



Sen. Kimberly A. Lightford

Filed: 5/11/2016

09900SB0150sam001

LRB099 03276 KTG 48454 a

1 AMENDMENT TO SENATE BILL 150

2 AMENDMENT NO. _____. Amend Senate Bill 150 by replacing
3 everything after the enacting clause with the following:

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) (from Ch. 23, par. 2057.4)

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 alleging
10 that a child is a truant as defined in Section 26-2a of The
11 School Code, as now or hereafter amended, the Department shall
12 notify the superintendent of the school district in which the
13 child resides and the appropriate superintendent of the
14 educational service region. The notification to the
15 appropriate officials by the Department shall not be considered
16 an allegation of abuse or neglect under this Act.

1 (a-5) Beginning January 1, 2010, the Department of Children
2 and Family Services may implement a 5-year demonstration of a
3 "differential response program" in accordance with criteria,
4 standards, and procedures prescribed by rule. The program may
5 provide that, upon receiving a report, the Department shall
6 determine whether to conduct a family assessment or an
7 investigation as appropriate to prevent or provide a remedy for
8 child abuse or neglect.

9 For purposes of this subsection (a-5), "family assessment"
10 means a comprehensive assessment of child safety, risk of
11 subsequent child maltreatment, and family strengths and needs
12 that is applied to a child maltreatment report that does not
13 allege substantial child endangerment. "Family assessment"
14 does not include a determination as to whether child
15 maltreatment occurred but does determine the need for services
16 to address the safety of family members and the risk of
17 subsequent maltreatment.

18 For purposes of this subsection (a-5), "investigation"
19 means fact-gathering related to the current safety of a child
20 and the risk of subsequent abuse or neglect that determines
21 whether a report of suspected child abuse or neglect should be
22 indicated or unfounded and whether child protective services
23 are needed.

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

26 (1) Shall conduct an investigation on reports

1 involving substantial child abuse or neglect.

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

7 (3) May conduct a family assessment for reports that do
8 not allege substantial child endangerment. In determining
9 that a family assessment is appropriate, the Department may
10 consider issues including, but not limited to, child
11 safety, parental cooperation, and the need for an immediate
12 response.

13 (4) Shall promulgate criteria, standards, and
14 procedures that shall be applied in making this
15 determination, taking into consideration the Child
16 Endangerment Risk Assessment Protocol of the Department.

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

19 In determining that a complete investigation is not
20 required, the Department must document the reason for
21 terminating the investigation and notify the local law
22 enforcement agency or the Department of State Police if the
23 local law enforcement agency or Department of State Police is
24 conducting a joint investigation.

25 Once it is determined that a "family assessment" will be
26 implemented, the case shall not be reported to the central

1 register of abuse and neglect reports.

2 During a family assessment, the Department shall collect
3 any available and relevant information to determine child
4 safety, risk of subsequent abuse or neglect, and family
5 strengths.

6 Information collected includes, but is not limited to, when
7 relevant: information with regard to the person reporting the
8 alleged abuse or neglect, including the nature of the
9 reporter's relationship to the child and to the alleged
10 offender, and the basis of the reporter's knowledge for the
11 report; the child allegedly being abused or neglected; the
12 alleged offender; the child's caretaker; and other collateral
13 sources having relevant information related to the alleged
14 abuse or neglect. Information relevant to the assessment must
15 be asked for, and may include:

16 (A) The child's sex and age, prior reports of abuse or
17 neglect, information relating to developmental
18 functioning, credibility of the child's statement, and
19 whether the information provided under this paragraph (A)
20 is consistent with other information collected during the
21 course of the assessment or investigation.

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

26 (C) Collateral source information regarding the

1 alleged abuse or neglect and care of the child. Collateral
2 information includes, when relevant: (i) a medical
3 examination of the child; (ii) prior medical records
4 relating to the alleged maltreatment or care of the child
5 maintained by any facility, clinic, or health care
6 professional, and an interview with the treating
7 professionals; and (iii) interviews with the child's
8 caretakers, including the child's parent, guardian, foster
9 parent, child care provider, teachers, counselors, family
10 members, relatives, and other persons who may have
11 knowledge regarding the alleged maltreatment and the care
12 of the child.

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

15 Nothing in this subsection (a-5) precludes the Department
16 from collecting other relevant information necessary to
17 conduct the assessment or investigation. Nothing in this
18 subsection (a-5) shall be construed to allow the name or
19 identity of a reporter to be disclosed in violation of the
20 protections afforded under Section 7.19 of this Act.

21 After conducting the family assessment, the Department
22 shall determine whether services are needed to address the
23 safety of the child and other family members and the risk of
24 subsequent abuse or neglect.

25 Upon completion of the family assessment, if the Department
26 concludes that no services shall be offered, then the case

1 shall be closed. If the Department concludes that services
2 shall be offered, the Department shall develop a family
3 preservation plan and offer or refer services to the family.

4 At any time during a family assessment, if the Department
5 believes there is any reason to stop the assessment and conduct
6 an investigation based on the information discovered, the
7 Department shall do so.

8 The procedures available to the Department in conducting
9 investigations under this Act shall be followed as appropriate
10 during a family assessment.

11 The Department shall arrange for an independent evaluation
12 of the "differential response program" authorized and
13 implemented under this subsection (a-5) to determine whether it
14 is meeting the goals in accordance with Section 2 of this Act.
15 The Department may adopt administrative rules necessary for the
16 execution of this Section, in accordance with Section 4 of the
17 Children and Family Services Act.

18 The demonstration conducted under this subsection (a-5)
19 shall become a permanent program on July 1, 2016, upon
20 completion of the demonstration project period.

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

24 (2) If, during a family assessment authorized by subsection
25 (a-5) or an investigation, it appears that the immediate safety
26 or well-being of a child is endangered, that the family may

1 flee or the child disappear, or that the facts otherwise so
2 warrant, the Child Protective Service Unit shall commence an
3 investigation immediately, regardless of the time of day or
4 night. All other investigations shall be commenced within 24
5 hours of receipt of the report. Upon receipt of a report, the
6 Child Protective Service Unit shall conduct a family assessment
7 authorized by subsection (a-5) or begin an initial
8 investigation and make an initial determination whether the
9 report is a good faith indication of alleged child abuse or
10 neglect.

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

1 provided. After seeing to the safety of the child or children,
2 the Department shall forthwith notify the subjects of the
3 report in writing, of the existence of the report and their
4 rights existing under this Act in regard to amendment or
5 expungement. To fulfill the requirements of this Section, the
6 Child Protective Service Unit shall have the capability of
7 providing or arranging for comprehensive emergency services to
8 children and families at all times of the day or night.

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

1 investigation.

2 (c) In an investigation of a report of suspected abuse or
3 neglect of a child by a school employee at a school or on
4 school grounds, the Department shall make reasonable efforts to
5 follow the following procedures:

6 (1) Investigations involving teachers shall not, to
7 the extent possible, be conducted when the teacher is
8 scheduled to conduct classes. Investigations involving
9 other school employees shall be conducted so as to minimize
10 disruption of the school day. The school employee accused
11 of child abuse or neglect may have his superior, his
12 association or union representative and his attorney
13 present at any interview or meeting at which the teacher or
14 administrator is present. The accused school employee
15 shall be informed by a representative of the Department, at
16 any interview or meeting, of the accused school employee's
17 due process rights and of the steps in the investigation
18 process. ~~The information shall include, but need not~~
19 ~~necessarily be limited to the right, subject to the~~
20 ~~approval of the Department, of the school employee to~~
21 ~~confront the accuser, if the accuser is 14 years of age or~~
22 ~~older, or the right to review the specific allegations~~
23 ~~which gave rise to the investigation, and the right to~~
24 ~~review all materials and evidence that have been submitted~~
25 ~~to the Department in support of the allegation.~~ These due
26 process rights shall also include the right of the school

1 employee to present countervailing evidence regarding the
2 accusations.

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

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

13 (3) If a report of neglect or abuse of a child by a
14 teacher or administrator involves an allegation of sexual
15 abuse or extreme physical abuse, the Child Protective Unit
16 shall commence an investigation under paragraph (2) of
17 subsection (b) of this Section.

18 (c-5) In any instance in which a report is made or caused
19 to made by a school district employee involving the conduct of
20 a person employed by the school district, at the time the
21 report was made, as required under Section 4 of this Act, the
22 Child Protective Service Unit shall send a copy of its final
23 finding report to the general superintendent of that school
24 district.

25 (d) If the Department has contact with an employer, or with
26 a religious institution or religious official having

1 supervisory or hierarchical authority over a member of the
2 clergy accused of the abuse of a child, in the course of its
3 investigation, the Department shall notify the employer or the
4 religious institution or religious official, in writing, when a
5 report is unfounded so that any record of the investigation can
6 be expunged from the employee's or member of the clergy's
7 personnel or other records. The Department shall also notify
8 the employee or the member of the clergy, in writing, that
9 notification has been sent to the employer or to the
10 appropriate religious institution or religious official
11 informing the employer or religious institution or religious
12 official that the Department's investigation has resulted in an
13 unfounded report.

14 (e) Upon request by the Department, the Department of State
15 Police and law enforcement agencies are authorized to provide
16 criminal history record information as defined in the Illinois
17 Uniform Conviction Information Act and information maintained
18 in the adjudicatory and dispositional record system as defined
19 in Section 2605-355 of the Department of State Police Law (20
20 ILCS 2605/2605-355) to properly designated employees of the
21 Department of Children and Family Services if the Department
22 determines the information is necessary to perform its duties
23 under the Abused and Neglected Child Reporting Act, the Child
24 Care Act of 1969, and the Children and Family Services Act. The
25 request shall be in the form and manner required by the
26 Department of State Police. Any information obtained by the

1 Department of Children and Family Services under this Section
2 is confidential and may not be transmitted outside the
3 Department of Children and Family Services other than to a
4 court of competent jurisdiction or unless otherwise authorized
5 by law. Any employee of the Department of Children and Family
6 Services who transmits confidential information in violation
7 of this Section or causes the information to be transmitted in
8 violation of this Section is guilty of a Class A misdemeanor
9 unless the transmittal of the information is authorized by this
10 Section or otherwise authorized by law.

11 (f) For purposes of this Section "child abuse or neglect"
12 includes abuse or neglect of an adult resident as defined in
13 this Act.

14 (Source: P.A. 98-1141, eff. 12-30-14.)".