**Section 331.40 Unusual Incidents Involving Children and Youth**

a) Caregivers shall immediately report to the Department those unusual incidents that involve any child or youth for whom the Department is legally responsible on a form and in a manner prescribed by the Department. Assigned caseworkers shall instruct foster parents and relative caregivers to report unusual incidents to the caseworker, who shall be responsible for reporting the incident to the Department. Further, Department employees shall immediately report all unusual incidents to the appropriate administrator of the Department region in which the unusual incident occurred and to the administrator in charge of the operations of the Department or his or her designee.

b) Events or occurrences that shall be reported to the Department as unusual incidents when they involve a child or youth for whom the Department is legally responsible include, but are not limited to:

1) Abuse of a ward alleged;

2) Neglect of a ward alleged;

3) Sexual abuse of a ward alleged;

4) Death of DCFS ward;

5) Self-inflicted injury/wound to a ward;

6) Accidental injury/wound to a ward;

7) Restraint of a ward results in injury;

8) Medication − ward refusal;

9) Medical emergency;

10) Medication dispensing error;

11) Medication, adverse reaction;

12) Psychiatric emergency;

13) Medical hospitalization;

14) Psychotropic medication − emergency administration;

15) Psychiatric hospitalization;

16) School − ward suspended;

17) School − ward expelled;

18) Crime − ward detained, arrested, charged with or convicted of crime or act of delinquency;

19) Restraint of a ward (manual);

20) Seclusion of a ward;

21) Runaway or missing ward;

22) Weapon alleged to be in ward's possession;

23) Alcohol or substance abuse by a ward suspected;

24) Assault of a ward alleged;

25) Sexual assault of a ward alleged;

26) Sexually aggressive behavior by a ward alleged;

27) Sexually problematic behavior by a ward alleged;

28) Pregnant or parenting ward identified;

29) Kidnapping or abduction of ward;

30) Suicide attempt by ward;

31) Suicide ideation/threat by ward;

32) Property damage of $50 or more;

33) Aggressive act or behavior by a ward alleged;

34) Death of a former ward;

35) Death of a non-ward; and

36) Accident involving ward.

c) The death of a child or youth for whom the Department had previous legal responsibility shall be reported as an unusual incident when the death is made known to the staff of the Department or a purchase of service provider, and the death occurs within one year after discharge from guardianship or custody of the Department.

d) Any child whose death is reported to the State Central Register as a result of alleged child abuse or neglect shall be treated as an unusual incident in accordance with this Part.

e) Alleged child abuse or neglect reported as an unusual incident shall also be reported immediately to the State Central Register, in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). Action taken shall be in accordance with those rules.

f) Unusual incidents involving children or youth for whom the Department is legally responsible shall be reported immediately to the Department by telephone and other electronic means in a manner and form prescribed by the Department. Verbal reports shall be confirmed in a manner and form prescribed by the Department within two working days after the occurrence.

g) Any usual incident that involves the death, assault, sexual assault, abduction or kidnapping of a child or youth for whom the Department is legally responsible shall be reported immediately to appropriate law enforcement authorities. Further, that a child or youth is missing or has run away shall be reported to law enforcement authorities as soon as the caregiver has reason to believe that the child or youth has run away or is missing.

h) In addition to filing an unusual incident report, any incident that involves death, assault, sexual assault, abduction or kidnapping of a child or youth that occurs on the premises of a Department facility shall be reported immediately, by phone, to the administrator in charge of the operations of the Department or his or her designee and to the Department's Inspector General. Any other unusual incidents in Department facilities shall be reported to the administrator in charge of the operations of the Department or his or her designee in the manner prescribed by this Part.

i) Immediately upon receipt of a report indicating that a child or youth for whom the Department is legally responsible has been the subject of abuse or neglect, is deceased, is the subject of an abduction or kidnapping, or has been on an unauthorized absence of more than 24 hours, the Department shall notify the parents, guardian or legal custodian. If the parents, guardian or legal custodian is unavailable, the Department shall notify the next of kin or other family member of the unusual incident.

j) When an incident described in this Section involves a child or youth for whom the Department is legally responsible who is in the direct care of a child care facility other than the Department, the responsible child care facility shall notify the parents, guardian or legal custodian, if other than the Department. If the parents, guardian or legal custodian is unavailable, the child care facility shall notify the next of kin or other family member of the unusual incident. Information regarding that notification shall be included in the facility's report to the Department regarding the incident.

k) The Department may waive the requirement of reporting repeated incidents described in subsection (b) when the Department determines that the incidents are part of the behavior pattern of a particular child or youth, or that the incidents are part of the individual treatment plan for a particular child or youth. The caregiver may apply to the Department for a waiver under this provision in accordance with procedures prescribed by the Department. The caregiver must not discontinue reporting any unusual incidents until authorization is formally granted by the Department, in accordance with procedures prescribed by the Department. The Department shall notify the child's attorney or guardian ad litem of the waiver authorization.

AGENCY NOTE: Terms used in this Section to describe unusual incidents have the meaning ascribed to them by the Criminal Code of 1961 [720 ILCS 5] or 89 Ill. Adm. Code 300 (Reports of Child Abuse or Neglect), as applicable.

(Source: Amended at 32 Ill. Reg. 11649, effective July 10, 2008)