



Sen. Kimberly A. Lightford

Filed: 3/23/2023

10300SB2246sam001

LRB103 30764 KTG 59948 a

1 AMENDMENT TO SENATE BILL 2246

2 AMENDMENT NO. _____. Amend Senate Bill 2246 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 consults with and relies
16 upon a medically trained professional as to whether abuse or
17 neglect is considered likely, to a reasonable degree of
18 medical certainty, the following protections shall be provided
19 to any subject of the investigation:

20 (A) If a consulting medical professional is employed,
21 in whole or in part, by the Department or receives
22 referrals in the course of an investigation pursuant to
23 any contract, memorandum of understanding, or direct
24 request by an investigator, such individual must identify
25 himself or herself as a forensic consultant, rather than
26 as a member of the child's treatment team, whenever the

1 individual has direct contact with the child or the family
2 of the child. The individual must also provide the child's
3 guardian with accurate information about the medical
4 specialties that the individual holds.

5 (B) The subject of an investigation shall be informed
6 of the medical opinions which the Department has obtained
7 from any forensic consultants pursuant to contracts or
8 subcontracts to which the Department is a party and the
9 subject of the investigation shall be afforded the
10 reasonable opportunity to submit a second medical opinion
11 to the Department. A request for a second medical opinion
12 shall be completed in a reasonable amount of time to
13 comply with deadlines and shall be considered good cause
14 to toll deadlines for completion of an investigation.

15 (C) The Department shall annually prepare and make
16 available on the Department's Reports and Statistics
17 webpage a report on the number of children referred to a
18 consulting medical professional for forensic opinion. Such
19 report shall not contain any personally identifiable
20 information about a child referred for forensic opinion,
21 the family members of such a child, or a consulting
22 medical professional. If the number of cases in any
23 category of information under items (v) through (ix) is
24 less than 10, the Department shall not include that
25 information in the report. The first report must be posted
26 by March 31, 2024. The report shall contain the following

1 information:

2 (i) Total number of abuse or neglect cases which
3 were indicated by the Department:

4 (I) the total number of abuse and neglect
5 cases that the Department determined were
6 indicated but did not have child abuse
7 pediatrician involvement;

8 (II) the total number of abuse and neglect
9 cases that the Department determined were
10 indicated but appealed, and the outcomes of those
11 appeals:

12 (a) first, by total number of indicated
13 cases appealed via administrative appeal
14 hearing before an administrative law judge and
15 the outcomes of those hearings; and

16 (b) second, by total number of cases when
17 an administrative law judge's affirmance of
18 the indicated findings are appealed to federal
19 district court, and the outcomes of the
20 court's findings; and

21 (III) the total number of abuse and neglect
22 cases which were indicated by the Department, but
23 indicated as to an unknown perpetrator.

24 (ii) Total number of abuse or neglect cases that
25 the Department determined were unfounded.

26 (iii) Total number of abuse or neglect cases in

1 which a petition for adjudication of wardship was
2 filed.

3 (iv) Compile the information collected under items
4 (i) through (iii) by consulting medical professionals,
5 by assigning each such professional a unique
6 identifier that does not reveal the professional's
7 name, affiliation, or other personally identifiable
8 information.

9 (v) Compile the information collected under items
10 (i) through (iii) by medical diagnosis.

11 (vi) Compile the information collected under items
12 (i) through (iii) by county.

13 (vii) Compile the information collected under
14 items (i) through (iii) by race (of the child).

15 (viii) Compile the information collected under
16 items (i) through (iii) by gender (of the child).

17 (ix) Compile the information collected under items
18 (i) through (iii) by children with safety plans and
19 children put in protective custody.

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

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

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

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