



Sen. Kimberly A. Lightford

**Filed: 5/18/2023**

10300SB0376sam003

LRB103 02784 KTG 62185 a

1 AMENDMENT TO SENATE BILL 376

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 376 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 as follows:

6 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

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

1 under this Act.

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

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

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

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

26 (1) Shall conduct an investigation on reports

1 involving substantial child abuse or neglect.

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

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

13 (4) Shall promulgate criteria, standards, and  
14 procedures that shall be applied in making this  
15 determination, taking into consideration the Child  
16 Endangerment Risk Assessment Protocol of the Department.

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

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

25 Once it is determined that a "family assessment" will be  
26 implemented, the case shall not be reported to the central

1 register of abuse and neglect reports.

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

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

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

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

26 (C) Collateral source information regarding the

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

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

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

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

25      Upon completion of the family assessment, if the  
26      Department concludes that no services shall be offered, then

1 the case shall be closed. If the Department concludes that  
2 services shall be offered, the Department shall develop a  
3 family preservation plan and offer or refer services to the  
4 family.

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

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

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

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

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

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

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

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

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

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



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

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

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

1 to, a school teacher or administrator, and the  
2 recommendation is to determine the report to be indicated,  
3 in addition to other procedures as set forth and defined  
4 in Department rules and procedures, the employee's due  
5 process rights shall also include: (i) the right to a copy  
6 of the investigation summary; (ii) the right to review the  
7 specific allegations which gave rise to the investigation;  
8 and (iii) the right to an administrator's teleconference  
9 which shall be convened to provide the school employee  
10 with the opportunity to present documentary evidence or  
11 other information that supports his or her position and to  
12 provide information before a final finding is entered.

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

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

23 (3) If a report of neglect or abuse of a child by a  
24 teacher or administrator involves an allegation of sexual  
25 abuse or extreme physical abuse, the Child Protective Unit  
26 shall commence an investigation under paragraph (2) of

1 subsection (b) of this Section.

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

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

19 (d) If the Department has contact with an employer, or  
20 with a religious institution or religious official having  
21 supervisory or hierarchical authority over a member of the  
22 clergy accused of the abuse of a child, in the course of its  
23 investigation, the Department shall notify the employer or the  
24 religious institution or religious official, in writing, when  
25 a report is unfounded so that any record of the investigation  
26 can be expunged from the employee's or member of the clergy's

1 personnel or other records. The Department shall also notify  
2 the employee or the member of the clergy, in writing, that  
3 notification has been sent to the employer or to the  
4 appropriate religious institution or religious official  
5 informing the employer or religious institution or religious  
6 official that the Department's investigation has resulted in  
7 an unfounded report.

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

14 (d-2) In any investigation conducted in accordance with  
15 this Act during which the Department refers a child to a  
16 board-certified child abuse pediatrician for a medical  
17 opinion, the following protections shall be provided to the  
18 parent or guardian of the child at the center of an  
19 investigation:

20 (1) The board-certified child abuse pediatrician must  
21 explain to the parent or guardian of the child, whenever  
22 the child abuse pediatrician has direct contact with the  
23 child or the family of the child, that the child abuse  
24 pediatrician is completing the examination of the child at  
25 the request of the Department for the purpose of providing  
26 an opinion to the Department regarding whether the

1 mechanism of injury is suspicious for child maltreatment.  
2 The board-certified child abuse pediatrician must explain  
3 that, based on the referral, the board-certified child  
4 abuse pediatrician may be required to communicate with law  
5 enforcement and provide court testimony. The  
6 board-certified child abuse pediatrician must also provide  
7 the child's parent or guardian with accurate information  
8 about his or her medical specialties, including that the  
9 provider is a board-certified child abuse pediatrician. As  
10 used in this subsection and in subsection (d-3),  
11 "board-certified child abuse pediatrician" means an  
12 individual who is certified by the Sub-board for Child  
13 Abuse Pediatrics, American Board of Pediatrics.

14 (2) In any investigation where a child or a child's  
15 records have been referred by the Department to a  
16 board-certified child abuse pediatrician for a medical  
17 opinion, the parent or guardian of the child at the center  
18 of an investigation shall:

19 (A) be informed of the referral and his or her  
20 right to request and receive a copy of the opinion,  
21 including the basis for the opinion, and a copy of any  
22 written report the board-certified child abuse  
23 pedsiatrician has provided to the Department;

24 (B) be notified that the parent or guardian of the  
25 child has the right to obtain, at his or her own  
26 expense, and submit to the Department a second medical

1           opinion at any time;

2           (C) be informed that any second medical 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; and

7           (D) be notified of the Department's time frames  
8           for the investigative process.

9           (d-3) The Department shall annually prepare and make  
10          available on the Department's Reports and Statistics webpage a  
11          report on the number of children or families referred by the  
12          Department to a board-certified child abuse pediatrician as  
13          part of an investigation of abuse or neglect by the  
14          Department. The report shall not contain any personally  
15          identifiable information about a child referred, the family  
16          members of such a child, or the board-certified child abuse  
17          pEDIatrician. If the number of cases in any category of  
18          information under items (4) through (9) of this subsection is  
19          less than 10, the Department shall not include that  
20          information in the report. The first report must be posted  
21          within 9 months after the effective date of this amendatory  
22          Act of the 103rd General Assembly. The first report and each  
23          annual report thereafter shall contain the following  
24          information regarding cases referred by the Department to a  
25          board-certified child abuse pediatrician:

26          (1) The total number of abuse or neglect cases

1 referred to a board-certified child abuse pediatrician  
2 that were indicated by the Department, with separate line  
3 items for:

4 (A) the total number of abuse and neglect cases  
5 that the Department determined were indicated but were  
6 appealed and the outcomes of those appeals, organized  
7 as follows:

8 (i) first, by the total number of indicated  
9 cases appealed via administrative appeal hearing  
10 before an administrative law judge and the  
11 outcomes of those hearings; and

12 (ii) second, by the total number of cases in  
13 which an administrative law judge's affirmance of  
14 the indicated findings was appealed to a court and  
15 the outcomes of the court's findings; and

16 (B) the total number of abuse and neglect cases  
17 that were indicated by the Department but indicated as  
18 to an unknown perpetrator.

19 (2) The total number of abuse or neglect cases  
20 referred by the Department to a board-certified child  
21 abuse pediatrician that the Department determined were  
22 unfounded.

23 (3) The total number of abuse or neglect cases  
24 referred by the Department to a board-certified child  
25 abuse pediatrician in which a petition for adjudication of  
26 wardship was filed.

1           (4) The total number of abuse and neglect cases  
2           referred by the Department to a board-certified child  
3           abuse pediatrician under paragraphs (1), (2), and (3)  
4           organized by abuse allegation.

5           (5) The total number of abuse and neglect cases  
6           referred by the Department to a board-certified child  
7           abuse pediatrician under paragraphs (1), (2), and (3)  
8           organized by DCFS region.

9           (6) The total number of abuse and neglect cases  
10           referred by the Department to a board-certified child  
11           abuse pediatrician under paragraphs (1), (2), and (3)  
12           organized by race of the child.

13           (7) The total number of abuse and neglect cases  
14           referred by the Department to a board-certified child  
15           abuse pediatrician under paragraphs (1), (2), and (3)  
16           organized by gender of the child.

17           (8) The total number of abuse and neglect cases under  
18           paragraphs (1), (2), and (3) involving children with  
19           safety plans.

20           (9) The total number of abuse and neglect cases under  
21           paragraphs (1), (2), and (3) where the child was put in  
22           protective custody.

23           (e) Upon request by the Department, the Illinois State  
24           Police and law enforcement agencies are authorized to provide  
25           criminal history record information as defined in the Illinois  
26           Uniform Conviction Information Act and information maintained



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

20 (f) For purposes of this Section, "child abuse or neglect"  
21 includes abuse or neglect of an adult resident as defined in  
22 this Act.

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