**Section 300.160 Special Types of Reports**

Six types of child abuse or neglect reports shall receive special attention as specified in subsections (a) through (f):

a) Incident Involving the Death of a Child

1) The Department shall immediately contact the appropriate medical examiner or coroner, the local law enforcement agency, and the State's Attorney when there is reasonable cause to suspect that a child has died as a result of abuse or neglect. The child protective investigator assigned to the investigation shall require a copy of the completed autopsy report from the coroner or medical examiner.

2) The Department shall refer to the child death review teams described in Section 300.170 of this Part the death of any child who is:

A) a child for whom the Department of Children and Family Services is legally responsible;

B) a child being served in an open service case either by the Department or through purchase of service contracts with private agencies;

C) the subject of a pending child abuse or neglect investigation;

D) a child who was the subject of an abuse or neglect investigation at any time during the 12 months immediately preceding the child's death; or

E) any other child whose death is reported to the State central register as a result of alleged child abuse or neglect if the report is subsequently indicated.

3) The Department shall cooperate with the work of the Office of the Inspector General and the child death review teams by:

A) providing to the team all records and case information relevant to the review, including records and information concerning all available previous reports or investigations of suspected child abuse or neglect. Other records and case information relevant to the review include:

i) birth certificates;

ii) all relevant medical and mental health records;

iii) records of law enforcement agency investigations;

iv) records of coroner or medical examiner investigations;

v) records of the Department of Corrections concerning a person's parole;

vi) records of a probation and court services department, and records of a social service agency that provided services to the child or the child's family;

B) assisting the Office of the Inspector General and the team in its review of the child's death;

C) reporting on any follow-up interventions suggested by the Office of the Inspector General or the team;

D) providing follow-up on death cases where circumstances surrounding the death suggest other children may be at risk. Follow-up may include, but is not limited to:

i) further investigation;

ii) risk assessment;

iii) grief counseling for other children in the family;

iv) referrals for other services as appropriate;

E) providing information and consultation regarding the juvenile court process and the availability of the court to protect or intervene with surviving siblings; and

F) assisting with arrangements for the date, time, and location of team meetings.

4) The Department shall prepare individual death review reports and issue an annual cumulative report to the Governor and General Assembly incorporating the data, appropriate findings and recommendations from the individual reports.

A) Child death review reports shall be completed no later than six months after the date of the death of the child. Upon completion of each report the Department shall notify the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the members of the Senate and the House of Representatives in whose district the child's death occurred. Reports shall address:

i) cause of death;

ii) identification of child protective or other services provided or actions taken regarding the child and his or her family;

iii) extraordinary or pertinent information concerning the circumstances of the child's death;

iv) whether the child or the child's family received assistance, care, or other social services prior to the child's death;

v) actions or further investigation undertaken by the Department since the death of the child; and

vi) recommendations concerning child protective, child welfare, or prevention issues.

B) Reports shall not contain information identifying the name of the deceased child, his or her siblings, parents or other persons legally responsible for the child, or any other members of the child's household.

C) Reports concerning the death of a child and the cumulative reports shall be made available to the public after completion or submittal.

i) A child-specific request for a report may be honored by the Department when the Department determines that disclosure of the information is not contrary to the best interest of the deceased child's siblings or other children in the household.

ii) The Department shall not release or disclose to the public the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical report pertaining to the deceased child or the child's family except as it may apply directly to the cause of the child's death.

D) The Department may request and shall receive in a timely fashion from departments, boards, bureaus, or other agencies of the State, or any of its political subdivisions, or any duly authorized agency, or any other agency that provided assistance, care or services to the deceased child, any information they are authorized to provide to enable the Department to prepare the report.

b) Reports Involving Child Care Facilities

Reports alleging abuse or neglect of children in child care facilities shall be made and received in the same manner as other reports. The appropriate supervisor or administrator at the facility shall be notified once the formal investigation has been commenced. Department licensing staff will be notified of all reports on licensed facilities upon commencement of the formal investigation. The Department shall advise the supervisor or administrator of their responsibility to take reasonable action necessary, based on all relevant circumstances and the allegations being investigated, to insure that the alleged perpetrator of the reported abuse or neglect is restricted from contact with children in the facility during the course of the formal investigation.

c) Reports Involving Child Care Workers

1) DCFS investigators, their supervisors and designated legal staff will be sent notification via e-mail within 24 hours after receipt of reports that may pertain to child care workers. The notification will advise DCFS staff to determine, during the initial investigation, if the alleged perpetrator is a child care worker. Investigators will provide the alleged perpetrator the SACWIS/CANTS 8 forms at the time of the initial interview and explain the information contained in these forms. The Child Protection Service Worker (CPSW) shall also explain that persons who are actively engaged in the job seeking process for a child care position; who are currently enrolled or will, within 180 days, be enrolled in an academic program that leads to a position as a child care worker; who are currently applying for a license for a child care worker position; or who are investigated in a capacity that is not employment related but whose employment or licensure may be affected by an indicated finding must identify themselves to the investigator. Child care workers who are the subject of a child abuse and/or neglect report (alleged perpetrator) shall be provided the following information.

A) Administrator's Teleconference

A one hour administrator's teleconference is held after the investigator, the investigator's supervisor and Child Protection Manager have concurred with the decision to recommend that the case be indicated. The administrator's teleconference provides the alleged perpetrator the opportunity to present documentary evidence or other information that supports his or her position and provides information to assist the Department in making the most accurate decision regarding the allegations.

B) Expedited Administrative Appeal

In the event that the allegation of child abuse and/or neglect is indicated, an expedited administrative appeal provides the alleged perpetrator with a final administrative decision within 35 days after receipt of his or her request for an appeal, absent any continuances requested by the child care worker.

C) Reports Not Related to Employment

Alleged perpetrators who are named in reports of abuse and/or neglect that are not related to their child care employment may choose to participate in an expedited process by informing the investigator that they would like the investigation treated as an employment related investigation subject to the procedures of this subsection (c).

2) Recommendation to Indicate a Report of Abuse or Neglect

A) The investigator must evaluate every piece of information and evidence obtained during a child abuse and/or neglect investigation, including both inculpatory and exculpatory evidence. Inculpatory evidence is evidence showing or tending to show a person's involvement in an act or tending to establish guilt. In child abuse and/or neglect investigations, inculpatory evidence means evidence showing or tending to show that a person abused or neglected a child. Exculpatory evidence is evidence tending to establish a person's innocence or evidence that tends to justify or clear a person from alleged fault or guilt. In child abuse and/or neglect investigations, exculpatory evidence means evidence showing or tending to show that a person did not abuse and/or neglect a child.

B) The investigator shall also complete the investigative summary, including all of the evidence that the investigator has gathered demonstrating that an incident of child abuse and/or neglect has:

i) occurred and the person recommended to be indicated is the person responsible for that abuse and/or neglect; or

ii) not occurred or that the person recommended to be indicated is not responsible for the child abuse and/or neglect.

C) The investigator shall print the investigative summary for use in the administrator's teleconference. All information identifying the reporter and/or source and other persons with information shall be redacted. The intake narrative, reporter/source/other person with information section, and the protective custody section shall also be redacted.

D) The investigator shall schedule an in person meeting with the alleged perpetrator prior to the administrator's teleconference to inform him or her of the decision to recommend that the case be indicated, and to provide the alleged perpetrator with the SACWIS/CANTS 9, the redacted investigative summary and the SACWIS/CANTS 10. The investigator shall complete the final page of S/C10. The investigator shall complete the final page of the S/C9 by including the State Central Register number and shall ask the alleged perpetrator to sign the acknowledgment of receipt. If the alleged perpetrator refuses to sign the acknowledgement form, the investigator shall note that refusal on the form and in a SACWIS case note. The investigator shall also use the in person meeting to review the information concerning the administrator's teleconference and explain the right to request an expedited appeal under subsection (c)(5)(A) if the case is indicated.

E) If the investigator has made two unsuccessful attempts to meet in person with the alleged perpetrator to deliver the S/C9, redacted investigative summary and S/C10, the investigator shall work with the Child Protection Administrator (CPA) to obtain a new date and time for the administrator's teleconference within the next two weeks. The investigator shall send the completed S/C9, S/C10 and redacted investigative summary to the alleged perpetrator by certified mail. The investigator shall document in a SACWIS case note all attempts to meet in person with the alleged perpetrator and the fact that the S/C9 and 10 and the redacted investigative summary were sent to the alleged perpetrator by certified mail.

3) Scheduling an Administrator's Conference

A) After the approval to indicate the report is given to the investigator, an administrator's teleconference shall be scheduled in accordance with the appropriate CPA's schedule. Administrator's teleconferences should be scheduled on Wednesdays and at the earliest possible date, but can be scheduled on other days to accommodate the schedule of the administrator or the alleged perpetrator and his or her representative.

B) The investigator shall enter the date and time for the administrator's teleconference on the S/C9. The CPSW shall also enter information regarding the children reported to be abused and/or neglected; the location where the reported abuse and/or neglect is alleged to have occurred; a description of the allegations for which the Department intends to find the person responsible, including the name of the allegation, the allegation number and the number of years that the allegation recommended to be indicated will remain on the State Central Register.

C) Prior to the administrator's teleconference, the investigator shall forward to the CPA copies of any hard copy documents obtained during the course of the child abuse and/or neglect investigation. On the scheduled date and time, the alleged perpetrator shall contact the CPA at the number contained on the S/C9. Field staff is encouraged to attend the administrator's teleconference.

D) It is important that the investigative summary that is provided to the alleged perpetrator in advance of the administrator's teleconference contain a full and detailed explanation of the information and evidence that has been gathered and provide a rationale as to why the case is being recommended to be indicated. Documentation shall be listed in the investigative summary of all of the evidence that has been gathered during the investigation that suggests an incident did occur and that the alleged perpetrator is responsible and/or the evidence that suggests an incident did not occur or that the alleged perpetrator is not responsible.

E) The administrator's teleconference is not a hearing and the alleged perpetrator cannot present the testimony of witnesses. The alleged perpetrator can provide other information and documentary evidence.

4) Administrator's Teleconference

A) The CPA shall convene the administrator's teleconference on the date and time listed in the S/C9. When the alleged perpetrator and/or his or her representative calls in, the CPA shall explain the purpose of the teleconference, ask all persons to identify themselves, and allow the alleged perpetrator and/or his or her representative to provide the CPA with any information that will help the Department make the most accurate decision regarding the current allegations. The CPA shall provide the alleged perpetrator and/or his or her representative the ability to fax any documentary evidence that the alleged perpetrator believes is necessary for the Department to make the most accurate decision regarding the allegations of child abuse and/or neglect.

B) The CPA shall also document the persons who attended the teleconference, all information provided by the alleged perpetrator and any documentary evidence received from the alleged perpetrator on the Administrator's Teleconference Form. The CPA shall send a copy of the form to the investigator who shall ensure that the form is placed in the investigative file maintained in the case file.

C) If the CPA sends the case back for further investigation, he or she shall provide the investigator with instructions regarding further investigatory steps to be taken. The CPA shall also give the investigator a due date by which the additional investigatory steps are to be completed. When the CPA has been provided with the additional information, he or she shall find the allegation to be indicated or unfounded.

D) The CPA shall send a letter to the alleged perpetrator advising him or her of the Department's decision that the allegation of child abuse and/or neglect is unfounded or is indicated. This information shall also be provided to the responsible Child Protection Manager.

E) For those cases in which the recommendation to indicate has been upheld by the CPA, the investigator shall confirm that the case has been closed in SACWIS and the date that the final finding letter was sent from SACWIS, and shall complete the S/C11. The investigator shall then mail the S/C11 to the alleged perpetrator. This letter will be sent in addition to the formal notification letter from the State Central Register.

F) In the event that the alleged perpetrator does not call into the administrator's teleconference at the scheduled time, the CPA shall wait a minimum of one half hour for the alleged perpetrator and/or his or her representative to call. After waiting one-half hour for the alleged perpetrator to call, the CPA shall review the investigation and make a determination to find the allegation to be indicated or unfounded or to return the case for further investigation. The CPA shall indicate in the administrator's teleconference form that the alleged perpetrator failed to call and shall include the reasons for his or her decision that the alleged violation is indicated or unfounded or the reasons for his or her decision to return the case for further investigation.

5) Administrative Appeals

A) Expedited Appeals

Child care workers have the right to request an expedited appeal of an indicated finding through the Department's Administrative Hearings Unit. An expedited appeal requires that the Director issue a final administrative decision within 35 days after the date of receipt of the child care worker's appeal. The 35 day time period excludes any time attributable to an appellant's request for a continuance or to any continuance or date set by the agreement of the parties. An appellant must specifically request an expedited appeal in writing at the time of the initial request for appeal filed with the Administrative Hearings Unit. Any written request for an appeal that is received by the Unit that does not expressly request an expedited appeal will automatically be treated as a regular appeal.

B) Regular Appeals

If the appellant does not request an expedited appeal, but does appeal the indicated finding, he or she is entitled to have a final administrative decision within 90 days after the date of receipt of the appeal. The 90 day time period excludes any time attributable to an appellant's request for a continuance or to any continuance or date set by the agreement of the parties. Any written request for an appeal that is received by the Unit that does not expressly request an expedited appeal will automatically be treated as a regular appeal.

d) Reports Involving Schools

When a report is received alleging abuse or neglect of a child by a school employee known to the child through the employee's official or professional capacity, the Department will take the following actions:

1) To the extent possible, conduct an investigation involving a teacher at a time when the teacher is not scheduled to conduct classes.

2) Conduct investigations involving other school employees in such a way as to minimize disruption of the school day.

3) Make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor, if the report does not involve allegations of sexual abuse or extreme physical abuse.

4) When a report of alleged abuse involving a teacher occurred in the course of the teacher's efforts to maintain safety for other students, determine whether the teacher used reasonable force in accordance with rules established by the local board of education as authorized by the School Code [105 ILCS 5].

5) Advise school officials that they may, in accordance with the School Code, withhold from any person, information on the whereabouts of any child removed from school premises, when the child has been taken into protective custody as a victim of suspected child abuse and that they may direct persons seeking information to the Department or to the local law enforcement agency.

6) Advise school employees accused of child abuse or neglect of their due process rights, of the steps in the investigative process, and that they may have their superior, association or union representative, and attorney present at any interview or meeting at which the school employee is present.

7) Prior to indicating a report involving a school employee, the Department will take the following steps:

A) send the employee a copy of the investigative file with identifying information deleted. Any materials and evidence submitted to the Department subsequent to sending the employee a copy of the investigative file shall be sent to the employee upon receipt by the Department;

B) allow the school employee, prior to the final finding, an opportunity to:

i) present evidence to the contrary regarding the report; and

ii) request an informal conference at which the employee may present the additional evidence and/or, subject to the discretion of the Department, confront the accuser, provided the accuser is 14 years of age or older.

8) If an informal conference is requested, the Department shall schedule the conference after receipt by the employee of the copy of the investigative file, and shall:

A) conduct the conference in a neutral setting away from the school grounds during hours when school is not in session, unless requested otherwise by the school employee;

B) notify the following persons of the conference, if the purpose of the conference is merely to submit additional evidence:

i) the school employee and representative;

ii) Department representatives including the investigative worker;

C) notify the following additional persons if the employee wishes to confront the accuser and the Department has approved such a confrontation:

i) the accuser, provided the accuser is 14 years of age or older, and the accuser's parents, guardian and/or representative of a Child Advocacy Center, when involved in the case. (The accuser is the person who has made the allegation of abuse or neglect. The accuser is not necessarily the same as the reporter.)

ii) representatives of the State's Attorney's Office or law enforcement agency in the county where the alleged incident occurred, when the State's Attorney's Office or law enforcement agency are currently involved in the investigation and/or are considering filing criminal charges in the case.

iii) persons identified by the employee who have information relevant to the report, who will be included in only those portions of the conference pertaining to their testimony;

D) following the conference, allow the school employee at least five calendar days to present additional evidence to the Department;

E) make a final determination with regard to the report in accordance with Section 300.110 of this Part.

9) No such conference will be allowed when there is a criminal investigation pending and the Department has been advised by law enforcement authorities or the State's Attorney not to allow a face-to-face confrontation between the accused and the accuser.

10) When determining whether to allow the school employee to confront an accuser who is 14 years or older, the Department shall take the following into consideration:

A) whether, due to the nature of the allegation, a confrontation with the accused school employee would cause excessive trauma to the child, and

B) whether the child has a documented history of mental, emotional or developmental problems.

11) The Department shall inform the child and the child's parents in writing prior to the conference and orally at the conference that:

A) they may decline to attend or proceed with the conference, and

B) if they do attend, they may refuse to answer any questions posed, and

C) if the child attends, he or she has the right to have an attorney or other person representing his or her interests present at the conference, in addition to his or her parents or guardian.

12) Child's or parent's refusal to attend a conference or to answer questions shall not be grounds for unfounding an otherwise credible report.

13) All proceedings shall be confidential and no statement, summary, transcript, recording or other investigative product shall be released except on written order of the court, or in compliance with the confidentiality provisions of the Abused and Neglected Child Reporting Act. Violations of these provisions is a Class A misdemeanor (see 325 ILCS 5/11).

14) Whether or not an informal conference has been conducted, the school employee retains all other appeal rights provided in the Abused and Neglected Child Reporting Act [325 ILCS 5/7.16] and 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect Investigation Findings).

e) Reports Involving State Facilities and State Employees Acting in Their Official Capacity

When reports are received alleging abuse or neglect of children by any State of Illinois Department or any State employee acting in his or her official capacity, the report-taker will immediately notify the Director of the Department or designee. The Director or designee will transmit the details of the report to the Division of Internal Investigation, Illinois Department of State Police.

f) Reports Involving Juvenile Alleged Perpetrators

Reports of abuse or neglect in which a juvenile (anyone under 18 years of age) has been named as the alleged perpetrator shall be handled as follows:

1) Juvenile Parents of Alleged Victims

All calls received by State Central Register (SCR) that meet the Department's criteria to be accepted for investigation, and in which the alleged perpetrator is a juvenile who is also the parent of the alleged victim, will be investigated and maintained on the State Central Register without regard to the age of the alleged perpetrator.

2) All Other Children Under the Age of 18

Calls received at SCR alleging that children under the age of 18 are responsible for abuse or neglect will be accepted for investigation. SCR will consider situations in which children under the age of 18 are allegedly responsible for abuse or neglect to determine whether there is reasonable cause to suspect that the maltreatment is the result of blatant disregard on the part of an adult who is an eligible perpetrator. If so, a report will be accepted alleging inadequate supervision with the adult as the alleged perpetrator.

3) Indicated Findings

A) If after an investigation, reports are indicated and children under the age of 10 are determined to be the perpetrator, the child will not be named as the perpetrator for purposes of retaining the report in the State Central Register.

B) If, after an investigation, reports are indicated and children between the ages of 10 and 18 are determined to be the perpetrator, reports that carry a five year retention schedule will be expunged from the State Central Register after five years or at the perpetrator's 21st birthday, whichever is sooner.

C) In the event that the same child between the ages of 10 and 18 is determined to be an indicated perpetrator of another report that requires a five year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of five years from the date of the subsequent report or at the perpetrator's 21st birthday, whichever is sooner.

D) Reports that carry a 20 or 50 year retention schedule will be expunged from the State Central Register after five years or at the perpetrator's 23rd birthday, whichever is sooner.

E) In the event that the same child between the ages of 10 and 18 is subsequently determined to be an indicated perpetrator of an allegation carrying a 20 or 50 year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of five years from the date of the subsequent report or at the perpetrator's 23rd birthday, whichever is sooner.

(Source: Peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005)