



Rep. Sara Feigenholtz

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1 AMENDMENT TO SENATE BILL 193

2 AMENDMENT NO. _____. Amend Senate Bill 193 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 Sections 7.14 and 8.2 and by adding Section
6 7.22a as follows:

7 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

8 Sec. 7.14. All reports in the central register shall be
9 classified in one of three categories: "indicated",
10 "unfounded" or "undetermined", as the case may be. Prior to
11 classifying the report, the Department shall determine whether
12 the report is subject to Department review under Section 7.22a.
13 If the report is subject to Department review, the report shall
14 not be classified as unfounded until the review is completed.
15 Prior to classifying the report, the person making the
16 classification shall determine whether the child named in the

1 report is the subject of an action under Article V of the
2 Juvenile Court Act of 1987 who is in the custody or
3 guardianship of the Department or who has an open intact family
4 services case with the Department or is the subject of an
5 action under Article II of the Juvenile Court Act of 1987. If
6 the child either is the subject of an action under Article V of
7 the Juvenile Court Act of 1987 and is in the custody or
8 guardianship of the Department or has an open intact family
9 services case with the Department or is the subject of an
10 action under Article II of the Juvenile Court Act of 1987 and
11 the Department intends to classify the report as indicated, the
12 Department shall, within 45 days of classification of the
13 report, transmit a copy of the report to the attorney or
14 guardian ad litem appointed for the child under Section 2-17 of
15 the Juvenile Court Act of 1987 or to a guardian ad litem
16 appointed under Section 5-610 of the Juvenile Court Act of
17 1987. If the child either is the subject of an action under
18 Article V of the Juvenile Court Act of 1987 and is in the
19 custody or guardianship of the Department or has an open intact
20 family services case with the Department or is the subject of
21 an action under Article II of the Juvenile Court Act of 1987
22 and the Department intends to classify the report as unfounded,
23 the Department shall, within 45 days of deciding its intent to
24 classify the report as unfounded, transmit a copy of the report
25 and written notice of the Department's intent to the attorney
26 or guardian ad litem appointed for the child under Section 2-17

1 of the Juvenile Court Act of 1987, or to a guardian ad litem
2 appointed under Section 5-610 of the Juvenile Court Act of
3 1987. The Department's obligation under this Section to provide
4 reports to a guardian ad litem appointed under Section 5-610 of
5 the Juvenile Court Act of 1987 for a minor with an open intact
6 family services case applies only if the guardian ad litem
7 notified the Department in writing of the representation. All
8 information identifying the subjects of an unfounded report
9 shall be expunged from the register forthwith, except as
10 provided in Section 7.7. Unfounded reports may only be made
11 available to the Child Protective Service Unit when
12 investigating a subsequent report of suspected abuse or
13 maltreatment involving a child named in the unfounded report;
14 and to the subject of the report, provided the Department has
15 not expunged the file in accordance with Section 7.7. The Child
16 Protective Service Unit shall not indicate the subsequent
17 report solely based upon the existence of the prior unfounded
18 report or reports. Notwithstanding any other provision of law
19 to the contrary, an unfounded report shall not be admissible in
20 any judicial or administrative proceeding or action except for
21 proceedings under Sections 2-10 and 2-21 of the Juvenile Court
22 Act of 1987 involving a petition filed under Section 2-13 of
23 the Juvenile Court Act of 1987 alleging abuse or neglect to the
24 same child, a sibling of the child, or the same perpetrator.
25 Identifying information on all other records shall be removed
26 from the register no later than 5 years after the report is

1 indicated. However, if another report is received involving the
2 same child, his sibling or offspring, or a child in the care of
3 the persons responsible for the child's welfare, or involving
4 the same alleged offender, the identifying information may be
5 maintained in the register until 5 years after the subsequent
6 case or report is closed.

7 Notwithstanding any other provision of this Section,
8 identifying information in indicated reports involving serious
9 physical injury to a child as defined by the Department in
10 rules, may be retained longer than 5 years after the report is
11 indicated or after the subsequent case or report is closed, and
12 may not be removed from the register except as provided by the
13 Department in rules. Identifying information in indicated
14 reports involving sexual penetration of a child, sexual
15 molestation of a child, sexual exploitation of a child, torture
16 of a child, or the death of a child, as defined by the
17 Department in rules, shall be retained for a period of not less
18 than 50 years after the report is indicated or after the
19 subsequent case or report is closed.

20 For purposes of this Section, "child" includes an adult
21 resident as defined in this Act.

22 (Source: P.A. 99-78, eff. 7-20-15; 99-349, eff. 1-1-16;
23 100-158, eff. 1-1-18; 100-863, eff. 8-14-18.)

24 (325 ILCS 5/7.22a new)

25 Sec. 7.22a. Reports subject to review.

1 (a) Unfounded reports. Prior to classifying a report under
2 Section 7.14, if the Department intends to classify the report
3 as unfounded, the Department must first determine whether the
4 report is subject to review in accordance with this Section. If
5 the report is subject to review, the review process must be
6 completed prior to classifying the report. The Deputy Director
7 of Child Protection must oversee a review process that ensures
8 the Department reviews a random sample of at least 5% of child
9 abuse and neglect reports in which the Department intends to be
10 unfounded and any subject child of the report is not of
11 compulsory school age as provided under Section 26-1 of the
12 School Code.

13 The review must be conducted by an area administrator
14 outside the supervisory chain of the investigator and
15 supervisor. The review shall ensure that the investigation was
16 conducted in accordance with the Department's rules and
17 procedures governing child abuse and neglect investigations
18 and that the final intended finding is consistent with the goal
19 of protecting the health, safety, and best interests of the
20 child in all situations in which the child is vulnerable to
21 child abuse or neglect. If the reviewer determines the
22 investigation or final recommended unfounded finding is
23 inconsistent with the Department's rules and procedures, the
24 reviewer shall document the findings in an Unfounded Review
25 Report and forward the Unfounded Review Report to the
26 investigator, supervisor, area administrator assigned to the

1 case, and Deputy Director of Child Protection to ensure
2 appropriate corrective steps are taken in the case before the
3 final finding is entered. The Unfounded Review Report shall be
4 included in the investigative file.

5 (b) The Deputy Director of Child Protection must oversee a
6 review process that ensures the Department reviews a random
7 sample of at least 5% of indicated reports in which any subject
8 child of the report is not of compulsory school age as provided
9 under Section 26-1 of the School Code, the child is not a youth
10 in care, and the Department is not opening a case for any type
11 of services, including situations in which the family refuses
12 services. The review must be conducted by an area administrator
13 outside the supervisory chain of the assigned investigator
14 within 15 days of the final finding being entered. The review
15 shall ensure that the investigation was conducted in accordance
16 with the Department's rules and procedures governing child
17 abuse and neglect investigations and that the decision to not
18 provide services is consistent with the goal of protecting the
19 health, safety, and best interests of the child in all
20 situations in which the child is vulnerable to child abuse or
21 neglect. If the reviewer determines the investigation or final
22 finding is inconsistent with the Department's rules and
23 procedures, the reviewer shall document the findings in an
24 Indicated Review Report and forward the Indicated Review Report
25 to the investigator, supervisor, area administrator assigned
26 to the case, and Deputy Director of Child Protection to ensure

1 appropriate corrective steps are taken in the case. The
2 Indicated Review Report shall be included in the investigative
3 file.

4 (c) The Department shall document its findings in
5 accordance with subsections (a) and (b), including the number
6 of Unfounded Review Reports and Indicated Review Reports, and
7 the findings and recommendations detailed in the Indicated
8 Review Reports and Unfounded Review Reports in reports to the
9 General Assembly. The reports shall describe recommendations
10 for systemic reforms based on the findings of the reviews and
11 the steps the Department will take to implement the
12 recommendations. The initial report shall be filed 90 days
13 after the effective date of this amendatory Act of the 101st
14 General Assembly. Subsequent reports shall be filed on December
15 1 and June 1 of each year.

16 (325 ILCS 5/8.2) (from Ch. 23, par. 2058.2)

17 Sec. 8.2. If the Child Protective Service Unit determines,
18 following an investigation made pursuant to Section 7.4 of this
19 Act, that there is credible evidence that the child is abused
20 or neglected, the Department shall assess the family's need for
21 services, and, as necessary, develop, with the family, an
22 appropriate service plan for the family's voluntary acceptance
23 or refusal. In any case where there is evidence that the
24 perpetrator of the abuse or neglect has a substance use
25 disorder as defined in the Substance Use Disorder Act, the

1 Department, when making referrals for drug or alcohol abuse
2 services, shall make such referrals to facilities licensed by
3 the Department of Human Services or the Department of Public
4 Health. The Department shall comply with Section 8.1 by
5 explaining its lack of legal authority to compel the acceptance
6 of services and may explain its concomitant authority to
7 petition the Circuit court under the Juvenile Court Act of 1987
8 or refer the case to the local law enforcement authority or
9 State's attorney for criminal prosecution.

10 For purposes of this Act, the term "family preservation
11 services" refers to all services to help families, including
12 adoptive and extended families. Family preservation services
13 shall be offered, where safe and appropriate, to prevent the
14 placement of children in substitute care when the children can
15 be cared for at home or in the custody of the person
16 responsible for the children's welfare without endangering the
17 children's health or safety, to reunite them with their
18 families if so placed when reunification is an appropriate
19 goal, or to maintain an adoptive placement. The term
20 "homemaker" includes emergency caretakers, homemakers,
21 caretakers, housekeepers and chore services. The term
22 "counseling" includes individual therapy, infant stimulation
23 therapy, family therapy, group therapy, self-help groups, drug
24 and alcohol abuse counseling, vocational counseling and
25 post-adoptive services. The term "day care" includes
26 protective day care and day care to meet educational,

1 prevocational or vocational needs. The term "emergency
2 assistance and advocacy" includes coordinated services to
3 secure emergency cash, food, housing and medical assistance or
4 advocacy for other subsistence and family protective needs.

5 Before July 1, 2000, appropriate family preservation
6 services shall, subject to appropriation, be included in the
7 service plan if the Department has determined that those
8 services will ensure the child's health and safety, are in the
9 child's best interests, and will not place the child in
10 imminent risk of harm. Beginning July 1, 2000, appropriate
11 family preservation services shall be uniformly available
12 throughout the State. The Department shall promptly notify
13 children and families of the Department's responsibility to
14 offer and provide family preservation services as identified in
15 the service plan. Such plans may include but are not limited
16 to: case management services; homemakers; counseling; parent
17 education; day care; emergency assistance and advocacy
18 assessments; respite care; in-home health care; transportation
19 to obtain any of the above services; and medical assistance.
20 Nothing in this paragraph shall be construed to create a
21 private right of action or claim on the part of any individual
22 or child welfare agency, except that when a child is the
23 subject of an action under Article II of the Juvenile Court Act
24 of 1987 and the child's service plan calls for services to
25 facilitate achievement of the permanency goal, the court
26 hearing the action under Article II of the Juvenile Court Act

1 of 1987 may order the Department to provide the services set
2 out in the plan, if those services are not provided with
3 reasonable promptness and if those services are available.

4 Each Department field office shall maintain on a local
5 basis directories of services available to children and
6 families in the local area where the Department office is
7 located.

8 The Department shall refer children and families served
9 pursuant to this Section to private agencies and governmental
10 agencies, where available.

11 Incentives that discourage or reward a decision to provide
12 family preservation services after a report is indicated or a
13 decision to refer a child for the filing of a petition under
14 Article II of the Juvenile Court Act of 1987 are strictly
15 prohibited and shall not be included in any contract, quality
16 assurance, or performance review process. Incentives include,
17 but are not limited to, monetary benefits, contingencies, and
18 enhanced or diminished performance reviews for individuals or
19 agencies.

20 Any decision regarding whether to provide family
21 preservation services after an indicated report or to refer a
22 child for the filing of a petition under Article II of the
23 Juvenile Court Act of 1987 shall be based solely on the child's
24 health, safety, and best interests and on any applicable law.
25 If a difference of opinion exists between a private agency and
26 the Department regarding whether to refer for the filing of a

1 petition under Article II of the Juvenile Court Act of 1987,
2 the case shall be referred to the Deputy Director of Child
3 Protection for review and determination.

4 Any Department employee responsible for reviewing
5 contracts or program plans who is aware of a violation of this
6 Section shall immediately refer the matter to the Inspector
7 General of the Department.

8 Where there are 2 equal proposals from both a
9 not-for-profit and a for-profit agency to provide services, the
10 Department shall give preference to the proposal from the
11 not-for-profit agency.

12 No service plan shall compel any child or parent to engage
13 in any activity or refrain from any activity which is not
14 reasonably related to remedying a condition or conditions that
15 gave rise or which could give rise to any finding of child
16 abuse or neglect.

17 (Source: P.A. 100-759, eff. 1-1-19.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."