



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB4073

by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

20 ILCS 515/10  
20 ILCS 515/20

Amends the Child Death Review Team Act. Provides that a deceased child that is the subject of a child death review by the Department of Children and Family Services must be part of a family with (rather than the subject of) an open service case maintained by the Department; part of a family with (rather than the subject of) a pending child abuse or neglect investigation; part of a family with a family member who was the subject of an abuse or neglect investigation at any time during the 12 months preceding the child's death; or a subject who dies in a day care center, day care facility, or day care home licensed or unlicensed by the Department. Defines "family member" to mean a parent, grandparent, child, sibling, aunt, uncle, great-aunt, or great-uncle, whether by whole blood, half-blood, or adoption and includes step-children, step-parents, step-grandparents, paramour, or any party responsible for the immediate care of the child. Effective immediately.

LRB097 14110 KTG 58780 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Death Review Team Act is amended by  
5 changing Sections 10 and 20 as follows:

6 (20 ILCS 515/10)

7 Sec. 10. Definitions. As used in this Act, unless the  
8 context requires otherwise:

9 "Child" means any person under the age of 18 years unless  
10 legally emancipated by reason of marriage or entry into a  
11 branch of the United States armed services.

12 "Department" means the Department of Children and Family  
13 Services.

14 "Director" means the Director of Children and Family  
15 Services.

16 "Executive Council" means the Illinois Child Death Review  
17 Teams Executive Council.

18 "Family member" means a parent, grandparent, child,  
19 sibling, aunt, uncle, great-aunt, or great-uncle, whether by  
20 whole blood, half-blood, or adoption and includes  
21 step-children, step-parents, step-grandparents, paramour, or  
22 any party responsible for the immediate care of the child.

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

1 (20 ILCS 515/20)

2 Sec. 20. Reviews of child deaths.

3 (a) Every child death shall be reviewed by the team in the  
4 subregion which has primary case management responsibility.

5 The deceased child must be one of the following:

6 (1) A ward of the Department.

7 (2) Part of a family with ~~The subject of~~ an open  
8 service case maintained by the Department.

9 (3) Part of a family with ~~The subject of~~ a pending  
10 child abuse or neglect investigation.

11 (4) A child who was the subject of an abuse or neglect  
12 investigation at any time during the 12 months preceding  
13 the child's death.

14 (4.5) Part of a family with a family member who was the  
15 subject of an abuse or neglect investigation at any time  
16 during the 12 months preceding the child's death.

17 (5) Any other child whose death is reported to the  
18 State central register as a result of alleged child abuse  
19 or neglect which report is subsequently indicated or  
20 unfounded.

21 (6) A subject who died in a day care center, day care  
22 facility, or day care home licensed or unlicensed by the  
23 Department.

24 A child death review team may, at its discretion, review  
25 other sudden, unexpected, or unexplained child deaths, and

1 cases of serious or fatal injuries to a child identified under  
2 the Children's Advocacy Center Act.

3 (b) A child death review team's purpose in conducting  
4 reviews of child deaths is to do the following:

5 (1) Assist in determining the cause and manner of the  
6 child's death, when requested.

7 (2) Evaluate means by which the death might have been  
8 prevented.

9 (3) Report its findings to appropriate agencies and  
10 make recommendations that may help to reduce the number of  
11 child deaths caused by abuse or neglect.

12 (4) Promote continuing education for professionals  
13 involved in investigating, treating, and preventing child  
14 abuse and neglect as a means of preventing child deaths due  
15 to abuse or neglect.

16 (5) Make specific recommendations to the Director and  
17 the Inspector General of the Department concerning the  
18 prevention of child deaths due to abuse or neglect and the  
19 establishment of protocols for investigating child deaths.

20 (c) A child death review team shall review a child death as  
21 soon as practical and not later than 90 days following the  
22 completion by the Department of the investigation of the death  
23 under the Abused and Neglected Child Reporting Act. When there  
24 has been no investigation by the Department, the child death  
25 review team shall review a child's death within 90 days after  
26 obtaining the information necessary to complete the review from

1 the coroner, pathologist, medical examiner, or law enforcement  
2 agency, depending on the nature of the case. A child death  
3 review team shall meet at least once in each calendar quarter.

4 (d) The Director shall, within 90 days, review and reply to  
5 recommendations made by a team under item (5) of subsection  
6 (b). With respect to each recommendation made by a team, the  
7 Director shall submit his or her reply both to the chairperson  
8 of that team and to the chairperson of the Executive Council.  
9 The Director's reply to each recommendation must include a  
10 statement as to whether the Director intends to implement the  
11 recommendation.

12 The Director shall implement recommendations as feasible  
13 and appropriate and shall respond in writing to explain the  
14 implementation or nonimplementation of the recommendations.

15 (e) Within 90 days after the Director submits a reply with  
16 respect to a recommendation as required by subsection (d), the  
17 Director must submit an additional report that sets forth in  
18 detail the way, if any, in which the Director will implement  
19 the recommendation and the schedule for implementing the  
20 recommendation. The Director shall submit this report to the  
21 chairperson of the team that made the recommendation and to the  
22 chairperson of the Executive Council.

23 (f) Within 180 days after the Director submits a report  
24 under subsection (e) concerning the implementation of a  
25 recommendation, the Director shall submit a further report to  
26 the chairperson of the team that made the recommendation and to

1 the chairperson of the Executive Council. This report shall set  
2 forth the specific changes in the Department's policies and  
3 procedures that have been made in response to the  
4 recommendation.

5 (Source: P.A. 95-405, eff. 6-1-08; 95-527, eff. 6-1-08; 95-876,  
6 eff. 8-21-08; 96-328, eff. 8-11-09.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.