



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB3261

Introduced 2/17/2023, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1305/1-85 new	
325 ILCS 5/7.4	from Ch. 23, par. 2057.4
325 ILCS 5/7.7	from Ch. 23, par. 2057.7
325 ILCS 5/7.10	from Ch. 23, par. 2057.10
325 ILCS 5/7.15	from Ch. 23, par. 2057.15

Amends the Abused and Neglected Child Reporting Act. Requires the Department of Children and Family Services to implement a differential response program. Provides that under the program, upon receiving a report of suspected child abuse or neglect the Department shall determine whether to conduct a family assessment or an investigation as appropriate to prevent or provide a remedy for child abuse or neglect. Provides that any report that does not involve an allegation of physical or sexual abuse shall be eligible for referral to the differential response program, specifically child maltreatment reports that only allege inadequate supervision of a child or conditions that create an injurious environment to a child. Provides that no family shall be deemed ineligible for participation in the differential response program based upon a prior report of abuse or neglect involving any member of the family. Provides that under the program, the Department shall only conduct a formal child abuse or neglect investigation on reports involving substantial child abuse or neglect. Provides that the Department shall document the outcome of a family assessment, but shall not report the case to the central register. Requires the Department to offer families who participate in a family assessment in-home services provided under the Intact Family Services program and Norman Emergency Cash Assistance and Housing Locator Services, if applicable. Provides that a family has the option of declining the services offered; and that if the family declines the services, the case shall be closed unless the Department determines that sufficient cause exists to begin an investigation. Amends the Department of Human Services Act. Requires the Department of Human Services to establish and administer a direct cash assistance program for youth 18 years of age and older but younger than 24 who are experiencing or are at risk of experiencing homelessness. Provides that under the program, eligible individuals shall receive a monthly direct cash amount of no less than \$1,100 for up to 2 years.

LRB103 05254 KTG 50272 b

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 Department of Human Services Act is amended  
5 by adding Section 1-85 as follows:

6 (20 ILCS 1305/1-85 new)

7 Sec. 1-85. Direct cash assistance program for homeless  
8 youth. The Department of Human Services shall establish and  
9 administer a direct cash assistance program for youth 18 years  
10 of age and older but younger than 24 who are experiencing or  
11 are at risk of experiencing homelessness. Under the program,  
12 eligible individuals shall receive a monthly direct cash  
13 amount of no less than \$1,100 for up to 2 years. The direct  
14 cash assistance provided under the program shall not be  
15 considered income for purposes of determining eligibility or  
16 the amount of assistance for any public aid benefit provided  
17 under State or, subject to federal approval, federal law. The  
18 Department shall adopt any rules necessary to implement the  
19 program.

20 Section 10. The Abused and Neglected Child Reporting Act  
21 is amended by changing Sections 7.4, 7.7, 7.10, 7.15 as  
22 follows:

1 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

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

13 (a-5) The Department of Children and Family Services shall  
14 ~~may~~ implement a "differential response program" ~~in accordance~~  
15 ~~with criteria, standards, and procedures prescribed by rule.~~  
16 Under the program, ~~The program may provide that,~~ upon  
17 receiving a report of suspected child abuse or neglect, the  
18 Department shall determine whether to conduct a family  
19 assessment or an investigation as appropriate to prevent or  
20 provide a remedy for child abuse or neglect. Notwithstanding  
21 any other provision of this Act, any report that does not  
22 involve an allegation of physical or sexual abuse shall be  
23 eligible for referral to the differential response program,  
24 specifically child maltreatment reports that only allege  
25 inadequate supervision of a child or conditions that create an

1 injurious environment to a child. No family shall be deemed  
2 ineligible for participation in the differential response  
3 program based upon a prior report of abuse or neglect  
4 involving any member of the family.

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

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

20 For purposes of this subsection (a-5), "substantial child  
21 endangerment" includes conduct by an adult involving or  
22 resulting in sexual abuse, and conduct by a person responsible  
23 for a child's welfare involving or resulting in abandonment,  
24 child fatality, malicious punishment, or abuse or neglect that  
25 causes serious physical injury.

26 Under the "differential response program" implemented

1 under this subsection (a-5), the Department:

2 (1) Shall only conduct an investigation as provided in  
3 subsection (b) on reports involving substantial child  
4 abuse or neglect.

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

10 (3) Shall ~~May~~ conduct a family assessment for reports  
11 that do not allege substantial child endangerment,  
12 including child maltreatment reports that only allege  
13 inadequate supervision of a child or conditions that  
14 create an injurious environment to a child. In determining  
15 that a family assessment is appropriate, the Department  
16 may consider issues, including, but not limited to, child  
17 safety, parental cooperation, and the need for an  
18 immediate response.

19 (4) Shall promulgate criteria, standards, and  
20 procedures that shall be applied in making its ~~this~~  
21 determination as to whether a family assessment or  
22 investigation is appropriate, taking into consideration  
23 the Child Endangerment Risk Assessment Protocol of the  
24 Department.

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

1 In determining that a complete investigation is not  
2 required, the Department must document the reason for  
3 terminating the investigation and notify the local law  
4 enforcement agency or the Illinois State Police if the local  
5 law enforcement agency or Illinois State Police is conducting  
6 a joint investigation.

7 Once it is determined that a "family assessment" will be  
8 implemented, the case shall not be reported to the central  
9 register of abuse and neglect reports. However, the Department  
10 shall document the outcome of the assessment.

11 During a family assessment, the Department shall collect  
12 any available and relevant information to determine child  
13 safety, risk of subsequent abuse or neglect, and family  
14 strengths.

15 Information collected includes, but is not limited to,  
16 when relevant: information with regard to the person reporting  
17 the alleged abuse or neglect, including the nature of the  
18 reporter's relationship to the child and to the alleged  
19 offender, and the basis of the reporter's knowledge for the  
20 report; the child allegedly being abused or neglected; the  
21 alleged offender; the child's caretaker; and other collateral  
22 sources having relevant information related to the alleged  
23 abuse or neglect. Information relevant to the assessment must  
24 be asked for, and may include:

25 (A) The child's sex and age, prior reports of abuse or  
26 neglect, information relating to developmental

1 functioning, credibility of the child's statement, and  
2 whether the information provided under this paragraph (A)  
3 is consistent with other information collected during the  
4 course of the assessment or investigation.

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

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

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

24 Nothing in this subsection (a-5) precludes the Department  
25 from collecting other relevant information necessary to  
26 conduct the assessment or investigation. Nothing in this

1 subsection (a-5) shall be construed to allow the name or  
2 identity of a reporter to be disclosed in violation of the  
3 protections afforded under Section 7.19 of this Act.

4 A family assessment conducted by the Department in  
5 accordance with this subsection shall be completed within 45  
6 days. Upon written justification by the Department, the  
7 assessment may be extended, not to exceed a total of 60 days.

8 After conducting the family assessment, the Department  
9 shall determine whether services are needed to address the  
10 safety of the child and other family members and the risk of  
11 subsequent abuse or neglect.

12 Upon completion of the family assessment, if the  
13 Department concludes that no services shall be offered, then  
14 the case shall be closed. If the Department concludes that  
15 services shall be offered, the Department shall develop a  
16 family preservation plan and offer or refer services to the  
17 family. A family in need of services shall, at a minimum, be  
18 offered in-home services provided under the Intact Family  
19 Services program, including counseling, domestic violence  
20 prevention, substance abuse treatment, mental health  
21 treatment, parenting coaching or classes, and housing. The  
22 Department must also provide Norman Emergency Cash Assistance  
23 and Housing Locator Services to a family who has one or more  
24 children who are in danger of coming into the Department's  
25 care due to a lack of food, clothing, housing, or other basic  
26 human needs. Under the Norman Services program, the family



1 shall receive:

2 (i) direct emergency cash assistance to purchase items  
3 needed to care for the children that the family cannot  
4 afford to purchase;

5 (ii) housing locator services, if applicable; and

6 (iii) assistance with filing an application for  
7 Temporary Assistance for Needy Families (TANF) benefits  
8 provided under Article IV of the Illinois Public Aid Code.

9 A family has the option of declining any services offered  
10 as a result of the assessment. If the family declines the  
11 services, the case shall be closed unless the Department  
12 determines that sufficient cause exists to begin an  
13 investigation as provided in subsection (b) or to request the  
14 State's Attorney file a petition in accordance with Article II  
15 of the Juvenile Court Act of 1987 alleging the child is abused  
16 or neglected. In no instance shall a case be investigated  
17 solely because the family declines services.

18 At any time during a family assessment, if the Department  
19 believes there is any reason to stop the assessment and  
20 conduct an investigation based on the information discovered,  
21 the Department shall do so.

22 The procedures available to the Department in conducting  
23 investigations under this Act shall be followed as appropriate  
24 during a family assessment.

25 ~~The If the Department implements a differential response~~  
26 ~~program authorized under this subsection (a 5), the Department~~

1 shall arrange for an independent evaluation of the program for  
2 at least the first 3 years of implementation to determine  
3 whether it is meeting the goals in accordance with Section 2 of  
4 this Act.

5 The Department may adopt administrative rules necessary  
6 for the execution of this Section, in accordance with Section  
7 4 of the Children and Family Services Act.

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

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

14 (2) If, during a family assessment authorized by  
15 subsection (a-5) or an investigation, it appears that the  
16 immediate safety or well-being of a child is endangered, that  
17 the family may flee or the child disappear, or that the facts  
18 otherwise so warrant, the Child Protective Service Unit shall  
19 commence an investigation immediately, regardless of the time  
20 of day or night. All other investigations shall be commenced  
21 within 24 hours of receipt of the report. Upon receipt of a  
22 report, the Child Protective Service Unit shall conduct a  
23 family assessment authorized by subsection (a-5) or begin an  
24 initial investigation and make an initial determination  
25 whether the report is a good faith indication of alleged child  
26 abuse or neglect.

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

26           (4) If (i) at the conclusion of the Unit's initial

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

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

23 (1) Investigations involving teachers shall not, to  
24 the extent possible, be conducted when the teacher is  
25 scheduled to conduct classes. Investigations involving  
26 other school employees shall be conducted so as to

1 minimize disruption of the school day. The school employee  
2 accused of child abuse or neglect may have his superior,  
3 his association or union representative and his attorney  
4 present at any interview or meeting at which the teacher  
5 or administrator is present. The accused school employee  
6 shall be informed by a representative of the Department,  
7 at any interview or meeting, of the accused school  
8 employee's due process rights and of the steps in the  
9 investigation process. These due process rights shall also  
10 include the right of the school employee to present  
11 countervailing evidence regarding the accusations. In an  
12 investigation in which the alleged perpetrator of abuse or  
13 neglect is a school employee, including, but not limited  
14 to, a school teacher or administrator, and the  
15 recommendation is to determine the report to be indicated,  
16 in addition to other procedures as set forth and defined  
17 in Department rules and procedures, the employee's due  
18 process rights shall also include: (i) the right to a copy  
19 of the investigation summary; (ii) the right to review the  
20 specific allegations which gave rise to the investigation;  
21 and (iii) the right to an administrator's teleconference  
22 which shall be convened to provide the school employee  
23 with the opportunity to present documentary evidence or  
24 other information that supports his or her position and to  
25 provide information before a final finding is entered.

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

1 teacher or administrator does not involve allegations of  
2 sexual abuse or extreme physical abuse, the Child  
3 Protective Service Unit shall make reasonable efforts to  
4 conduct the initial investigation in coordination with the  
5 employee's supervisor.

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

10 (3) If a report of neglect or abuse of a child by a  
11 teacher or administrator involves an allegation of sexual  
12 abuse or extreme physical abuse, the Child Protective Unit  
13 shall commence an investigation under paragraph (2) of  
14 subsection (b) of this Section.

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

22 (c-10) The Department may recommend that a school district  
23 remove a school employee who is the subject of an  
24 investigation from his or her employment position pending the  
25 outcome of the investigation; however, all employment  
26 decisions regarding school personnel shall be the sole

1 responsibility of the school district or employer. The  
2 Department may not require a school district to remove a  
3 school employee from his or her employment position or limit  
4 the school employee's duties pending the outcome of an  
5 investigation.

6 (d) If the Department has contact with an employer, or  
7 with a religious institution or religious official having  
8 supervisory or hierarchical authority over a member of the  
9 clergy accused of the abuse of a child, in the course of its  
10 investigation, the Department shall notify the employer or the  
11 religious institution or religious official, in writing, when  
12 a report is unfounded so that any record of the investigation  
13 can be expunged from the employee's or member of the clergy's  
14 personnel or other records. The Department shall also notify  
15 the employee or the member of the clergy, in writing, that  
16 notification has been sent to the employer or to the  
17 appropriate religious institution or religious official  
18 informing the employer or religious institution or religious  
19 official that the Department's investigation has resulted in  
20 an unfounded report.

21 (d-1) Whenever a report alleges that a child was abused or  
22 neglected while receiving care in a hospital, including a  
23 freestanding psychiatric hospital licensed by the Department  
24 of Public Health, the Department shall send a copy of its final  
25 finding to the Director of Public Health and the Director of  
26 Healthcare and Family Services.

1           (e) Upon request by the Department, the Illinois State  
2 Police and law enforcement agencies are authorized to provide  
3 criminal history record information as defined in the Illinois  
4 Uniform Conviction Information Act and information maintained  
5 in the adjudicatory and dispositional record system as defined  
6 in Section 2605-355 of the Illinois State Police Law to  
7 properly designated employees of the Department of Children  
8 and Family Services if the Department determines the  
9 information is necessary to perform its duties under the  
10 Abused and Neglected Child Reporting Act, the Child Care Act  
11 of 1969, and the Children and Family Services Act. The request  
12 shall be in the form and manner required by the Illinois State  
13 Police. Any information obtained by the Department of Children  
14 and Family Services under this Section is confidential and may  
15 not be transmitted outside the Department of Children and  
16 Family Services other than to a court of competent  
17 jurisdiction or unless otherwise authorized by law. Any  
18 employee of the Department of Children and Family Services who  
19 transmits confidential information in violation of this  
20 Section or causes the information to be transmitted in  
21 violation of this Section is guilty of a Class A misdemeanor  
22 unless the transmittal of the information is authorized by  
23 this Section or otherwise authorized by law.

24           (f) For purposes of this Section, "child abuse or neglect"  
25 includes abuse or neglect of an adult resident as defined in  
26 this Act.



1 (Source: P.A. 101-43, eff. 1-1-20; 102-538, eff. 8-20-21.)

2 (325 ILCS 5/7.7) (from Ch. 23, par. 2057.7)

3 Sec. 7.7. There shall be a central register of all cases of  
4 suspected child abuse or neglect reported and maintained by  
5 the Department under this Act, but not including any family  
6 assessment cases in which the Department determines that no  
7 formal investigation is needed as provided in subsection (a-5)  
8 of Section 7.4. Through the recording of initial, preliminary,  
9 and final reports, the central register shall be operated in  
10 such a manner as to enable the Department to: (1) immediately  
11 identify and locate prior reports of child abuse or neglect;  
12 (2) continuously monitor the current status of all reports of  
13 child abuse or neglect being provided services under this Act;  
14 and (3) regularly evaluate the effectiveness of existing laws  
15 and programs through the development and analysis of  
16 statistical and other information.

17 The Department shall maintain in the central register a  
18 listing of unfounded reports where the subject of the  
19 unfounded report requests that the record not be expunged  
20 because the subject alleges an intentional false report was  
21 made. Such a request must be made by the subject in writing to  
22 the Department, within 10 days of the investigation. By  
23 January 1, 2014, the Department shall promulgate rules  
24 establishing criteria and standards for labeling an unfounded  
25 report as an intentional false report in the central register.

1 The rules shall permit the reporter to submit a statement  
2 regarding the report unless the reporter has been convicted of  
3 knowingly transmitting a false report to the Department under  
4 paragraph (7) of subsection (a) of Section 26-1 of the  
5 Criminal Code of 2012.

6 The Department shall also maintain in the central register  
7 a listing of unfounded reports where the report was classified  
8 as a priority one or priority two report in accordance with the  
9 Department's rules or the report was made by a person mandated  
10 to report suspected abuse or neglect under this Act.

11 The Department shall maintain in the central register all  
12 unfounded reports for a minimum of 5 years following the date  
13 of the final finding.

14 If an individual is the subject of a subsequent  
15 investigation that is pending, the Department shall maintain  
16 all prior unfounded reports pertaining to that individual  
17 until the pending investigation has been completed or for 5  
18 years, whichever time period ends later.

19 For purposes of this Section "child abuse or neglect"  
20 includes abuse or neglect of an adult resident as defined in  
21 this Act.

22 (Source: P.A. 100-697, eff. 1-1-19.)

23 (325 ILCS 5/7.10) (from Ch. 23, par. 2057.10)

24 Sec. 7.10. Upon the receipt of each oral report made under  
25 this Act, the Child Protective Service Unit shall immediately

1 transmit a copy thereof to the state central register of child  
2 abuse and neglect. However, no oral report that only alleges  
3 inadequate supervision of a child or conditions that create an  
4 injurious environment to a child shall be reported to the  
5 state central register, but shall instead be documented in an  
6 alternative manner as prescribed by the Department by rule. A  
7 preliminary report from a Child Protective Service Unit shall  
8 be made at the time of the first of any 30-day extensions made  
9 pursuant to Section 7.12 and shall describe the status of the  
10 related investigation up to that time, including an evaluation  
11 of the present family situation and danger to the child or  
12 children, corrections or up-dating of the initial report, and  
13 actions taken or contemplated.

14 For purposes of this Section "child" includes an adult  
15 resident as defined in this Act.

16 (Source: P.A. 96-1446, eff. 8-20-10.)

17 (325 ILCS 5/7.15) (from Ch. 23, par. 2057.15)

18 Sec. 7.15. The central register may contain such other  
19 information which the Department determines to be in  
20 furtherance of the purposes of this Act, but shall not contain  
21 any information regarding a family assessment case in which  
22 the Department determined that no formal investigation was  
23 needed as provided in subsection (a-5) of Section 7.4.  
24 Pursuant to the provisions of Sections 7.14 and 7.16, the  
25 Department may amend or remove from the central register

1 appropriate records upon good cause shown and upon notice to  
2 the subjects of the report and the Child Protective Service  
3 Unit.

4 (Source: P.A. 90-15, eff. 6-13-97.)