



Sen. Julie A. Morrison

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1 AMENDMENT TO SENATE BILL 1752

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1752 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended  
5 by changing Section 21 as follows:

6 (20 ILCS 505/21) (from Ch. 23, par. 5021)

7 Sec. 21. Investigative powers; training.

8 (a) To make such investigations as it may deem necessary to  
9 the performance of its duties.

10 (b) In the course of any such investigation any qualified  
11 person authorized by the Director may administer oaths and  
12 secure by its subpoena both the attendance and testimony of  
13 witnesses and the production of books and papers relevant to  
14 such investigation. Any person who is served with a subpoena by  
15 the Department to appear and testify or to produce books and  
16 papers, in the course of an investigation authorized by law,

1 and who refuses or neglects to appear, or to testify, or to  
2 produce books and papers relevant to such investigation, as  
3 commanded in such subpoena, shall be guilty of a Class B  
4 misdemeanor. The fees of witnesses for attendance and travel  
5 shall be the same as the fees of witnesses before the circuit  
6 courts of this State. Any circuit court of this State, upon  
7 application of the person requesting the hearing or the  
8 Department, may compel the attendance of witnesses, the  
9 production of books and papers, and giving of testimony before  
10 the Department or before any authorized officer or employee  
11 thereof, by an attachment for contempt or otherwise, in the  
12 same manner as production of evidence may be compelled before  
13 such court. Every person who, having taken an oath or made  
14 affirmation before the Department or any authorized officer or  
15 employee thereof, shall willfully swear or affirm falsely,  
16 shall be guilty of perjury and upon conviction shall be  
17 punished accordingly.

18 (c) Investigations initiated under this Section shall  
19 provide individuals due process of law, including the right to  
20 a hearing, to cross-examine witnesses, to obtain relevant  
21 documents, and to present evidence. Administrative findings  
22 shall be subject to the provisions of the Administrative Review  
23 Law.

24 (d) Beginning July 1, 1988, any child protective  
25 investigator or supervisor or child welfare specialist or  
26 supervisor employed by the Department on the effective date of

1 this amendatory Act of 1987 shall have completed a training  
2 program which shall be instituted by the Department. The  
3 training program shall include, but not be limited to, the  
4 following: (1) training in the detection of symptoms of child  
5 neglect and drug abuse; (2) specialized training for dealing  
6 with families and children of drug abusers; and (3) specific  
7 training in child development, family dynamics and interview  
8 techniques. Such program shall conform to the criteria and  
9 curriculum developed under Section 4 of the Child Protective  
10 Investigator and Child Welfare Specialist Certification Act of  
11 1987. Failure to complete such training due to lack of  
12 opportunity provided by the Department shall in no way be  
13 grounds for any disciplinary or other action against an  
14 investigator or a specialist.

15 The Department shall develop a continuous inservice staff  
16 development program and evaluation system. Each child  
17 protective investigator and supervisor and child welfare  
18 specialist and supervisor shall participate in such program and  
19 evaluation and shall complete a minimum of 20 hours of  
20 inservice education and training every 2 years in order to  
21 maintain certification.

22 Any child protective investigator or child protective  
23 supervisor, or child welfare specialist or child welfare  
24 specialist supervisor hired by the Department who begins his  
25 actual employment after the effective date of this amendatory  
26 Act of 1987, shall be certified pursuant to the Child

1 Protective Investigator and Child Welfare Specialist  
2 Certification Act of 1987 before he begins such employment.  
3 Nothing in this Act shall replace or diminish the rights of  
4 employees under the Illinois Public Labor Relations Act, as  
5 amended, or the National Labor Relations Act. In the event of  
6 any conflict between either of those Acts, or any collective  
7 bargaining agreement negotiated thereunder, and the provisions  
8 of subsections (d) and (e), the former shall prevail and  
9 control.

10 (e) The Department shall develop and implement the  
11 following:

12 (1) A standardized child endangerment risk assessment  
13 protocol.

14 (2) Related training procedures.

15 (3) A standardized method for demonstration of  
16 proficiency in application of the protocol.

17 (4) An evaluation of the reliability and validity of  
18 the protocol.

19 All child protective investigators and supervisors and child  
20 welfare specialists and supervisors employed by the Department  
21 or its contractors shall be required, subsequent to the  
22 availability of training under this Act, to demonstrate  
23 proficiency in application of the protocol previous to being  
24 permitted to make decisions about the degree of risk posed to  
25 children for whom they are responsible. The Department shall  
26 establish a multi-disciplinary advisory committee appointed by

1 the Director, including but not limited to representatives from  
2 the fields of child development, domestic violence, family  
3 systems, juvenile justice, law enforcement, health care,  
4 mental health, substance abuse, and social service to advise  
5 the Department and its related contractors in the development  
6 and implementation of the child endangerment risk assessment  
7 protocol, related training, method for demonstration of  
8 proficiency in application of the protocol, and evaluation of  
9 the reliability and validity of the protocol. The Department  
10 shall develop the protocol, training curriculum, method for  
11 demonstration of proficiency in application of the protocol and  
12 method for evaluation of the reliability and validity of the  
13 protocol by July 1, 1995. Training and demonstration of  
14 proficiency in application of the child endangerment risk  
15 assessment protocol for all child protective investigators and  
16 supervisors and child welfare specialists and supervisors  
17 shall be completed as soon as practicable, but no later than  
18 January 1, 1996. The Department shall submit to the General  
19 Assembly on or before May 1, 1996, and every year thereafter,  
20 an annual report on the evaluation of the reliability and  
21 validity of the child endangerment risk assessment protocol.  
22 The Department shall contract with a not for profit  
23 organization with demonstrated expertise in the field of child  
24 endangerment risk assessment to assist in the development and  
25 implementation of the child endangerment risk assessment  
26 protocol, related training, method for demonstration of

1 proficiency in application of the protocol, and evaluation of  
2 the reliability and validity of the protocol.

3 (f) Whenever a safety plan as defined in Section 3 of the  
4 Abused and Neglected Child Reporting Act is implemented, the  
5 ~~The~~ Department shall provide each parent or guardian, and  
6 ~~responsible adult~~ any caregiver with responsibilities under  
7 the safety plan, participating in a safety plan a copy of the  
8 written safety plan as signed by each parent or guardian and  
9 ~~responsible adult~~ such caregiver and by a representative of the  
10 Department. The Department shall also provide each parent or  
11 guardian, and ~~responsible adult~~ any caregiver with  
12 responsibilities under the safety plan, safety plan  
13 information on their rights and responsibilities that shall  
14 include, but need not be limited to, information on how to  
15 obtain medical care, emergency phone numbers, and information  
16 on how to notify schools or day care providers as appropriate.  
17 The Department's representative shall ensure that the safety  
18 plan is reviewed and approved by the child protection  
19 supervisor. A safety plan shall comport with the requirements  
20 set forth in paragraph (3.5) of subsection (b) of Section 7.4  
21 of the Abused and Neglected Child Reporting Act.

22 (g) Upon termination of a safety plan, each parent or  
23 guardian and each caregiver with responsibilities under the  
24 safety plan shall be given written verification from the  
25 Department, or its designee, that the safety plan has been  
26 terminated. Upon termination of the safety plan, the

1 Department, or its designee, shall make all reasonable efforts  
2 to develop and implement a transition plan to return physical  
3 possession of the child to the custodial parent or legal  
4 guardian.

5 (Source: P.A. 98-830, eff. 1-1-15.)

6 Section 10. The Abused and Neglected Child Reporting Act is  
7 amended by changing Sections 3, 5, and 7.4 as follows:

8 (325 ILCS 5/3) (from Ch. 23, par. 2053)

9 Sec. 3. As used in this Act unless the context otherwise  
10 requires:

11 "Adult resident" means any person between 18 and 22 years  
12 of age who resides in any facility licensed by the Department  
13 under the Child Care Act of 1969. For purposes of this Act, the  
14 criteria set forth in the definitions of "abused child" and  
15 "neglected child" shall be used in determining whether an adult  
16 resident is abused or neglected.

17 "Blatant disregard" means an incident where the real,  
18 significant, and imminent risk of harm would be so obvious to a  
19 reasonable parent or caretaker that it is unlikely that a  
20 reasonable parent or caretaker would have exposed the child to  
21 the danger without exercising precautionary measures to  
22 protect the child from harm.

23 "Child" means any person under the age of 18 years, unless  
24 legally emancipated by reason of marriage or entry into a

1 branch of the United States armed services.

2 "Department" means Department of Children and Family  
3 Services.

4 "Local law enforcement agency" means the police of a city,  
5 town, village or other incorporated area or the sheriff of an  
6 unincorporated area or any sworn officer of the Illinois  
7 Department of State Police.

8 "Abused child" means a child whose parent or immediate  
9 family member, or any person responsible for the child's  
10 welfare, or any individual residing in the same home as the  
11 child, or a paramour of the child's parent:

12 (a) inflicts, causes to be inflicted, or allows to be  
13 inflicted upon such child physical injury, by other than  
14 accidental means, which causes death, disfigurement,  
15 impairment of physical or emotional health, or loss or  
16 impairment of any bodily function;

17 (b) creates a substantial risk of physical injury to  
18 such child by other than accidental means which would be  
19 likely to cause death, disfigurement, impairment of  
20 physical or emotional health, or loss or impairment of any  
21 bodily function;

22 (c) commits or allows to be committed any sex offense  
23 against such child, as such sex offenses are defined in the  
24 Criminal Code of 2012 or in the Wrongs to Children Act, and  
25 extending those definitions of sex offenses to include  
26 children under 18 years of age;



1           (d) commits or allows to be committed an act or acts of  
2 torture upon such child;

3           (e) inflicts excessive corporal punishment;

4           (f) commits or allows to be committed the offense of  
5 female genital mutilation, as defined in Section 12-34 of  
6 the Criminal Code of 2012, against the child;

7           (g) causes to be sold, transferred, distributed, or  
8 given to such child under 18 years of age, a controlled  
9 substance as defined in Section 102 of the Illinois  
10 Controlled Substances Act in violation of Article IV of the  
11 Illinois Controlled Substances Act or in violation of the  
12 Methamphetamine Control and Community Protection Act,  
13 except for controlled substances that are prescribed in  
14 accordance with Article III of the Illinois Controlled  
15 Substances Act and are dispensed to such child in a manner  
16 that substantially complies with the prescription; or

17           (h) commits or allows to be committed the offense of  
18 involuntary servitude, involuntary sexual servitude of a  
19 minor, or trafficking in persons as defined in Section 10-9  
20 of the Criminal Code of 2012 against the child.

21           A child shall not be considered abused for the sole reason  
22 that the child has been relinquished in accordance with the  
23 Abandoned Newborn Infant Protection Act.

24           "Neglected child" means any child who is not receiving the  
25 proper or necessary nourishment or medically indicated  
26 treatment including food or care not provided solely on the

1 basis of the present or anticipated mental or physical  
2 impairment as determined by a physician acting alone or in  
3 consultation with other physicians or otherwise is not  
4 receiving the proper or necessary support or medical or other  
5 remedial care recognized under State law as necessary for a  
6 child's well-being, or other care necessary for his or her  
7 well-being, including adequate food, clothing and shelter; or  
8 who is subjected to an environment which is injurious insofar  
9 as (i) the child's environment creates a likelihood of harm to  
10 the child's health, physical well-being, or welfare and (ii)  
11 the likely harm to the child is the result of a blatant  
12 disregard of parent or caretaker responsibilities; or who is  
13 abandoned by his or her parents or other person responsible for  
14 the child's welfare without a proper plan of care; or who has  
15 been provided with interim crisis intervention services under  
16 Section 3-5 of the Juvenile Court Act of 1987 and whose parent,  
17 guardian, or custodian refuses to permit the child to return  
18 home and no other living arrangement agreeable to the parent,  
19 guardian, or custodian can be made, and the parent, guardian,  
20 or custodian has not made any other appropriate living  
21 arrangement for the child; or who is a newborn infant whose  
22 blood, urine, or meconium contains any amount of a controlled  
23 substance as defined in subsection (f) of Section 102 of the  
24 Illinois Controlled Substances Act or a metabolite thereof,  
25 with the exception of a controlled substance or metabolite  
26 thereof whose presence in the newborn infant is the result of

1 medical treatment administered to the mother or the newborn  
2 infant. A child shall not be considered neglected for the sole  
3 reason that the child's parent or other person responsible for  
4 his or her welfare has left the child in the care of an adult  
5 relative for any period of time. A child shall not be  
6 considered neglected for the sole reason that the child has  
7 been relinquished in accordance with the Abandoned Newborn  
8 Infant Protection Act. A child shall not be considered  
9 neglected or abused for the sole reason that such child's  
10 parent or other person responsible for his or her welfare  
11 depends upon spiritual means through prayer alone for the  
12 treatment or cure of disease or remedial care as provided under  
13 Section 4 of this Act. A child shall not be considered  
14 neglected or abused solely because the child is not attending  
15 school in accordance with the requirements of Article 26 of The  
16 School Code, as amended.

17 "Child Protective Service Unit" means certain specialized  
18 State employees of the Department assigned by the Director to  
19 perform the duties and responsibilities as provided under  
20 Section 7.2 of this Act.

21 "Person responsible for the child's welfare" means the  
22 child's parent; guardian; foster parent; relative caregiver;  
23 any person responsible for the child's welfare in a public or  
24 private residential agency or institution; any person  
25 responsible for the child's welfare within a public or private  
26 profit or not for profit child care facility; or any other

1 person responsible for the child's welfare at the time of the  
2 alleged abuse or neglect, including any person that is the  
3 custodian of a child under 18 years of age who commits or  
4 allows to be committed, against the child, the offense of  
5 involuntary servitude, involuntary sexual servitude of a  
6 minor, or trafficking in persons for forced labor or services,  
7 as provided in Section 10-9 of the Criminal Code of 2012, or  
8 any person who came to know the child through an official  
9 capacity or position of trust, including but not limited to  
10 health care professionals, educational personnel, recreational  
11 supervisors, members of the clergy, and volunteers or support  
12 personnel in any setting where children may be subject to abuse  
13 or neglect.

14 "Safety plan" means any plan that sets forth a written  
15 condition that limits, restricts, or modifies a parent or  
16 guardian's interaction with his or her child, including but not  
17 limited to a requirement that a child, parent, or guardian  
18 relocate from the family home, that another person reside in  
19 the family home, or that a parent or guardian have no  
20 unsupervised contact with a child, except that a safety plan  
21 does not include such conditions when incorporated in a court  
22 order entered under the Juvenile Court Act of 1987.

23 "Temporary protective custody" means custody within a  
24 hospital or other medical facility or a place previously  
25 designated for such custody by the Department, subject to  
26 review by the Court, including a licensed foster home, group

1 home, or other institution; but such place shall not be a jail  
2 or other place for the detention of criminal or juvenile  
3 offenders.

4 "An unfounded report" means any report made under this Act  
5 for which it is determined after an investigation that no  
6 credible evidence of abuse or neglect exists.

7 "An indicated report" means a report made under this Act if  
8 an investigation determines that credible evidence of the  
9 alleged abuse or neglect exists.

10 "An undetermined report" means any report made under this  
11 Act in which it was not possible to initiate or complete an  
12 investigation on the basis of information provided to the  
13 Department.

14 "Subject of report" means any child reported to the central  
15 register of child abuse and neglect established under Section  
16 7.7 of this Act as an alleged victim of child abuse or neglect  
17 and the parent or guardian of the alleged victim or other  
18 person responsible for the alleged victim's welfare who is  
19 named in the report or added to the report as an alleged  
20 perpetrator of child abuse or neglect.

21 "Perpetrator" means a person who, as a result of  
22 investigation, has been determined by the Department to have  
23 caused child abuse or neglect.

24 "Member of the clergy" means a clergyman or practitioner of  
25 any religious denomination accredited by the religious body to  
26 which he or she belongs.

1 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;  
2 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11; 97-803, eff.  
3 7-13-12; 97-897, eff. 1-1-13; 97-1063, eff. 8-24-12; 97-1150,  
4 eff. 1-25-13.)

5 (325 ILCS 5/5) (from Ch. 23, par. 2055)

6 Sec. 5. An officer of a local law enforcement agency, a  
7 designated employee of the Department, or a physician treating  
8 a child may take or retain temporary protective custody of the  
9 child without the consent of the person responsible for the  
10 child's welfare, or may state that he or she or his or her  
11 agent will do so, only if: (1) there is imminent danger to the  
12 child; (2) there is no time to apply for a court order under  
13 the Juvenile Court Act of 1987 for temporary custody of the  
14 child; and (3) there is probable cause that a child is abused  
15 or neglected by his or her parent or guardian. ~~if (1) he has~~  
16 ~~reason to believe that the child cannot be cared for at home or~~  
17 ~~in the custody of the person responsible for the child's~~  
18 ~~welfare without endangering the child's health or safety; and~~  
19 ~~(2) there is not time to apply for a court order under the~~  
20 ~~Juvenile Court Act of 1987 for temporary custody of the child.~~  
21 The person taking or retaining a child in temporary protective  
22 custody shall immediately make every reasonable effort to  
23 notify the person responsible for the child's welfare and shall  
24 immediately notify the Department. The Department shall  
25 provide to the temporary caretaker of a child any information

1 in the Department's possession concerning the positive results  
2 of a test performed on the child to determine the presence of  
3 the antibody or antigen to Human Immunodeficiency Virus (HIV),  
4 or of HIV infection, as well as any communicable diseases or  
5 communicable infections that the child has. The temporary  
6 caretaker of a child shall not disclose to another person any  
7 information received by the temporary caretaker from the  
8 Department concerning the results of a test performed on the  
9 child to determine the presence of the antibody or antigen to  
10 HIV, or of HIV infection, except pursuant to Section 9 of the  
11 AIDS Confidentiality Act, as now or hereafter amended. The  
12 Department shall promptly initiate proceedings under the  
13 Juvenile Court Act of 1987 for the continued temporary custody  
14 of the child.

15 No person acting pursuant to this Section shall maintain a  
16 child in temporary protective custody or implement or maintain  
17 a safety plan if: (i) there will no longer exist imminent  
18 danger to the child if the temporary protective custody or  
19 safety plan condition is removed; or (ii) there is no longer  
20 probable cause that a child is abused or neglected by his or  
21 her parent or guardian. If the Department or another authorized  
22 person has applied for a court order for the temporary custody  
23 of the child and the application has been rejected by the  
24 State's Attorney or public official reviewing the application,  
25 the Department or other authorized person shall promptly inform  
26 the parent or guardian of that rejection. Nothing in this

1 Section shall preclude the Department from continuing an  
2 investigation and assessing the safety of the child as  
3 additional information is obtained.

4 Where the physician keeping a child in his custody does so  
5 in his capacity as a member of the staff of a hospital or  
6 similar institution, he shall notify the person in charge of  
7 the institution or his designated agent, who shall then become  
8 responsible for the further care of such child in the hospital  
9 or similar institution under the direction of the Department.

10 Said care includes, but is not limited to the granting of  
11 permission to perform emergency medical treatment to a minor  
12 where the treatment itself does not involve a substantial risk  
13 of harm to the minor and the failure to render such treatment  
14 will likely result in death or permanent harm to the minor, and  
15 there is not time to apply for a court order under the Juvenile  
16 Court Act of 1987.

17 Any person authorized and acting in good faith in the  
18 removal of a child under this Section shall have immunity from  
19 any liability, civil or criminal that might otherwise be  
20 incurred or imposed as a result of such removal. Any physician  
21 authorized and acting in good faith and in accordance with  
22 acceptable medical practice in the treatment of a child under  
23 this Section shall have immunity from any liability, civil or  
24 criminal, that might otherwise be incurred or imposed as a  
25 result of granting permission for emergency treatment.

26 With respect to any child taken into temporary protective



1 custody pursuant to this Section, the Department of Children  
2 and Family Services Guardianship Administrator or his designee  
3 shall be deemed the child's legally authorized representative  
4 for purposes of consenting to an HIV test if deemed necessary  
5 and appropriate by the Department's Guardianship Administrator  
6 or designee and obtaining and disclosing information  
7 concerning such test pursuant to the AIDS Confidentiality Act  
8 if deemed necessary and appropriate by the Department's  
9 Guardianship Administrator or designee and for purposes of  
10 consenting to the release of information pursuant to the  
11 Illinois Sexually Transmissible Disease Control Act if deemed  
12 necessary and appropriate by the Department's Guardianship  
13 Administrator or designee.

14 Any person who administers an HIV test upon the consent of  
15 the Department of Children and Family Services Guardianship  
16 Administrator or his designee, or who discloses the results of  
17 such tests to the Department's Guardianship Administrator or  
18 his designee, shall have immunity from any liability, civil,  
19 criminal or otherwise, that might result by reason of such  
20 actions. For the purpose of any proceedings, civil or criminal,  
21 the good faith of any persons required to administer or  
22 disclose the results of tests, or permitted to take such  
23 actions, shall be presumed.

24 (Source: P.A. 90-28, eff. 1-1-98.)

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

11           (a-5) Beginning January 1, 2010, the Department of Children  
12 and Family Services may implement a 5-year demonstration of a  
13 "differential response program" in accordance with criteria,  
14 standards, and procedures prescribed by rule. The program may  
15 provide that, upon receiving a report, the Department shall  
16 determine whether to conduct a family assessment or an  
17 investigation as appropriate to prevent or provide a remedy for  
18 child abuse or neglect.

19           For purposes of this subsection (a-5), "family assessment"  
20 means a comprehensive assessment of child safety, risk of  
21 subsequent child maltreatment, and family strengths and needs  
22 that is applied to a child maltreatment report that does not  
23 allege substantial child endangerment. "Family assessment"  
24 does not include a determination as to whether child  
25 maltreatment occurred but does determine the need for services  
26 to address the safety of family members and the risk of

1 subsequent maltreatment.

2 For purposes of this subsection (a-5), "investigation"  
3 means fact-gathering related to the current safety of a child  
4 and the risk of subsequent abuse or neglect that determines  
5 whether a report of suspected child abuse or neglect should be  
6 indicated or unfounded and whether child protective services  
7 are needed.

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

10 (1) Shall conduct an investigation on reports  
11 involving substantial child abuse or neglect.

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

17 (3) May conduct a family assessment for reports that do  
18 not allege substantial child endangerment. In determining  
19 that a family assessment is appropriate, the Department may  
20 consider issues including, but not limited to, child  
21 safety, parental cooperation, and the need for an immediate  
22 response.

23 (4) Shall promulgate criteria, standards, and  
24 procedures that shall be applied in making this  
25 determination, taking into consideration the Child  
26 Endangerment Risk Assessment Protocol of the Department.

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

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

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

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

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

26                (A) The child's sex and age, prior reports of abuse or

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

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

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

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

25 Nothing in this subsection (a-5) precludes the Department  
26 from collecting other relevant information necessary to

1 conduct the assessment or investigation. Nothing in this  
2 subsection (a-5) shall be construed to allow the name or  
3 identity of a reporter to be disclosed in violation of the  
4 protections afforded under Section 7.19 of this Act.

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

9 Upon completion of the family assessment, if the Department  
10 concludes that no services shall be offered, then the case  
11 shall be closed. If the Department concludes that services  
12 shall be offered, the Department shall develop a family  
13 preservation plan and offer or refer services to the family.

14 At any time during a family assessment, if the Department  
15 believes there is any reason to stop the assessment and conduct  
16 an investigation based on the information discovered, the  
17 Department shall do so.

18 The procedures available to the Department in conducting  
19 investigations under this Act shall be followed as appropriate  
20 during a family assessment.

21 The Department shall arrange for an independent evaluation  
22 of the "differential response program" authorized and  
23 implemented under this subsection (a-5) to determine whether it  
24 is meeting the goals in accordance with Section 2 of this Act.  
25 The Department may adopt administrative rules necessary for the  
26 execution of this Section, in accordance with Section 4 of the

1 Children and Family Services Act.

2 The demonstration conducted under this subsection (a-5)  
3 shall become a permanent program on July 1, 2016, upon  
4 completion of the demonstration project period.

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

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

21 (3) Based on an initial investigation, if the Unit  
22 determines the report is a good faith indication of alleged  
23 child abuse or neglect, then a formal investigation shall  
24 commence and, pursuant to Section 7.12 of this Act, may or may  
25 not result in an indicated report. The formal investigation  
26 shall include: direct contact with the subject or subjects of

1 the report as soon as possible after the report is received; an  
2 evaluation of the environment of the child named in the report  
3 and any other children in the same environment; a determination  
4 of the risk to such children if they continue to remain in the  
5 existing environments, as well as a determination of the  
6 nature, extent and cause of any condition enumerated in such  
7 report; the name, age and condition of other children in the  
8 environment; and an evaluation as to whether there would be an  
9 immediate and urgent necessity to remove the child from the  
10 environment if appropriate family preservation services were  
11 provided. After seeing to the safety of the child or children,  
12 the Department shall forthwith notify the subjects of the  
13 report in writing, of the existence of the report and their  
14 rights existing under this Act in regard to amendment or  
15 expungement. To fulfill the requirements of this Section, the  
16 Child Protective Service Unit shall have the capability of  
17 providing or arranging for comprehensive emergency services to  
18 children and families at all times of the day or night.

19 (3.5) If, during an investigation, a designated employee of  
20 the Department has lawful grounds to take protective custody of  
21 a child pursuant to Section 5 of this Act, the employee may  
22 notify the parent or guardian that a safety plan, as defined in  
23 Section 3 of this Act, is an alternative to protective custody.  
24 A safety plan must meet all of the following requirements:

25 (A) It must specify the limitations on the contact  
26 between the parent or guardian and the child, including (i)



1 where the child shall reside during the time the safety  
2 plan is in effect and (ii) who has responsibility for any  
3 supervision of the parent or guardian's contact with the  
4 child.

5 (B) It must be of limited duration as specified in the  
6 plan.

7 (C) It must be reviewed by the Department every 5  
8 business days to determine whether the basis for the plan  
9 still exists or whether the conditions should be modified.

10 (D) It must include a certification that a background  
11 check has been performed and cleared consistent with  
12 Department rule as to each caregiver with responsibilities  
13 under the safety plan before the child is placed in the  
14 caregiver's care or under the caregiver's supervision.

15 (E) It must be the least restrictive arrangement  
16 possible. A safety plan may be modified or terminated on  
17 request of the parent or guardian. A safety plan under this  
18 Section is subject to the requirements set forth in  
19 subsections (f) and (g) of Section 21 of the Children and  
20 Family Services Act.

21 (4) If (i) at the conclusion of the Unit's initial  
22 investigation of a report, the Unit determines the report to be  
23 a good faith indication of alleged child abuse or neglect that  
24 warrants a formal investigation by the Unit, the Department,  
25 any law enforcement agency or any other responsible agency and  
26 (ii) the person who is alleged to have caused the abuse or

1 neglect is employed or otherwise engaged in an activity  
2 resulting in frequent contact with children and the alleged  
3 abuse or neglect are in the course of such employment or  
4 activity, then the Department shall, except in investigations  
5 where the Director determines that such notification would be  
6 detrimental to the Department's investigation, inform the  
7 appropriate supervisor or administrator of that employment or  
8 activity that the Unit has commenced a formal investigation  
9 pursuant to this Act, which may or may not result in an  
10 indicated report. The Department shall also notify the person  
11 being investigated, unless the Director determines that such  
12 notification would be detrimental to the Department's  
13 investigation.

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

18 (1) Investigations involving teachers shall not, to  
19 the extent possible, be conducted when the teacher is  
20 scheduled to conduct classes. Investigations involving  
21 other school employees shall be conducted so as to minimize  
22 disruption of the school day. The school employee accused  
23 of child abuse or neglect may have his superior, his  
24 association or union representative and his attorney  
25 present at any interview or meeting at which the teacher or  
26 administrator is present. The accused school employee

1 shall be informed by a representative of the Department, at  
2 any interview or meeting, of the accused school employee's  
3 due process rights and of the steps in the investigation  
4 process. The information shall include, but need not  
5 necessarily be limited to the right, subject to the  
6 approval of the Department, of the school employee to  
7 confront the accuser, if the accuser is 14 years of age or  
8 older, or the right to review the specific allegations  
9 which gave rise to the investigation, and the right to  
10 review all materials and evidence that have been submitted  
11 to the Department in support of the allegation. These due  
12 process rights shall also include the right of the school  
13 employee to present countervailing evidence regarding the  
14 accusations.

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

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

25 (3) If a report of neglect or abuse of a child by a  
26 teacher or administrator involves an allegation of sexual

1 abuse or extreme physical abuse, the Child Protective Unit  
2 shall commence an investigation under paragraph (2) of  
3 subsection (b) of this Section.

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

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

26 (e) Upon request by the Department, the Department of State

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

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

26 (Source: P.A. 98-1141, eff. 12-30-14.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".