

## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4220

Introduced 11/7/2023, by Rep. Dan Caulkins

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/7.4b new

Amends the Abused and Neglected Child Reporting Act. Requires the Department of Children and Family Services to provide certain written summaries and verbal notifications to parents, guardians, or other persons having legal custody of a child who are under investigation for child abuse or neglect. Provides that, after initiating an abuse or neglect investigation, the Department shall provide the investigated person with a written summary of the following information: (1) the known allegations and factual claims the Department is investigating; (2) the Department's procedures for conducting an investigation of alleged child abuse or neglect; (3) the person's right to file a complaint with the Department or request a review of the Department's investigative findings; (4) the person's right to review all records of the Department's investigation within 24 hours of making the request unless such review would undermine an ongoing criminal investigation or jeopardize the child's safety; and other matters. Requires the Department to provide a verbal notification of the person's right to: (i) not speak with any agent of the Department without an attorney present; (ii) record any interaction or interview the person has with a child protective investigator or any other agent of the Department with the understanding that upon court order the person may be required to disclose the recording to the Department, a law enforcement agency, or another party; (iii) refuse to allow a child protective investigator to enter the home or interview the child without a court order; and other matters. Provides that the Department shall provide a verbal notification to the child of the child's right to have an adult the child is comfortable with present during any investigatory interview with the Department. Provides that the child protective investigator assigned to investigate the report of abuse or neglect shall document in the case record that the investigator provided the written summaries and verbal notifications. Provides that if a parent, guardian, or legal custodian under investigation for child abuse or neglect does not receive the written summaries and verbal notifications, any information obtained from such person is not admissible as evidence against the person in any civil proceeding.

LRB103 35208 KTG 65188 b

A BILL FOR

1 AN ACT concerning children.

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

4 Section 5. The Abused and Neglected Child Reporting Act is  
5 amended by adding Section 7.4b as follows:

6 (325 ILCS 5/7.4b new)

7 Sec. 7.4b. Notification of parents' and caregivers'  
8 rights.

9 (a) After initiating an abuse or neglect investigation of  
10 a parent, legal guardian, or other person having legal custody  
11 of a child, the Department shall, at the time of first contact,  
12 provide the person with a written summary of the following  
13 information:

14 (1) the known allegations and factual claims the  
15 Department is investigating;

16 (2) the Department's procedures for conducting an  
17 investigation of alleged child abuse or neglect,  
18 including:

19 (A) a description of the circumstances under which  
20 the Department may take temporary protective custody  
21 of the child and petition a court for temporary  
22 custody of the child;

23 (B) a statement that State law requires the

1 Department to refer all reports of alleged child abuse  
2 or neglect to the appropriate local law enforcement  
3 agency for consideration of a separate criminal  
4 investigation or other action;

5 (C) an explanation that any statement or admission  
6 the person makes to a child protective investigator or  
7 to any other individual may be used against the  
8 person:

9 (i) in a criminal case;

10 (ii) as a basis to temporarily or permanently  
11 remove from the person's care, custody, or control  
12 the child who is the subject of the investigation  
13 or any other child in the household; or

14 (iii) as a basis to terminate the person's  
15 parental rights, guardianship, or custodianship of  
16 the child who is the subject of the investigation  
17 or of any other child in the household;

18 (3) the person's right to file a complaint with the  
19 Department or request a review of the Department's  
20 investigative findings;

21 (4) the person's right to review all records of the  
22 Department's investigation within 24 hours of making the  
23 request unless such review would undermine an ongoing  
24 criminal investigation or jeopardize the child's safety,  
25 such as protected confidential information;

26 (5) the person's right to seek legal counsel;

1           (6) citations to the statutory and regulatory  
2           provisions governing child abuse and neglect  
3           investigations conducted by the Department and  
4           instructions on how the person may obtain access to or  
5           copies of those statutory and regulatory provisions;

6           (7) the process the person may use to acquire access  
7           to the child who is the subject of the investigation, or to  
8           any other child from the household, if the child is  
9           removed from the home; and

10           (8) if a petition is filed in court, have a  
11           court-appointed attorney if the person is indigent.

12           (b) The Department shall also provide a verbal  
13           notification of the person's right to:

14           (1) not speak with any agent of the Department without  
15           an attorney present;

16           (2) receive assistance from an attorney;

17           (3) record any interaction or interview the person has  
18           with a child protective investigator or any other agent of  
19           the Department with the understanding that upon court  
20           order the person may be required to disclose the recording  
21           to the Department, a law enforcement agency, or another  
22           party;

23           (4) refuse to allow a child protective investigator to  
24           enter the home or interview the child without a court  
25           order;

26           (5) have an attorney present before allowing a child

1 protective investigator to enter the home or interview the  
2 child;

3 (6) withhold consent to the release of any medical or  
4 mental health records;

5 (7) withhold consent to any medical or psychological  
6 examination of the child;

7 (8) refuse to submit to a drug test; and

8 (9) prior to implementing any safety plan, consult  
9 with an attorney prior to agreeing to any proposed safety  
10 plan.

11 (c) The Department shall provide a verbal notification to  
12 the child of the child's right to have an adult the child is  
13 comfortable with present during any investigatory interview  
14 with the Department.

15 (d) The child protective investigator assigned to  
16 investigate the report of abuse or neglect shall document in  
17 the case record that the investigator provided the written  
18 summaries and verbal notifications as required under this  
19 Section. The Department shall develop a form for the purpose  
20 of verifying that a parent, guardian, or legal custodian under  
21 investigation for child abuse or neglect received the written  
22 summaries and verbal notifications required under this  
23 Section. If a parent, guardian, or legal custodian under  
24 investigation for child abuse or neglect does not receive the  
25 written summaries and verbal notifications, any information  
26 obtained from such person by the child protective investigator

1 at the time of first contact, and any subsequent information  
2 discovered on the basis of the information obtained at the  
3 time of first contact, is not admissible as evidence against  
4 the person in any civil proceeding.