



Sen. James F. Clayborne Jr.

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LRB095 05209 DRJ 36070 a

1 AMENDMENT TO HOUSE BILL 616

2 AMENDMENT NO. _____. Amend House Bill 616 on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 2. The Open Meetings Act is amended by changing
5 Section 1.02 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering, whether in person or by
9 video or audio conference, telephone call, electronic means
10 (such as, without limitation, electronic mail, electronic
11 chat, and instant messaging), or other means of contemporaneous
12 interactive communication, of a majority of a quorum of the
13 members of a public body held for the purpose of discussing
14 public business.

15 "Public body" includes all legislative, executive,
16 administrative or advisory bodies of the State, counties,

1 townships, cities, villages, incorporated towns, school
2 districts and all other municipal corporations, boards,
3 bureaus, committees or commissions of this State, and any
4 subsidiary bodies of any of the foregoing including but not
5 limited to committees and subcommittees which are supported in
6 whole or in part by tax revenue, or which expend tax revenue,
7 except the General Assembly and committees or commissions
8 thereof. "Public body" includes tourism boards and convention
9 or civic center boards located in counties that are contiguous
10 to the Mississippi River with populations of more than 250,000
11 but less than 300,000. "Public body" includes the Health
12 Facilities Planning Board. "Public body" does not include a
13 child death review team, ~~or~~ the Illinois Child Death Review
14 Teams Executive Council, or the Child Death Investigation Task
15 Force established under the Child Death Review Team Act or an
16 ethics commission acting under the State Officials and
17 Employees Ethics Act.

18 (Source: P.A. 93-617, eff. 12-9-03; 94-1058, eff. 1-1-07.)

19 Section 3. The Freedom of Information Act is amended by
20 changing Section 2 as follows:

21 (5 ILCS 140/2) (from Ch. 116, par. 202)

22 Sec. 2. Definitions. As used in this Act:

23 (a) "Public body" means any legislative, executive,
24 administrative, or advisory bodies of the State, state

1 universities and colleges, counties, townships, cities,
2 villages, incorporated towns, school districts and all other
3 municipal corporations, boards, bureaus, committees, or
4 commissions of this State, any subsidiary bodies of any of the
5 foregoing including but not limited to committees and
6 subcommittees which are supported in whole or in part by tax
7 revenue, or which expend tax revenue, and a School Finance
8 Authority created under Article 1E of the School Code. "Public
9 body" does not include a child death review team, ~~or~~ the
10 Illinois Child Death Review Teams Executive Council, or the
11 Child Death Investigation Task Force established under the
12 Child Death Review Team Act.

13 (b) "Person" means any individual, corporation,
14 partnership, firm, organization or association, acting
15 individually or as a group.

16 (c) "Public records" means all records, reports, forms,
17 writings, letters, memoranda, books, papers, maps,
18 photographs, microfilms, cards, tapes, recordings, electronic
19 data processing records, recorded information and all other
20 documentary materials, regardless of physical form or
21 characteristics, having been prepared, or having been or being
22 used, received, possessed or under the control of any public
23 body. "Public records" includes, but is expressly not limited
24 to: (i) administrative manuals, procedural rules, and
25 instructions to staff, unless exempted by Section 7(p) of this
26 Act; (ii) final opinions and orders made in the adjudication of

1 cases, except an educational institution's adjudication of
2 student or employee grievance or disciplinary cases; (iii)
3 substantive rules; (iv) statements and interpretations of
4 policy which have been adopted by a public body; (v) final
5 planning policies, recommendations, and decisions; (vi)
6 factual reports, inspection reports, and studies whether
7 prepared by or for the public body; (vii) all information in
8 any account, voucher, or contract dealing with the receipt or
9 expenditure of public or other funds of public bodies; (viii)
10 the names, salaries, titles, and dates of employment of all
11 employees and officers of public bodies; (ix) materials
12 containing opinions concerning the rights of the state, the
13 public, a subdivision of state or a local government, or of any
14 private persons; (x) the name of every official and the final
15 records of voting in all proceedings of public bodies; (xi)
16 applications for any contract, permit, grant, or agreement
17 except as exempted from disclosure by subsection (g) of Section
18 7 of this Act; (xii) each report, document, study, or
19 publication prepared by independent consultants or other
20 independent contractors for the public body; (xiii) all other
21 information required by law to be made available for public
22 inspection or copying; (xiv) information relating to any grant
23 or contract made by or between a public body and another public
24 body or private organization; (xv) waiver documents filed with
25 the State Superintendent of Education or the president of the
26 University of Illinois under Section 30-12.5 of the School

1 Code, concerning nominees for General Assembly scholarships
2 under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi)
3 complaints, results of complaints, and Department of Children
4 and Family Services staff findings of licensing violations at
5 day care facilities, provided that personal and identifying
6 information is not released; and (xvii) records, reports,
7 forms, writings, letters, memoranda, books, papers, and other
8 documentary information, regardless of physical form or
9 characteristics, having been prepared, or having been or being
10 used, received, possessed, or under the control of the Illinois
11 Sports Facilities Authority dealing with the receipt or
12 expenditure of public funds or other funds of the Authority in
13 connection with the reconstruction, renovation, remodeling,
14 extension, or improvement of all or substantially all of an
15 existing "facility" as that term is defined in the Illinois
16 Sports Facilities Authority Act.

17 (d) "Copying" means the reproduction of any public record
18 by means of any photographic, electronic, mechanical or other
19 process, device or means.

20 (e) "Head of the public body" means the president, mayor,
21 chairman, presiding officer, director, superintendent,
22 manager, supervisor or individual otherwise holding primary
23 executive and administrative authority for the public body, or
24 such person's duly authorized designee.

25 (f) "News media" means a newspaper or other periodical
26 issued at regular intervals whether in print or electronic

1 format, a news service whether in print or electronic format, a
2 radio station, a television station, a television network, a
3 community antenna television service, or a person or
4 corporation engaged in making news reels or other motion
5 picture news for public showing.

6 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
7 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
8 7-11-02.)

9 Section 4. The Child Death Review Team Act is amended by
10 changing Sections 15, 20, 25, 30, 35, and 40 and by adding
11 Sections 45 and 50 as follows:

12 (20 ILCS 515/15)

13 Sec. 15. Child death review teams; establishment.

14 (a) The Executive Council ~~Director~~, in consultation with
15 ~~the Executive Council~~, law enforcement, and other
16 professionals who work in the field of investigating, treating,
17 or preventing child abuse or neglect in that subregion, shall
18 appoint members to a child death review team in each of the
19 Department's administrative subregions of the State outside
20 Cook County and at least one child death review team in Cook
21 County. The members of a team shall be appointed for 2-year
22 terms and shall be eligible for reappointment upon the
23 expiration of the terms. The child death review teams shall be
24 independent of the operations of the Department and shall

1 report to the Executive Council.

2 (b) Each child death review team shall consist of at least
3 one member from each of the following categories:

4 (1) Pediatrician or other physician knowledgeable
5 about child abuse and neglect.

6 (2) Representative of the Department.

7 (3) State's attorney or State's attorney's
8 representative.

9 (4) Representative of a local law enforcement agency.

10 (5) Psychologist or psychiatrist.

11 (6) Representative of a local health department.

12 (7) Representative of a school district or other
13 education or child care interests.

14 (8) Coroner or forensic pathologist.

15 (9) Representative of a child welfare agency or child
16 advocacy organization.

17 (10) Representative of a local hospital, trauma
18 center, or provider of emergency medical services.

19 Each child death review team may make recommendations to
20 the Director concerning additional appointments.

21 Each child death review team member must have demonstrated
22 experience and an interest in investigating, treating, or
23 preventing child abuse or neglect.

24 (c) Each child death review team shall select a chairperson
25 from among its members. The chairperson shall also serve on the
26 Illinois Child Death Review Teams Executive Council.

1 (d) The Executive Council shall appoint a Child Death
2 Review Teams Executive Director who shall oversee the operation
3 of the child death review teams and shall report directly to
4 the Executive Council. The Executive Director, with the
5 approval of the Executive Council, shall appoint a Child Death
6 Review Teams Assistant Director, who shall report to the
7 Executive Director. The Executive Director, with the approval
8 of the Executive Council, shall employ staff as necessary and
9 appropriate to enable the child death review teams to perform
10 their functions as required under this Act. The staff shall
11 include a Department Senior Public Service Administrator, a
12 liaison to coordinate activities between the child death review
13 teams and the Department, and clerical and other support staff
14 as necessary. The liaison and the clerical and other support
15 staff shall not be employees of the Department.

16 (e) The child death review teams shall be funded under a
17 separate line item in the Department's annual budget.

18 (Source: P.A. 92-468, eff. 8-22-01.)"; and

19 on page 1, by replacing line 21 with the following:

20 "or neglect and investigated by the Child Death Investigation
21 Task Force established under Section 45 ~~which report is~~
22 ~~subsequently indicated.~~"; and

23 on page 4, after line 3, by inserting the following:

1 "(20 ILCS 515/25)

2 Sec. 25. Team access to information.

3 (a) The Department shall provide to a child death review
4 team, on the request of the team chairperson, and to the Child
5 Death Investigation Task Force, on the request of the Deputy
6 Director in charge of the Task Force, all records and
7 information in the Department's possession that are relevant to
8 the team's or Task Force's review or investigation of a child
9 death or serious, life-threatening injury, including records
10 and information concerning previous reports or investigations
11 of suspected child abuse or neglect.

12 (b) A child death review team and the Child Death
13 Investigation Task Force shall have access to all records and
14 information that are relevant to its review or investigation of
15 a child death or serious, life-threatening injury and in the
16 possession of a State or local governmental agency. These
17 records and information include, without limitation, birth
18 certificates, all relevant medical and mental health records,
19 records of law enforcement agency investigations, records of
20 coroner or medical examiner investigations, records of the
21 Department of Corrections concerning a person's parole,
22 records of a probation and court services department, and
23 records of a social services agency that provided services to
24 the child or the child's family.

25 (Source: P.A. 91-812, eff. 6-13-00.)

1 (20 ILCS 515/30)

2 Sec. 30. Public access to information.

3 (a) Meetings of the child death review teams, ~~and~~ the
4 Executive Council, and the Child Death Investigation Task Force
5 shall be closed to the public. Meetings of the child death
6 review teams, ~~and~~ the Executive Council, and the Child Death
7 Investigation Task Force are not subject to the Open Meetings
8 Act (5 ILCS 120), as provided in that Act.

9 (b) Records and information provided to a child death
10 review team, ~~and~~ the Executive Council, and the Child Death
11 Investigation Task Force, and records maintained by a team, ~~or~~
12 the Executive Council, or the Child Death Investigation Task
13 Force, are confidential and not subject to the Freedom of
14 Information Act (5 ILCS 140), as provided in that Act.

15 Nothing contained in this subsection (b) prevents the
16 sharing or disclosure of records, other than those produced by
17 a Child Death Review Team, ~~or~~ the Executive Council, or the
18 Child Death Investigation Task Force, relating or pertaining to
19 the death of a minor under the care of or receiving services
20 from the Department of Children and Family Services and under
21 the jurisdiction of the juvenile court with the juvenile court,
22 the State's Attorney, and the minor's attorney.

23 (c) Members of a child death review team, ~~and~~ the Executive
24 Council, and the Child Death Investigation Task Force are not
25 subject to examination, in any civil or criminal proceeding,
26 concerning information presented to members of the team, ~~or~~ the

1 Executive Council, or the Task Force or opinions formed by
2 members of the team, ~~or~~ the Executive Council, or the Task
3 Force based on that information. A person may, however, be
4 examined concerning information provided to a child death
5 review team, ~~or~~ the Executive Council, or the Task Force that
6 is otherwise available to the public.

7 (d) Records and information produced by a child death
8 review team, ~~and~~ the Executive Council, and the Child Death
9 Investigation Task Force are not subject to discovery or
10 subpoena and are not admissible as evidence in any civil or
11 criminal proceeding. Those records and information are,
12 however, subject to discovery or a subpoena, and are admissible
13 as evidence, to the extent they are otherwise available to the
14 public.

15 (Source: P.A. 92-468, eff. 8-22-01)

16 (20 ILCS 515/35)

17 Sec. 35. Indemnification. The State shall indemnify and
18 hold harmless members of a child death review team, ~~and~~ the
19 Executive Council, and the Child Death Investigation Task Force
20 for all their acts, omissions, decisions, or other conduct
21 arising out of the scope of their service on the team, ~~or~~
22 Executive Council, or Task Force, except those involving
23 willful or wanton misconduct. The method of providing
24 indemnification shall be as provided in the State Employee
25 Indemnification Act (5 ILCS 350/1 et seq.).

1 (Source: P.A. 92-468, eff. 8-22-01.)"; and

2 on page 7, after line 14, by inserting the following:

3 "(20 ILCS 515/45 new)

4 Sec. 45. Child Death Investigation Task Force; pilot
5 program.

6 (a) The Child Death Investigation Task Force is established
7 as a 3-year pilot program in the Department's Southern
8 Administrative Region of the State. The Task Force shall
9 include pathologists, crime scene experts, crime scene
10 investigators, law enforcement investigators, social workers,
11 psychologists, and pediatricians appointed by the Child Death
12 Review Teams Executive Director and approved by the Executive
13 Council. The Task Force shall be under the direction of a
14 Deputy Director appointed by the Child Death Review Teams
15 Executive Director. The Task Force's office shall be in a
16 location other than a Department office. The Task Force shall
17 be independent of the operations of the Department.

18 (b) A member of the Task Force who is an investigator has
19 the same authority to arrest and hold a person in custody as
20 peace officers of this State have to arrest and hold a person
21 in custody on the ground that the person has committed an
22 offense in this State. Every such investigator member of the
23 Task Force must successfully complete training approved by the
24 Illinois Law Enforcement Training Standards Board. Every such

1 investigator member of the Task Force shall be issued a badge
2 and other appropriate identification.

3 (c) The Task Force shall investigate every death of a child
4 under 18 years of age occurring within the region of its
5 jurisdiction and every serious, life-threatening injury of a
6 child under 18 years of age occurring within that region. A
7 local or State law enforcement agency, hospital, or coroner
8 shall promptly notify the Task Force of a death or serious,
9 life-threatening injury to a child under 18 years of age.
10 Within 10 days after concluding an inquest into the death of a
11 child under 18 years of age, a coroner shall submit to the Task
12 Force the death certificate and autopsy report concerning that
13 death. The Task Force shall also investigate any second or
14 subsequent report of alleged child abuse or neglect involving
15 the same child or household. The Task Force may review and
16 reopen any case involving a Department finding concerning a
17 report of suspected child abuse or neglect.

18 The Deputy Director in charge of the Task Force has the
19 authority to issue subpoenas to obtain testimony or records
20 necessary to enable the Task Force to conduct an investigation.
21 The Task Force may request from the Department all records in
22 the Department's possession relating to a case under
23 investigation by the Task Force, including all records relating
24 to any prior allegation of child abuse or neglect involving the
25 same child or household.

26 (d) Upon completing an investigation, the Deputy Director

1 in charge of the Task Force shall submit a report containing
2 findings and recommendations to the Executive Council, the
3 Director of Children and Family Services, the Inspector General
4 appointed under Section 35.5 of the Children and Family
5 Services Act, the appropriate State's Attorney, and the State
6 Representative and State Senator in whose legislative
7 districts the case arose. The Task Force's report to the
8 Inspector General shall include, when appropriate, findings as
9 to whether the Department's policies and procedures were
10 followed by Department staff in conducting an investigation of
11 a report of suspected child abuse or neglect and other findings
12 concerning the conduct of Department staff. The Task Force may
13 recommend disciplinary action in appropriate cases.

14 (e) Not later than 6 months before the conclusion of the
15 pilot program established under this Section, the Deputy
16 Director in charge of the Task Force shall submit to the
17 General Assembly and the Governor a report summarizing the
18 activities of the Task Force and making recommendations as to
19 whether the Task Force's activities should be expanded to
20 additional regions of the State.

21 (f) The Child Death Investigation Task Force shall be
22 funded under a separate line item in the Department's annual
23 budget.

24 (20 ILCS 515/50 new)

25 Sec. 50. Training.

1 (a) The child death review teams, in conjunction with the
2 Child Death Investigation Task Force, shall conduct an annual
3 symposium for the purpose of providing education and training
4 for review team and Task Force members as well as Department
5 staff.

6 (b) The Child Death Investigation Task Force shall conduct
7 quarterly training for Department field staff, supervisors,
8 and managers."