



Sen. Julie A. Morrison

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10400SB3510sam001

LRB104 20564 WRO 36666 a

1 AMENDMENT TO SENATE BILL 3510

2 AMENDMENT NO. _____. Amend Senate Bill 3510 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children's Advocacy Center Act is amended
5 by changing Sections 2.5 and 4 as follows:

6 (55 ILCS 80/2.5)

7 Sec. 2.5. Definitions. As used in this Section:

8 "Accreditation" means the process in which certification
9 of competency, authority, or credibility is presented by
10 standards set by the National Children's Alliance to ensure
11 effective, efficient and consistent delivery of services by a
12 CAC.

13 "Child maltreatment" includes any act or occurrence, as
14 defined in Section 5 of the Criminal Code of 2012, under the
15 Children and Family Services Act or the Juvenile Court Act of
16 1987 involving either a child victim or child witness.

1 "Children's Advocacy Center" or "CAC" is a child-focused,
2 trauma-informed, facility-based program in which
3 representatives from law enforcement, child protection,
4 prosecution, mental health, forensic interviewing, medical,
5 and victim advocacy disciplines collaborate to interview
6 children, meet with a child's parent or parents, caregivers,
7 and family members, and make team decisions about the
8 investigation, prosecution, safety, treatment, and support
9 services for child maltreatment cases.

10 "Children's Advocacy Centers of Illinois" or "CACI" is a
11 state chapter of the National Children's Alliance ("NCA") and
12 organizing entity for Children's Advocacy Centers in the State
13 of Illinois. It defines membership and engages member CACs in
14 the NCA accreditation process and collecting and sharing of
15 data, and provides training, leadership, and technical
16 assistance to existing and emerging CACs in the State.

17 "Electronic recording" includes a motion picture,
18 audiotape, videotape, or digital recording.

19 "Forensic interview" means an interview between a trained
20 forensic interviewer, as defined by NCA standards, and a child
21 in which the interviewer obtains information from children in
22 an unbiased and fact finding manner that is developmentally
23 appropriate and culturally sensitive to support accurate and
24 fair decision making by the multidisciplinary team in the
25 criminal justice and child protection systems. Whenever
26 practical, all parties involved in investigating reports of

1 child maltreatment shall observe the interview, which shall be
2 electronically recorded.

3 "Forensic interview transcription" means a verbatim
4 transcript of a forensic interview for the purpose of
5 translating the interview into another language.

6 "Multidisciplinary team" or "MDT" means a group of
7 professionals working collaboratively under a written
8 protocol, who represent various disciplines from the point of
9 a report of child maltreatment to assure the most effective
10 coordinated response possible for every child. MDT members

11 shall access and share relevant information related to an
12 investigation to the extent authorized by applicable State and
13 federal privacy and confidentiality laws, so that
14 professionals involved in the investigation can coordinate
15 effectively, ensure the safety and well-being of the child,
16 and support a thorough and informed investigation while
17 protecting sensitive information. ~~Employees from each~~

18 ~~participating entity shall be included on the MDT.~~ A CAC's MDT
19 must include professionals involved in the ~~coordination,~~
20 investigation, and prosecution of child abuse and
21 professionals, such as victim advocates, involved in the
22 coordination of care for and treatment of victims~~cases,~~
23 including the CAC's staff, participating law enforcement
24 agencies, the county state's attorney, ~~and~~ the Illinois
25 Department of Children and Family Services, and specialized
26 medical and mental health providers ~~must include professionals~~

1 ~~involved in the delivery of services to victims of child~~
2 ~~maltreatment and non-offending parent or parents, caregiver,~~
3 ~~and their families.~~ MDT members shall coordinate, communicate,
4 and keep nonoffending parents and caregivers and their
5 families aware of the status of the investigation.

6 "National Children's Alliance" or "NCA" means the
7 professional membership organization dedicated to helping
8 local communities respond to allegations of child abuse in an
9 effective and efficient manner. NCA provides training,
10 support, technical assistance and leadership on a national
11 level to state and local CACs and communities responding to
12 reports of child maltreatment. NCA is the national
13 organization that provides the standards for CAC
14 accreditation.

15 "Protocol" means a written methodology defining the
16 responsibilities of each of the MDT members in the
17 investigation and prosecution of child maltreatment within a
18 defined jurisdiction. Written protocols are signed documents
19 and are reviewed and/or updated annually, at a minimum, by a
20 CAC's Advisory Board.

21 (Source: P.A. 101-81, eff. 7-12-19; 101-236, eff. 1-1-20.)

22 (55 ILCS 80/4) (from Ch. 23, par. 1804)

23 Sec. 4. Children's Advocacy Center.

24 (a) Children's Advocacy Centers shall ~~A CAC may~~ be
25 established to coordinate the activities of the various

1 agencies involved in the investigation, prosecution and
2 treatment of child maltreatment. The individual county or
3 regional Advisory Board shall set the written protocol of the
4 CAC within the appropriate jurisdiction. The operation of the
5 CAC may be funded through public or private grants, contracts,
6 donations, fees, and other available sources under this Act.
7 Each CAC shall operate to the best of its ability in accordance
8 with available funding. In counties in which a referendum has
9 been adopted under Section 5 of this Act, the Advisory Board,
10 by the majority vote of its members, shall submit a proposed
11 annual budget for the operation of the CAC to the county board,
12 which shall appropriate funds and levy a tax sufficient to
13 operate the CAC. The county board in each county in which a
14 referendum has been adopted shall establish a Children's
15 Advocacy Center Fund and shall deposit the net proceeds of the
16 tax authorized by Section 6 of this Act in that Fund, which
17 shall be kept separate from all other county funds and shall
18 only be used for the purposes of this Act.

19 (b) The Advisory Board shall pay from the Children's
20 Advocacy Center Fund or from other available funds the
21 salaries of all employees of the Center and the expenses of
22 acquiring a physical plant for the Center by construction or
23 lease and maintaining the Center, including the expenses of
24 administering the coordination of the investigation,
25 prosecution and treatment referral of child maltreatment under
26 the provisions of the protocol adopted pursuant to this Act.

1 (b-1) Recognizing the pivotal role of CACs in providing
2 comprehensive support to trafficked children and youth, each
3 CAC shall:

4 (1) ensure that each county's multi-disciplinary team
5 protocol includes a response to allegations of human
6 trafficking;

7 (2) increase the capacity of each multi-disciplinary
8 team to identify, assess, and serve trafficked children
9 and youth;

10 (3) facilitate collaboration between the CAC, law
11 enforcement, child welfare agencies, health care
12 providers, and other pertinent stakeholders to ensure a
13 synchronized and trauma-informed response to trafficked
14 children and youth;

15 (4) ensure all CAC employees and contractors treating,
16 interviewing, or coming in contact with victims receive
17 training on victim-centered, trauma-informed response to
18 child and youth victims of human trafficking, including
19 identifying and addressing the unique needs of trafficked
20 children and youth, thereby enabling access to appropriate
21 support services and legal remedies; and

22 (5) work with the Department of Human Services to
23 establish standards for victim-centered, trauma-informed
24 training for CACs and members of multi-disciplinary teams.

25 (c) Every CAC shall include at least the following
26 components:

1 (1) A multidisciplinary, coordinated systems approach
2 to the investigation of child maltreatment, which shall
3 include, at a minimum:

4 (i) a comprehensive ~~an~~ interagency notification
5 procedure for all MDT partners;

6 (ii) a policy on multidisciplinary team
7 collaboration and communication that requires
8 coordination among applicable MDT members and
9 establishes procedures for the exchange of information
10 ~~requires MDT members share information~~ pertinent to
11 investigations and the safety of the child to the
12 extent permitted under applicable state and federal
13 privacy and confidentiality laws, through secure and
14 confidential methods. The policy shall require that
15 MDT members have access to and share relevant
16 information related to an investigation to the extent
17 authorized by applicable State and federal privacy and
18 confidentiality laws, to facilitate MDT coordination,
19 support the investigative responsibilities of the
20 agencies with statutory authority, promote the safety
21 and well-being of the child, and support a thorough
22 and informed investigation while protecting sensitive
23 information ~~children;~~

24 (iii) (blank);

25 (iv) a description of the role each agency has in
26 responding to a referral for services in an individual

1 case;

2 (v) a dispute resolution process between the
3 involved agencies when a conflict arises on how to
4 proceed on the referral of a particular case;

5 (vi) a process for the CAC to assist in the
6 forensic interview of children that witness alleged
7 crimes;

8 (vii) a child-friendly, trauma informed space for
9 children and their non-offending family members;

10 (viii) an MDT approach including law enforcement,
11 prosecution, medical, mental health, victim advocacy,
12 the Department of Children and Family Services, and
13 other community resources, and, if appropriate, school
14 personnel;

15 (ix) medical evaluation on-site or off-site
16 through referral;

17 (x) mental health services on-site or off-site
18 through referral;

19 (xi) on-site forensic interviews;

20 (xii) culturally competent services;

21 (xiii) case tracking and review;

22 (xiv) case staffing on each investigation;

23 (xv) effective organizational capacity; ~~and~~

24 (xvi) a policy or procedure to familiarize a child
25 and his or her non-offending family members or
26 guardians with the court process as well as

1 preparations for testifying in court, if necessary;

2 and

3 (xvii) participation of appropriate MDT members,

4 as relevant to the circumstances of the case;

5 (2) A safe, separate space with assigned personnel
6 designated for the investigation and coordination of child
7 maltreatment cases;

8 (3) A multidisciplinary case review process for
9 purposes of decision-making, problem solving, systems
10 coordination, and information sharing;

11 (4) A comprehensive client tracking system to receive
12 and coordinate information concerning child maltreatment
13 cases from each participating agency;

14 (5) Multidisciplinary specialized training for all
15 professionals involved with the victims and non-offending
16 family members in child maltreatment cases; and

17 (6) A process for evaluating the effectiveness of the
18 CAC and its operations.

19 (d) In the event that a CAC has been established as
20 provided in this Section, the Advisory Board of that CAC may,
21 by a majority vote of the members, authorize the CAC to
22 coordinate the activities of the various agencies involved in
23 the investigation, prosecution, and treatment referral in
24 cases of serious or fatal injury to a child. For CACs receiving
25 funds under Section 5 or 6 of this Act, the Advisory Board
26 shall provide for the financial support of these activities in

1 a manner similar to that set out in subsections (a) and (b) of
2 this Section and shall be allowed to submit a budget that
3 includes support for physical abuse and neglect activities to
4 the County Board, which shall appropriate funds that may be
5 available under Section 5 of this Act. In cooperation with the
6 Department of Children and Family Services Child Death Review
7 Teams, the Department of Children and Family Services Office
8 of the Inspector General, and other stakeholders, this
9 protocol must be initially implemented in selected counties to
10 the extent that State appropriations or funds from other
11 sources for this purpose allow.

12 (e) CACI may also provide technical assistance and
13 guidance to the Advisory Boards.

14 (e-5) CACI shall convene an annual meeting of statewide
15 leadership from each MDT discipline to review data, discuss
16 and analyze findings, and work collaboratively to identify
17 service gaps and opportunities for process improvements. CACI
18 shall create a report that summarizes discussion at the annual
19 meeting and shall share the report with the leadership of MDT
20 partners and other agencies and publish the report on CACI's
21 website.

22 (f) In this Section:

23 "Child" or "children" refers to persons under 18 years of
24 age.

25 "Youth" means persons between the ages of 18 and 24 years.

26 (Source: P.A. 104-159, eff. 1-1-26.)

1 Section 10. The Criminal Code of 2012 is amended by
2 changing Section 12C-5 as follows:

3 (720 ILCS 5/12C-5) (was 720 ILCS 5/12-21.6)

4 Sec. 12C-5. Endangering the life or health of a child.

5 (a) A person commits endangering the life or health of a
6 child when he or she knowingly: (1) causes or permits the life
7 or health of a child under the age of 18 to be endangered; or
8 (2) causes or permits a child to be placed in circumstances
9 that endanger the child's life or health. It is not a violation
10 of this Section for a person to relinquish a child in
11 accordance with the Abandoned Newborn Infant Protection Act.

12 (b) A trier of fact may infer that a child 6 years of age
13 or younger is unattended if that child is left in a motor
14 vehicle for more than 10 minutes.

15 (c) "Unattended" means either: (i) not accompanied by a
16 person 14 years of age or older; or (ii) if accompanied by a
17 person 14 years of age or older, out of sight of that person.

18 (d) Sentence. Except as otherwise provided in this
19 subsection, a ~~A~~ violation of this Section is a Class A
20 misdemeanor. ~~A second or subsequent violation of this Section~~
21 A person who is convicted of a second or subsequent violation
22 of this Section is guilty of a Class 3 felony. A person who is
23 convicted of a violation of this Section after having
24 previously been convicted under the laws of any other state of

1 an offense that is substantially equivalent to the offense of
2 endangering the life or health of a child, is guilty of ~~is~~ a
3 Class 3 felony. A violation of this Section that is a proximate
4 cause of the death of the child is a Class 3 felony for which a
5 person, if sentenced to a term of imprisonment, shall be
6 sentenced to a term of not less than 2 years and not more than
7 10 years. A parent, who is found to be in violation of this
8 Section with respect to his or her child, may be sentenced to
9 probation for this offense pursuant to Section 12C-15.

10 (Source: P.A. 97-1109, eff. 1-1-13.)

11 Section 15. The Bill of Rights for Children is amended by
12 changing Section 3.5 as follows:

13 (725 ILCS 115/3.5)

14 Sec. 3.5. Right to forensic interview with children's
15 advocacy center.

16 (a) In this Section:

17 "Child" means a person under 18 years of age.

18 "Youth" means a person between the ages of 18 and 24 years.

19 (b) Every child reported to the Department of Children and
20 Family Services or law enforcement to be a victim of sexual
21 assault or sexual abuse, trafficking in persons, involuntary
22 servitude, and related offenses, whose case is accepted by
23 either agency for investigation has the right to have that
24 child's forensic interview conducted by a forensic interviewer

1 from a children's advocacy center accredited according to the
2 Children's Advocacy Center Act and serving the child's area or
3 jurisdiction where the incident(s) occurred, when such service
4 is accessible based on the CAC's available resources. The
5 agency with statutory investigative authority shall notify a
6 child, and any parent, guardian, or other adult support person
7 who is present with the child at the time of the notification,
8 of the right to request a forensic interview through the
9 Children's Advocacy Center, subject to acceptance of the
10 referral by the CAC, and that such right ~~This right~~ may be
11 asserted by the child or the child's parent, ~~or~~ guardian, or
12 other adult support person with the child's assent. ~~informing~~
13 ~~the investigating personnel at the Department of Children and~~
14 ~~Family Services or the law enforcement agency that the parent~~
15 ~~or guardian wants the child to have the child's interview~~
16 ~~conducted by the children's advocacy center.~~ Each local CAC
17 protocol will outline a process to address situations in which
18 it is deemed not possible for a forensic interview to occur, to
19 ensure a trauma-informed response with follow up services from
20 the CAC.

21 (Source: P.A. 102-477, eff. 1-1-22.)

22 Section 20. The Privacy of Child Victims of Criminal
23 Sexual Offenses Act is amended by changing Section 3 as
24 follows:

1 (725 ILCS 190/3) (from Ch. 38, par. 1453)

2 Sec. 3. Confidentiality of law enforcement and court
3 records. Notwithstanding any other law to the contrary,
4 inspection and copying of law enforcement records maintained
5 by any law enforcement agency or all circuit court records
6 maintained by any circuit clerk relating to any investigation
7 or proceeding pertaining to a criminal sexual offense, by any
8 person, except a judge, state's attorney, assistant state's
9 attorney, Attorney General, Assistant Attorney General,
10 psychologist, psychiatrist, social worker, doctor,
11 nonoffending parent or guardian, parole agent, aftercare
12 specialist, probation officer, multidisciplinary team member,
13 as defined in the Child Advocacy Center Act, defendant,
14 defendant's attorney, advocate, or victim's attorney (as
15 defined in Section 3 of the Rights of Crime Victims and
16 Witnesses Act) in any criminal proceeding or investigation
17 related thereto, shall be restricted to exclude the identity
18 of any child who is a victim of such criminal sexual offense or
19 alleged criminal sexual offense unless a court order is issued
20 authorizing the removal of such restriction as provided under
21 this Section of a particular case record or particular records
22 of cases maintained by any circuit court clerk. A court may,
23 for the child's protection and for good cause shown, prohibit
24 any person or agency present in court from further disclosing
25 the child's identity.

26 A court may prohibit such disclosure only after giving

1 notice and a hearing to all affected parties. In determining
2 whether to prohibit disclosure of the minor's identity, the
3 court shall consider:

4 (1) the best interest of the child; and

5 (2) whether such nondisclosure would further a
6 compelling State interest.

7 When a criminal sexual offense is committed or alleged to
8 have been committed by a school district employee or any
9 individual contractually employed by a school district, a copy
10 of the criminal history record information relating to the
11 investigation of the offense or alleged offense shall be
12 transmitted to the superintendent of schools of the district
13 immediately upon request or if the law enforcement agency
14 knows that a school district employee or any individual
15 contractually employed by a school district has committed or
16 is alleged to have committed a criminal sexual offense, the
17 superintendent of schools of the district shall be immediately
18 provided a copy of the criminal history record information.
19 The copy of the criminal history record information to be
20 provided under this Section shall exclude the identity of the
21 child victim. The superintendent shall be restricted from
22 revealing the identity of the victim. Nothing in this Article
23 precludes or may be used to preclude a mandated reporter from
24 reporting child abuse or child neglect as required under the
25 Abused and Neglected Child Reporting Act.

26 For the purposes of this Act, "criminal history record

1 information" means:

2 (i) chronologically maintained arrest information,
3 such as traditional arrest logs or blotters;

4 (ii) the name of a person in the custody of a law
5 enforcement agency and the charges for which that person
6 is being held;

7 (iii) court records that are public, as defined in
8 paragraph (1) of subsection (b) of Section 5 of the Court
9 Record and Document Accessibility Act;

10 (iv) records that are otherwise available under State
11 or local law; or

12 (v) records in which the requesting party is the
13 individual identified, except as provided under part (vii)
14 of paragraph (c) of subsection (1) of Section 7 of the
15 Freedom of Information Act.

16 (Source: P.A. 102-651, eff. 1-1-22; 102-813, eff. 5-13-22;
17 103-166, eff. 1-1-24.)".