

1 AN ACT concerning children.

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

4 Section 1. The Children and Family Services Act is amended
5 by adding Section 5.05 and by adding Section 5.40 as follows:

6 (20 ILCS 505/5.05 new)

7 Sec. 5.05. Victims of sex trafficking.

8 (a) Legislative findings. Because of their histories of
9 trauma, youth in the care of the Department of Children and
10 Family Services are particularly vulnerable to sex
11 traffickers. Sex traffickers often target child care
12 facilities licensed by the Department to recruit their victims.
13 Foster children who are victims of sex trafficking present
14 unique treatment needs that existing treatment programs are not
15 always able to address. The Department of Children and Family
16 Services needs to develop a comprehensive strategy and
17 continuum of care to treat foster children who are identified
18 as victims of sex trafficking.

19 (b) Multi-disciplinary workgroup. By January 1, 2016, the
20 Department shall convene a multi-disciplinary workgroup to
21 review treatment programs for youth in the Department's care
22 who are victims of sex trafficking and to make recommendations
23 regarding a continuum of care for these vulnerable youth. The

1 workgroup shall do all of the following:

2 (1) Conduct a survey of literature and of existing
3 treatment program models available in the State and outside
4 the State for youth in the Department's care who are
5 victims of sex trafficking, taking into account whether the
6 programs have been subject to evaluation.

7 (2) Evaluate the need for new programs in the State,
8 taking into account that youth in the Department's care who
9 are victims of sex trafficking can present a variety of
10 additional needs, including mental illness, medical needs,
11 emotional disturbance, and cognitive delays.

12 (3) Review existing State laws and rules that permit
13 children to be placed in secured therapeutic residential
14 care and recommend (i) whether secured residential care
15 should be part of a continuum of care in the State for
16 foster youth who have been sexually trafficked and who
17 repeatedly run away from treatment facilities, and if so,
18 whether any amendments to existing State laws and rules
19 should be made; and (ii) the circumstances under which
20 youth should be considered for placement in secured
21 therapeutic residential care.

22 (4) Make recommendations regarding a continuum of care
23 for children in the Department's care who are victims of
24 sex trafficking.

25 (c) Composition of workgroup. The workgroup shall consist
26 of a minimum of:

1 (1) two representatives of the Department, including
2 at least one who is familiar with child care facilities
3 licensed by the Department under the Child Care Act of 1969
4 that provide residential services;

5 (2) one representative of a child advocacy
6 organization;

7 (3) one licensed clinician with expertise in working
8 with youth in the Department's care;

9 (4) one licensed clinician with expertise in working
10 with youth who are victims of sex trafficking;

11 (5) one board-certified child and adolescent
12 psychiatrist;

13 (6) two persons representing providers of residential
14 treatment programs operating in the State;

15 (7) two persons representing providers of adolescent
16 foster care or specialized foster care programs operating
17 in the State;

18 (8) one representative of the Department of Children
19 and Family Services' Statewide Youth Advisory Board;

20 (9) one representative of an agency independent of the
21 Department who has experience in providing treatment to
22 children and youth who are victims of sex trafficking; and

23 (10) one representative of a law enforcement agency
24 that works with youth who are victims of sex trafficking.

25 (d) Records and information. Upon request, the Department
26 shall provide the workgroup with all records and information in

1 the Department's possession that are relevant to the
2 workgroup's review of existing programs and to the workgroup's
3 review of the need for new programs for victims of sex
4 trafficking. The Department shall redact any confidential
5 information from the records and information provided to the
6 workgroup to maintain the confidentiality of persons served by
7 the Department.

8 (e) Workgroup report. The workgroup shall provide a report
9 to the General Assembly no later than January 1, 2017 with its
10 findings and recommendations.

11 (f) Department report. No later than March 1, 2017, the
12 Department shall implement the workgroup's recommendations, as
13 feasible and appropriate, and shall submit a written report to
14 the General Assembly that explains the Department's decision to
15 implement or to not implement each of the workgroup's
16 recommendations.

17 (20 ILCS 505/5.40 new)

18 Sec. 5.40. Multi-dimensional treatment foster care.

19 Subject to appropriations, beginning June 1, 2016, the
20 Department shall implement a 5-year pilot program of
21 multi-dimensional treatment foster care, or a substantially
22 similar evidence-based program of professional foster care,
23 for (i) children entering care with severe trauma histories,
24 with the goal of returning the child home or maintaining the
25 child in foster care instead of placing the child in congregate

1 care or a more restrictive setting or placement, (ii) children
2 who require placement in foster care when they are ready for
3 discharge from a residential treatment facility, and (iii)
4 children who are identified for residential or group home care
5 and who, based on a determination made by the Department, could
6 be placed in a foster home if higher level interventions are
7 provided.

8 The Department shall arrange for an independent evaluation
9 of the pilot program to determine whether it is meeting the
10 goal of maintaining children in the least restrictive, most
11 appropriate family-like setting, near the child's home
12 community, while they are in the Department's care and to
13 determine whether there is a long-term cost benefit to
14 continuing the pilot program.

15 At the end of the 5-year pilot program, the Department
16 shall submit a report to the General Assembly with its findings
17 of the evaluation. The report shall state whether the
18 Department intends to continue the pilot program and the
19 rationale for its decision.

20 Section 10. The Department of Human Services Act is amended
21 by adding Section 10-34 as follows:

22 (20 ILCS 1305/10-34 new)

23 Sec. 10-34. Public awareness of the national hotline
24 number. The Department of Human Services shall cooperate with

1 the Department of Transportation to promote public awareness
2 regarding the national human trafficking hotline. This
3 includes, but is not limited to, displaying public awareness
4 signs in high risk areas, such as, but not limited to, truck
5 stops, bus stations, train stations, airports, and rest stops.

6 Section 15. The Child Care Act of 1969 is amended by adding
7 Section 8.5 as follows:

8 (225 ILCS 10/8.5 new)

9 Sec. 8.5. Reporting suspected abuse or neglect. The
10 Department shall address through rules and procedures the
11 failure of individual staff at child care facilities or child
12 welfare agencies to report suspected abuse or neglect of
13 children within the child care facility as required by the
14 Abused and Neglected Child Reporting Act.

15 The rules and procedures shall include provisions for when
16 the Department learns of the child care facility's staff's
17 failure to report suspected abuse or neglect of children and
18 the actions the Department will take to (i) ensure that the
19 child care facility takes immediate action with the individual
20 staff involved and (ii) investigate whether the failure to
21 report suspected abuse and neglect was a single incident or
22 part of a larger incident involving additional staff members
23 who failed to report, or whether the failure to report
24 suspected abuse and neglect is a system-wide problem within the

1 child care facility or child welfare agency. The rules and
2 procedures shall also include the use of corrective action
3 plans and the use of supervisory teams to review staff and
4 facility understanding of their reporting requirements.

5 The Department shall adopt rules by July 1, 2016.

6 Section 20. The Abused and Neglected Child Reporting Act is
7 amended by changing Sections 3, 7.3, and 7.8 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 "Agency" means a child care facility licensed under Section
18 2.05 or Section 2.06 of the Child Care Act of 1969 and includes
19 a transitional living program that accepts children and adult
20 residents for placement who are in the guardianship of the
21 Department.

22 "Blatant disregard" means an incident where the real,
23 significant, and imminent risk of harm would be so obvious to a
24 reasonable parent or caretaker that it is unlikely that a

1 reasonable parent or caretaker would have exposed the child to
2 the danger without exercising precautionary measures to
3 protect the child from harm. With respect to a person working
4 at an agency in his or her professional capacity with a child
5 or adult resident, "blatant disregard" includes a failure by
6 the person to perform job responsibilities intended to protect
7 the child's or adult resident's health, physical well-being, or
8 welfare, and, when viewed in light of the surrounding
9 circumstances, evidence exists that would cause a reasonable
10 person to believe that the child was neglected. With respect to
11 an agency, "blatant disregard" includes a failure to implement
12 practices that ensure the health, physical well-being, or
13 welfare of the children and adult residents residing in the
14 facility.

15 "Child" means any person under the age of 18 years, unless
16 legally emancipated by reason of marriage or entry into a
17 branch of the United States armed services.

18 "Department" means Department of Children and Family
19 Services.

20 "Local law enforcement agency" means the police of a city,
21 town, village or other incorporated area or the sheriff of an
22 unincorporated area or any sworn officer of the Illinois
23 Department of State Police.

24 "Abused child" means a child whose parent or immediate
25 family member, or any person responsible for the child's
26 welfare, or any individual residing in the same home as the

1 child, or a paramour of the child's parent:

2 (a) inflicts, causes to be inflicted, or allows to be
3 inflicted upon such child physical injury, by other than
4 accidental means, which causes death, disfigurement,
5 impairment of physical or emotional health, or loss or
6 impairment of any bodily function;

7 (b) creates a substantial risk of physical injury to
8 such child by other than accidental means which would be
9 likely to cause death, disfigurement, impairment of
10 physical or emotional health, or loss or impairment of any
11 bodily function;

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

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

19 (e) inflicts excessive corporal punishment or, in the
20 case of a person working for an agency who is prohibited
21 from using corporal punishment, inflicts corporal
22 punishment upon a child or adult resident with whom the
23 person is working in his or her professional capacity;

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

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

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

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

18 "Neglected child" means any child who is not receiving the
19 proper or necessary nourishment or medically indicated
20 treatment including food or care not provided solely on the
21 basis of the present or anticipated mental or physical
22 impairment as determined by a physician acting alone or in
23 consultation with other physicians or otherwise is not
24 receiving the proper or necessary support or medical or other
25 remedial care recognized under State law as necessary for a
26 child's well-being, or other care necessary for his or her

1 well-being, including adequate food, clothing and shelter; or
2 who is subjected to an environment which is injurious insofar
3 as (i) the child's environment creates a likelihood of harm to
4 the child's health, physical well-being, or welfare and (ii)
5 the likely harm to the child is the result of a blatant
6 disregard of parent, ~~or~~ caretaker, or agency responsibilities;
7 or who is abandoned by his or her parents or other person
8 responsible for the child's welfare without a proper plan of
9 care; or who has been provided with interim crisis intervention
10 services under Section 3-5 of the Juvenile Court Act of 1987
11 and whose parent, guardian, or custodian refuses to permit the
12 child to return home and no other living arrangement agreeable
13 to the parent, guardian, or custodian can be made, and the
14 parent, guardian, or custodian has not made any other
15 appropriate living arrangement for the child; or who is a
16 newborn infant whose blood, urine, or meconium contains any
17 amount of a controlled substance as defined in subsection (f)
18 of Section 102 of the Illinois Controlled Substances Act or a
19 metabolite thereof, with the exception of a controlled
20 substance or metabolite thereof whose presence in the newborn
21 infant is the result of medical treatment administered to the
22 mother or the newborn infant. A child shall not be considered
23 neglected for the sole reason that the child's parent or other
24 person responsible for his or her welfare has left the child in
25 the care of an adult relative for any period of time. A child
26 shall not be considered neglected for the sole reason that the

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

11 "Child Protective Service Unit" means certain specialized
12 State employees of the Department assigned by the Director to
13 perform the duties and responsibilities as provided under
14 Section 7.2 of this Act.

15 "Person responsible for the child's welfare" means the
16 child's parent; guardian; foster parent; relative caregiver;
17 any person responsible for the child's welfare in a public or
18 private residential agency or institution; any person
19 responsible for the child's welfare within a public or private
20 profit or not for profit child care facility; or any other
21 person responsible for the child's welfare at the time of the
22 alleged abuse or neglect, including any person that is the
23 custodian of a child under 18 years of age who commits or
24 allows to be committed, against the child, the offense of
25 involuntary servitude, involuntary sexual servitude of a
26 minor, or trafficking in persons for forced labor or services,

1 as provided in Section 10-9 of the Criminal Code of 2012, or
2 any person who came to know the child through an official
3 capacity or position of trust, including but not limited to
4 health care professionals, educational personnel, recreational
5 supervisors, members of the clergy, and volunteers or support
6 personnel in any setting where children may be subject to abuse
7 or neglect.

8 "Temporary protective custody" means custody within a
9 hospital or other medical facility or a place previously
10 designated for such custody by the Department, subject to
11 review by the Court, including a licensed foster home, group
12 home, or other institution; but such place shall not be a jail
13 or other place for the detention of criminal or juvenile
14 offenders.

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

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

21 "An undetermined report" means any report made under this
22 Act in which it was not possible to initiate or complete an
23 investigation on the basis of information provided to the
24 Department.

25 "Subject of report" means any child reported to the central
26 register of child abuse and neglect established under Section

1 7.7 of this Act as an alleged victim of child abuse or neglect
2 and the parent or guardian of the alleged victim or other
3 person responsible for the alleged victim's welfare who is
4 named in the report or added to the report as an alleged
5 perpetrator of child abuse or neglect.

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

9 "Member of the clergy" means a clergyman or practitioner of
10 any religious denomination accredited by the religious body to
11 which he or she belongs.

12 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;
13 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11; 97-803, eff.
14 7-13-12; 97-897, eff. 1-1-13; 97-1063, eff. 8-24-12; 97-1150,
15 eff. 1-25-13.)

16 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

17 Sec. 7.3. (a) The Department shall be the sole agency
18 responsible for receiving and investigating reports of child
19 abuse or neglect made under this Act, including reports of
20 adult resident abuse or neglect as defined in this Act, except
21 where investigations by other agencies may be required with
22 respect to reports alleging the death of a child, serious
23 injury to a child or sexual abuse to a child made pursuant to
24 Sections 4.1 or 7 of this Act, and except that the Department
25 may delegate the performance of the investigation to the

1 Department of State Police, a law enforcement agency and to
2 those private social service agencies which have been
3 designated for this purpose by the Department prior to July 1,
4 1980.

5 (b) Notwithstanding any other provision of this Act, the
6 Department shall adopt rules expressly allowing law
7 enforcement personnel to investigate reports of suspected
8 child abuse or neglect concurrently with the Department,
9 without regard to whether the Department determines a report to
10 be "indicated" or "unfounded" or deems a report to be
11 "undetermined".

12 (c) By June 1, 2016, the Department shall adopt rules that
13 address and set forth criteria and standards relevant to
14 investigations of reports of abuse or neglect committed by any
15 agency, as defined in Section 3 of this Act, or person working
16 for an agency responsible for the welfare of a child or adult
17 resident.

18 (Source: P.A. 95-57, eff. 8-10-07; 96-1446, eff. 8-20-10.)

19 (325 ILCS 5/7.8) (from Ch. 23, par. 2057.8)

20 Sec. 7.8. Upon receiving an oral or written report of
21 suspected child abuse or neglect, the Department shall
22 immediately notify, either orally or electronically, the Child
23 Protective Service Unit of a previous report concerning a
24 subject of the present report or other pertinent information.
25 In addition, upon satisfactory identification procedures, to

1 be established by Department regulation, any person authorized
2 to have access to records under Section 11.1 relating to child
3 abuse and neglect may request and shall be immediately provided
4 the information requested in accordance with this Act. However,
5 no information shall be released unless it prominently states
6 the report is "indicated", and only information from
7 "indicated" reports shall be released, except that information
8 concerning pending reports may be released pursuant to Sections
9 7.14 and 7.22 of this Act to the attorney or guardian ad litem
10 appointed under Section 2-17 of the Juvenile Court Act of 1987
11 and to any person authorized under paragraphs (1), (2), (3) and
12 (11) of Section 11.1. In addition, State's Attorneys are
13 authorized to receive unfounded reports for prosecution
14 purposes related to the transmission of false reports of child
15 abuse or neglect in violation of subsection (a), paragraph (7)
16 of Section 26-1 of the Criminal Code of 2012 and attorneys and
17 guardians ad litem appointed under Article II of the Juvenile
18 Court Act of 1987 shall receive the reports set forth in
19 Section 7.14 of this Act in conformance with paragraph (19) of
20 Section 11.1 and Section 7.14 of this Act. The Department is
21 authorized and required to release information from unfounded
22 reports, upon request by a person who has access to the
23 unfounded report as provided in this Act, as necessary in its
24 determination to protect children and adult residents who are
25 in child care facilities licensed by the Department under the
26 Child Care Act of 1969. The names and other identifying data

1 and the dates and the circumstances of any persons requesting
2 or receiving information from the central register shall be
3 entered in the register record.

4 (Source: P.A. 97-1150, eff. 1-25-13; 98-807, eff. 8-1-14;
5 revised 11-25-14.)

6 Section 99. Effective date. This Act takes effect on
7 January 1, 2016, except that Section 20 takes effect on June 1,
8 2016.