

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

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

22 (2) If it appears that the immediate safety or  
23 well-being of a child is endangered, that the family may flee  
24 or the child disappear, or that the facts otherwise so  
25 warrant, the Child Protective Service Unit shall commence an  
26 investigation immediately, regardless of the time of day or  
27 night. In all other cases, investigation shall be commenced  
28 within 24 hours of receipt of the report. Upon receipt of a  
29 report, the Child Protective Service Unit shall make an  
30 initial investigation and an initial determination whether  
31 the report is a good faith indication of alleged child abuse

1 or neglect.

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

27 (4) If (i) at the conclusion of the Unit's initial  
28 investigation of a report, the Unit determines the report to  
29 be a good faith indication of alleged child abuse or neglect  
30 that warrants a formal investigation by the Unit, the  
31 Department, any law enforcement agency or any other  
32 responsible agency and (ii) the person who is alleged to have  
33 caused the abuse or neglect is employed or otherwise engaged  
34 in an activity resulting in frequent contact with children

1 and--the--alleged--abuse--or--neglect--are--in--the--course--of--such  
2 employment--or--activity, then the Department shall, except in  
3 investigations where the Director determines that such  
4 notification would be detrimental to the Department's  
5 investigation, inform the appropriate supervisor or  
6 administrator of that employment or activity that the Unit  
7 has commenced a formal investigation pursuant to this Act,  
8 which may or may not result in an indicated report. The  
9 Department shall also notify the person being investigated,  
10 unless the Director determines that such notification would  
11 be detrimental to the Department's investigation.

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

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

1 submitted to the Department in support of the allegation.  
2 These due process rights shall also include the right of  
3 the school employee to present countervailing evidence  
4 regarding the accusations.

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

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

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

20 (d) If the Department has contact with an employer in  
21 the course of its investigation, the Department shall notify  
22 the employer, in writing, when a report is unfounded so that  
23 any record of the investigation can be expunged from the  
24 employee's personnel records. The Department shall also  
25 notify the employee, in writing, that notification has been  
26 sent to the employer informing the employer that the  
27 Department's investigation has resulted in an unfounded  
28 report.

29 (e) Upon request by the Department, the Department of  
30 State Police and law enforcement agencies are authorized to  
31 provide criminal history record information as defined in  
32 the Illinois Uniform Conviction Information Act and  
33 information maintained in the adjudicatory and dispositional  
34 record system as defined in Section 2605-355 of the

1 Department of State Police Law (20 ILCS 2605/2605-355) to  
2 properly designated employees of the Department of Children  
3 and Family Services if the Department determines the  
4 information is necessary to perform its duties under the  
5 Abused and Neglected Child Reporting Act, the Child Care Act  
6 of 1969, and the Children and Family Services Act. The  
7 request shall be in the form and manner required by the  
8 Department of State Police. Any information obtained by the  
9 Department of Children and Family Services under this Section  
10 is confidential and may not be transmitted outside the  
11 Department of Children and Family Services other than to a  
12 court of competent jurisdiction or unless otherwise  
13 authorized by law. Any employee of the Department of Children  
14 and Family Services who transmits confidential information in  
15 violation of this Section or causes the information to be  
16 transmitted in violation of this Section is guilty of a Class  
17 A misdemeanor unless the transmittal of the information is  
18 authorized by this Section or otherwise authorized by law.  
19 (Source: P.A. 91-239, eff. 1-1-00.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.