



Rep. Mary Beth Canty

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10400HB3169ham001

LRB104 10634 KTG 36720 a

1 AMENDMENT TO HOUSE BILL 3169

2 AMENDMENT NO. _____. Amend House Bill 3169 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act
5 is amended by changing Section 7.4 and by adding Section 11.10
6 as 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

1 shall not be considered an allegation of abuse or neglect
2 under this Act.

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

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

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

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

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

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

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

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

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

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

26 Once it is determined that a "family assessment" will be

1 implemented, the case shall not be reported to the central
2 register of abuse and neglect reports.

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

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

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

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

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

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

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

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

26 Upon completion of the family assessment, if the

1 Department concludes that no services shall be offered, then
2 the case shall be closed. If the Department concludes that
3 services shall be offered, the Department shall develop a
4 family preservation plan and offer or refer services to the
5 family.

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

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

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

19 The Department may adopt administrative rules necessary
20 for the execution of this Section, in accordance with Section
21 4 of the Children and Family Services Act.

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

25 (b) (1) The following procedures shall be followed in the
26 investigation of all reports of suspected abuse or neglect of

1 a child, except as provided in subsection (c) of this Section.

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

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

1 enumerated in such report; the name, age and condition of
2 other children in the environment; and an evaluation as to
3 whether there would be an immediate and urgent necessity to
4 remove the child from the environment if appropriate family
5 preservation services were provided. After seeing to the
6 safety of the child or children, the Department shall
7 forthwith notify the subjects of the report in writing, of the
8 existence of the report and their rights existing under this
9 Act in regard to amendment or expungement. To fulfill the
10 requirements of this Section, the Child Protective Service
11 Unit shall have the capability of providing or arranging for
12 comprehensive emergency services to children and families at
13 all times of the day or night.

14 (4) If (i) at the conclusion of the Unit's initial
15 investigation of a report, the Unit determines the report to
16 be a good faith indication of alleged child abuse or neglect
17 that warrants a formal investigation by the Unit, the
18 Department, any law enforcement agency or any other
19 responsible agency and (ii) the person who is alleged to have
20 caused the abuse or neglect is employed or otherwise engaged
21 in an activity resulting in frequent contact with children and
22 the alleged abuse or neglect are in the course of such
23 employment or activity, then the Department shall, except in
24 investigations where the Director determines that such
25 notification would be detrimental to the Department's
26 investigation, inform the appropriate supervisor or

1 administrator of that employment or activity that the Unit has
2 commenced a formal investigation pursuant to this Act, which
3 may or may not result in an indicated report. The Department
4 shall also notify the person being investigated, unless the
5 Director determines that such notification would be
6 detrimental to the Department's investigation.

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

11 (1) Investigations involving teachers shall not, to
12 the extent possible, be conducted when the teacher is
13 scheduled to conduct classes. Investigations involving
14 other school employees shall be conducted so as to
15 minimize disruption of the school day. The school employee
16 accused of child abuse or neglect may have the school
17 employee's superior, the school employee's association or
18 union representative, and the school employee's attorney
19 present at any interview or meeting at which the teacher
20 or administrator is present. The accused school employee
21 shall be informed by a representative of the Department,
22 at any interview or meeting, of the accused school
23 employee's due process rights and of the steps in the
24 investigation process. These due process rights shall also
25 include the right of the school employee to present
26 countervailing evidence regarding the accusations. In an

1 investigation in which the alleged perpetrator of abuse or
2 neglect is a school employee, including, but not limited
3 to, a school teacher or administrator, and the
4 recommendation is to determine the report to be indicated,
5 in addition to other procedures as set forth and defined
6 in Department rules and procedures, the employee's due
7 process rights shall also include: (i) the right to a copy
8 of the investigation summary; (ii) the right to review the
9 specific allegations which gave rise to the investigation;
10 and (iii) the right to an administrator's teleconference
11 which shall be convened to provide the school employee
12 with the opportunity to present documentary evidence or
13 other information that supports the school employee's
14 position and to provide information before a final finding
15 is entered.

16 (2) If a report of neglect or abuse of a child by a
17 teacher or administrator does not involve allegations of
18 sexual abuse or extreme physical abuse, the Child
19 Protective Service Unit shall make reasonable efforts to
20 conduct the initial investigation in coordination with the
21 employee's supervisor.

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

26 (3) If a report of neglect or abuse of a child by a

1 teacher or administrator involves an allegation of sexual
2 abuse or extreme physical abuse, the Child Protective Unit
3 shall commence an investigation under paragraph (2) of
4 subsection (b) of this Section.

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

12 (c-10) The Department may recommend that a school district
13 remove a school employee who is the subject of an
14 investigation from the school employee's employment position
15 pending the outcome of the investigation; however, all
16 employment decisions regarding school personnel shall be the
17 sole responsibility of the school district or employer. The
18 Department may not require a school district to remove a
19 school employee from the school employee's employment position
20 or limit the school employee's duties pending the outcome of
21 an investigation.

22 (d) If the Department has contact with an employer, or
23 with a religious institution or religious official having
24 supervisory or hierarchical authority over a member of the
25 clergy accused of the abuse of a child, in the course of its
26 investigation, the Department shall notify the employer or the

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

11 (d-1) Whenever a report alleges that a child was abused or
12 neglected while receiving care in a hospital, including a
13 freestanding psychiatric hospital licensed by the Department
14 of Public Health, the Department shall send a copy of its final
15 finding to the Director of Public Health and the Director of
16 Healthcare and Family Services.

17 (d-2) In any investigation in which the Department will
18 request a professional's medical or forensic opinion about
19 whether a child's injury or medical condition may be the
20 result of abuse or neglect, the Department shall make
21 reasonable efforts to inform the parent or guardian of the
22 following within 24 hours after determining it will request
23 such opinion:

24 (A) that the Department will be requesting a
25 professional to issue a medical or forensic opinion to
26 inform its investigation as to whether the child's

1 injury or medical condition may be the result of abuse
2 or neglect, and indicating the professional's
3 specialty and any subspecialty;

4 (B) that the parent or guardian may seek, at his or
5 her own expense, and submit to the Department a second
6 medical or forensic opinion for consideration in the
7 investigation at any time prior to the conclusion of
8 the investigation;

9 (C) that any second medical or forensic opinion
10 submitted to the Department prior to the Department
11 rendering a final determination in the investigation
12 will be considered as inculpatory or exculpatory
13 evidence;

14 (D) that the parent or guardian may request and
15 timely receive a copy of any medical or forensic
16 professional's written opinion, submitted to the
17 Department, as permitted to be released under State or
18 federal law; and

19 (E) any timeframes for the investigation process.

20 (e) Upon request by the Department, the Illinois State
21 Police and law enforcement agencies are authorized to provide
22 criminal history record information as defined in the Illinois
23 Uniform Conviction Information Act and information maintained
24 in the adjudicatory and dispositional record system as defined
25 in Section 2605-355 of the Illinois State Police Law to
26 properly designated employees of the Department of Children

1 and Family Services if the Department determines the
2 information is necessary to perform its duties under the
3 Abused and Neglected Child Reporting Act, the Child Care Act
4 of 1969, and the Children and Family Services Act. The request
5 shall be in the form and manner required by the Illinois State
6 Police. Any information obtained by the Department of Children
7 and Family Services under this Section is confidential and may
8 not be transmitted outside the Department of Children and
9 Family Services other than to a court of competent
10 jurisdiction or unless otherwise authorized by law. Any
11 employee of the Department of Children and Family Services who
12 transmits confidential information in violation of this
13 Section or causes the information to be transmitted in
14 violation of this Section is guilty of a Class A misdemeanor
15 unless the transmittal of the information is authorized by
16 this Section or otherwise authorized by law.

17 (f) For purposes of this Section, "child abuse or neglect"
18 includes abuse or neglect of an adult resident as defined in
19 this Act.

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

22 (325 ILCS 5/11.10 new)

23 Sec. 11.10. Informational document; medical evaluations.

24 (a) On or before July 1, 2027, the Department shall post on
25 its website an informational document in a format that can be

1 easily downloaded and printed.

2 (b) The informational document under subsection (a) shall
3 include the following information:

4 (1) A brief overview of the Department's role and
5 responsibilities in responding to reports of suspected
6 abuse and neglect.

7 (2) A general description of why children receive
8 medical evaluations when a child has injuries concerning
9 for abuse and neglect.

10 (3) A general description of the types of medical
11 professionals that may participate in the evaluation of a
12 child in a healthcare setting when abuse or neglect is
13 suspected.

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

16 (5) A statement indicating that a parent or guardian
17 may (i) seek a second medical or forensic opinion prior to
18 the conclusion of a child abuse or neglect investigation
19 and may access copies of medical records related to the
20 child, as permitted by State and federal law, and (ii)
21 retain legal representation.

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

25 Section 10. The Medical Patient Rights Act is amended by

1 adding Section 7.5 as follows:

2 (410 ILCS 50/7.5 new)

3 Sec. 7.5. Notifications; minor patients.

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

19 (b) Any physician, medical student, resident, advanced
20 practice registered nurse, registered nurse, physician
21 assistant, or social worker who examines, treats, or provides
22 care to a minor patient that a parent or guardian has consented
23 to on behalf of the minor patient, or who discusses a minor
24 patient or a minor patient's injury, condition, or treatment
25 with a parent or guardian consenting to care on behalf of the

1 minor patient shall inform the parent or guardian who has
2 consented to care on behalf of that minor patient of the
3 professional's name, profession, specialty, and subspecialty,
4 if any, and the professional's role in the overall care of the
5 minor patient.

6 (c) Nothing in this Section shall be interpreted or
7 construed to diminish a minor patient's authority to consent
8 to medical examination, treatment, or care otherwise provided
9 under State law, or the privacy and confidentiality
10 protections afforded by State or federal law to a minor
11 patient who consents to medical examination, treatment, or
12 care."