

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 changing Section 7.4 as follows:

6 (325 ILCS 5/7.4)

7 Sec. 7.4. (a) The Department shall be capable of receiving
8 reports of suspected child abuse or neglect 24 hours a day, 7
9 days a week. Whenever the Department receives a report
10 alleging that a child is a truant as defined in Section 26-2a
11 of the School Code, as now or hereafter amended, the
12 Department shall notify the superintendent of the school
13 district in which the child resides and the appropriate
14 superintendent of the educational service region. The
15 notification to the appropriate officials by the Department
16 shall not be considered an allegation of abuse or neglect
17 under this Act.

18 (a-5) The Department of Children and Family Services may
19 implement a "differential response program" in accordance with
20 criteria, standards, and procedures prescribed by rule. The
21 program may provide that, upon receiving a report, the
22 Department shall determine whether to conduct a family
23 assessment or an investigation as appropriate to prevent or

1 provide a remedy for child abuse or neglect.

2 For purposes of this subsection (a-5), "family assessment"
3 means a comprehensive assessment of child safety, risk of
4 subsequent child maltreatment, and family strengths and needs
5 that is applied to a child maltreatment report that does not
6 allege substantial child endangerment. "Family assessment"
7 does not include a determination as to whether child
8 maltreatment occurred but does determine the need for services
9 to address the safety of family members and the risk of
10 subsequent maltreatment.

11 For purposes of this subsection (a-5), "investigation"
12 means fact-gathering related to the current safety of a child
13 and the risk of subsequent abuse or neglect that determines
14 whether a report of suspected child abuse or neglect should be
15 indicated or unfounded and whether child protective services
16 are needed.

17 Under the "differential response program" implemented
18 under this subsection (a-5), the Department:

19 (1) Shall conduct an investigation on reports
20 involving substantial child abuse or neglect.

21 (2) Shall begin an immediate investigation if, at any
22 time when it is using a family assessment response, it
23 determines that there is reason to believe that
24 substantial child abuse or neglect or a serious threat to
25 the child's safety exists.

26 (3) May conduct a family assessment for reports that

1 do not allege substantial child endangerment. In
2 determining that a family assessment is appropriate, the
3 Department may consider issues, including, but not limited
4 to, child safety, parental cooperation, and the need for
5 an immediate response.

6 (4) Shall promulgate criteria, standards, and
7 procedures that shall be applied in making this
8 determination, taking into consideration the Safety-Based
9 Child Welfare Intervention System of the Department.

10 (5) May conduct a family assessment on a report that
11 was initially screened and assigned for an investigation.

12 In determining that a complete investigation is not
13 required, the Department must document the reason for
14 terminating the investigation and notify the local law
15 enforcement agency or the Illinois State Police if the local
16 law enforcement agency or Illinois State Police is conducting
17 a joint investigation.

18 Once it is determined that a "family assessment" will be
19 implemented, the case shall not be reported to the central
20 register of abuse and neglect reports.

21 During a family assessment, the Department shall collect
22 any available and relevant information to determine child
23 safety, risk of subsequent abuse or neglect, and family
24 strengths.

25 Information collected includes, but is not limited to,
26 when relevant: information with regard to the person reporting

1 the alleged abuse or neglect, including the nature of the
2 reporter's relationship to the child and to the alleged
3 offender, and the basis of the reporter's knowledge for the
4 report; the child allegedly being abused or neglected; the
5 alleged offender; the child's caretaker; and other collateral
6 sources having relevant information related to the alleged
7 abuse or neglect. Information relevant to the assessment must
8 be asked for, and may include:

9 (A) The child's sex and age, prior reports of abuse or
10 neglect, information relating to developmental
11 functioning, credibility of the child's statement, and
12 whether the information provided under this paragraph (A)
13 is consistent with other information collected during the
14 course of the assessment or investigation.

15 (B) The alleged offender's age, a record check for
16 prior reports of abuse or neglect, and criminal charges
17 and convictions. The alleged offender may submit
18 supporting documentation relevant to the assessment.

19 (C) Collateral source information regarding the
20 alleged abuse or neglect and care of the child. Collateral
21 information includes, when relevant: (i) a medical
22 examination of the child; (ii) prior medical records
23 relating to the alleged maltreatment or care of the child
24 maintained by any facility, clinic, or health care
25 professional, and an interview with the treating
26 professionals; and (iii) interviews with the child's

1 caretakers, including the child's parent, guardian, foster
2 parent, child care provider, teachers, counselors, family
3 members, relatives, and other persons who may have
4 knowledge regarding the alleged maltreatment and the care
5 of the child.

6 (D) Information on the existence of domestic abuse and
7 violence in the home of the child, and substance abuse.

8 Nothing in this subsection (a-5) precludes the Department
9 from collecting other relevant information necessary to
10 conduct the assessment or investigation. Nothing in this
11 subsection (a-5) shall be construed to allow the name or
12 identity of a reporter to be disclosed in violation of the
13 protections afforded under Section 7.19 of this Act.

14 After conducting the family assessment, the Department
15 shall determine whether services are needed to address the
16 safety of the child and other family members and the risk of
17 subsequent abuse or neglect.

18 Upon completion of the family assessment, if the
19 Department concludes that no services shall be offered, then
20 the case shall be closed. If the Department concludes that
21 services shall be offered, the Department shall develop a
22 family preservation plan and offer or refer services to the
23 family.

24 At any time during a family assessment, if the Department
25 believes there is any reason to stop the assessment and
26 conduct an investigation based on the information discovered,

1 the Department shall do so.

2 The procedures available to the Department in conducting
3 investigations under this Act shall be followed as appropriate
4 during a family assessment.

5 If the Department implements a differential response
6 program authorized under this subsection (a-5), the Department
7 shall arrange for an independent evaluation of the program for
8 at least the first 3 years of implementation to determine
9 whether it is meeting the goals in accordance with Section 2 of
10 this Act.

11 The Department may adopt administrative rules necessary
12 for the execution of this Section, in accordance with Section
13 4 of the Children and Family Services Act.

14 The Department shall submit a report to the General
15 Assembly by January 15, 2018 on the implementation progress
16 and recommendations for additional needed legislative changes.

17 (b) (1) The following procedures shall be followed in the
18 investigation of all reports of suspected abuse or neglect of
19 a child, except as provided in subsection (c) of this Section.

20 (2) If, during a family assessment authorized by
21 subsection (a-5) or an investigation, it appears that the
22 immediate safety or well-being of a child is endangered, that
23 the family may flee or the child disappear, or that the facts
24 otherwise so warrant, the Child Protective Service Unit shall
25 commence an investigation immediately, regardless of the time
26 of day or night. All other investigations shall be commenced

1 within 24 hours of receipt of the report. Upon receipt of a
2 report, the Child Protective Service Unit shall conduct a
3 family assessment authorized by subsection (a-5) or begin an
4 initial investigation and make an initial determination
5 whether the report is a good faith indication of alleged child
6 abuse or neglect.

7 (3) Based on an initial investigation, if the Unit
8 determines the report is a good faith indication of alleged
9 child abuse or neglect, then a formal investigation shall
10 commence and, pursuant to Section 7.12 of this Act, may or may
11 not result in an indicated report. The formal investigation
12 shall include: direct contact with the subject or subjects of
13 the report as soon as possible after the report is received; an
14 evaluation of the environment of the child named in the report
15 and any other children in the same environment; a
16 determination of the risk to such children if they continue to
17 remain in the existing environments, as well as a
18 determination of the nature, extent and cause of any condition
19 enumerated in such report; the name, age and condition of
20 other children in the environment; and an evaluation as to
21 whether there would be an immediate and urgent necessity to
22 remove the child from the environment if appropriate family
23 preservation services were provided. After seeing to the
24 safety of the child or children, the Department shall
25 forthwith notify the subjects of the report in writing, of the
26 existence of the report and their rights existing under this

1 Act in regard to amendment or expungement. To fulfill the
2 requirements of this Section, the Child Protective Service
3 Unit shall have the capability of providing or arranging for
4 comprehensive emergency services to children and families at
5 all times of the day or night.

6 (4) If (i) at the conclusion of the Unit's initial
7 investigation of a report, the Unit determines the report to
8 be a good faith indication of alleged child abuse or neglect
9 that warrants a formal investigation by the Unit, the
10 Department, any law enforcement agency or any other
11 responsible agency and (ii) the person who is alleged to have
12 caused the abuse or neglect is employed or otherwise engaged
13 in an activity resulting in frequent contact with children and
14 the alleged abuse or neglect are in the course of such
15 employment or activity, then the Department shall, except in
16 investigations where the Director determines that such
17 notification would be detrimental to the Department's
18 investigation, inform the appropriate supervisor or
19 administrator of that employment or activity that the Unit has
20 commenced a formal investigation pursuant to this Act, which
21 may or may not result in an indicated report. The Department
22 shall also notify the person being investigated, unless the
23 Director determines that such notification would be
24 detrimental to the Department's investigation.

25 (c) In an investigation of a report of suspected abuse or
26 neglect of a child by a school employee at a school or on

1 school grounds, the Department shall make reasonable efforts
2 to follow the following procedures:

3 (1) Investigations involving teachers shall not, to
4 the extent possible, be conducted when the teacher is
5 scheduled to conduct classes. Investigations involving
6 other school employees shall be conducted so as to
7 minimize disruption of the school day. The school employee
8 accused of child abuse or neglect may have the school
9 employee's superior, the school employee's association or
10 union representative, and the school employee's attorney
11 present at any interview or meeting at which the teacher
12 or administrator is present. The accused school employee
13 shall be informed by a representative of the Department,
14 at any interview or meeting, of the accused school
15 employee's due process rights and of the steps in the
16 investigation process. These due process rights shall also
17 include the right of the school employee to present
18 countervailing evidence regarding the accusations. In an
19 investigation in which the alleged perpetrator of abuse or
20 neglect is a school employee, including, but not limited
21 to, a school teacher or administrator, and the
22 recommendation is to determine the report to be indicated,
23 in addition to other procedures as set forth and defined
24 in Department rules and procedures, the employee's due
25 process rights shall also include: (i) the right to a copy
26 of the investigation summary; (ii) the right to review the

1 specific allegations which gave rise to the investigation;
2 and (iii) the right to an administrator's teleconference
3 which shall be convened to provide the school employee
4 with the opportunity to present documentary evidence or
5 other information that supports the school employee's
6 position and to provide information before a final finding
7 is entered.

8 (2) If a report of neglect or abuse of a child by a
9 teacher or administrator does not involve allegations of
10 sexual abuse or extreme physical abuse, the Child
11 Protective Service Unit shall make reasonable efforts to
12 conduct the initial investigation in coordination with the
13 employee's supervisor.

14 If the Unit determines that the report is a good faith
15 indication of potential child abuse or neglect, it shall
16 then commence a formal investigation under paragraph (3)
17 of subsection (b) of this Section.

18 (3) If a report of neglect or abuse of a child by a
19 teacher or administrator involves an allegation of sexual
20 abuse or extreme physical abuse, the Child Protective Unit
21 shall commence an investigation under paragraph (2) of
22 subsection (b) of this Section.

23 (c-5) In any instance in which a report is made or caused
24 to made by a school district employee involving the conduct of
25 a person employed by the school district, at the time the
26 report was made, as required under Section 4 of this Act, the

1 Child Protective Service Unit shall send a copy of its final
2 finding report to the general superintendent of that school
3 district.

4 (c-10) The Department may recommend that a school district
5 remove a school employee who is the subject of an
6 investigation from the school employee's employment position
7 pending the outcome of the investigation; however, all
8 employment decisions regarding school personnel shall be the
9 sole responsibility of the school district or employer. The
10 Department may not require a school district to remove a
11 school employee from the school employee's employment position
12 or limit the school employee's duties pending the outcome of
13 an investigation.

14 (d) If the Department has contact with an employer, or
15 with a religious institution or religious official having
16 supervisory or hierarchical authority over a member of the
17 clergy accused of the abuse of a child, in the course of its
18 investigation, the Department shall notify the employer or the
19 religious institution or religious official, in writing, when
20 a report is unfounded so that any record of the investigation
21 can be expunged from the employee's or member of the clergy's
22 personnel or other records. The Department shall also notify
23 the employee or the member of the clergy, in writing, that
24 notification has been sent to the employer or to the
25 appropriate religious institution or religious official
26 informing the employer or religious institution or religious

1 official that the Department's investigation has resulted in
2 an unfounded report.

3 (d-1) Whenever a report alleges that a child was abused or
4 neglected while receiving care in a hospital, including a
5 freestanding psychiatric hospital licensed by the Department
6 of Public Health, the Department shall send a copy of its final
7 finding to the Director of Public Health and the Director of
8 Healthcare and Family Services.

9 (d-1.5) For the purposes of this Section, "medical
10 professional" means any physician, nurse practitioner,
11 physician assistant, nurse, resident, or subspecialist who is
12 not part of the child's initial care team and whose
13 involvement is pursuant to any contract, memorandum of
14 understanding, or other agreement with the Department or an
15 entity that is accredited by statute to collaborate with the
16 Department for purposes of child abuse investigations.

17 (d-2) In any investigation involving a medical
18 professional conducted in accordance with this Act, the
19 following protections shall be provided to the parent or
20 guardian of the child at the center of an investigation:

21 (1) The medical professional must explain to the
22 parent or guardian of the child, whenever the medical
23 professional has direct contact with the child or the
24 family of the child, that the medical professional is
25 involved for the purpose of providing an opinion to the
26 Department regarding whether the child's injury or

1 condition is suspicious for child maltreatment. The
2 medical professional must explain that he or she may be
3 required to communicate with law enforcement and provide
4 court testimony. The medical professional must also
5 provide the child's parent or guardian with accurate
6 information about his or her medical specialties.

7 (2) In any investigation where a medical professional
8 is providing a medical opinion to the Department, the
9 Department shall inform the parent or guardian of the
10 child at the center of an investigation:

11 (A) of his or her right to request and receive a
12 copy of the medical professional's opinion, including
13 the basis for the opinion, and a copy of any written
14 report the medical professional has provided to the
15 Department;

16 (B) of his or her right to obtain, at his or her
17 own expense, and submit to the Department a second
18 medical opinion for consideration in the investigation
19 at any time prior to the conclusion of the
20 investigation;

21 (C) that any second medical opinion submitted to
22 the Department prior to the Department rendering a
23 final determination in the investigation will be
24 considered as inculpatory or exculpatory evidence; and

25 (D) of the Department's time frames for the
26 investigative process.

1 (d-3) The Department shall annually prepare and make
2 available on the Department's Reports and Statistics webpage a
3 report on the number of investigations in which a medical
4 professional has provided an opinion to the Department. The
5 report shall not contain any personally identifiable
6 information about a child referred, the family members of such
7 a child, or the medical professional. If the number of cases in
8 any category of information under items (4) through (9) of
9 this subsection is less than 10, the Department shall not
10 include that information in the report. The first report must
11 be posted within 9 months after the effective date of this
12 amendatory Act of the 103rd General Assembly. The first report
13 and each annual report thereafter shall contain the following
14 information regarding cases referred by the Department to a
15 medical professional:

16 (1) The total number of abuse or neglect cases in
17 which a medical professional has provided an opinion to
18 the Department, with separate line items for:

19 (A) the total number of abuse and neglect cases
20 that the Department determined were indicated but were
21 appealed and the outcomes of those appeals, organized
22 as follows:

23 (i) first, by the total number of indicated
24 cases appealed via administrative appeal hearing
25 before an administrative law judge and the
26 outcomes of those hearings; and

1 (ii) second, by the total number of cases in
2 which an administrative law judge's affirmance of
3 the indicated findings was appealed to a court and
4 the outcomes of the court's findings; and

5 (B) the total number of abuse and neglect cases
6 that were indicated by the Department but indicated as
7 to an unknown perpetrator.

8 (2) The total number of abuse or neglect cases
9 referred by the Department to a medical professional that
10 the Department determined were unfounded.

11 (3) The total number of abuse or neglect cases
12 referred by the Department to a medical professional in
13 which a petition for adjudication of wardship was filed.

14 (4) The total number of abuse and neglect cases
15 referred by the Department to a medical professional under
16 paragraphs (1), (2), and (3) organized by abuse
17 allegation.

18 (5) The total number of abuse and neglect cases
19 referred by the Department to a medical professional under
20 paragraphs (1), (2), and (3) organized by DCFS region.

21 (6) The total number of abuse and neglect cases
22 referred by the Department to a medical professional under
23 paragraphs (1), (2), and (3) organized by race of the
24 child.

25 (7) The total number of abuse and neglect cases
26 referred by the Department to a medical professional under

1 paragraphs (1), (2), and (3) organized by gender of the
2 child.

3 (8) The total number of abuse and neglect cases under
4 paragraphs (1), (2), and (3) involving children with
5 safety plans.

6 (9) The total number of abuse and neglect cases under
7 paragraphs (1), (2), and (3) where the child was put in
8 protective custody.

9 (e) Upon request by the Department, the Illinois State
10 Police and law enforcement agencies are authorized to provide
11 criminal history record information as defined in the Illinois
12 Uniform Conviction Information Act and information maintained
13 in the adjudicatory and dispositional record system as defined
14 in Section 2605-355 of the Illinois State Police Law to
15 properly designated employees of the Department of Children
16 and Family Services if the Department determines the
17 information is necessary to perform its duties under the
18 Abused and Neglected Child Reporting Act, the Child Care Act
19 of 1969, and the Children and Family Services Act. The request
20 shall be in the form and manner required by the Illinois State
21 Police. Any information obtained by the Department of Children
22 and Family Services under this Section is confidential and may
23 not be transmitted outside the Department of Children and
24 Family Services other than to a court of competent
25 jurisdiction or unless otherwise authorized by law. Any
26 employee of the Department of Children and Family Services who

1 transmits confidential information in violation of this
2 Section or causes the information to be transmitted in
3 violation of this Section is guilty of a Class A misdemeanor
4 unless the transmittal of the information is authorized by
5 this Section or otherwise authorized by law.

6 (f) For purposes of this Section, "child abuse or neglect"
7 includes abuse or neglect of an adult resident as defined in
8 this Act.

9 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
10 103-460, eff. 1-1-24; revised 9-15-23.)