 1-1-97.)

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

Sec. 4. Children's Advocacy Center.

(a) A Children's Advocacy Center ("Center") may be established to coordinate the activities of the various agencies involved in the investigation, prosecution and treatment referral of child sexual abuse. The Advisory Board shall serve as the governing board for the Center. The operation of the Center may be funded through grants, contracts, or any other available sources. In counties in which a referendum has been adopted under Section 5 of this Act, the Advisory Board, by the majority vote of its members, shall submit a proposed annual budget for the operation of the Center to the county board, which shall appropriate funds and levy a tax sufficient to operate the Center. The county board in each county in which a referendum has been adopted shall establish a

Children's Advocacy Center Fund and shall deposit the net proceeds of the tax authorized by Section 6 of this Act in that Fund, which shall be kept separate from all other county funds and shall only be used for the purposes of this Act.

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

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

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

(i) an interagency notification procedure;

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

(iii) a policy on interagency decision-making; and

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

(2) A safe, separate space with assigned personnel designated for the investigation and coordination of child

sexual abuse cases;

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

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

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

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

(d) In the event that a Center has been established as provided in this Section, the Advisory Board of that Center may, by a majority of the members, authorize the Center to coordinate the activities of the various agencies involved in the investigation, prosecution, and treatment referral in cases of serious or fatal injury to a child ~~physical abuse cases~~. The Advisory Board shall provide for the financial support of these activities in a manner similar to that set out in subsections (a) and (b) of this Section and shall be allowed to submit a budget that includes support for physical abuse and neglect activities to the County Board, which shall appropriate funds that may be available under Section 5 of this Act. In cooperation with the Department of Children and Family Services Child Death Review Teams, the Department of Children and Family

Services Office of the Inspector General, the Department of State Police, and other stakeholders, this protocol must be initially implemented in selected counties to the extent that State appropriations or funds from other sources for this purpose allow.

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

(Source: P.A. 91-158, eff. 7-16-99; 92-785, eff. 8-6-02.)