

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 and by adding Section 11.10 as
6 follows:

7 (325 ILCS 5/7.4)

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

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

1 assessment or an investigation as appropriate to prevent or
2 provide a remedy for child abuse or neglect.

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

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

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

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

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

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

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

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

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

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

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

26 Information collected includes, but is not limited to,

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

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

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

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

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

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

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

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

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

25 At any time during a family assessment, if the Department
26 believes there is any reason to stop the assessment and

1 conduct an investigation based on the information discovered,
2 the Department shall do so.

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

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

12 The Department may adopt administrative rules necessary
13 for the execution of this Section, in accordance with Section
14 4 of the Children and Family Services Act.

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

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

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

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

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

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

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

26 (c) In an investigation of a report of suspected abuse or

1 neglect of a child by a school employee at a school or on
2 school grounds, the Department shall make reasonable efforts
3 to follow the following procedures:

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

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

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

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

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

24 (c-5) In any instance in which a report is made or caused
25 to made by a school district employee involving the conduct of
26 a person employed by the school district, at the time the

1 report was made, as required under Section 4 of this Act, the
2 Child Protective Service Unit shall send a copy of its final
3 finding report to the general superintendent of that school
4 district.

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

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

1 informing the employer or religious institution or religious
2 official that the Department's investigation has resulted in
3 an unfounded report.

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

10 (d-2) In any investigation in which the Department will
11 request a professional's medical or forensic opinion about
12 whether a child's injury or medical condition may be the
13 result of abuse or neglect, the Department shall make
14 reasonable efforts to inform the parent or guardian of the
15 following within 24 hours after determining it will request
16 such opinion:

17 (A) that the Department will be requesting a
18 professional to issue a medical or forensic opinion to
19 inform its investigation as to whether the child's
20 injury or medical condition may be the result of abuse
21 or neglect, and indicating the professional's
22 specialty and any subspecialty;

23 (B) that the parent or guardian may seek, at his or
24 her own expense, and submit to the Department a second
25 medical or forensic opinion for consideration in the
26 investigation at any time prior to the conclusion of

1 the investigation;

2 (C) that any second medical or forensic opinion
3 submitted to the Department prior to the Department
4 rendering a final determination in the investigation
5 will be considered as inculpatory or exculpatory
6 evidence;

7 (D) that the parent or guardian may request and
8 timely receive a copy of any medical or forensic
9 professional's written opinion, submitted to the
10 Department, as permitted to be released under State or
11 federal law; and

12 (E) any timeframes for the investigation process.

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

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

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

13 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
14 103-460, eff. 1-1-24; 103-605, eff. 7-1-24.)

15 (325 ILCS 5/11.10 new)

16 Sec. 11.10. Informational document; medical evaluations.

17 (a) On or before July 1, 2027, the Department shall post on
18 its website an informational document in a format that can be
19 easily downloaded and printed.

20 (b) The informational document under subsection (a) shall
21 include the following information:

22 (1) A brief overview of the Department's role and
23 responsibilities in responding to reports of suspected
24 abuse and neglect.

25 (2) A general description of why children receive

1 medical evaluations when a child has injuries concerning
2 for abuse and neglect.

3 (3) A general description of the types of medical
4 professionals that may participate in the evaluation of a
5 child in a healthcare setting when abuse or neglect is
6 suspected.

7 (4) A general description of mandated reporting and
8 who in a health care facility is a mandated reporter.

9 (5) A statement indicating that a parent or guardian
10 may (i) seek a second medical or forensic opinion prior to
11 the conclusion of a child abuse or neglect investigation
12 and may access copies of medical records related to the
13 child, as permitted by State and federal law, and (ii)
14 retain legal representation.

15 (c) The informational document shall be prepared and
16 posted in English, Spanish, Polish, Chinese, and Arabic, and
17 shall be made available in additional languages upon request.

18 Section 10. The Medical Patient Rights Act is amended by
19 adding Section 7.5 as follows:

20 (410 ILCS 50/7.5 new)

21 Sec. 7.5. Notifications; minor patients.

22 (a) When a minor patient is brought to a health care
23 facility for evaluation, treatment, or care, the health care
24 facility shall provide a parent or guardian who is

1 accompanying such minor patient with a copy of the
2 informational document prepared by the Department of Children
3 and Family Services in accordance with Section 11.10 of the
4 Abused and Neglected Child Reporting Act, in addition to any
5 statement required under Section 5 of this Act if applicable.
6 The document shall be provided digitally by email or text at an
7 email or cellular number provided by the parent or guardian
8 and shall be provided in the parent or guardian's primary
9 language, if available. If the document cannot be shared via
10 email or text, the health care facility shall provide a
11 printed copy to the parent or guardian who is accompanying the
12 minor patient.

13 (b) Any physician, medical student, resident, advanced
14 practice registered nurse, registered nurse, physician
15 assistant, or social worker who examines, treats, or provides
16 care to a minor patient that a parent or guardian has consented
17 to on behalf of the minor patient, or who discusses a minor
18 patient or a minor patient's injury, condition, or treatment
19 with a parent or guardian consenting to care on behalf of the
20 minor patient shall inform the parent or guardian who has
21 consented to care on behalf of that minor patient of the
22 professional's name, profession, specialty, and subspecialty,
23 if any, and the professional's role in the overall care of the
24 minor patient.

25 (c) Nothing in this Section shall be interpreted or
26 construed to diminish a minor patient's authority to consent

1 to medical examination, treatment, or care otherwise provided
2 under State law, or the privacy and confidentiality
3 protections afforded by State or federal law to a minor
4 patient who consents to medical examination, treatment, or
5 care.