



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3032

Introduced 2/18/2016, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

See Index

Amends the Child Death Review Team Act. Transfers the administration of child death review teams from the Department of Children and Family Services to the Department of Public Health. Provides that the Director of Public Health (rather than the Director of Children and Family Services), in consultation with the Illinois Child Death Review Teams Executive Council and specified persons who work in the field of investigating, treating, or preventing child deaths (rather than abuse or neglect in that subregion), shall appoint members to a child death review team in each of the Department of Children and Family Services' administrative regions (rather than subregions) of the State outside Cook County and at least one child death review team in Cook County. Provides that the staff of each child death review team must have complete access to the Statewide Automated Child Welfare Information System (SACWIS) and any other Child Abuse Reporting systems; and that the Department of Public Health must provide one full-time statewide liaison to attend in person at all Executive Council meetings and team meetings throughout the State. Changes provisions concerning child death reviews; a child death review team's access to records and information held by the Department of Public Health and the Department of Children and Family Services; annual reports by the Illinois Child Death Review Teams Executive Council; and the establishment of a special Child Death Investigation Task Force.

LRB099 19268 KTG 43660 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5, 10, 15, 20, 25, 40, and 45 as follows:

6 (20 ILCS 515/5)

7 Sec. 5. State policy. The following statements are the
8 policy of this State:

9 (1) Every child is entitled to live in safety and in health
10 and to survive into adulthood.

11 (2) Responding to child deaths is a State and a community
12 responsibility.

13 (3) When a child dies, the response by the State and the
14 community to the death must include an accurate and complete
15 determination of the cause of death, the provision of services
16 to surviving family members, and the development and
17 implementation of measures to prevent future deaths from
18 similar causes. The response may include court action,
19 including prosecution of persons who may be responsible for the
20 death and juvenile proceedings to protect other children in the
21 care of the person responsible for the care of the child who
22 died.

23 (4) Professionals from disparate disciplines and agencies

1 who have responsibilities for children and expertise that can
2 promote child safety and well-being should share their
3 expertise and knowledge so that the goals of determining the
4 causes of children's deaths, planning and providing services to
5 surviving children and non-offending ~~nonoffending~~ family
6 members, and preventing future child deaths can be achieved.

7 (5) A greater understanding of the incidence and causes of
8 child deaths is necessary if the State is to prevent future
9 child deaths.

10 (6) Multidisciplinary and multiagency reviews of child
11 deaths can assist the State and counties in (i) investigating
12 child deaths, (ii) developing a greater understanding of the
13 incidence and causes of child deaths and the methods for
14 preventing those deaths, and (iii) identifying gaps in services
15 to children and families.

16 (7) Access to information regarding deceased children and
17 their families by multidisciplinary and multiagency child
18 death review teams is necessary for those teams to achieve
19 their purposes and duties.

20 (Source: P.A. 88-614, eff. 9-7-94.)

21 (20 ILCS 515/10)

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

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

1 branch of the United States armed services.

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

4 ~~"Director" means the Director of Children and Family~~
5 ~~Services.~~

6 "Executive Council" means the Illinois Child Death Review
7 Teams Executive Council.

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

9 (20 ILCS 515/15)

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

11 (a) The Director of Public Health, in consultation with the
12 Executive Council, law enforcement, and other professionals
13 who work in the field of investigating, treating, or preventing
14 child deaths ~~abuse or neglect in that subregion~~, shall appoint
15 members to a child death review team in each of the Department
16 of Children and Family Services' ~~Department's~~ administrative
17 regions ~~subregions~~ of the State outside Cook County and at
18 least one child death review team in Cook County. The members
19 of a team shall be appointed for 2-year terms and shall be
20 eligible for reappointment upon the expiration of the terms.
21 The Director of Public Health must fill any vacancy in a team
22 within 60 days after that vacancy occurs.

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

25 (1) Pediatrician or other physician knowledgeable

1 about child abuse and neglect.

2 (2) Representative of the Department of Public Health.

3 (3) State's attorney or State's attorney's
4 representative.

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

6 (5) Psychologist or psychiatrist.

7 (6) Representative of a local health department.

8 (7) Representative of a school district or other
9 education or child care interests.

10 (8) Coroner or forensic pathologist.

11 (9) Representative of a child welfare agency or child
12 advocacy organization.

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

15 (11) Representative of the Department of State Police.

16 (12) Representative of the Department of Children and
17 Family Services.

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

21 Each child death review team member must have demonstrated
22 experience and an interest in investigating, treating, or
23 preventing child deaths ~~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 child death review teams shall be funded under a
2 separate line item in the Department of Public Health's
3 Department's annual budget.

4 (e) Child death review team staff must have complete access
5 to the Statewide Automated Child Welfare Information System
6 (SACWIS) and any other Child Abuse Reporting systems. The
7 Department of Public Health must provide one full-time
8 statewide liaison to attend in person at all Executive Council
9 meetings and team meetings throughout the State.

10 (Source: P.A. 95-527, eff. 6-1-08.)

11 (20 ILCS 515/20)

12 Sec. 20. Reviews of child deaths.

13 (a) Every child death shall be reviewed by the team in the
14 subregion in which the death occurred ~~has primary case~~
15 ~~management responsibility.~~

16 The Department of Public Health, through the child death
17 review teams, shall review all deaths of children 17 years of
18 age or younger, including all sudden, unexpected, or
19 unexplained child deaths, and cases of serious or fatal
20 injuries to a child. The deceased child must be one of the
21 following:

22 ~~(1) A ward of the Department.~~

23 ~~(2) The subject of an open service case maintained by~~
24 ~~the Department.~~

25 ~~(3) The subject of a pending child abuse or neglect~~

1 ~~investigation.~~

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

5 ~~(5) Any other child whose death is reported to the~~
6 ~~State central register as a result of alleged child abuse~~
7 ~~or neglect which report is subsequently indicated.~~

8 ~~A child death review team may, at its discretion, review~~
9 ~~other sudden, unexpected, or unexplained child deaths, and~~
10 ~~eases of serious or fatal injuries to a child identified under~~
11 ~~the Children's Advocacy Center Act.~~

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

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

16 (2) Evaluate means by which the death might have been
17 prevented.

18 (3) Report its findings to appropriate State agencies
19 and make recommendations that may help to reduce the number
20 of child deaths. Within 90 days after receiving a child
21 death review team's report, each agency Director shall
22 review and reply to recommendations made by the team. Each
23 agency Director shall submit his or her reply both to the
24 chairperson of that team and to the chairperson of the
25 Executive Council. The reply from an agency's Director to
26 each recommendation must include a statement as to whether

1 the agency Director intends to implement the
2 recommendation, and must set forth in detail the way, if
3 any, in which the Director will implement the
4 recommendation and the schedule for implementing the
5 recommendation. Each agency shall implement
6 recommendations as feasible and appropriate and shall
7 respond in writing within 180 days after receiving such
8 recommendations to explain the implementation or
9 nonimplementation of the recommendations and any changes
10 in the agency's policies and procedures that have been made
11 in response to the recommendations ~~caused by abuse or~~
12 ~~neglect.~~

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

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

22 (c) A child death review team shall review a child death as
23 soon as practical, and for deaths being investigated by the
24 Department of Children and Family Services, ~~and~~ not later than
25 90 days following the completion by the Department of Children
26 and Family Services ~~the Department~~ of the investigation of the

1 death under the Abused and Neglected Child Reporting Act. When
2 there has been no investigation by the Department of Children
3 and Family Services, the child death review team shall review a
4 child's death within 90 days after obtaining the information
5 necessary to complete the review from the coroner, pathologist,
6 medical examiner, or law enforcement agency, depending on the
7 nature of the case. A child death review team shall meet at
8 least once in each calendar quarter.

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

17 ~~The Director shall implement recommendations as feasible~~
18 ~~and appropriate and shall respond in writing to explain the~~
19 ~~implementation or nonimplementation of the recommendations.~~

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

1 ~~recommendation and to the chairperson of the Executive Council.~~

2 (f) (Blank). ~~Within 180 days after the Director submits a~~
3 ~~report under subsection (e) concerning the implementation of a~~
4 ~~recommendation, the Director shall submit a further report to~~
5 ~~the chairperson of the team that made the recommendation and to~~
6 ~~the chairperson of the Executive Council. This report shall set~~
7 ~~forth the specific changes in the Department's policies and~~
8 ~~procedures that have been made in response to the~~
9 ~~recommendation.~~

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

12 (20 ILCS 515/25)

13 Sec. 25. Team access to information.

14 (a) The Department of Public Health shall provide to a
15 child death review team, on the request of the team
16 chairperson, all records and information in the ~~Department's~~
17 possession of the Department of Public Health that are relevant
18 to the team's review of a child death and the Department of
19 Children and Family Services shall provide the same records and
20 information 7 including records and information concerning
21 previous indicated or unfounded reports or investigations of
22 suspected child abuse or neglect.

23 (b) A child death review team shall have access to all
24 records and information that are relevant to its review of a
25 child death and in the possession of a State or local

1 governmental agency, including, but not limited to,
2 information gained through the Child Advocacy Center protocol
3 for cases of serious or fatal injury to a child. These records
4 and information include, without limitation, birth
5 certificates, all relevant medical and mental health records,
6 records of law enforcement agency investigations, records of
7 coroner or medical examiner investigations, records of the
8 Department of Corrections and Department of Juvenile Justice
9 concerning a person's parole or aftercare release, records of a
10 probation and court services department, and records of a
11 social services agency that provided services to the child or
12 the child's family.

13 The staff of a child death review team must have access to
14 any unfounded death investigations from the Department of
15 Children and Family Services. The staff of a child death review
16 team must have access to reports and death certificates of all
17 child fatalities from the Department of Public Health.

18 (Source: P.A. 98-558, eff. 1-1-14.)

19 (20 ILCS 515/40)

20 Sec. 40. Illinois Child Death Review Teams Executive
21 Council.

22 (a) The Illinois Child Death Review Teams Executive
23 Council, consisting of the chairpersons of the 9 child death
24 review teams in Illinois, is the coordinating and oversight
25 body for child death review teams and activities in Illinois.

1 The vice-chairperson of a child death review team, as
2 designated by the chairperson, may serve as a back-up member or
3 an alternate member of the Executive Council, if the
4 chairperson of the child death review team is unavailable to
5 serve on the Executive Council. ~~The Inspector General of the~~
6 ~~Department, ex officio, is a non-voting member of the Executive~~
7 ~~Council.~~ The Director of Public Health may appoint to the
8 Executive Council any ex-officio members deemed necessary.
9 Persons with expertise needed by the Executive Council may be
10 invited to meetings. The Executive Council must select from its
11 members a chairperson and a vice-chairperson, each to serve a
12 2-year, renewable term.

13 The Executive Council must meet at least 4 times during
14 each calendar year. At each such meeting, in addition to any
15 other matters under consideration, the Executive Council shall
16 review all replies and reports received from the agency
17 Directors ~~Director~~ pursuant to ~~subsections (d), (e), and (f) of~~
18 Section 20 since the Executive Council's previous meeting. The
19 Executive Council's review must include consideration of each
20 agency ~~the~~ Director's proposed manner of and schedule for
21 implementing each recommendation made by a child death review
22 team.

23 (b) The Department of Public Health must provide or arrange
24 for the staff support necessary for the Executive Council to
25 carry out its duties. The Director of Public Health, in
26 cooperation and consultation with the Executive Council, shall

1 appoint, reappoint, and remove team members. From funds
2 available, the Director of Public Health may select from a list
3 of 2 or more candidates recommended by the Executive Council to
4 serve as the Child Death Review Teams Executive Director. The
5 Child Death Review Teams Executive Director shall oversee the
6 operations of the child death review teams and shall report
7 directly to the Executive Council.

8 (c) The Executive Council has, but is not limited to, the
9 following duties:

10 (1) To serve as the voice of child death review teams
11 in Illinois.

12 (2) To oversee the regional teams in order to ensure
13 that the teams' work is coordinated and in compliance with
14 the statutes and the operating protocol.

15 (3) To ensure that the data, results, findings, and
16 recommendations of the teams are adequately used to make
17 any necessary changes in the policies, procedures, and
18 statutes in order to protect children in a timely manner.

19 (4) To collaborate with the General Assembly, the
20 Department of Public Health, and others in order to develop
21 any legislation needed to prevent child fatalities and to
22 protect children.

23 (5) To assist in the development of quarterly and
24 annual reports based on the work and the findings of the
25 teams.

26 (6) To ensure that the regional teams' review processes

1 are standardized in order to convey data, findings, and
2 recommendations in a usable format.

3 (7) To serve as a link with child death review teams
4 throughout the country and to participate in national child
5 death review team activities.

6 (8) To develop an annual statewide symposium to update
7 the knowledge and skills of child death review team members
8 and to promote the exchange of information between teams.

9 (9) To provide the child death review teams with the
10 most current information and practices concerning child
11 death review and related topics.

12 (10) To perform any other functions necessary to
13 enhance the capability of the child death review teams to
14 reduce and prevent child injuries and fatalities.

15 (c-5) The Executive Council shall prepare an annual report
16 by July 1 of each year. The report must include, but need not
17 be limited to, (i) each recommendation made by a child death
18 review team ~~pursuant to item (5) of subsection (b) of Section~~
19 ~~20~~ during the period covered by the report, (ii) each agency
20 ~~the~~ Director's proposed schedule for implementing each such
21 recommendation, and (iii) a description of the specific changes
22 in any Department's ~~the Department's~~ policies and procedures
23 that have been made in response to the recommendation. The
24 Executive Council shall send a copy of its annual report to
25 each of the following:

26 (1) The Governor.

1 (2) Each member of the Senate or the House of
2 Representatives ~~whose legislative district lies wholly or~~
3 ~~partly within the region covered by any child death review~~
4 ~~team whose recommendation is addressed in the annual~~
5 ~~report.~~

6 (3) Each member of each child death review team in the
7 State.

8 (4) All coroners, medical examiners, and State's
9 Attorneys, and to the Attorney General.

10 (5) Any other person, agency, or group in the
11 discretion of the Executive Council.

12 (6) Any State agency to which a recommendation has been
13 made.

14 (d) In any instance when a child death review team does not
15 operate in accordance with established protocol, the Director
16 of Public Health, in consultation and cooperation with the
17 Executive Council, must take any necessary actions to bring the
18 team into compliance with the protocol.

19 (Source: P.A. 95-405, eff. 6-1-08; 95-527, eff. 6-1-08; 95-876,
20 eff. 8-21-08.)

21 (20 ILCS 515/45)

22 Sec. 45. Child Death Investigation Task Force; ~~pilot~~
23 ~~program~~. The Child Death Review Teams Executive Council may,
24 from funds appropriated by the Illinois General Assembly to the
25 Department of Public Health and provided to the Child Death

1 Review Teams Executive Council for this purpose, or from funds
2 that may otherwise be provided for this purpose from other
3 public or private sources, establish ~~an 18-month pilot program~~
4 in the Southern Region of the State, as designated by the
5 Department of Public Health, ~~under which~~ a special Child Death
6 Investigation Task Force ~~will be~~ created by the Child Death
7 Review Teams Executive Council to develop and implement a plan
8 for the investigation of sudden, unexpected, or unexplained
9 deaths of children under 18 years of age occurring within that
10 region. The plan shall include a protocol to be followed by
11 child death review teams in the review of child deaths
12 ~~authorized under paragraph (a) (5) of Section 20 of this Act.~~
13 The plan must include provisions for local or State law
14 enforcement agencies, hospitals, or coroners to promptly
15 notify the Task Force of a death or serious life-threatening
16 injury to a child, and for the Child Death Investigation Task
17 Force to review the death and submit a report containing
18 findings and recommendations to the Child Death Review Teams
19 Executive Council, the Director of Public Health, the Director
20 of Children and Family Services, the Department of Children and
21 Family Services Inspector General, the appropriate State's
22 Attorney, and the State Representative and State Senator in
23 whose legislative districts the case arose. The plan may
24 include coordination with any investigation conducted under
25 the Children's Advocacy Center Act. On ~~By~~ July 1 of each year,
26 ~~2011~~, the Child Death Review Teams Executive Council shall

1 submit a report to the Director of Public Health, the Director
2 of Children and Family Services, the General Assembly, and the
3 Governor summarizing the results of the pilot program together
4 with any recommendations for statewide implementation of a
5 protocol for the investigation of all sudden, unexpected, or
6 unexplained child deaths.

7 (Source: P.A. 95-527, eff. 6-1-08; 96-955, eff. 6-30-10;
8 96-1000, eff. 7-2-10.)

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 515/5

4 20 ILCS 515/10

5 20 ILCS 515/15

6 20 ILCS 515/20

7 20 ILCS 515/25

8 20 ILCS 515/40

9 20 ILCS 515/45