



# Protecting the Children:

## A School Administrator's Guide to Child Welfare Services in Illinois

May 2003

**A Partnership Project:**

*Illinois Department of Children and Family Services*

*Illinois State Board of Education*

*Illinois Principals Association*

*Illinois Association of School Administrators*

*Illinois Education Association*

*Illinois Association of School Boards*

*Illinois Association of Regional Superintendents*

*Illinois Federation of Teachers*

*Illinois Alliance of Administrators of Special Education*

## **PROTECTING THE CHILDREN:**

### **A School Administrator's Guide to Child Welfare Services in Illinois**

---

**“Child welfare staff and schools can work more effectively together when we understand each other’s system. It only makes sense to partner together when we share a common interest – the safety and well-being of children.”**

**Bryan Samuels, Director  
Dept. of Children and  
Family Services**

***“Protecting the Children is a critical tool to assist school districts in working with the Department of Children and Family Services to protect the young people entrusted to us. The State Board of Education helped create this important Guide, and we will see that it reaches schools throughout the state.”***

**Dr. Robert E. Schiller  
State Superintendent of Education  
Illinois State Board of Education**

#### **A Partnership Project:**

**Illinois Department of Children and Family Services  
Illinois State Board of Education  
Illinois Principals Association  
Illinois Association of School Administrators  
Illinois Education Association  
Illinois Association of School Boards  
Illinois Association of Regional Superintendents  
Illinois Federation of Teachers  
Illinois Alliance of Administrators of Special Education**



# PROTECTING THE CHILDREN:

## A School Administrator's Guide to Child Welfare Services in Illinois

---

### Table of Contents

<b>I.</b>	<b>Introduction .....</b>	<b>7</b>
	Flow Chart of the Investigative Process.....	10
<b>II.</b>	<b>Reporting Rights and Responsibilities .....</b>	<b>11</b>
	When are school personnel required to contact DCFS about suspected child abuse and neglect? .....	13
	What is abuse?.....	13
	What if I'm not sure that abuse or neglect has occurred? .....	15
	In a school organization, who should make the report? .....	15
	If a teacher or other staff member reports potential abuse and/or neglect to an administrator, is that sufficient? .....	16
	Should the school contact anyone, such as parents, after a Hotline report is made? .....	16
	Will the identity of a reporter be revealed during an investigation? .....	17
	Are there legal consequences for failing to report child abuse? .....	17
	Can legal action be brought against me if I make a child abuse and neglect report which is investigated and unfounded?.....	17
<b>III.</b>	<b>The Hotline.....</b>	<b>19</b>
	What information do I need to have when I call the Hotline?.....	21
	Sometimes I'm asked to leave a message with a worker when I call the Hotline. Why? .....	21
	Sometimes the Hotline takes my report, sometimes it doesn't. How is this determination made? .....	21
	Are records kept of the calls that are placed to the Hotline? .....	22

What happens when the Hotline does not take a report? .....	23
If my call is not accepted for investigation, does that mean I shouldn't have called? .....	23
What happens after the Hotline takes a report? .....	24
Can I get a second opinion if I disagree with a Hotline worker? .....	24
Does a mandated reporter have to do anything after making a Hotline call? .....	24
Will a mandated reporter be required to testify in court or other administrative hearings after making a Hotline call? .....	24
If a school staff member is the subject of a Hotline call, will the school administration be notified? .....	25
Are there penalties for individuals who purposefully make false Hotline reports? .....	25
<b>IV. The Investigation .....</b>	<b>27</b>
What happens during an investigation? .....	29
How long does the investigative process take? .....	29
Does DCFS always conduct the investigation? .....	29
Will the person who made the Hotline call be contacted during the course of the investigation? .....	30
Who else will be contacted? .....	30
Will law enforcement be involved? .....	31
When a DCFS investigator conducts interviews on school premises, will he/she produce identification? .....	31
Can a student be interviewed without prior notification to his/her parents? .....	31
When children are interviewed at school, who is allowed to be present? .....	32
What may happen if school officials attempt to limit DCFS access to a child? .....	32
Who oversees a DCFS investigation? Who should the school contact about questions or concerns? .....	33

What evidence is needed to indicate a report? .....	33
What happens when a report is indicated? .....	36
What happens when a report is unfounded?.....	37
If my report is unfounded, was I wrong to call the Hotline? .....	37
Under what circumstances are children removed from their families as a result of an investigation? .....	37
What is the school’s role when a child has been taken into protective custody directly from school? .....	38
Are perpetrators in indicated cases of abuse ever criminally prosecuted? .....	38
What happens when a school staff person is involved as the perpetrator in a child abuse investigation?.....	39
Are measures taken by DCFS to prevent disruption of the school day?.....	39
How should a school district handle an employee’s job status during an investigation?.....	40
Is a school staff person who is an alleged perpetrator entitled to legal counsel prior to answering questions about the accusation? .....	40
Will a school staff person know who has made the allegation of abuse or neglect and will he/she be able to confront the accuser? .....	40
Are schools allowed to conduct an internal investigation of abuse allegations?.....	41
What communication can schools expect from DCFS during the investigation process? .....	41
How long are indicated reports retained? .....	41
Will DCFS notify the person who made the report of its findings following an investigation? .....	42
Can a mandated reporter appeal an unfounded report? .....	42
What information is DCFS allowed to share with the public, media, parents, etc. during the course of an investigation? .....	43
What information can a school administrator release to its board, the community, or others regarding an abuse investigation? .....	44

<b>V.</b>	<b>Child Welfare Services</b> .....	<b>45</b>
	What services do families receive after an investigation has been indicated? .....	47
	How much contact can a school expect from a caseworker when a child is in a substitute care placement? .....	47
	How can a school find out who a child’s caseworker is? .....	47
	Who should the school contact when problems cannot be resolved with the foster parent or caseworker? .....	47
	Who can sign consent forms for a child who is under DCFS guardianship? .....	48
	To what extent should a child’s biological parent be involved in school activities?.....	48
	How long does DCFS stay involved with a family? .....	49
	How does DCFS monitor the educational progress of children in care?.....	49
<b>VI.</b>	<b>Other</b> .....	<b>51</b>
	Who can I contact to set up an in-service training for school staff regarding DCFS issues? .....	53
	What is the LAN and what is its purpose? .....	53
<b>VII.</b>	<b>Appendices</b> .....	<b>55</b>
	A. Abused and Neglected Child Reporting Act	
	B. Acknowledgement of Mandated Reporter Status	
	C. Checklist for Mandated Reporters	
	D. DCFS Allegations System	
	E. Written Confirmation of Suspected Child Abuse / Neglect Report	
	F. DCFS Contacts	

# **SECTION I**

## **INTRODUCTION**



## **I. Introduction**

The Illinois Department of Children and Family Services is pleased to present *Protecting the Children: A School Administrator's Guide to Child Welfare Services in Illinois*. This guide is the product of unprecedented collaboration between the Department and the education community.

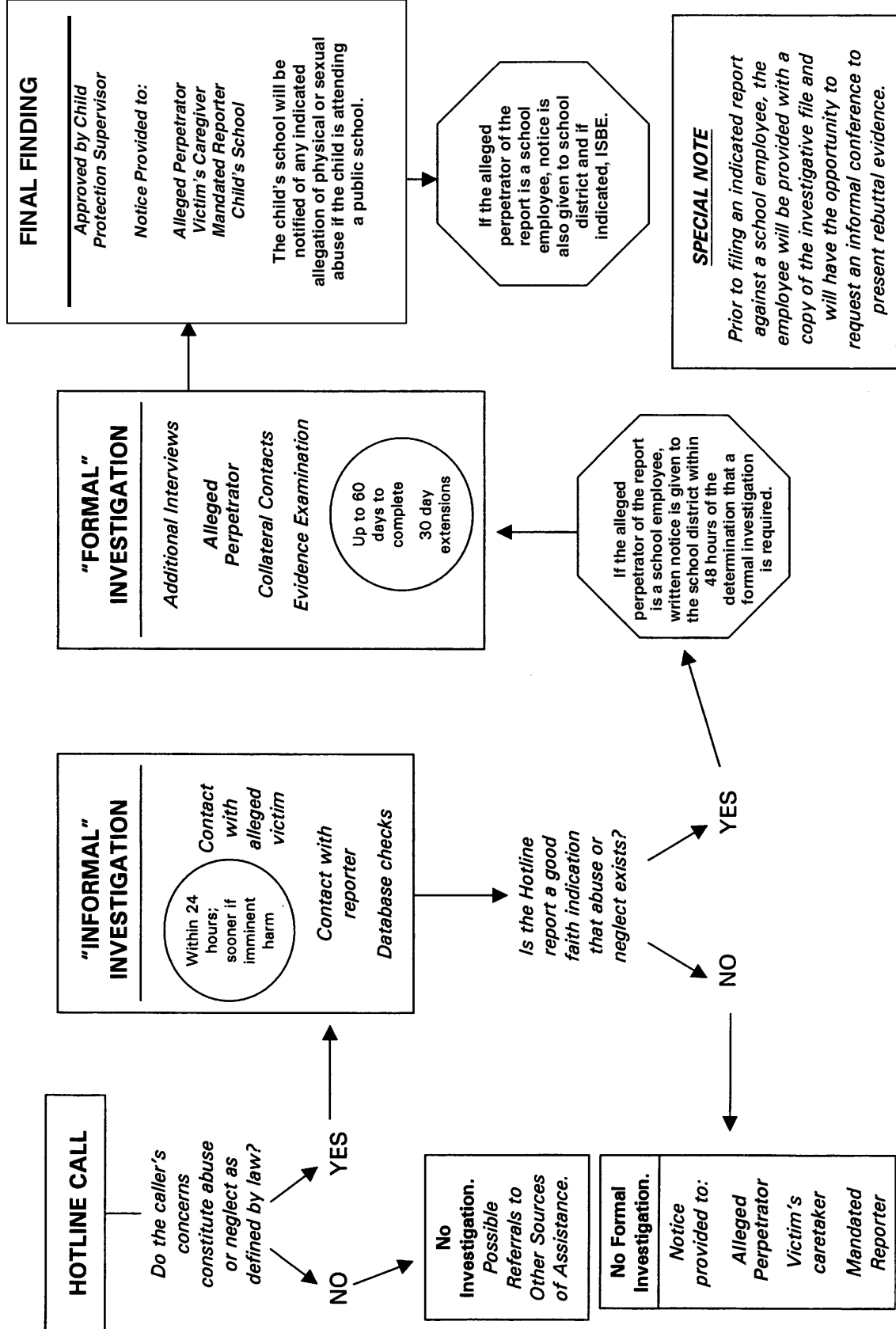
During the summer of 1999, a group representing DCFS, the Illinois School Management Alliance, the Illinois Principals Association, the Illinois Association of School Administrators, the Illinois Education Association, the Illinois Association of School Boards, and the Illinois Association of Regional Superintendents came together to develop strategies which would help DCFS and schools better understand each other's roles and needs related to child protection. One of the group's recommendations was the development of a reference tool for administrators which would provide answers to their most frequently asked questions about DCFS. This guide is intended to serve as that tool.

Each year the Illinois Department of Children and Family Services responds to over 300,000 calls to its State Central Register Child Abuse Hotline. In FY 2002 alone, nearly 61,000 family reports, involving 101,000 alleged child victims, were generated to be investigated. Of reports accepted by the Hotline, two-thirds are made by mandated reporters as defined by the Abused and Neglected Child Reporting Act (See Appendix A). Sixteen percent of the mandated reporters are school personnel. In follow-up to its Fiscal year 2001 reports, DCFS investigated 562 reports in which a school staff member was the alleged perpetrator. Ninety-seven were indicated.

In light of these statistics, a relationship between schools and child protection is clearly present and necessary. Yet, our statewide relationship-building efforts are still very new and we must continue to work together to develop better ways to coordinate our protection of children.

*Protecting the Children: A School Administrator's Guide to Child Welfare Services in Illinois* is presented in a user-friendly question and answer format. Additional copies can be obtained by contacting the Department of Children and Family Services, Office of Communications at (217) 785-1700 or the Illinois Principal's Association at (217) 525-1383.

# The DCFS Investigative Process



# **SECTION II**

## **REPORTING RIGHTS & RESPONSIBILITIES**



## **II. Reporting Rights and Responsibilities**

### ➤ **When are school personnel required to contact DCFS about suspected child abuse and neglect?**

As mandated reporters, all school personnel must contact the Department when they have reasonable cause to believe that a child who is seventeen years of age or younger and known to them in their professional capacity has been harmed or is in danger of being harmed – physically, sexually or through neglect – and that a caregiver either committed the harm or should have taken steps to protect the child from harm. The call must be made immediately and no one in the workplace is permitted to restrain the call. It is insufficient to make the report only to a superior or school nurse – the mandated reporter must be certain that the call has been made. Child abuse and neglect reports are made by calling the DCFS Hotline at 1-800-252-2873 or 1-800-25ABUSE.

All school personnel who entered employment on or after July 1, 1986 are required by law to sign an acknowledgement of mandated reporter status prior to employment. The employer, presumably the school district, is required to retain the signed statement. A copy of the acknowledgement form is included in Appendix B.

All statutes and DCFS Rules regarding mandated reporting and child abuse and neglect investigations apply to both private and public schools.

It is critical to report suspected abuse or neglect as soon as any evidence is observed. If children are in danger, an investigation must begin quickly. Perishable evidence, such as bruises or other physical marks on the body, may fade rapidly or the willingness of the child to talk about the incident may disappear.

### ➤ **What is abuse?**

**Physical Abuse**, as defined by the Abused and Neglected Child Reporting Act, occurs when a parent or a person responsible for the child's welfare:

- “inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function.” Such common injuries include bruises, human bites, bone fractures, and burns.
- “creates a substantial risk of physical injury” likely to have the physical impacts listed above. Examples in DCFS allegation definitions include such incidents as choking or smothering a child, shaking or throwing a small child, and violently pushing or shoving a child into fixed objects. Other circumstances include incidents of domestic violence in which the child was threatened, violation of orders for the perpetrator to remain apart from the child, and a history of past sexual abuse which may place other children at risk.
- “acts of torture” which is defined by DCFS as “deliberately and systematically inflicting cruel or unusual treatment which results in physical or mental suffering.”
- “inflicts excessive corporal punishment” is included in the Abused and Neglected Child Reporting Act, but is not specifically defined by DCFS. However, bruises inflicted on a child, especially a young child, are usually considered as meeting this definition.

- “commits or allows to be committed the offense of female genital mutilation.”
- “causes a controlled substance to be sold, transferred, distributed or given to a child.”

**Sexual Abuse** occurs when a person responsible for the child’s welfare commits any of the following acts:

- Sexually transmitted diseases are by DCFS definition “diseases which were acquired originally as a result of sexual penetration or conduct with a person who was afflicted”.
- Sexual penetration includes any contact between the sex organ of one person and the sex organ, mouth, or anus of another person. Typical acts include vaginal, oral, and anal sex.
- Sexual exploitation is defined by DCFS as “sexual use of a child for sexual arousal, gratification, advantage, or profit”. This includes such acts as explicit verbal enticements, child pornography, self masturbation in the child’s presence, and forcing a child to watch sex acts.
- Sexual molestation is defined by DCFS as “sexual conduct with a child when such contact, touching, or interaction is used for arousal or gratification of sexual needs and desires”. Examples include fondling a child or having the child touch the perpetrator sexually.

For both physical and sexual abuse, parents and caretakers are charged with the responsibility to take reasonable steps to stop abuse. If they do not, they may be charged with abuse themselves.

**Neglect** occurs when a person responsible for the child deprives or fails to provide the child with adequate food, clothing, shelter, or necessary medical care. Neglect is also alleged when an adult fails to provide adequate supervision of a child. This can occur when children are left either unsupervised or in the care of someone unable to supervise due to his/her condition. Children can suffer injuries that are the result of “blatant disregard” and are considered neglect. According to DCFS,

“Blatant disregard is a situation in which the risk of harm to a child is so imminent and apparent that it is unlikely that any parent or caretaker would expose the child to such without taking precautionary measures to protect the child.”

Under Illinois law, a child cannot be considered neglected or abused solely because the child is not attending school.

### ➤ **What if I'm not sure that abuse or neglect has occurred?**

Mandated reporters will have great variance in their knowledge of child abuse and neglect and the state's legal jurisdiction to intervene and investigate a family. The law establishes a structured system where mandated reporters are expected to report any suspicion of child abuse and neglect. The Hotline worker, trained in the legal criteria of the Abused and Neglected Child Reporting Act, determines whether an investigation should be conducted.

A good question for mandated reporters to ask themselves is: "Has the child been harmed or been at risk of harm?" This helps focus the issue and moves away from value judgments and attitudes about lifestyles.

While it is not the function of the mandated reporter to investigate, enough information must be obtained to determine if a Hotline call is needed. In considering whether there is "reasonable cause" to make a report, a mandated reporter should consider the following:

- Have you observed evidence that some damage was done to the child? In physical abuse, this is most often some physical evidence of harm – a bruise, a fracture, or cuts. In sexual abuse cases, it is usually information from the victim about a specific incident of molestation, penetration, or exploitation. With neglect, there are concrete observations of a failure to provide for physical needs.
- What communication has the child provided? Is the information consistent and plausible with what you have observed.
- If the explanation comes from someone other than the child, how credible and/or complete is the information?
- Since the signs of sexual abuse can be uncertain, if a child tells you he/she is being abused by a caretaker or person responsible for the child's welfare, report it.
- Have there been past incidents which, in retrospect, may have been suspicious?

If after contemplating these questions, a mandated reporter is still in doubt about whether to report, they should. The Hotline is staffed by child welfare workers who have a minimum of two years of social work experience in the field and at least 40 hours of training on what constitutes grounds for an investigation. These workers are well qualified to assess a reporter's concerns to determine if a report should be taken and referred for investigation.

### ➤ **In a school organization, who should make the report?**

Ideally, the mandated reporter with the most direct knowledge of the suspected abuse should be the one to make the call. Having more information and details of the situation may make the difference between a report being taken or not. In addition to calling the Hotline, a mandated reporter may also notify his/her supervisors in the organization that a report has been made. It must be noted, however, that the Abused and Neglected Child Reporting Act prohibits any individual, even a supervisor, from suppressing, changing, or editing a report.

Sometimes someone else in the organization, such as the school administrator, is asked to make the actual call to the Hotline. This practice must not delay the making of the report. If

someone other than the person who directly observed the evidence of abuse is reporting, it may be helpful for the staff member(s) with direct information to write it down. You may wish to use the checklist included in Appendix C as a way to organize the information. This will ensure that both the Hotline worker and DCFS investigative workers have complete and accurate information on which to base decisions.

➤ **If a teacher or other staff member reports suspected abuse and/or neglect to an administrator, is that sufficient?**

It is always the responsibility of the mandated reporter to ensure that a report is made to the Child Abuse Hotline. Turning over information to an administrator to make the call is an act of trust by the staff member. For purposes of documentation, it may be beneficial for the administrator and staff member to jointly complete and sign on the written confirmation of the verbal report before submitting it to the Department. It should also be noted that mandated reporters should never assume that another professional who is involved with the child has already reported the situation to the Hotline. Any person who willfully fails to report suspected child abuse and neglect may be found guilty of a Class A Misdemeanor.

➤ **Should the school contact anyone, such as parents, after a Hotline report is made?**

State law does not require that a school, or any other mandated reporter, notify a child's parents of a child abuse or neglect report. However, this is often an extremely difficult decision for schools. In the end, a school administrator's or teacher's professional judgment and obligations under the school's policies and rules must determine whether or not the report is disclosed to a child's parents.

On the side of notifying parents, some reporters and investigators point to the positive effect of maintaining open communication with the parents. The parents or child may know, or guess, who made the report despite nondisclosure and the reporter may find that long-term trust will be served by being open with parents about the necessity of reporting suspicion of abuse or neglect.

On the other hand, some investigators and reporters suggest that notifying the parents, especially when one or both are suspected of being the perpetrator of the abuse or neglect, may increase their anxiety, leading to avoidant or hostile behavior. Telling might give them time to cover up evidence of the abuse or neglect and put pressure on the children to change the story or prevent further disclosures. Some reporters are particularly concerned about the possibility of retribution against the children combined with the improved ability of the perpetrators to avoid detection by DCFS. The child's safety should always be an important factor in deciding whether or not to inform the parent of your report.

A school district should consider adopting a policy which specifies that parents may not be notified if serious child abuse or neglect is suspected and if a DCFS investigator or a law enforcement officer expressly requests that parents not be notified.

➤ **Will the identity of a reporter be revealed during an investigation?**

State law protects the identity of all mandated reporters, and you are given immunity from legal liability as a result of reports that you make in good faith.

The identity of the reporter may be revealed if, during or after an investigation, court or DCFS administrative proceedings related to the Department's investigation resulted in an indicated finding of abuse and/or neglect by the perpetrator. The reporter may be required by law to testify at any judicial proceeding. In addition, a family may petition the court for a complete copy of their case record. In this situation, a judge will determine whether the reporter's identity may be released. Disclosure of a reporter's identity is an action taken very seriously by both the Department and the courts and there must generally be compelling reasons to release this information.

An investigator may never reveal the identity of a reporter unless so ordered by a judge or administrative hearing officer.

➤ **Are there legal consequences for failing to report child abuse?**

School personnel who intentionally fail to report suspected child abuse or neglect are subject to license suspension or revocation in accordance with the Illinois School Code, and could be charged with a Class A Misdemeanor.

➤ **Can legal action be brought against me if I make a child abuse and neglect report which is investigated and unfounded?**

There are penalties for false reporting. However, state law provides immunity from legal liability as a result of reports which are made in good faith.



# **SECTION III**

## **THE HOTLINE**



### **III. The Hotline**

#### **➤ What information do I need to have when I contact the Hotline?**

A caller will be asked to provide the following information:

- Name, address and age of victim(s).
- Name and address of parent(s)/caretaker(s) and siblings.
- Relationship of the caretaker(s) to victim(s).
- Details of the abuse, including specifics of the incident(s), location and severity of injuries, any pattern of neglect or abuse, and any physical evidence.
- Any explanation provided by the child.
- Any other relevant information that would expedite the investigation, such as directions to the victim's house (especially in rural areas) or information about potential risks to the child or investigator.

A helpful checklist is included in Appendix C.

#### **➤ Sometimes I'm asked to leave a message with a worker when I call the Hotline. Why?**

Approximately eighty percent of calls which are made to the Hotline are answered the first time, but when too many calls come in to be handled immediately, a recording will ask you to remain on the line. Then, a system is implemented to have a Hotline worker screen calls and take your name and number. A "call back" will be made just as soon as an intake worker is available. However, if your call is an emergency or a child is in immediate danger, you should tell the message taker and your call will be handled immediately. The Hotline system tries to assure that all call backs are made as quickly as possible, but mandated reporters should remember the following when dealing with the Hotline at a busy time:

- Reporters should remain on the line, even when lines are busy and the recording is heard; a worker will break in after a short time to take call back information.
- When giving call-back information, try to anticipate where you will be for the next several hours and give the Hotline worker not only your present number, but any number at which you may be reached later.

#### **➤ Sometimes the Hotline takes my report, sometimes it doesn't. How is this determination made?**

The function of the Hotline worker is to determine whether or not the harm to the child as described by the reporter constitutes abuse or neglect under the State's definition.

Illinois law is explicit about the circumstances under which DCFS can investigate and intervene when abuse or neglect of a child is suspected. A list of abuse and neglect allegations which may be investigated by DCFS is included in Appendix D. To take a report, the Hotline must ensure that all of the following conditions are present:

- The alleged victim must be under the age of 18;
- The alleged perpetrator of abuse or neglect must be a parent, step-parent, paramour of the natural parent, guardian, foster parent, immediate family member (siblings and grandparents), any person living in the home of the child, a person who came to know the child through an official capacity or position of trust (such as a teacher, health care professional, or volunteer in a youth program); or a person who is responsible for the welfare of the child (such as a babysitter, daycare facility, or residential facility);
- There must be a specific incident of abuse or neglect or a specific set of circumstances involving suspected abuse or neglect; and
- There must be either demonstrated harm or a substantial risk of physical or sexual injury to the child.

These conditions are very important. If a case does not contain all of these elements, the Department has no jurisdiction and cannot investigate the allegation. In such cases the Hotline intake worker may refer the reporter to a community agency (such as a domestic violence shelter or youth crisis center) or to the police.

A child abuse investigation is, in itself, a potentially traumatic event for a family. The Hotline worker's role is to balance the right of parents to raise their children as they see fit with the State's obligation to protect children from harm.

### ➤ **Are records kept of the calls that are placed to the Hotline?**

If a mandated reporter's call is not accepted for investigation, the Hotline worker will notify the reporter that the information provided is not sufficient for a report and will not be investigated. However, documentation of the information will be kept on file for six months.

When a report is investigated and "indicated", this information will be maintained on the Department's centralized data system. This means that any further inquiry or allegation involving either the victim or the perpetrator will reference the indicated report. Indicated reports involving a child death or sexual penetration are kept for 50 years; those involving serious physical injury or other types of sexual abuse (e.g. molestation) are retained 20 years. All other indicated reports remain on file for 5 years.

If a report is made by a mandated reporter, but the investigation results in a finding of “unfounded,” the Department generally retains records of the report for one year. Exceptions are unfounded reports alleging death, serious physical injury, or sexual abuse which are retained for three years and those involving certain types of neglect (i.e. inadequate food, shelter, environment, clothing) which are retained for sixty days. It should also be noted that mandated reporters are provided with the opportunity to appeal an unfounded report if they believe that the investigation has been inadequate.

After these time periods, the Department will destroy all records of the case and all references to it will be removed from the State’s central computer system. Records are only retained longer when the alleged perpetrator requests that an unfounded report be kept on file as evidence that the report was intentionally false or was made in order to harass him or her.

Unfounded reports made by persons other than mandated reporters are expunged after 30 days (60 days if the alleged victim is a ward of DCFS).

School administrators should consult with their school district’s legal counsel regarding retention of records regarding reports made to the Hotline and follow-up contacts. Such records could be subject to court subpoena.

➤ **What happens when the Hotline does not take a report?**

If the Hotline worker does not take a report, there is no record of the allegation entered into the computer and no investigation is initiated. However, if the call is made by a mandated reporter, a paper record of the call is filed and maintained for six months. The Hotline worker will often refer you to the police (for investigation of a crime outside DCFS mandates) or to other agencies which can provide helpful services to the family or the child. In some instances, the family may be referred for voluntary child welfare services through the local DCFS field office.

➤ **If my call is not accepted for investigation, does this mean that I shouldn’t have called?**

No, the expectation is that reporters will call the Hotline with a wide variety of situations and that the Hotline worker will apply the legal criteria necessary for an investigation and make a determination. The Hotline worker will explain why a report was not accepted.

➤ **What happens after the Hotline takes a report?**

When a Hotline intake worker takes a report, information from the reporter and any information from the DCFS computer system is immediately transmitted electronically to the DCFS field office responsible for the area in which the child resides. An investigator from the DCFS Division of Child Protection is required to make a good faith effort to contact the victim within 24 hours. If there is a possibility that the family may flee or if the immediate well-being of the child is endangered, an investigation will commence immediately. After the initial contact, if a child is determined not to be at immediate risk, further investigative contacts may be delayed for a few days. Local offices must assess the degree of risk and balance it against their existing caseloads.

➤ **Can I get a second opinion if I disagree with a Hotline worker?**

If the Hotline intake worker does not accept your call as a report, you will be informed of that fact and given the reason. Most often, the explanation will relate to DCFS' legal jurisdiction or to the evaluation of risk of harm to the child. If you disagree with the conclusions of the Hotline worker, you may ask to speak with the Hotline supervisor. Explain the details of the case situation, the reasons you were given for the report being refused, and why you think the worker's assessment was inaccurate.

➤ **Does a mandated reporter need to do anything after making a Hotline call?**

As a mandated reporter, you will be asked to supply a written confirmation of your verbal report within 48 hours. The local DCFS Field Office can provide the form or you may copy the form that is included at the back of this handbook (Appendix E). This report may be used as evidence in any judicial proceeding that results from the incident.

➤ **Will a mandated reporter be required to testify in court or other administrative hearings after making a Hotline call?**

Any person who makes a report may be ordered by the Court to testify fully in any judicial proceeding resulting from the report. Mandated reporters may also be required to testify fully in an administrative hearing resulting from his/her report. However, fewer than 10% of reports result in court involvement.

➤ **If a school staff member is the subject of a Hotline call, will the school administration be notified?**

The Hotline does not notify school districts when a report involving a teacher or other school personnel is taken. First, an initial investigation is completed, including contact with the alleged victim(s) and contact with the reporter (if known). Data checks of DCFS and law enforcement systems will also be completed.

If upon completion of this initial investigation, the investigator determines that the report is a good faith indication that potential child abuse or neglect exists, and thus that a formal investigation will be conducted, the appropriate school administrator and district school superintendent will be notified verbally that a formal investigation is being commenced. The oral notification shall be followed up in writing within 48 hours.

If, however, it is determined that a report will be unfounded at the conclusion of this initial investigation, no notification will be made to the school district.

➤ **Are there penalties for individuals who purposefully make false Hotline reports?**

Under Illinois law, any person who knowingly transmits a false report to DCFS could be charged with the offense of Disorderly Conduct which is a Class B misdemeanor, punishable by a term of imprisonment for not more than 6 months, or by a fine of up to \$500, or both. Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony. DCFS refers cases of false reporting to the local State's Attorney when the reporter is known.



# **SECTION IV**

## **THE INVESTIGATION**



## **IV. The Investigation**

### **➤ What happens during an investigation?**

During an investigation, DCFS child protection investigative staff gather information about the specific allegations of harm to the child. If the investigation reveals credible evidence that the abuse or neglect occurred, the report is “indicated.” If no credible evidence is found, the report is “unfounded.” This standard of proof allows DCFS to serve families and protect children in many situations that could not be proven using a higher law enforcement standard. DCFS can indicate the case if the investigator finds that there is credible evidence that the perpetrator committed the abuse or neglect. If credible evidence cannot be documented, the case will be “unfounded.”

### **➤ How long does the investigative process take?**

In-person contact with the alleged child victim or in-person examination of the environment that is believed to be inadequate or neglectful is required within 24 hours of the Hotline report. However, the investigation will begin immediately if the child is believed to be in immediate danger of physical harm or it is likely that the family may flee with the child.

In-person contacts with the alleged perpetrator and the child’s caretaker should typically occur within 7 days of the Hotline report.

Final determination of the investigation finding is due within 60 days. Thirty-day extensions may be granted with good cause. The Department’s goal is to complete at least 75% of its investigations within 30 days.

### **➤ Does DCFS always conduct the investigation?**

DCFS is the sole agency responsible for receiving and investigating reports of child abuse and neglect. However, under certain circumstances, the Department may delegate the investigation of the child abuse or neglect report to:

- the local police, sheriff’s office, other law enforcement agency, or the State’s Attorney, when they are concurrently conducting a criminal investigation of the same incidents and allegations;
- a coroner or medical examiner who is investigating the cause of death of a child who may have been the victim of child abuse or neglect; or
- a private social service agency, Catholic Charities, which was designated for this purpose by DCFS prior to July 1, 1980; or
- the Department of State Police, when the investigation involves suspected child abuse or neglect perpetrated by State employees acting in their official capacity or in State facilities or institutions.

➤ **Will the person who made the Hotline call be contacted during the course of the investigation?**

All investigations of abuse and neglect require that the DCFS child protection investigator contact the reporter if their identity is known. This contact verifies information that was taken down by the Hotline worker and allows the investigator to obtain any additional information that the reporter may have about the case.

The reporter may be contacted at any point during the course of the investigation. Usually, investigators will contact the reporter soon after the report is filed, especially if the child can be contacted through that person. This is particularly likely when school personnel make the allegation.

After completion of the investigation, the mandated reporter will be notified of the final finding by the DCFS State Central Register.

➤ **Who else will be contacted?**

In a small percentage of cases, the investigator may determine after initial contact with the child, the reporter, and other required collateral contacts, that there is no validity to the report. In such situations, the parent/caretaker and the alleged perpetrator will be verbally notified that a report was taken, but that the investigation is being discontinued. When this occurs, the report is determined to be unfounded without the need for a formal investigation.

The majority of reports require more investigation than this. In these, the investigator will contact the alleged victim, the mandated reporter, the alleged perpetrator, non-involved parents/caretakers, other children and adults living in the home or frequently visiting, and other collateral sources.

Investigators may also talk with family members, potential witnesses, or professionals to obtain additional relevant information. As a mandated reporter, you may be able to suggest others with information about the allegation to the investigator. In addition, investigators will coordinate with police who may be conducting a related but separate investigation. This happens when the State's Attorney is considering criminal charges against the alleged perpetrator of the abuse/neglect.

➤ **Will law enforcement be involved?**

Certain serious allegations have a requirement that the local law enforcement agency and the State's Attorney be notified of the report as a possible criminal act. These allegations include:

*Death*  
*Head Injuries*  
*Internal Injuries*  
*Wounds*  
*Torture*  
*Malnutrition*

*Sexually Transmitted Diseases*  
*Sexual Penetration*  
*Sexual Exploitation*  
*Sexual Molestation*  
*Failure to Thrive in Infants (State's Attorney Only)*  
*Medical Neglect of Disabled Infants*

For cases of sexual abuse, most counties have established protocols for handling the investigation of sexual abuse of children. Several counties also have protocols for handling cases of serious physical abuse as well. Many now provide child-friendly interviewing rooms or Children's Advocacy Centers for coordinating the contacts with child abuse victims and their families in ways that assist the investigative efforts of DCFS and law enforcement agencies.

➤ **When a DCFS investigator conducts interviews on school premises, will he/she produce identification?**

School districts may feel free to require investigators and child welfare follow-up staff to comply with the school's sign-in protocols. All DCFS staff, investigative and follow-up, should have their DCFS photo identification card on their person. If a staff person is unable to produce identification and the school wishes to confirm his/her employment with DCFS, the school administrator should contact the local field office.

DCFS assigns some of its investigations in Cook County to Catholic Charities and assigns many follow-up cases to private agencies statewide. Private agency workers should have identification cards issued by their employing agency. If the identification card does not bear a photograph of the worker, schools may request additional photo identification or call the specific agency for proof of employment and authority.

➤ **Can a student be interviewed without prior notification to his/her parents?**

Yes. Under Illinois law, parents are not entitled to notification prior to a child protective interview. DCFS investigators conduct interviews with alleged child victims outside the presence of parents or caretakers whenever possible. If DCFS is denied reasonable access to a child and has deemed that it is in the best interests of the child, the Department can request the intervention of a local law enforcement agency or seek a court order to allow examination and interviewing of the child.

This does not mean that investigators must be inflexible regarding when and how the interview may occur. While the Department has a legal right to access a child as necessary to ensure child safety, it must also cooperate with appropriate public and private agencies, including schools. Administrators should feel free to suggest alternatives such as conducting an interview during a study hall period instead of an instructional or test time and DCFS investigators should be amenable to such suggestions whenever it is safe to do so.

➤ **When children are interviewed at school, who is allowed to be present?**

Under Illinois law, a child protection investigator may interview a child outside the presence of any other persons. The investigator may refuse to permit a parent, school personnel, or any other person from sitting in on an interview if he/she believes that this is appropriate. However, in most cases, investigators will allow another person whom the child trusts to be present if it will make the child feel more comfortable and in some instances, the investigative worker will need the presence of another professional when observing marks/injuries to a child's body. For obvious reasons, a person who observes during a child protective investigations cannot be the alleged perpetrator or another alleged child victim.

It is very important to note that the Department needs the cooperation of school administrators and other personnel during any interview conducted on the school premises. This is true regardless of whether the school is the reporter or the report has been made by someone else.

➤ **What may happen if school officials attempt to limit DCFS access to a child?**

To the fullest extent possible, DCFS is required to cooperate with and to seek the cooperation and involvement of all appropriate public and private agencies. If the investigative worker is denied reasonable access to a child by the parents or other persons, including school officials, and DCFS deems that the best interests of the child so require, the Department will request the intervention of a local law enforcement agency or seek an appropriate court order to examine and interview the child.

There is no statutory requirement as to the right of school officials or parents to permit, control, or be present at the investigation or interview, although DCFS may grant permission to a school person to be present upon sign-off on the nondisclosure statement. A school district may wish to have a policy allowing a school representative to be present at the direction or request of DCFS or the appropriate child protective service agency representative. The school official or teacher would serve as a support person for the child and would not participate as an interviewer.

➤ **Who oversees a DCFS investigation? Who should the school contact about questions or concerns?**

All investigators are supervised by a child protective supervisor. School personnel should always feel free to contact the supervisor with questions or concerns. The next level of contact would be the Regional Child Protection administrative staff (See Appendix F for names and phone numbers of Regional offices as well as Central Office administrative staff).

➤ **What evidence is needed to indicate a report?**

Because the nature of physical abuse, sexual abuse, and neglect investigations are different, it is necessary to discuss each separately.

**Physical Abuse Investigations:**

For allegations of physical abuse, the supporting evidence is the physical harm to the child. While some physical abuse may result in no visible physical harm (internal injuries, beating on the bottom of the feet), the presence of an injury may be needed to find credible evidence of abuse.

Reporters should note any readily visible evidence of physical injury to the child, including location of the injury, severity of the injury, and/or patterns of similar injuries over time. Photographs may be helpful. This type of documentation is particularly important when the child had a visible injury (a bruise, for example) that may have disappeared or changed in nature by the time the investigator sees the child. It is helpful for the school nurse to observe any visible injuries and document their description and location. Non-medical personnel should never undress a child to view injuries.

It is also helpful to investigators if the reporter can provide information about any pattern of abuse. Unlike cases of sexual abuse in which any verified incident will be indicated, an isolated incident of inflicted physical injury that is unlikely to recur may not be indicated unless it was of unusual severity.

In addition to your observations of the injury, your statements of what the child said are important. Again, it is helpful to take careful notes, using verbatim statements of the child whenever possible. Injuries that are alleged to be the result of accidents do not have to be reported unless you have reason to believe that the child's explanation is inconsistent with the injury.

Not all incidents resulting in physical injury are considered abuse. There are several factors that will be taken into account by investigators in deciding whether or not to indicate a report of physical abuse. The factors, related to specific allegations, include consideration of:

- The child's age (younger children are viewed as being at a greater risk of harm);
- The child's medical condition; behavioral, mental, or emotional problems; developmental disability; or physical handicap, particularly if these interfere with the child's ability to protect himself/herself;
- Pattern or chronicity of similar events;

- Severity of the occurrence;
- Location of the injury;
- Evidence that an instrument was used to inflict the injury;
- The dynamics of the relationship between the victim and the alleged perpetrator;
- The alleged perpetrator's access to the child; and
- Previous history of abuse/neglect.

These factors are always considered by investigators and represent ways of trying to assess the degree of risk of further harm to the child.

### **Sexual Abuse Investigations:**

Sexual abuse investigations are often more complex than investigations of physical abuse. Sexual abuse of children can include acts that leave little or no physical evidence. Fondling children (over and under clothing) and exploitation (such as making children watch sexual acts) may leave no physical evidence at all. Most sexual abuse is conducted in secrecy and children are frequently cajoled, bribed, or threatened into silence by the perpetrators of the abuse. Witnesses are seldom available to corroborate the abuse. Therefore, determining credible evidence in sexual abuse cases most often depends heavily on the statement(s) of the victim.

A child's disclosure of sexual abuse is an important event in the subsequent investigation of the case, and it must be handled sensitively. For younger children, the telling of the abuse may happen accidentally, slipping out in conversation with another child or adult. But for many children, the disclosure is painfully deliberate. A mandated reporter who suspects that a child is struggling to communicate information about sexual abuse needs to observe the child closely and listen attentively while maintaining a calm and natural demeanor. The child may be hesitant to continue if the adult expresses shock or anger through verbal responses or facial reactions. Children are likely to feel embarrassment about disclosing sexual abuse and may disguise their involvement by saying that the abuse happened to a friend or sibling. Finding a more private setting for following up with some observations (i.e. "Your friend must be feeling confused and upset by what is happening to her") may allow the child to relax and give a fuller disclosure.

A report of sexual abuse is frequently handled by a team of special investigators – one from DCFS and one from the police. Over 60 counties in Illinois are served by Children's Advocacy Centers that provide specially trained personnel to interview alleged victims of sexual abuse. These interviewers, DCFS investigators, and juvenile officers are skilled in the techniques of talking to children about stressful topics, and they know how to gather information in a thorough and non-traumatizing way. Interviewers may use a number of aids such as anatomically detailed dolls or drawings that help children convey what has happened.

Just as in physical abuse investigations, there are several critical factors that investigators take into consideration when deciding whether or not to indicate a report of sexual abuse. These factors are:

- The alleged victim's statement(s) -- especially if the statement(s) is/are detailed, reveal experience or knowledge beyond the child's expected age or developmental level, or if the statement(s) provide information that can be corroborated;
- The alleged perpetrator's statement(s), especially if there is a confession;
- Physical evidence, especially in cases of sexual penetration of young victims;
- Behavioral indicators of abuse, especially if the behaviors represent marked changes in normal behavior for the child;
- Corroboration of elements of the victim's allegations/statement(s) by credible witnesses.

In a significant number of cases, the decision to indicate a case or not comes down to weighing the credibility of the statement(s) of an alleged victim describing the sexual abuse against the statements of the alleged perpetrator denying it. In these cases, the credibility of the alleged victim's statement(s) is critically important. It is critical that the reporter pay very careful attention to the disclosure of the abuse by the victim.

In general, a mandated reporter who hears a child's disclosure should not encourage the victim to disclose additional information beyond what is given voluntarily. Further questioning may result in traumatizing the victim still further. Reporters should concentrate on taking very careful notes about what the victim discloses voluntarily. Every detail of the incident is potentially important. Such things as the place and time of the incident, the identity of the alleged perpetrator, and any potential witnesses or others told of the incident are critical pieces of information and may assist investigators in getting enough evidence to indicate the report and implement protection of the child.

### **Neglect Investigations:**

These investigations can sometimes be among the most difficult for DCFS investigators because there are many areas subject to individual interpretation. Illinois law focuses on minimum parenting standards required to provide for the basic physical needs of children. These may differ significantly from community standards. Accordingly, one must return again to the question of what is the harm, or the potential harm, to the child.

Investigators attempting to determine whether or not a child has been neglected must verify:

- That an incident of neglect has occurred;
- That there is evidence that parents/caretakers have not fulfilled their responsibilities to provide for the child's basic needs; and
- That the neglect is serious enough, if it continues, to result in serious harm to the child.

Investigations of neglect allegations require that investigators get information about the child's environment. This includes the availability of resources in the household to meet the child's needs and the attitudes of the parents or caretakers toward their responsibilities to provide for the child. For this reason, mandated reporters who call in allegations of neglect should know not only specific instances of neglect but should also note evidence that the alleged neglect either harmed the child or had the potential to cause serious harm to the child.

The factors that influence the outcome of neglect investigations are as follows:

- The child's age, developmental stage, and/or special needs;
- The severity, frequency, duration of the conditions; and
- The pattern of similar incidents.

Information provided by the mandated reporter relating to any of these factors is extremely valuable. The mandated reporter should let the child disclose at his/her own pace, listen carefully to what the child takes the initiative to disclose, and document the same in a timely manner. Leading questions should be avoided; questioning is only advised in order to clarify something the child had stated that would help the mandated reporter determine whether there is reasonable cause to suspect and therefore report to the Hotline a case of suspected abuse and/or neglect for investigation by the Department.

### ➤ **What happens when a report is indicated?**

When child protection investigators establish that there is credible evidence to support the allegation of abuse or neglect, the case is "indicated" and the information is entered into the Department's central computer system. This means that any further inquiry or allegation involving either the victim or the perpetrator which comes into the Hotline will reference the indicated finding. In addition, where it is appropriate, DCFS workers will suggest follow-up services to stabilize the family and to protect the child. A family has the right to refuse such services. If the investigator feels that such a refusal jeopardizes the child's welfare and safety, the worker may file a neglect or abuse petition in the Juvenile Court.

There are many services that are available to families with an indicated finding of child abuse. Parents may receive counseling or assistance in developing parenting or homemaking skills. Parents with substance abuse problems or with difficulty in controlling their emotions may receive referrals to specialized agencies. When harm or risk to the child is so severe that the child cannot be left in the parents' care safely, the child may be placed in a foster home or with a relative while attempts to rehabilitate the family are undertaken.

The Department is legally mandated to give first priority to the safety and protection of the child. But the Department is also obligated to stabilize and preserve the family so that the child can be returned home under improved conditions. Balancing these considerations requires considerable judgment and effort by the Department and its staff.

When a child who is attending a public school is an indicated victim of physical or sexual abuse perpetrated by a member of his or her family, the State Central Register (SCR) will forward a copy of the confidential case investigative summary to the child's school where it will be maintained in accordance with the Illinois School Student Records Act.

The SCR shall provide written instructions to the school that the investigative summary is to be returned to the Department when the child turns eighteen years of age or five years after the final finding date, whichever occurs first. The school will also receive written notification from the SCR to return the investigative summary if the finding is overturned on appeal by the Administrative Hearings Unit.

The parents will also receive written SCR notification of the Department's legal requirement to notify the school of the indicated abuse report.

➤ **What happens when a report is unfounded?**

In cases of “unfounded” reports made by mandated reporters, the Department will retain a record of the report for one year. Exceptions are unfounded reports alleging death, serious physical injury, or sexual abuse which are retained for three years and those involving certain types of neglect (i.e. inadequate food, shelter, environment, clothing) which are retained for sixty days. These records are not public information. The purpose of retention is to provide additional documentation to the Department in the event additional Hotline reports are made regarding the same individual.

After the specified time period, the Department destroys all records of the case and all references to it will be removed from the State’s central computer system. Records may only be retained longer when the alleged perpetrator requests that an unfounded report be kept on file as evidence that a report was intentionally false or was made in order to harass him/her. Unfounded reports made by other than mandated reporters are expunged after about 30 days.

➤ **If my report is unfounded, was I wrong to call the Hotline?**

No, the purpose of an investigation is to comprehensively gather and analyze all the available information and determine whether credible evidence can be documented. Often the investigator discovers a great deal of information that the reporter did not know.

➤ **Under what circumstances are children removed from their families as a result of an investigation?**

Children are only removed from their homes when it is determined that the child is in imminent danger if left in the home. Investigative staff must consider if services/resources are available that will make it possible to maintain the child in the home. Such services may include:

- Assistance in locating and securing housing
- Food, clothing, furniture, and other goods and services
- Child care
- Emergency caretakers
- Advocacy and referrals to public and community agencies providing social services
- Homemaker services

Before protective custody can be taken, the investigative worker must document the reasons for removing the child and the reasons that services were inadequate or unsuccessful in preventing placement. The decision to take temporary protective custody must be initially approved by a child protection supervisor and subsequently reviewed by the juvenile court within 2 working days.

➤ **What is the school's role when a child has been taken into protective custody directly from school?**

Under Illinois law, a child protection investigator has the authority to take protective custody of a child without the consent of the child's parents or the school. The Illinois School Code allows school officials to withhold information from any person seeking information on a child's whereabouts when that child has been taken into protective custody as a victim of suspected child abuse. Such inquiries may be directed to DCFS or to the local law enforcement agency.

➤ **Are perpetrators in indicated cases of abuse ever criminally prosecuted?**

The decision to prosecute a case in the criminal court system is a process distinct and separate from DCFS. The focus of law enforcement involvement is on prosecution of a criminal act while that of DCFS is on services to protect children. While information is often shared back and forth, the responsibility for prosecution rests with the police and the State's Attorney. The State's Attorney must decide that enough evidence of criminal activity is present to pursue an indictment or issue a warrant for arrest. This will be followed by a trial at which the State's Attorney will have to present evidence to a jury or judge to prove beyond a reasonable doubt that the legal standards for the criminal offense have been met. It is important to note that the standards for indicating a report by DCFS are different and much less stringent than the legal standards for prosecution.

By law, DCFS must notify both police and the State's Attorney of serious physical abuse and sexual abuse reports. Sometimes, DCFS and law enforcement officials cooperate on an investigation but in other cases their investigations may be independent and parallel. School personnel should not be surprised to be contacted by both DCFS and the police investigating an allegation of abuse, especially if the allegation is particularly serious and criminal prosecution may result.

➤ **What happens when a school staff person is involved as the perpetrator in a child abuse investigation?**

When a Hotline report is made regarding a school staff person as the alleged perpetrator, the Department follows the same protocols as required for allegations against any other individual in a caregiver role. The Hotline worker will determine whether or not the harm to the child as described by the reporter constitutes abuse or neglect under the State's definition and can be investigated by DCFS.

It is important to note that school districts *are not* automatically notified of Hotline calls involving a school staff person. An "initial investigation" is first completed – generally involving in-person contact with the alleged victim, in-person or telephone contact with the reporter, and data checks of Department and law enforcement records.

If upon completion of the initial investigation, investigative staff determine that the Hotline report is a good faith indication that potential abuse or neglect exists, the investigator will make telephone contact with the appropriate school administrator and district

superintendent to inform them that a “formal investigation” is being commenced. The oral notification must be followed up in writing within 48 hours.

When the report of alleged abuse occurred in the course of the teacher’s efforts to maintain safety for other students, the Department will determine whether the teacher used reasonable force in accordance with rules established by the local board of education as authorized by the Illinois School Code.

School employees will be advised of their due process rights and of the steps in the investigative process. School personnel may have their supervisor, association or union representative, and attorney present at any interview or meeting at which the school employee is present. Any person present during such an interview will be asked to sign an acknowledgement of confidentiality.

DCFS investigations must be completed within 60 days, unless good cause exists for an extension. Extensions are allowed in 30 day increments.

Prior to indicating a report involving a school employee, the Department must send the employee a copy of the investigative file with certain identifying information deleted. The employee has the right to submit rebuttal evidence and to request an informal conference at which the employee may present the additional evidence and/or confront his/her accuser. Confrontation of the accuser is subject to DCFS and parental approval as well as several other significant conditions.

➤ **Are measures taken by DCFS to prevent disruption of the school day?**

The Department will, to the fullest extent possible, conduct an investigation involving a teacher at a time when the teacher is not scheduled to conduct classes. For other school personnel, the investigation will be conducted in such a way as to minimize disruption of the school day.

School administrators should feel free to discuss concerns about school disruptions and to suggest possible alternatives with the DCFS investigator. There is a degree of flexibility in determining when interviews occur, provided that the child’s safety can be ensured.

➤ **How should a school district handle an employee’s job status during an investigation?**

Within the school setting, there is no DCFS requirement that an alleged perpetrator be restricted from contact with children during the course of an investigation. School administrators should consult with their district regarding established policies and protocols.

➤ **Is a school staff person who is an alleged perpetrator entitled to legal counsel prior to answering questions about the accusation?**

School employees may have a supervisor, association or union representative, and attorney present during interviews. The employee is given up to 4 hours to arrange to have the union representative present and up to 24 hours for an attorney.

➤ **Will a school staff person know who has made the allegations of abuse or neglect and will he/she be able to confront the accuser?**

The identity or location of persons reporting or cooperating in investigations are generally confidential. However, the court or an administrative law judge can order disclosure of the reporter's name or testimony.

In the situation of a school employee who has been the subject of an abuse or neglect allegation, additional allowances are made in that an informal conference at which the accuser is confronted may be requested. However, this is subject to all of the following provisions:

- DCFS must approve. This determination is based on whether, due to the nature of the allegations, a confrontation would cause excessive trauma to the child and whether the child has a documented history of mental, emotional, or developmental problems.
- The accuser must be 14 years of age or older;
- The Department must not be in receipt of any request by the State's Attorney or local law enforcement authorities to prohibit face-to-face contact; and
- The child and the child's parents must agree to attend.

If a child and parents do attend the informal conference, they may refuse to answer any questions posed and the child has the right to have an attorney or other person representing his/her interests present, in addition to his/her parents or guardian. A child's or parent's refusal to attend a conference or to answer questions shall not be grounds for unfounding an otherwise credible report.

➤ **Are schools allowed to conduct an internal investigation of abuse allegations?**

The Department recognizes that a school will need to conduct an internal investigation when one of its personnel is accused of child abuse or neglect. However, it is never appropriate to delay a call to the Hotline to accommodate such an internal investigation.

➤ **What communication can schools expect from DCFS during the investigation process?**

School administrators should expect verbal notification from the child protection investigator when a formal investigation is initiated involving a school staff person as the alleged perpetrator. Written notification will follow within 48 hours. There may be additional contacts during the course of the investigation as the investigator conducts interviews and gathers information. However, the frequency and context of these contacts will depend on the unique circumstances of each investigation.

Upon completion of the investigation, the child protection supervisor shall send a notification of the finding to the district and regional school superintendents or in the case of a private school, the administrator of the school. The State Central Register will notify the Illinois State Board of Education of all indicated reports.

➤ **How long are indicated reports retained?**

Identifying information contained in an indicated report is retained in the State Central Register for 5, 20 or 50 years depending on the allegation. If there are multiple allegations in a report, all of the allegations will be retained for the longest length of time assigned to an allegation in the report.

Death	50 yrs.
Head Injuries	20 years
Internal Injuries	20 years
Burns / Scalding (3 <sup>rd</sup> degree)	20 years (3 <sup>rd</sup> degree)
	5 years (1 <sup>st</sup> or 2 <sup>nd</sup> degree)
Poison / Noxious Substances	5 or 20 years (depending on seriousness of the incident)
Wounds	20 years
Bone Fractures	20 years (multiple or spiral fractures only)
	5 years (all others)
Cuts, Bruises, Welts, Abrasions and Oral Injuries	5 or 20 years (depending on seriousness of the incident)
Human Bites	5 or 20 years (depending on seriousness of the incident)
Sprains / Dislocations	5 or 20 years (depending on seriousness of the incident)
Tying / Close Confinement	5 or 20 years (depending on seriousness of the incident)
Substance Misuse	5 or 20 years (depending on seriousness of the incident)
Torture	20 years
Mental and Emotional Impairment	5 years
Sexually Transmitted Diseases	20 years
Sexual Penetration	50 years
Sexual Exploitation	20 years
Sexual Molestation	20 years
Substantial Risk of Sexual Injury	5 years
Inadequate Supervision	5 years
Abandonment / Desertion	5 or 20 years (depending on seriousness of the incident)
Inadequate Food	5 years
Inadequate Shelter	5 years
Inadequate Clothing	5 years

Medical Neglect	5 or 20 years (depending on seriousness of the incident)
Failure to Thrive (non-organic)	20 years
Environmental Neglect	5 years
Malnutrition (non-organic)	20 years
Lock-out	5 years
Medical Neglect of Disabled Infants	20 years

➤ **Will DCFS notify the person who made the report of its findings following an investigation?**

Mandated reporters receive a letter informing them of the finding in cases they reported. The only information contained in the letter is the finding – indicated or unfounded, and who to contact for any clarification of the contents of the letter. Other information, such as the actions taken (e.g. removing the children from the family) will not be included in the letter, but can be received by special request. Other specific information about the report cannot be released. This is often frustrating to the mandated reporter who has a professional interest in the child’s welfare. This is another instance in which the Department has to balance the right of the family to privacy against the professional interests and obligations of mandated reporters.

➤ **Can a mandated reporter appeal an unfounded report?**

Mandated reporters will receive notification from the State Central Register that a report is unfounded. If the mandated reporter believes that the investigation was inadequate, he or she may request a review of the investigation. The reporter will be required to send a letter and any documentation which supports reconsideration of the case to the State Central Register Administrator within 10 days of receiving the finding notification. The investigative file will be reviewed in light of the new information and may be referred to a multidisciplinary committee within the region for further recommendations.

It is important to point out that even unfounded cases are frequently referred to child welfare services in order to resolve a problem that the family is experiencing. Child protection investigators may assist the family in contacting the local DCFS office for services or may help the family in finding other community support systems.

➤ **What information is DCFS allowed to share with the public, media, parents, etc. during the course of an investigation?**

DCFS is particularly sensitive to the impact that child abuse investigations can have on the community standing and career of educators. Investigators and caseworkers are aware of the precarious position an investigation creates for school personnel. Information about child abuse investigations is generally considered highly confidential.

Under Illinois law, the Director of DCFS or designee may disclose information to the public regarding the alleged abuse or neglect of a child if he/she determines that such disclosure is not contrary to the best interests of the child, the child’s siblings, or other children in the household, provided that one of the following factors is present:

- The subject of the report has been criminally charged with committing a crime related to the child abuse or neglect report; or
- A law enforcement agency or official, a State's Attorney, or a judge of the State court system has publicly disclosed in a report, as part of his or her official duty, information regarding the investigation of a report or the provision of services by the Department; or
- An adult subject of the report has knowingly and voluntarily made a public disclosure concerning a Child Abuse and Neglect Tracking System (CANTS) report; or
- The child named in the report has been critically injured or has died.

When these circumstances exist, only the following information may be disclosed:

- The name of the abused or neglected child;
- The current status of the investigation, including whether a determination of credible evidence has been made;
- Identification of child protective or other services provided or actions taken regarding the child named in the report and the child's family as a result of the report;
- Whether there have been past reports of child abuse or neglect involving this child or family, or both. Any such reports will be clearly identified as being "indicated", "unfounded", or "pending".
- Whether the Department has a current or past open service case with the family, and a history of what types of services have been, or are being, provided;
- Any extraordinary or pertinent information concerning the circumstances of the report, if the Director of DCFS determines that such disclosure is consistent with the public interest.

Any disclosure of information will not identify or provide any information regarding the source of the report.

In determining whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the DCFS Director will consider the interest in privacy of the child and the child's family and the effects that disclosure may have on efforts to reunite and provide services to the family.

➤ **What information can a school administrator release to its board, the community, or others regarding an abuse investigation?**

There are laws and DCFS Rules that protect the confidentiality of abuse and neglect investigations. In recognition that such allegations can seriously impact the community perception of the accused individual, school administrators should also consider this information highly confidential. Consultation with the school's legal counsel regarding confidentiality protocols when an investigation relates to abuse committed by school staff is strongly recommended.



# **SECTION V**

## **CHILD WELFARE SERVICES**



## **V. Child Welfare Services**

### **➤ What services do families receive after an investigation has been indicated?**

There are many services that are available to families with an indicated finding of child abuse. The parents may receive counseling or assistance in developing parenting or homemaking skills. Parents with substance abuse problems or with difficulty in controlling their emotions may receive referrals to specialized agencies. When harm or risk to the child is so severe that the child cannot be left in the parent's care safely, the child may be placed in a foster home or with relatives while attempts to rehabilitate the family are undertaken.

### **➤ How much contact can a school expect from a caseworker when a child is in a substitute care placement?**

Caseworkers are expected to make contact with a child's school at least four times each year. Generally, these contacts will be with the child's teacher or, for middle school or high school aged youth, the guidance counselor. The purpose of these contacts is to ensure communication about the child's progress and educational needs. School staff should always feel free to contact a child's caseworker, foster parent, or relative caregiver to discuss issues and concerns.

### **➤ How can a school find out who a child's caseworker is?**

Children may have a DCFS caseworker or a caseworker who is employed by a private child welfare agency. If you are unable to determine who the assigned caseworker is by contacting the local DCFS office, please contact the DCFS Advocacy Office for Children and Families at 1-800-232-3798.

### **➤ Who should the school contact when problems cannot be resolved with the foster parent or caseworker?**

The Department has developed a comprehensive network of DCFS Educational Advisors and Private Agency Education Liaisons to provide assistance to caseworkers, caregivers, and schools on issues related to education. Names and contact numbers of DCFS Education Advisors are included in Appendix F. The DCFS Education Advisors are part of the Department's Division of Education and Transition Services. School staff should feel free to call on these individuals when a problem is encountered.

➤ **Who can sign consent forms for a child who is under DCFS guardianship?**

Foster parents and other caregivers are authorized and encouraged to sign consents for general school related activities, which include, but are not limited to:

- Field trips within Illinois
- Routine social events (picnics, school parties, etc.)
- School enrollment
- Attendance at sporting events
- Extra-curricular activities (other than athletic participation); and
- Cultural events.

Under new federal rules, foster parents are now authorized to sign as “parent” for purposes of special education. This includes:

- Case study evaluations
- IEP’s or IFSP’s; and
- 3 year re-evaluations of special education services.

Foster parents and other caregivers are not authorized to sign consents for the following situations but must contact the child’s caseworker when a consent is needed for:

- Athletic participation
- Media coverage/events
- Slide show productions
- Photographs
- Voice reproductions
- Research projects
- Field trips outside of Illinois
- Liability releases; and
- Medical examinations or care.

In all other situations, the DCFS Guardianship Administrator or authorized agent must be contacted to obtain parental or guardian consent. School personnel should contact the child’s caseworker to obtain appropriate consent.

➤ **To what extent should a child’s biological parent be involved in school activities?**

A child’s biological parents should generally be involved in the service planning and the educational process for a child who is in placement with a goal of “return home”. However, the Department maintains legal responsibility for the child as his/her guardian and only the foster parent has signature and decision-making authority regarding the child’s special education planning and programming.

The child’s caseworker is required to provide biological parents with written notification within 10 days of the receipt of educational progress reports and activities provided by the school. Such notifications include, but are not limited to: disciplinary reports, report cards,

school report forms, teacher conferences, field trips, honors and award ceremonies, extracurricular activity performances, and school graduation. In cases where school notification is of a lesser time, caseworkers must notify parents as soon as possible to ensure their notification to participate in the event.

➤ **How long does DCFS stay involved with a family?**

The goal in most cases is to return children to their homes as soon as it is safe to do so. Sometimes, however, the children are not able to return home due to serious and ongoing circumstances that threaten their safety. In these cases, the Department works with the parents and with extended family members to formulate other permanency plans for the children. Many of these are cases where the Department, together with the Juvenile Court, will pursue procedures for the child's adoption. This occurs only after a period of time in which the family has the opportunity to demonstrate a significant improvement.

➤ **How does DCFS monitor the educational progress of children in care?**

DCFS provides an educational assessment for all children entering Department custody. This assessment is initiated soon after custody is assumed to allow the contents of the assessment to be incorporated into the child's DCFS service plan. At a minimum, the educational assessment must include the following:

- Identification of the child's current school and grade level;
- The child's educational history (including a determination if the child has in the past or is currently receiving any early intervention, pre-kindergarten, or special education services);
- An identification of educational goals, educational needs, identifiable educational problems, and the need for a special education case study evaluation; and
- A review of the child's medical history and medical screening report, including results of initial vision and hearing screenings.

The educational assessment must also include any additional testing, evaluations, or screenings that may be appropriate. However, any special education needs must be assessed and met in conformity with applicable state and federal law.

Upon completion of the educational assessment, the child's caseworker will complete an education plan. The Department requires preparation of an education plan for each child in custody. This plan is intended to ensure that a child, while in DCFS custody, receives a public education of a kind and quality comparable to the public education provided to children not in Department custody. The education plan must be completed within 30 days after commencement of court-ordered temporary custody.

If a child three years or older is not enrolled in school, the plan shall provide for when and how the child will be enrolled, and how the child's educational needs will be met prior to school enrollment. Children must be enrolled in school within 2 days after entering DCFS custody or being moved to a new placement which requires a change in schools. In no event may any child be unenrolled by DCFS for more than 5 school days.

The education plan must contain the following minimum information:

- Identification of the school in which the child is enrolled;
- How each specific educational problem, need, or goal (as identified in the educational assessment) will be addressed; and
- What if any services or other supports will be needed and how such services or supports will be provided.

The education plan is re-evaluated every six months in conjunction with the client service plan. At each case review, the current educational status of the child is discussed, including any information received from the child's teacher. This routine process ensures that educational concerns are identified and that referrals for appropriate support services are made.

# **SECTION VI**

**OTHER**



## **VI. Other**

### ➤ **Who can I contact to set up an in-service training for school staff regarding DCFS issues?**

For child protection issues, contact the local office and ask to speak with the Child Protection Supervisor. For other educational issues, contact the DCFS Education Advisor for your region. See Appendix F for a list of contact names and phone numbers.

### ➤ **What is the LAN and what is its purpose?**

The child and adolescent local area network (C&A LAN) was created out of a challenge to reform the mental health system in Illinois. The Illinois State Board of Education (ISBE), the Department of Children and Family Services, the Department of Mental Health and Developmental Disabilities (DMHDD) and the Department of Alcoholism and Substance Abuse (DASA) joined together in a commitment to support local networks as a system to maintain children in their communities. (DMHDD and DASA are now part of the Illinois Department of Human Services but the commitment continues.) The LAN structure provides communities with a flexibility to deliver services quickly and to target those services to the individual needs and strengths of the children and families being served.

LANs are designed to meet the service needs of children with severe emotional and behavioral disabilities who are at risk of placement in a more restrictive residential or educational setting. *The initiative is not targeted to DCFS wards, but serves a much broader population of children and youth.*

A common value, shared by LANs statewide, is the “wraparound of unconditional care” that allows children to receive the services they need without leaving their schools or their community. Rather than a prescribed method of service delivery, the term wraparound is used to describe a philosophy. This approach is based on identification of the strengths of a family. Child and family teams plan, implement, and monitor family-focused, strengths-driven, holistic plans. With a wraparound approach, no one person is expected to have all the answers or responsibilities for an individual plan. Instead, the child/family team, the community and the LAN, share joint ownership. Schools should actively participate in this community planning process.

To learn more about the LAN process, contact the DCFS Education Advisor who serves your area. Contact numbers are included in Appendix F.



# **SECTION VII**

## **APPENDICES**



# **APPENDIX A**

## **Abused and Neglected Child Reporting Act**



---

---

# Abused and Neglected Child Reporting Act

Published as a public service by the Illinois Department of Children and Family Services

---

---

Title: An Act creating the Abused and Neglected Child Reporting Act and repealing and amending other Acts.

Cite: 325 ILCS 5/1 et seq.

(Source: P.A. 79-65.)

Date: Approved June 26, 1975.

Short title: Abused and Neglected Child Reporting Act.

(325 ILCS 5/1)

Sec. 1. This Act shall be known and may be cited as the Abused and Neglected Child Reporting Act.

(Source: P.A. 79-65.)

(325 ILCS 5/2)

Sec. 2. The Illinois Department of Children and Family Services shall, upon receiving reports made under this Act, protect the health, safety, and best interests of the child in all situations in which the child is vulnerable to child abuse or neglect, offer protective services in order to prevent any further harm to the child and to other children in the same environment or family, stabilize the home environment, and preserve family life whenever possible. Recognizing that children also can be abused and neglected while living in public or private residential agencies or institutions meant to serve them, while attending day care centers, schools or religious activities, or when in contact with adults who are responsible for the welfare of the child at that time, this Act also provides for the reporting and investigation of child abuse and neglect in such instances. In performing any of these duties, the Department may utilize such protective services of voluntary agencies as are available. (Source: P.A. 90-28, eff. 1-1-98.)

(325 ILCS 5/2.1)

Sec. 2.1. Any person or family seeking assistance in meeting child care responsibilities may use the services and facilities established by this Act which may assist in meeting such responsibilities. Whether or not the problem presented constitutes child abuse or neglect, such persons or families shall be referred to appropriate resources or agencies. No person seeking assistance under this Section shall be required to give his name or any other identifying information.

(Source: P.A. 81-1077.)

(325 ILCS 5/3)

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

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

"Department" means Department of Children and Family Services.

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

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

a. inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

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

c. commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

d. commits or allows to be committed an act or acts of torture upon such child;

e. inflicts excessive corporal punishment; or

f. commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child; or

g. causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in violation of Article IV of the Illinois Controlled Substances Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription.

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

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a

newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

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

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

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

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

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

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

"Subject of report" means any child reported to the central register of child abuse and neglect established under Section 7.7 of this Act and his or her parent, guardian or other person responsible who is also named in the report.

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

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

(Source: P.A. 91-802, eff. 1-1-01; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 5/4)

Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, Christian Science practitioner, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel, educational advocate assigned to a child pursuant to the School Code, truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, advanced practice nurse, home health aide, respiratory care practitioner, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Illinois Department of Public Aid, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or

client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer. The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the "Criminal Code of 1961". Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony.

Any person who knowingly and willfully violates any Provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended.

(Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13 99; 92-16, eff.6-28-01.)

**(325 ILCS 5/4.02)**

Sec. 4.02. Any physician who willfully fails to report suspected child abuse or neglect as required by this Act shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with paragraph 22 of Section 22 of the Medical Practice Act of 1987. Any dentist or dental hygienist who willfully fails to report suspected child abuse or neglect as required by this Act shall be referred to the Department of Professional Regulation for action in accordance with paragraph 19 of Section 23 of the Illinois Dental Practice Act. Any other person required by this Act to report suspected child abuse and neglect who willfully fails to report such is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

(Source: 91-197, eff. 1/1/00.)

**(325 ILCS 5/4.1)**

Sec. 4.1. Any person required to report under this Act who has reasonable cause to suspect that a child has died as a result of abuse or neglect shall also immediately report his suspicion to the appropriate medical examiner or coroner. Any other person who has reasonable cause to believe that a child has died as a result of abuse or neglect may report his suspicion to the appropriate medical examiner or coroner. The medical examiner or coroner shall investigate the report and communicate his apparent gross findings, orally, immediately upon completion of the gross autopsy, but in all cases within 72 hours and within 21 days in writing, to the local law enforcement agency, the appropriate State's attorney, the Department and, if the institution making the report is a hospital, the hospital. The child protective investigator assigned to the death investigation shall have the right to require a copy of the completed autopsy report from the coroner or medical examiner.

(Source: P.A. 85-193.)

**(325 ILCS 5/4.2)**

Sec. 4.2. Departmental report on death of child.

(a) In the case of the death of a child whose care and custody or custody and guardianship has been transferred to the Department, or in the case of a child abuse or neglect report made to the central register involving the death of a child, the Department shall (i) investigate or provide for an investigation of the cause of and circumstances surrounding the death, (ii) review the investigation, and (iii) prepare and issue a report on the death.

(b) The report shall include (i) the cause of death, whether from natural or other causes, (ii) identification of child protective or other services provided or actions taken regarding the child and his or her family, (iii) any extraordinary or pertinent information concerning the circumstances of the child's death, (iv) whether the child or the child's family had received assistance, care, or services from the social services district prior to the child's death, (v) any action or further investigation undertaken by the Department since the death of the child, and (vi) as appropriate, recommendations for State administrative or policy changes.

The report shall contain no information that would identify the name of the deceased child, his or her siblings, the parent or other person legally responsible for the child, or any other members of the child's household, but shall refer instead to the case, which may be denoted in any fashion determined appropriate by the Department. In making a fatality report available to the public pursuant to subsection (c) of this Section, the Department may respond to a child specific request for a report if the Department determines that the disclosure is not contrary to the best interests of the deceased child's siblings or other children in the household. Except as it may apply directly to the cause of the death of the child, nothing in this Section shall be deemed to authorize the release or disclosure to the public of the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical reports, evaluation, or like materials or information pertaining to the child or the child's family.

(c) No later than 6 months after the date of the death of the child, the Department shall complete its report. The Department shall notify the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of

Representatives, and the members of the Senate and the House of Representatives in whose district the child's death occurred upon the completion of each report and shall submit an annual cumulative report to the Governor and the General Assembly incorporating the data in the above reports and including appropriate findings and recommendations. The reports concerning the death of a child and the cumulative reports shall be made available to the public after completion or submittal.

(d) To enable the Department to prepare the report, the Department may request and shall timely receive from departments, boards, bureaus, or other agencies of the State, or any of its political subdivisions, or any duly authorized agency, or any other agency which provided assistance, care, or services to the deceased child any information they are authorized to provide.

(Source: P.A. 90-15, eff. 6-13-97.)

(325 ILCS 5/4.3)

Sec. 4.3. DCFS duty to report. The Department shall report the disappearance of any child under its custody or guardianship to the local law enforcement agency working in cooperation with the I SEARCH Unit located nearest the last known whereabouts of the child.

(Source: P.A. 90-27, eff. 1-1-98.)

(325 ILCS 5/5)

Sec. 5. An officer of a local law enforcement agency, designated employee of the Department, or a physician treating a child may take or retain temporary protective custody of the child without the consent of the person responsible for the child's welfare, if (1) he has reason to believe that the child cannot be cared for at home or in the custody of the person responsible for the child's welfare without endangering the child's health or safety; and (2) there is not time to apply for a court order under the Juvenile Court Act of 1987 for temporary custody of the child. The person taking or retaining a child in temporary protective custody shall immediately make every reasonable effort to notify the person responsible for the child's welfare and shall immediately notify the Department. The Department shall provide to the temporary caretaker of a child any information in the Department's possession concerning the positive results of a test performed on the child to determine the presence of the antibody or antigen to Human Immunodeficiency Virus (HIV), or of HIV infection, as well as any communicable diseases or communicable infections that the child has. The temporary caretaker of a child shall not disclose to another person any information received by the temporary caretaker from the Department concerning the results of a test performed on the child to determine the presence of the antibody or antigen to HIV, or of HIV infection, except pursuant to Section 9 of the AIDS Confidentiality Act, as now or hereafter amended. The Department shall promptly initiate proceedings under the Juvenile Court Act of 1987 for the continued temporary custody of the child.

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

Said care includes, but is not limited to the granting of permission to perform emergency medical treatment to a

minor where the treatment itself does not involve a substantial risk of harm to the minor and the failure to render such treatment will likely result in death or permanent harm to the minor, and there is not time to apply for a court order under the Juvenile Court Act of 1987.

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

With respect to any child taken into temporary protective custody pursuant to this Section, the Department of Children and Family Services Guardianship Administrator or his designee shall be deemed the child's legally authorized representative for purposes of consenting to an HIV test if deemed necessary and appropriate by the Department's Guardianship Administrator or designee and obtaining and disclosing information concerning such test pursuant to the AIDS Confidentiality Act if deemed necessary and appropriate by the Department's Guardianship Administrator or designee and for purposes of consenting to the release of information pursuant to the Illinois Sexually Transmissible Disease Control Act if deemed necessary and appropriate by the Department's Guardianship Administrator or designee.

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

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

(325 ILCS 5/6)

Sec. 6. Any person required to investigate cases of suspected child abuse or neglect may take or cause to be taken, at Department expense, color photographs and x-rays of the child who is the subject of a report, and color photographs of the physical environment in which the alleged abuse or neglect has taken place. The person seeking to take such photographs or x-rays shall make every reasonable effort to notify the person responsible for the child's welfare.

(Source: P.A. 84-611.)

(325 ILCS 5/7)

Sec. 7. Time and manner of making reports. All reports of suspected child abuse or neglect made under this Act shall be made immediately by telephone to the central register established under Section 7.7 on the single, State-wide, toll-free telephone number established in Section 7.6, or in person or by telephone through the nearest Department office. The Department shall, in cooperation with school officials, distribute appropriate materials in school buildings listing the toll-free

telephone number established in Section 7.6, including methods of making a report under this Act. The Department may, in cooperation with appropriate members of the clergy, distribute appropriate materials in churches, synagogues, temples, mosques, or other religious buildings listing the toll-free telephone number established in Section 7.6, including methods of making a report under this Act.

Wherever the Statewide number is posted, there shall also be posted the following notice:

"Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961. A first violation of this subsection is a Class A misdemeanor, punishable by a term of imprisonment for up to one year, or by a fine not to exceed \$1,000, or by both such term and fine. A second or subsequent violation is a Class 4 felony."

The report required by this Act shall include, if known, the name and address of the child and his parents or other persons having his custody; the child's age; the nature of the child's condition including any evidence of previous injuries or disabilities; and any other information that the person filing the report believes might be helpful in establishing the cause of such abuse or neglect and the identity of the person believed to have caused such abuse or neglect. Reports made to the central register through the State-wide, toll-free telephone number shall be immediately transmitted to the appropriate Child Protective Service Unit. The Department shall within 24 hours orally notify local law enforcement personnel and the office of the State's Attorney of the involved county of the receipt of any report alleging the death of a child, serious injury to a child including, but not limited to, brain damage, skull fractures, subdural hematomas, and, internal injuries, torture of a child, malnutrition of a child, and sexual abuse to a child, including, but not limited to, sexual intercourse, sexual exploitation, sexual molestation, and sexually transmitted disease in a child age twelve and under. All oral reports made by the Department to local law enforcement personnel and the office of the State's Attorney of the involved county shall be confirmed in writing within 48 hours of the oral report. All reports by persons mandated to report under this Act shall be confirmed in writing to the appropriate Child Protective Service Unit, which may be on forms supplied by the Department, within 48 hours of any initial report.

Written confirmation reports from persons not required to report by this Act may be made to the appropriate Child Protective Service Unit. Written reports from persons required by this Act to report shall be admissible in evidence in any judicial proceeding relating to child abuse or neglect. Reports involving known or suspected child abuse or neglect in public or private residential agencies or institutions shall be made and received in the same manner as all other reports made under this Act. (Source: P.A. 89-187, eff. 7-19-95.)

**(325 ILCS 5/7.1)**

Sec. 7.1. (a) To the fullest extent feasible, the Department shall cooperate with and shall seek the cooperation and involvement of all appropriate public and private agencies, including health, education, social service and law enforcement agencies, religious institutions, courts of competent jurisdiction, and agencies, organizations, or programs providing or

concerned with human services related to the prevention, identification or treatment of child abuse or neglect.

Such cooperation and involvement shall include joint consultation and services, joint planning, joint case management, joint public education and information services, joint utilization of facilities, joint staff development and other training, and the creation of multidisciplinary case diagnostic, case handling, case management, and policy planning teams. Such cooperation and involvement shall also include consultation and planning with the Illinois Department of Human Services regarding referrals to designated perinatal centers of newborn children requiring protective custody under this Act, whose life or development may be threatened by a developmental disability or handicapping condition.

For implementing such intergovernmental cooperation and involvement, units of local government and public and private agencies may apply for and receive federal or State funds from the Department under this Act or seek and receive gifts from local philanthropic or other private local sources in order to augment any State funds appropriated for the purposes of this Act.

(b) The Department may establish up to 5 demonstrations of multidisciplinary teams to advise, review and monitor cases of child abuse and neglect brought by the Department or any member of the team. The Director shall determine the criteria by which certain cases of child abuse or neglect are brought to the multidisciplinary teams. The criteria shall include but not be limited to geographic area and classification of certain cases where allegations are of a severe nature. Each multidisciplinary team shall consist of 7 to 10 members appointed by the Director, including, but not limited to representatives from the medical, mental health, educational, juvenile justice, law enforcement and social service fields.

(Source: P.A. 89-507, eff. 7-1-97.)

**(325 ILCS 5/7.2)**

Sec. 7.2. The Department shall establish a Child Protective Service Unit within each geographic region as designated by the Director of the Department. The Child Protective Service Unit shall perform those functions assigned by this Act to it and only such others that would further the purposes of this Act. It shall have a sufficient staff of qualified personnel to fulfill the purpose of this Act and be organized in such a way as to maximize the continuity of responsibility, care and service of the individual workers toward the individual children and families.

The Child Protective Service Unit shall designate members of each unit to receive specialty training to serve as special consultants to unit staff and the public in the areas of child sexual abuse, child deaths and injuries, and out-of-home investigations.

(Source: P.A. 85-1440.)

**(325 ILCS 5/7.3)**

Sec. 7.3. The Department shall be the sole agency responsible for receiving and investigating reports of child abuse or neglect made under this Act, except where investigations by other agencies may be required with respect to reports alleging the death of a child, serious injury to a child or sexual abuse to a child made pursuant to Sections 4.1 or 7 of this Act, and except that the Department may delegate the performance of the

investigation to the Department of State Police, a law enforcement agency and to those private social service agencies which have been designated for this purpose by the Department prior to July 1, 1980.  
(Source: P.A. 85-1440.)

(325 ILCS 5/7.3a)

Sec. 7.3a. The Director of the Department shall appoint a Perinatal Coordinator who shall be a physician licensed to practice medicine in all its branches with a specialty certification in pediatric care. Such coordinator, or other designated medical specialists, shall review all reports of suspected medical neglect involving newborns or infants, coordinate the evaluation of the subject of such report, and assist in necessary referrals to appropriate perinatal medical care and treatment. When the Perinatal Coordinator or other designated medical specialists, alone or in consultation with an infant care review committee established by a medical facility, determine that a newborn or infant child is being neglected as defined in Section 3 of this Act, a designated employee of the Department shall take the steps necessary to protect such newborn or infant child's life or health, including but not limited to taking temporary protective custody.  
(Source: P.A. 83-1248.)

(325 ILCS 5/7.3b)

Sec. 7.3b. All persons required to report under Section 4 may refer to the Department of Human Services any pregnant person in this State who is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act. The Department of Human Services shall notify the local Infant Mortality Reduction Network service provider or Department funded prenatal care provider in the area in which the person resides. The service provider shall prepare a case management plan and assist the pregnant woman in obtaining counseling and treatment from a local substance abuse service provider licensed by the Department of Human Services or a licensed hospital which provides substance abuse treatment services. The local Infant Mortality Reduction Network service provider and Department funded prenatal care provider shall monitor the pregnant woman through the service program. The Department of Human Services shall have the authority to promulgate rules and regulations to implement this Section.  
(Source: P.A. 88-670, eff. 12-2-94; 89-507 (Sections 9C-25 and 9M-5), eff. 7-1-97.)

(325 ILCS 5/7.3c)

Sec. 7.3c. Substance abuse services for women with children.

The Department of Human Services and the Department of Children and Family Services shall develop a community based system of integrated child welfare and substance abuse services for the purpose of providing safety and protection for children, improving adult health and parenting outcomes, and improving family outcomes.

The Department of Children and Family Services, in cooperation with the Department of Human Services, shall develop case management protocols for DCFS clients with substance abuse problems. The Departments may establish pilot programs designed to test the most effective approaches to case-management. The Departments shall evaluate the effectiveness of these

pilot programs and report to the Governor and the General Assembly on an annual basis.  
(Source: P.A. 89-268, eff. 1-1-96; 89-507, eff. 7-1-97.)

(325 ILCS 5/7.4)

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

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

(2) If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child disappear, or that the facts otherwise so warrant, the Child Protective Service Unit shall commence an investigation immediately, regardless of the time of day or night. In all other cases, investigation shall be commenced within 24 hours of receipt of the report. Upon receipt of a report, the Child Protective Service Unit shall make an initial investigation and an initial determination whether the report is a good faith indication of alleged child abuse or neglect.

(3) If the Unit determines the report is a good faith indication of alleged child abuse or neglect, then a formal investigation shall commence and, pursuant to Section 7.12 of this Act, may or may not result in an indicated report. The formal investigation shall include: direct contact with the subject or subjects of the report as soon as possible after the report is received; an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report; the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report in writing, of the existence of the report and their rights existing under this Act in regard to amendment or expungement. To fulfill the requirements of this Section, the Child Protective Service Unit shall have the capability of providing or arranging for comprehensive emergency services to children and families at all times of the day or night.

(4) If (i) at the conclusion of the Unit's initial investigation of a report, the Unit determines the report to be a good faith indication of alleged child abuse or neglect that warrants a formal investigation by the Unit, the Department, any law enforcement agency or any other responsible agency and (ii) the person who is alleged to have caused the abuse or neglect is employed or otherwise engaged in an activity resulting in frequent contact with children and the alleged abuse or neglect are

in the course of such employment or activity, then the Department shall, except in investigations where the Director determines that such notification would be detrimental to the Department's investigation, inform the appropriate supervisor or administrator of that employment or activity that the Unit has commenced a formal investigation pursuant to this Act, which may or may not result in an indicated report. The Department shall also notify the person being investigated, unless the Director determines that such notification would be detrimental to the Department's investigation.

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

(1) Investigations involving teachers shall not, to the extent possible, be conducted when the teacher is scheduled to conduct classes. Investigations involving other school employees shall be conducted so as to minimize disruption of the school day. The school employee accused of child abuse or neglect may have his superior, his association or union representative and his attorney present at any interview or meeting at which the teacher or administrator is present. The accused school employee shall be informed by a representative of the Department, at any interview or meeting, of the accused school employee's due process rights and of the steps in the investigation process. The information shall include, but need not necessarily be limited to the right, subject to the approval of the Department, of the school employee to confront the accuser, if the accuser is 14 years of age or older, or the right to review the specific allegations which gave rise to the investigation, and the right to review all materials and evidence that have been submitted to the Department in support of the allegation. These due process rights shall also include the right of the school employee to present countervailing evidence regarding the accusations.

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

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

(3) If a report of neglect or abuse of a child by a teacher or administrator involves an allegation of sexual abuse or extreme physical abuse, the Child Protective Unit shall commence an investigation under paragraph (2) of subsection (b) of this Section.

(d) If the Department has contact with an employer, or with a religious institution or religious official having supervisory or hierarchical authority over a member of the clergy accused of the abuse of a child, in the course of its investigation, the Department shall notify the employer or the religious institution or religious official, in writing, when a report is unfounded so that any record of the investigation can be expunged from the employee's or member of the clergy's personnel or other records. The Department shall also notify the employee or the member of the clergy, in writing, that notification has been sent to the employer or to the appropriate religious institution or religious official informing the employer or religious institution or religious official

that the Department's investigation has resulted in an unfounded report.

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

(Source: 91-239, eff. 1/1/00.)

(325 ILCS 5/7.5)

Sec. 7.5. If the Child Protective Service Unit is denied reasonable access to a child by the parents or other persons and it deems that the health, safety, and best interests of the child so require, it shall request the intervention of a local law enforcement agency or seek an appropriate court order to examine and interview the child.

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

(325 ILCS 5/7.6)

Sec. 7.6. There shall be a single State-wide, toll-free telephone number established and maintained by the Department which all persons, whether or not mandated by law, may use to report suspected child abuse or neglect at any hour of the day or night, on any day of the week. Immediately upon receipt of such reports, the Department shall transmit the contents of the report, either orally or electronically, to the appropriate Child Protective Service Unit. Any other person may use the State-wide number to obtain assistance or information concerning the handling of child abuse and neglect cases.

Wherever the Statewide number is posted, there shall also be posted the following notice:

"Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961. A violation of this subsection is a Class B misdemeanor, punishable by a term of imprisonment for not more than 6 months, or by a fine not to exceed \$500, or by both such term and fine."

(Source: P.A. 84-1318.)

**(325 ILCS 5/7.7)**

Sec. 7.7. There shall be a central register of all cases of suspected child abuse or neglect reported and maintained by the Department under this Act. Through the recording of initial, preliminary, and final reports, the central register shall be operated in such a manner as to enable the Department to: (1) immediately identify and locate prior reports of child abuse or neglect; (2) continuously monitor the current status of all reports of child abuse or neglect being provided services under this Act; and (3) regularly evaluate the effectiveness of existing laws and programs through the development and analysis of statistical and other information.

The Department shall maintain in the central register a listing of unfounded reports where the subject of the unfounded report requests that the record not be expunged because the subject alleges an intentional false report was made. Such a request must be made by the subject in writing to the Department, within 10 days of the investigation.

The Department shall also maintain in the central register a listing of unfounded reports where the report was classified as a priority one or priority two report in accordance with the Department's rules or the report was made by a person mandated to report suspected abuse or neglect under this Act.

The Department shall maintain in the central register for 3 years a listing of unfounded reports involving the death of a child, the sexual abuse of a child, or serious physical injury to a child as defined by the Department in rules.

(Source: P.A. 90-15, eff. 6-13-97.)

**(325 ILCS 5/7.8)**

Sec. 7.8. Upon receiving an oral or written report of suspected child abuse or neglect, the Department shall immediately notify, either orally or electronically, the Child Protective Service Unit of a previous report concerning a subject of the present report or other pertinent information. In addition, upon satisfactory identification procedures, to be established by Department regulation, any person authorized to have access to records under Section 11.1 relating to child abuse and neglect may request and shall be immediately provided the information requested in accordance with this Act. However, no information shall be released unless it prominently states the report is "indicated", and only information from "indicated" reports shall be released, except that information concerning pending reports may be released to any person authorized under paragraphs (1), (2), (3) and (11) of Section 11.1. In addition, State's Attorneys are authorized to receive unfounded reports for prosecution purposes related to the transmission of false reports of child abuse or neglect in violation of subsection (a), paragraph (7) of Section 26-1 of the Criminal Code of 1961 and guardians ad litem appointed under Article II of the Juvenile Court Act of 1987 shall receive the classified reports set forth in Section 7.14 of this Act in conformance with paragraph (19) of Section 11.1 and Section 7.14 of this Act. The names and other identifying data and the dates and the circumstances of any persons requesting or receiving information from the central register shall be entered in the register record.

(Source: P.A. 86-904; 86-1293; 87-649.)

**(325 ILCS 5/7.9)**

Sec. 7.9. The Department shall prepare, print, and distribute initial, preliminary, and final reporting forms to each Child Protective Service Unit. Initial written reports from the reporting source shall contain the following information to the extent known at the time the report is made: (1) the names and addresses of the child and his parents or other persons responsible for his welfare; (1.5) the name and address of the school that the child attends (or the school that the child last attended, if the report is written during the summer when school is not in session), and the name of the school district in which the school is located, if applicable; (2) the child's age, sex, and race; (3) the nature and extent of the child's abuse or neglect, including any evidence of prior injuries, abuse, or neglect of the child or his siblings; (4) the names of the persons apparently responsible for the abuse or neglect; (5) family composition, including names, ages, sexes, and races of other children in the home; (6) the name of the person making the report, his occupation, and where he can be reached; (7) the actions taken by the reporting source, including the taking of photographs and x-rays, placing the child in temporary protective custody, or notifying the medical examiner or coroner; (8) and any other information the person making the report believes might be helpful in the furtherance of the purposes of this Act.

(Source: P.A. 92-295, eff. 1-1-02.)

**(325 ILCS 5/7.10)**

Sec. 7.10. Upon the receipt of each oral report made under this Act, the Child Protective Service Unit shall immediately transmit a copy thereof to the state central register of child abuse and neglect. A preliminary report from a Child Protective Service Unit shall be made at the time of the first of any 30-day extensions made pursuant to Section 7.12 and shall describe the status of the related investigation up to that time, including an evaluation of the present family situation and danger to the child or children, corrections or up-dating of the initial report, and actions taken or contemplated.

(Source: P.A. 86-904.)

**(325 ILCS 5/7.12)**

Sec. 7.12. The Child Protective Service Unit shall determine, within 60 days, whether the report is "indicated" or "unfounded" and report it forthwith to the central register; where it is not possible to initiate or complete an investigation within 60 days the report may be deemed "undetermined" provided every effort has been made to undertake a complete investigation. The Department may extend the period in which such determinations must be made in individual cases for additional periods of up to 30 days each for good cause shown. The Department shall by rule establish what shall constitute good cause.

(Source: P.A. 86-904.)

**(325 ILCS 5/7.13)**

Sec. 7.13. The reports made under this Act may contain such additional information in the furtherance of the purposes of this Act as the Department, by rule, may require.

(Source: P.A. 81-1077.)

(325 ILCS 5/7.14)

Sec. 7.14. All reports in the central register shall be classified in one of three categories: "indicated", "unfounded" or "undetermined", as the case may be. After the report is classified, the person making the classification shall determine whether the child named in the report is the subject of an action under Article II of the Juvenile Court Act of 1987. If the child is the subject of an action under Article II of the Juvenile Court Act, the Department shall transmit a copy of the report to the guardian ad litem appointed for the child under Section 2-17 of the Juvenile Court Act. All information identifying the subjects of an unfounded report shall be expunged from the register forthwith, except as provided in Section 7.7. Unfounded reports may only be made available to the Child Protective Service Unit when investigating a subsequent report of suspected abuse or maltreatment involving a child named in the unfounded report; and to the subject of the report, provided that the subject requests the report within 60 days of being notified that the report was unfounded. The Child Protective Service Unit shall not indicate the subsequent report solely based upon the existence of the prior unfounded report or reports. Notwithstanding any other provision of law to the contrary, an unfounded report shall not be admissible in any judicial or administrative proceeding or action. Identifying information on all other records shall be removed from the register no later than 5 years after the report is indicated. However, if another report is received involving the same child, his sibling or offspring, or a child in the care of the persons responsible for the child's welfare, or involving the same alleged offender, the identifying information may be maintained in the register until 5 years after the subsequent case or report is closed.

Notwithstanding any other provision of this Section, identifying information in indicated reports involving the sexual abuse of a child, the death of a child, or serious physical injury to a child as defined by the Department in rules, may be retained longer than 5 years after the report is indicated or after the subsequent case or report is closed, and may not be removed from the register except as provided by the Department in rules.

(Source: P.A. 90-15, eff. 6-13-97.)

(325 ILCS 5/7.15)

Sec. 7.15. The central register may contain such other information which the Department determines to be in furtherance of the purposes of this Act. Pursuant to the provisions of Sections 7.14 and 7.16, the Department may amend or remove from the central register appropriate records upon good cause shown and upon notice to the subjects of the report and the Child Protective Service Unit.

(Source: P.A. 90-15, eff. 6-13-97.)

(325 ILCS 5/7.16)

Sec. 7.16. For any investigation or appeal initiated on or after, or pending on July 1, 1998, the following time frames shall apply. Within 60 days after the notification of the completion of the Child Protective Service Unit investigation, determined by the date of the notification sent by the Department, a subject of a report may request the Department to amend the record or remove the record of the report from the register. Such request shall be in writing and directed to such person as the Department designates in the notification. If the Department

disregards any request to do so or does not act within 10 days, the subject shall have the right to a hearing within the Department to determine whether the record of the report should be amended or removed on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this Act, except that there shall be no such right to a hearing on the ground of the report's inaccuracy if there has been a court finding of child abuse or neglect, the report's accuracy being conclusively presumed on such finding. Such hearing shall be held within a reasonable time after the subject's request and at a reasonable place and hour. The appropriate Child Protective Service Unit shall be given notice of the hearing. In such hearings, the burden of proving the accuracy and consistency of the record shall be on the Department and the appropriate Child Protective Service Unit. The hearing shall be conducted by the Director or his designee, who is hereby authorized and empowered to order the amendment or removal of the record to make it accurate and consistent with this Act. The decision shall be made, in writing, at the close of the hearing, or within 45 days thereof, and shall state the reasons upon which it is based. Decisions of the Department under this Section are administrative decisions subject to judicial review under the Administrative Review Law.

Should the Department grant the request of the subject of the report pursuant to this Section either on administrative review or after administrative hearing to amend an indicated report to an unfounded report, the report shall be released and expunged in accordance with the standards set forth in Section 7.14 of this Act.

(Source: P.A. 90-15, eff. 6-13-97; 90-608, eff. 6-30-98.)

(325 ILCS 5/7.17)

Sec. 7.17. To the fullest extent possible, written notice of any amendment, expunction, or removal of any record made under this Act shall be served upon each subject of such report and the appropriate Child Protective Service Unit. Upon receipt of such notice, the Child Protective Service Unit shall take similar action in regard to the local child abuse and neglect index and shall inform, for the same purpose, any other individuals or agencies which received such record under this Act or in any other manner. Nothing in this Section is intended to require the destruction of case records.

(Source: P.A. 81-1077.)

(325 ILCS 5/7.18)

Sec. 7.18. Pursuant to Sections 7.15 and 7.16 and for good cause shown, the Child Protective Service Unit may amend any report previously sent to the State-wide center. Unless otherwise prescribed by this Act, the content, form, manner and timing of making the reports shall be established by rules of the Department.

(Source: P.A. 81-1077.)

(325 ILCS 5/7.19)

Sec. 7.19. Upon request, a subject of a report shall be entitled to receive a copy of all information contained in the central register pertaining to his case. However, the Department may prohibit the release of data that would identify or locate a person who, in good faith, made a report or cooperated in a subsequent investigation. In addition, the Department may seek a court order from the circuit court prohibiting the release of any information

which the court finds is likely to be harmful to the subject of the report.

(Source: P.A. 81-1077.)

(325 ILCS 5/7.20)

Sec. 7.20. Inter-agency agreements for information. The Department shall enter into an inter-agency agreement with the Secretary of State to establish a procedure by which employees of the Department may have immediate access to driver's license records maintained by the Secretary of State if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall enter into an inter-agency agreement with the Illinois Department of Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) to establish a procedure by which employees of the Department may have immediate access to records, files, papers, and communications (except medical, alcohol or drug assessment or treatment, mental health, or any other medical records) of the Illinois Department of Public Aid, county departments of public aid, the Department of Human Services, and local governmental units receiving State or federal funds or aid to provide public aid, if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act.

(Source: P.A. 88-614, eff. 9-7-94; 89-507, eff. 7-1-97.)

(325 ILCS 5/7.21)

Sec. 7.21. Multidisciplinary Review Committee.

(a) The Department may establish multidisciplinary review committees in each region of the State to assure that mandated reporters have the ability to have a review conducted on any situation where a child abuse or neglect report made by them was "unfounded", and they have concerns about the adequacy of the investigation. These committees shall draw upon the expertise of the Child Death Review Teams as necessary and practicable. Each committee will be composed of the following: a health care professional, a Department employee, a law enforcement official, a licensed social worker, and a representative of the State's attorney's office. In appointing members of a committee, primary consideration shall be given to a prospective member's prior experience in dealing with cases of suspected child abuse or neglect.

(b) Whenever the Department determines that a reported incident of child abuse or neglect from a mandated reporter is "unfounded", the mandated reporter may request a review of the investigation within 10 days of the notification of the final finding. Whenever the Department determines that a reported incident of child abuse or neglect from a mandated reporter or any other reporter is "unfounded", the minor's guardian ad litem appointed under the Juvenile Court Act of 1987 may request a review of the investigation within 10 days of the notification of the final finding if the subject of the report is also the minor for whom the guardian ad litem has been appointed. The review of the investigation requested by the guardian ad litem may be conducted by the Regional Child Protection Manager.

A review under this subsection will be conducted by the committee, except those requests for review that are made by the guardian ad litem, which shall be conducted by the Regional Child Protection Manager. The Department shall make available to the committee all information in the Department's possession concerning the case. The committee shall make recommendations to the Department as to the adequacy of the investigation and of the accuracy of the final finding determination. These findings shall be forwarded to the Regional Child Protection Manager.

(c) The Department shall provide complete records of these investigations to the committee. Records provided to the committee and recommendation reports generated by the committee shall not be public record.

(c-5) On or before October 1 of each year, the Department shall prepare a report setting forth (i) the number of investigations reviewed by each committee during the previous fiscal year and (ii) the number of those investigations that the committee found to be inadequate. The report shall also include a summary of the committee's comments and a summary of the corrective action, if any, that was taken in response to the committee's recommendations. The report shall be a public record. The Department shall submit the report to the General Assembly and shall make the report available to the public upon request.

(d) The Department shall adopt rules to implement this Section.

(Source: 90-239, eff. 7-28-97; 92-812, eff. 6/13/00.)

(325 ILCS 5/8.1)

Sec. 8.1. If the Child Protective Service Unit determines after investigating a report that there is no credible evidence that a child is abused or neglected, it shall deem the report to be an unfounded report. However, if it appears that the child or family could benefit from other social services, the local service may suggest such services, including services under Section 8.2, for the family's voluntary acceptance or refusal. If the family declines such services, the Department shall take appropriate action in keeping with the best interest of the child, including referring a member of the child's family to a facility licensed by the Department of Human Services or the Department of Public Health.

(Source: P.A. 88-85; 88-487; 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

(325 ILCS 5/8.2)

Sec. 8.2. If the Child Protective Service Unit determines, following an investigation made pursuant to Section 7.4 of this Act, that there is credible evidence that the child is abused or neglected, the Department shall assess the family's need for services, and, as necessary, develop, with the family, an appropriate service plan for the family's voluntary acceptance or refusal. In any case where there is evidence that the perpetrator of the abuse or neglect is an addict or alcoholic as defined in the Alcoholism and Other Drug Abuse and Dependency Act, the Department, when making referrals for drug or alcohol abuse services, shall make such referrals to facilities licensed by the Department of Human Services or the Department of Public Health. The Department shall comply with Section 8.1 by explaining its lack of legal authority to compel the acceptance of services and may explain its concomitant authority to petition the Circuit court under the Juvenile Court Act of 1987 or refer the

case to the local law enforcement authority or State's attorney for criminal prosecution.

For purposes of this Act, the term "family preservation services" refers to all services to help families, including adoptive and extended families. Family preservation services shall be offered, where safe and appropriate, to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare without endangering the children's health or safety, to reunite them with their families if so placed when reunification is an appropriate goal, or to maintain an adoptive placement. The term "homemaker" includes emergency caretakers, homemakers, caretakers, housekeepers and chore services. The term "counseling" includes individual therapy, infant stimulation therapy, family therapy, group therapy, self-help groups, drug and alcohol abuse counseling, vocational counseling and post-adoptive services. The term "day care" includes protective day care and day care to meet educational, prevocational or vocational needs. The term "emergency assistance and advocacy" includes coordinated services to secure emergency cash, food, housing and medical assistance or advocacy for other subsistence and family protective needs.

Before July 1, 2000, appropriate family preservation services shall, subject to appropriation, be included in the service plan if the Department has determined that those services will ensure the child's health and safety, are in the child's best interests, and will not place the child in imminent risk of harm. Beginning July 1, 2000, appropriate family preservation services shall be uniformly available throughout the State. The Department shall promptly notify children and families of the Department's responsibility to offer and provide family preservation services as identified in the service plan. Such plans may include but are not limited to: case management services; homemakers; counseling; parent education; day care; emergency assistance and advocacy assessments; respite care; in-home health care; transportation to obtain any of the above services; and medical assistance. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency.

The Department shall provide a preliminary report to the General Assembly no later than January 1, 1991, in regard to the provision of services authorized pursuant to this Section. The report shall include:

(a) the number of families and children served, by type of services;

(b) the outcome from the provision of such services, including the number of families which remained intact at least 6 months following the termination of services;

(c) the number of families which have been subjects of founded reports of abuse following the termination of services;

(d) an analysis of general family circumstances in which family preservation services have been determined to be an effective intervention;

(e) information regarding the number of families in need of services but unserved due to budget or program criteria guidelines;

(f) an estimate of the time necessary for and the annual cost of statewide implementation of such services;

(g) an estimate of the length of time before expansion of these services will be made to include families with children over the age of 6; and

(h) recommendations regarding any proposed legislative changes to this program.

Each Department field office shall maintain on a local basis directories of services available to children and families in the local area where the Department office is located.

The Department shall refer children and families served pursuant to this Section to private agencies and governmental agencies, where available.

Where there are 2 equal proposals from both a not-for-profit and a for-profit agency to provide services, the Department shall give preference to the proposal from the not-for-profit agency.

No service plan shall compel any child or parent to engage in any activity or refrain from any activity which is not reasonably related to remedying a condition or conditions that gave rise or which could give rise to any finding of child abuse or neglect.

(Source: P.A. 89-21, eff. 6-6-95; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

(325 ILCS 5/8.3)

Sec. 8.3. The Department shall assist a Circuit Court during all stages of the court proceeding in accordance with the purposes of this Act and the Juvenile Court Act of 1987 by providing full, complete, and accurate information to the court and by appearing in court if requested by the court. Failure to provide assistance requested by a court shall be enforceable through proceedings for contempt of court.

(Source: P.A. 88-310.)

(325 ILCS 5/8.4)

Sec. 8.4. The Department shall provide or arrange for and monitor, as authorized by this Act, rehabilitative services for children and their families on a voluntary basis or under a final or intermediate order of the Court.

(Source: P.A. 84-611.)

(325 ILCS 5/8.5)

Sec. 8.5. The Child Protective Service Unit shall maintain a local child abuse and neglect index of all cases reported under this Act which will enable it to determine the location of case records and to monitor the timely and proper investigation and disposition of cases. The index shall include the information contained in the initial, progress, and final reports required under this Act, and any other appropriate information.

(Source: P.A. 81-1077.)

(325 ILCS 5/8.6)

Sec. 8.6. Reports to a child's school. Within 10 days after completing an investigation of alleged physical or sexual abuse under this Act, if the report is indicated, the Child Protective Service Unit shall send a copy of its final finding report to the school that the child who is the indicated victim of the report attends. If the final finding report is sent during the summer when the school is not in session, the report shall be sent to the last school that the child attended. The final finding report shall be sent as "confidential", and the school shall be responsible for ensuring that the report remains confidential in accordance with the Illinois School Student Records Act. If an indicated finding is overturned in an appeal or

hearing, or if the Department has made a determination that the child is no longer at risk of physical or sexual harm, the Department shall request that the final finding report be purged from the student's record, and the school shall purge the final finding report from the student's record and return the report to the Department. If an indicated report is expunged from the central register, and that report has been sent to a child's school, the Department shall request that the final finding report be purged from the student's record, and the school shall purge the final finding report from the student's record and return the report to the Department.  
(Source: P.A. 92-295, eff. 1-1-02.)

(325 ILCS 5/9)

Sec. 9. Any person, institution or agency, under this Act, participating in good faith in the making of a report or referral, or in the investigation of such a report or referral or in the taking of photographs and x-rays or in the retaining a child in temporary protective custody or in making a disclosure of information concerning reports of child abuse and neglect in compliance with Sections 4.2 and 11.1 of this Act shall have immunity from any liability, civil, criminal or that otherwise might result by reason of such actions. For the purpose of any proceedings, civil or criminal, the good faith of any persons required to report or refer, or permitted to report, cases of suspected child abuse or neglect or permitted to refer individuals under this Act or required to disclose information concerning reports of child abuse and neglect in compliance with Sections 4.2 and 11.1 of this Act, shall be presumed.  
(Source: P.A. 90-15, eff. 6-13-97.)

(325 ILCS 5/9.1)

Sec. 9.1. Employer discrimination. No employer shall discharge, demote or suspend, or threaten to discharge, demote or suspend, or in any manner discriminate against any employee who makes any good faith oral or written report of suspected child abuse or neglect, or who is or will be a witness or testify in any investigation or proceeding concerning a report of suspected child abuse or neglect.  
(Source: P.A. 86-904.)

(325 ILCS 5/10)

Sec. 10. Any person who makes a report or who investigates a report under this Act shall testify fully in any judicial proceeding resulting from such report, as to any evidence of abuse or neglect, or the cause thereof. Any person who is required to report a suspected case of abuse or neglect under Section 4 of this Act shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse or neglect or the cause thereof. No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged perpetrator of abuse or neglect, or the child subject of the report under this Act and the person making or investigating the report.  
(Source: P.A. 86-904.)

(325 ILCS 5/11)

Sec. 11. All records concerning reports of child abuse and neglect or records concerning referrals under this Act and all records generated as a result of such reports or referrals, shall be confidential and shall not be

disclosed except as specifically authorized by this Act or other applicable law. It is a Class A misdemeanor to permit, assist, or encourage the unauthorized release of any information contained in such reports, referrals or records.

Nothing contained in this Section prevents the sharing or disclosure of records relating or pertaining to the death of a minor under the care of or receiving services from the Department of Children and Family Services and under the jurisdiction of the juvenile court with the juvenile court, the State's Attorney, and the minor's attorney.  
(Source: P.A. 90-15, eff. 6-13-97.)

(325 ILCS 5/11.1)

Sec. 11.1. Access to records.

(a) A person shall have access to the records described in Section 11 only in furtherance of purposes directly connected with the administration of this Act or the Intergovernmental Missing Child Recovery Act of 1984. Those persons and purposes for access include:

(1) Department staff in the furtherance of their responsibilities under this Act, or for the purpose of completing background investigations on persons or agencies licensed by the Department or with whom the Department contracts for the provision of child welfare services.

(2) A law enforcement agency investigating known or suspected child abuse or neglect, known or suspected involvement with child pornography, known or suspected criminal sexual assault, known or suspected criminal sexual abuse, or any other sexual offense when a child is alleged to be involved.

(3) The Department of State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984.

(4) A physician who has before him a child whom he reasonably suspects may be abused or neglected.

(5) A person authorized under Section 5 of this Act to place a child in temporary protective custody when such person requires the information in the report or record to determine whether to place the child in temporary protective custody.

(6) A person having the legal responsibility or authorization to care for, treat, or supervise a child or a parent, guardian, or other person responsible for the child's welfare who is the subject of a report.

(7) Except in regard to harmful or detrimental information as provided in Section 7.19, any subject of the report, and if the subject of the report is a minor, his guardian or guardian ad litem.

(8) A court, upon its finding that access to such records may be necessary for the determination of an issue before such court; however, such access shall be limited to in camera inspection, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(8.1) A probation officer or other authorized representative of a probation or court services department conducting an investigation ordered by a court under the Juvenile Court Act of 1987.

(9) A grand jury, upon its determination that access to such records is necessary in the conduct of its official business.

(10) Any person authorized by the Director, in writing, for audit or bona fide research purposes.

(11) Law enforcement agencies, coroners or medical examiners, physicians, courts, school superintendents and child welfare agencies in other states who are responsible for child abuse or neglect investigations or background investigations.

(12) The Department of Professional Regulation, the State Board of Education and school superintendents in Illinois, who may use or disclose information from the records as they deem necessary to conduct investigations or take disciplinary action, as provided by law.

(13) A coroner or medical examiner who has reason to believe that a child has died as the result of abuse or neglect.

(14) The Director of a State-operated facility when an employee of that facility is the perpetrator in an indicated report.

(15) The operator of a licensed child care facility or a facility licensed by the Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) in which children reside when a current or prospective employee of that facility is the perpetrator in an indicated child abuse or neglect report, pursuant to Section 4.3 of the Child Care Act of 1969.

(16) Members of a multidisciplinary team in the furtherance of its responsibilities under subsection (b) of Section 7.1. All reports concerning child abuse and neglect made available to members of such multidisciplinary teams and all records generated as a result of such reports shall be confidential and shall not be disclosed, except as specifically authorized by this Act or other applicable law. It is a Class A misdemeanor to permit, assist or encourage the unauthorized release of any information contained in such reports or records. Nothing contained in this Section prevents the sharing of reports or records relating or pertaining to the death of a minor under the care of or receiving services from the Department of Children and Family Services and under the jurisdiction of the juvenile court with the juvenile court, the State's Attorney, and the minor's attorney.

(17) The Department of Human Services, as provided in Section 17 of the Disabled Persons Rehabilitation Act.

(18) Any other agency or investigative body, including the Department of Public Health and a local board of health, authorized by State law to conduct an investigation into the quality of care provided to children in hospitals and other State regulated care facilities. The access to and release of information from such records shall be subject to the approval of the Director of the Department or his designee.

(19) The person appointed, under Section 2-17 of the Juvenile Court Act, as the guardian ad litem of a minor who is the subject of a report or records under this Act.

(b) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

(c) To the extent that persons or agencies are given access to information pursuant to this Section, those persons or agencies may give this information to and receive this information from each other in order to

facilitate an investigation conducted by those persons or agencies.

(Source: 90-15, eff. 6-13-97; 91-357, eff. 7/29/99.)

(325 ILCS 5/11.1a)

Sec. 11.1a. Disclosure of information.

(a) The Director or a person designated in writing by the Director for this purpose may disclose information regarding the abuse or neglect of a child as set forth in this Section, the investigation thereof, and any services related thereto, if he or she determines that such disclosure is not contrary to the best interests of the child, the child's siblings, or other children in the household, and one of the following factors are present:

(1) The subject of the report has been criminally charged with committing a crime related to the child abuse or neglect report; or

(2) A law enforcement agency or official, a State's Attorney, or a judge of the State court system has publicly disclosed in a report as part of his or her official duty, information regarding the investigation of a report or the provision of services by the Department; or

(3) An adult subject of the report has knowingly and voluntarily made a public disclosure concerning a Child Abuse and Neglect Tracking System report; or

(4) The child named in the report has been critically injured or died.

(b) Information may be disclosed pursuant to this Section as follows:

(1) The name of the alleged abused or neglected child.

(2) The current status of the investigation, including whether a determination of credible evidence has been made.

(3) Identification of child protective or other services provided or actions taken regarding the child named in the report and his or her family as a result of this report.

(4) Whether there have been past reports of child abuse or neglect involving this child or family, or both. Any such reports shall be clearly identified as being "Indicated", "Unfounded", or "Pending".

(5) Whether the Department has a current or past open service case with the family, and a history of what types of services have been, or are being, provided.

(6) Any extraordinary or pertinent information concerning the circumstances of the report, if the Director determines such disclosure is consistent with the public interest.

(c) Any disclosure of information pursuant to this Section shall not identify the name of or provide identifying information regarding the source of the report.

(d) In determining pursuant to subsection (a) of this Section, whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the Director shall consider the interest in privacy of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services to the family.

(e) Except as it applies directly to the cause of the abuse or neglect of the child, nothing in this Section shall be deemed to authorize the release or disclosure of the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical reports, evaluations, or like materials pertaining to the child or the child's family. Prior to the release or disclosure of any psychological, psychiatric, or therapeutic reports pursuant to this

subsection, the Deputy Director of Clinical Services shall review such materials and make recommendations regarding its release. Any disclosure of information pursuant to this Section shall not identify the health care provider, health care facility or other maker of the report or source of any psychological, psychiatric, therapeutic, clinical, or medical reports, evaluations, or like materials.

(f) Regarding child abuse or neglect reports which occur at a facility licensed by the Department of Children and Family Services, only the following information may be disclosed or released:

(1) The name of the facility.

(2) The nature of the allegations of abuse or neglect.

(3) The number and ages of child victims involved, and their relationship to the perpetrator.

(4) Actions the Department has taken to ensure the safety of the children during and subsequent to the investigation.

(5) The final finding status of the investigation.

(Source: P.A. 90-75, eff. 1-1-98.)

(325 ILCS 5/11.2)

Sec. 11.2. Disclosure to mandated reporting source. A mandated reporting source as provided in Section 4 of this Act may receive appropriate information about the findings and actions taken by the Child Protective Service Unit in response to its report. The information shall include the actions taken by the Child Protective Service Unit to ensure a child's safety.

(Source: P.A. 92-319, eff. 1-1-02.)

(325 ILCS 5/11.2a)

Sec. 11.2a. Disclosure to extended family member. Upon request, an extended family member interviewed for relevant information in the course of an investigation by the Child Protective Service Unit may receive appropriate information about the findings and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation.

(Source: P.A. 92-319, eff. 1-1-02.)

(325 ILCS 5/11.3)

Sec. 11.3. A person given access to the names or other information identifying the subjects of the report, except the subject of the report, shall not make public such identifying information unless he is a State's attorney or other law enforcement official and the purpose is to initiate court action. Violation of this Section is a Class A misdemeanor.

(Source: P.A. 81-1077.)

(325 ILCS 5/11.4)

Sec. 11.4. Nothing in this Act affects existing policies or procedures concerning the status of court and criminal justice system records.

(Source: P.A. 81-1077.)

(325 ILCS 5/11.5)

Sec. 11.5. Within the appropriation available, the Department shall conduct a continuing education and training program for State and local staff, persons and officials required to report, the general public, and other persons engaged in or intending to engage in the prevention, identification, and treatment of child abuse and neglect. The program shall be designed to

encourage the fullest degree of reporting of known and suspected child abuse and neglect, and to improve communication, cooperation, and coordination among all agencies in the identification, prevention, and treatment of child abuse and neglect. The program shall inform the general public and professionals of the nature and extent of child abuse and neglect and their responsibilities, obligations, powers and immunity from liability under this Act. It may include information on the diagnosis of child abuse and neglect and the roles and procedures of the Child Protective Service Unit, the Department and central register, the courts and of the protective, treatment, and ameliorative services available to children and their families. Such information may also include special needs of mothers at risk of delivering a child whose life or development may be threatened by a handicapping condition, to ensure informed consent to treatment of the condition and understanding of the unique child care responsibilities required for such a child. The program may also encourage parents and other persons having responsibility for the welfare of children to seek assistance on their own in meeting their child care responsibilities and encourage the voluntary acceptance of available services when they are needed. It may also include publicity and dissemination of information on the existence and number of the 24 hour, State-wide, toll-free telephone service to assist persons seeking assistance and to receive reports of known and suspected abuse and neglect.

Within the appropriation available, the Department also shall conduct a continuing education and training program for State and local staff involved in investigating reports of child abuse or neglect made under this Act. The program shall be designed to train such staff in the necessary and appropriate procedures to be followed in investigating cases which it appears may result in civil or criminal charges being filed against a person. Program subjects shall include but not be limited to the gathering of evidence with a view toward presenting such evidence in court and the involvement of State or local law enforcement agencies in the investigation. The program shall be conducted in cooperation with State or local law enforcement agencies, State's Attorneys and other components of the criminal justice system as the Department deems appropriate.

(Source: P.A. 85-984.)

(325 ILCS 5/11.6)

Sec. 11.6. All final administrative decisions of the Department under this Act are subject to judicial review under the Administrative Review Law, as now or hereafter amended, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

(325 ILCS 5/11.7)

Sec. 11.7. (a) The Director shall appoint the chairperson and members of a "State-wide Citizen's Committee on Child Abuse and Neglect" to consult with and advise the Director. The Committee shall be composed of individuals of distinction in human services, neonatal medical care, needs and rights of the disabled, law and community life, broadly representative of social and economic communities across the State, who shall be appointed to 3 year staggered terms. The chairperson and members of the Committee shall serve without

compensation, although their travel and per diem expenses shall be reimbursed in accordance with standard State procedures. Under procedures adopted by the Committee, it may meet at any time, confer with any individuals, groups, and agencies; and may issue reports or recommendations on any aspect of child abuse or neglect it deems appropriate.

(b) The Committee shall advise the Director on setting priorities for the administration of child abuse prevention, shelters and service programs, as specified in Section 4a

of "An Act creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named", approved June 4, 1963, as amended.

(c) The Committee shall advise the Director on policies and procedures with respect to the medical neglect of newborns and infants.

(Source: P.A. 84-611.)

DCFS is an equal opportunity employer, and prohibits unlawful discrimination in all of its programs and/or services



# **APPENDIX B**

## **Acknowledgement of Mandated Reporter Status**



Rod R. Blagojevich  
Governor



Bryan Samuels  
Director

Illinois Department of Children & Family Services

**ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS**

I, \_\_\_\_\_, understand that when I am employed as a  
(Employee Name)

\_\_\_\_\_, I will become a mandated reporter under the  
(Type of Employment)

Abused and Neglected Child Reporting Act [325 ILCS 5/4]. This means that I am required to report or cause a report to be made to the child abuse Hotline number (1-800-25A-BUSE) whenever I have reasonable cause to believe that a child known to me in my professional or official capacity may be abused or neglected. I understand that there is no charge when calling the Hotline number and that the Hotline operates 24-hours per day, 7 days per week, 365 days per year.

I further understand that the privileged quality of communication between me and my patient or client is not grounds for failure to report suspected child abuse or neglect, I know that if I willfully fail to report suspected child abuse or neglect, I may be found guilty of a Class A misdemeanor. This does not apply to physicians who will be referred to the Illinois State Medical Disciplinary Board for action.

I also understand that if I am subject to licensing under the Illinois Nursing Act of 1987, the Medical Practice Act of 1987, the Illinois Dental Practice Act, the School Code, the Acupuncture Practice Act, the Illinois Optometric Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistants Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Athletic Trainers Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Act, the Naprapathic Practice Act, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, I may be subject to license suspension or revocation if I willfully fail to report suspected child abuse or neglect.

I affirm that I have read this statement and have knowledge and understanding of the reporting requirements, which apply to me under the Abused and Neglected Child Reporting Act.

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Date

CANTS 22  
Rev. 10/00



# **APPENDIX C**

## **Checklist for Mandated Reporters**



## **Checklist for Mandated Reporters**

### **I. Alleged Victim(s)**

Name(s) of victim(s):

Birthdate(s) of victim(s) or approximate age:

Address (or approximate address):

### **II. Alleged Perpetrator(s)**

Name(s)

Birthdate(s) or Age(s) or some approximation so role of DCFS can be determined

Relationship to Victim(s)

Address

### **III. Harms to Victim(s)**

Physical Abuse

Sexual Abuse

Risk of Harm

Neglect

Death

NOTE: The Hotline worker will be able to put the allegation in the proper sub-category such as Physical Abuse/Cuts, Bruises, Welts, Abrasions and Oral Injuries.

### **IV. Description of Incident(s)**

Be prepared to give a brief description of the incident(s) of abuse. This description should include:

1. as much detail as you have about the actual incident
2. indication of intention (especially in physical abuse)
3. description of the time and place of the incident
4. information, if any, about possible witnesses to the abuse
5. evidence of abuse (physical evidence, behavioral indicators, disclosure by the victim, etc.)



# **APPENDIX D**

## **DCFS Allegations System**



## DCFS Allegations System

You will note that some allegations (e.g. death of a child) may be made under either abuse or neglect, depending on the circumstances that led to harm to the child. As a mandated reporter, you will not need to know all the allegations, but they are presented here to give you an idea of the ways that the Hotline worker will try to categorize the harm you describe.

Abuse	Neglect
#1 Death	#51 Death
#2 Head Injuries	#52 Head Injuries
#4 Internal Injuries	#54 Internal Injuries
#5 Burns/Scalding	#55 Burns/Scalding
#6 Poison/Noxious Substances	#56 Poison/Noxious Substances
#7 Wounds	#57 Wounds
#9 Bone Fractures	#59 Bone Fractures
#10 Substantial Risk of Physical Injury/ Environment Injurious to Health and Welfare	#60 Substantial Risk of Physical Injury/ Environment Injurious to Health and Welfare
#11 Cuts, Bruises, Welts, Abrasions and Oral Injuries	#61 Cuts, Bruises, Welts, Abrasions and Oral Injuries
#12 Human Bites	#62 Human Bites
#13 Sprains/Dislocations	#63 Sprains/Dislocations
#14 Tying/Close Confinement	_____
#15 Substance Misuse	#65 Substance Misuse
#16 Torture	_____

- #17 Mental and Emotional Impairment
- #18 Sexually Transmitted Diseases
- #19 Sexual Penetration
- #20 Sexual Exploitation
- #21 Sexual Molestation
- #22 Substantial Risk of Sexual Injury

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- #67 Mental and Emotional Impairment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- #74 Inadequate Supervision
- #75 Abandonment/Desertion
- #76 Inadequate Food
- #77 Inadequate Shelter
- #78 Inadequate Clothing
- #79 Medical Neglect
- #81 Failure to Thrive (Non-Organic)
- #82 Environmental Neglect
- #83 Malnutrition
- #84 Lock-out
- #85 Medical Neglect of Disabled Infants

NOTE: DCFS no longer takes reports on Educational Neglect which was formerly listed as a neglect allegation.

# **APPENDIX E**

## **Written Confirmation of Suspected Child Abuse / Neglect Report**



**WRITTEN CONFIRMATION OF SUSPECTED CHILD ABUSE/NEGLECT REPORT:  
MANDATED REPORTERS**

DATE: \_\_\_\_\_

ABOUT: \_\_\_\_\_  
Child's Name Child's Birth Date

**If you are reporting more than one child from the same family please list their names and birth date in the space provided on the reverse side of this form.**

\_\_\_\_\_  
Street Address City Zip Code

Parent/Custodians: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address (if different than the child's address)

This is to confirm my oral report of \_\_\_\_\_, \_\_\_\_\_, made in accordance with the Abused and Neglected Child reporting Act (325 ILCS 5 et seq). Please answer the following questions. (If you need more space, use the back of this page.)

1. What injuries or signs of abuse/neglect are there?
2. How and approximately when did the abuse/neglect occur and how did you become aware of the abuse/neglect?
3. Had there been evidence of abuse/neglect before now?     Yes     No
4. If the answer to question 3 is "yes," please explain the nature of the abuse/neglect.
5. Names and addresses of other persons who may be willing to provide information about this case.
6. Your relationship to child(ren)
7. Reporter Action Recommended or Taken:

**PLEASE CHECK THE APPROPRIATE RESPONSE:**

I saw the child(ren)  
 I heard about the child(ren)                      From whom? \_\_\_\_\_

I  **have**  **have not** told the child's family of my concern and of my report to the Department.  
I am  **willing**  **NOT willing** to tell the child's family of my concern and of my report to the Department.  
I  **believe**  **do NOT believe** the child is in immediate physical danger.

\_\_\_\_\_  
(Name Printed) (Signature)

\_\_\_\_\_  
(Title) (Organization/Agency)

**INSTRUCTIONS ON REVERSE SIDE**

**INSTRUCTIONS**

The Abused and Neglected Child Reporting Act states that mandated reporters shall promptly report or cause reports to be made in accordance with the provisions of the ACT.

The report should be made immediately by telephone to the IDCFS Child Abuse Hotline (800-252-2873) and confirmed in writing via the U.S. Mail, postage prepaid, within 48 hours of the initial report.

**MAILING INSTRUCTIONS**

Mail the original to the nearest office of the Illinois Department of Children and Family Services, Attention: Child Protective Services.

_____	_____
2 <sup>nd</sup> Child's Name (If Any)	2 <sup>nd</sup> Child's Birth Date
_____	_____
3 <sup>rd</sup> Child's Name (If Any)	3 <sup>rd</sup> Child's Birth Date

DCFS is an equal opportunity employer, and prohibits unlawful discrimination in all of its programs and/or services.

# **APPENDIX F**

## **DCFS Contacts**



## **Division of Child Protection**

### **Central Administration**

Deputy Director  
406 East Monroe, Station #40  
Springfield, IL 62701-1498  
217/785-2513

Associate Deputy Director for Cook  
County  
750 West Montrose  
Chicago, IL 60613-1516

Downstate Associate Deputy Director  
406 East Monroe, Station #40  
Springfield, IL 62701-1498  
217/785-2513

### **Cook Regions Child Protection Administration**

Cook North Child Protection Regional Administrator  
4055 North Western  
Chicago, IL 60618  
773/866-5500

Cook Central Child Protection Administrator  
1701 South First Avenue, Rm. 1069  
Maywood, IL 60153  
708/338-6600

Cook South Child Protection Administrator  
6201 South Emerald  
Chicago, IL 60621  
773/371-6488

## **Northern Region Administration**

Regional Administrator  
8 East Galena Blvd, Suite 301  
Aurora, IL 60506-4161  
630/801-3400

Assistant Regional Administrator  
200 South Wyman  
Rockford, IL 61101-1232  
815/987-7640

Site Administrator  
500 North Green Bay Road  
Waukegan, IL 60085  
847/249-7800

Site Administrator  
505 South Schuyler  
Kankakee, IL 60901  
815/939-8140

Site Administrator  
113 Newell Street  
Woodstock, IL 60098  
815/338-1068

## **Central Region Administration**

Regional Administrator  
5415 North University Avenue  
Peoria, IL 61614-4783  
309/693-5400

Assistant Regional Administrator, Champaign Subregion  
2125 South First Street  
Champaign, IL 61821  
217/278-5500

Assistant Regional Administrator, Peoria Subregion  
5415 North University Avenue  
Peoria, IL 61614-4783  
309/693-5400

Assistant Regional Administrator, Springfield Subregion  
1806 Woodfield  
Savoy, IL 61874-9505  
217/278-5300

## **Southern Region Administration**

Southern Regional Administrator  
10 E. Collinsville Avenue  
East St. Louis, IL 62201  
618/583-2100

Assistant Regional Administrator  
10 Collinsville Avenue  
East St. Louis, IL 62201  
618/583-2100

Assistant Regional Administrator  
2309 West Main Street  
Marion, IL 62959  
618/993-7100

## **DCFS EDUCATION ADVISORS Contact List and Areas Covered**

### **Cook County Regions**

#### **Cook North – Chicago**

Advisor: Nancy Hablutzel  
Assistant Advisor: Deseree Edwards  
Office Address: DCFS, 1911 S. Indiana, Chicago, IL 60616  
Phone/Fax: 312-328-2477 (Nancy) 312-328-2673 (Deseree)  
312-328-2561/2547 (fax)  
E-mail: Nhablutzel@idcfs.state.il.us  
DesereeEdwards@idcfs.state.il.us

#### **Cook South – Chicago and Cook South Suburbs**

Advisor: Christine Feldman  
Assistant Advisor: Leticia Nunez  
Office Address: DCFS, 3518 W. Division, Chicago, IL 60651  
Phone/Fax: 773-292-7732 (Christine) 773-292-7731 (Leticia)  
773-292-7712 (Fax)  
E-mail: Cfeldman@idcfs.state.il.us  
Cnunez@idcfs.state.il.us

#### **Cook South – Chicago**

Advisor: Marguerite Chapman  
Assistant Advisor: Sharon Smith  
Office Address: DCFS, 6201 S. Emerald, Chicago, IL 60621  
Phone/Fax: 773-371-6029 (Marguerite) 773-371-6430 (Sharon)  
773-371-6067 (Fax)  
E-mail: Marguerite.Chapman@idcfs.state.il.us  
SSmith4@idcfs.state.il.us

#### **Cook North – Suburbs**

Advisor: Diane Fitzhugh  
Assistant Advisor: Deseree Edwards  
Office Address: DCFS, 8300 McCormick Blvd., Skokie, IL 60075  
Phone/Fax: 847-745-3008 (Diane) 312-328-2673 (Deseree)  
847-745-3067 (Fax)  
E-mail: Dfitzhug@idcfs.state.il.us  
DesereeEdwards@idcfs.state.il.us  
Areas covered: Arlington Heights, Barrington Hills, Bartlett, Bensenville, Des Plaines, Elgin, Elk Grove Village, Evanston, Glencoe, Glenview, Golf, Hanover Park, Harwood Heights, Hoffman Estates, Inverness, Kenilworth, Lincolnwood, Morton Grove, Mount Prospect, Niles, North Brook, Northfield, Norridge, Palatine, Park Ridge, Prospect Heights, Rolling Meadows, Rosemont, Schaumburg, Skokie, Streamwood, South Barrington, Wheeling, Wilmette, Winnetka

### **Cook Central – Suburbs**

Advisor: Charles Ingram  
Office Address: DCFS, 4909 W. Division, 6<sup>th</sup> Floor, Chicago, IL 60651  
Phone/Fax: 773-854-2336 (Charles) 773-854-0605 (Fax)  
E-Mail: CIngram@idcfs.state.il.us  
Areas covered: Bedford Park, Bellwood, Berkley, Berwyn, Bridgeview, Broadview, Brookfield, Burbank, Cicero, Countryside, Elmwood Park, Forest Park, Franklin Park, Hillside, Hodgkins, Indian Head Park, Justice, LaGrange Park, Lyons, Maywood, Melrose Park, McCook, Northlake, North Riverside, Oak Park, River Forest, River Grove, Riverside, Schiller Park, Stickney, Summit, Westchester, Western Springs

### **Cook South – Suburbs**

Advisor: Yasmina Sefiane-Johnson  
Assistant Advisor: Richard Baker  
Office Address: DCFS, 15115 Dixie Highway, Harvey, IL 60426  
Phone/Fax: 708-210-3051 (Yasmina) 708-210-3053 (Richard)  
708-210-2817 (fax)  
E-mail: YasminaJohnson@idcfs.state.il.us  
Rbaker@idcfs.state.il.us  
Areas covered: Alsip, Blue Island, Burnham, Calumet City, Calumet Park, Chicago Heights, Chicago Ridge, Crestwood, Country Club Hills, Dixmoor, Dolton, East Hazel Crest, Evergreen Park, Flossmoor, Ford Heights, Glenwood, Harvey, Hazel Crest, Hickory Hills, Hometown, Homewood, Lansing, Lemont, Matteson, Markham, Merrionette Park, Midlothian, Oak Forest, Oak Lawn, Olympia Fields, Orland Park, Palos Heights, Palos Park, Park Forest, Phoenix, Posen, Richton Park, Riverdale, Robbins, Sauk Village, South Chicago Heights, South Holland, Thornton, Tinley Park, Willow Springs, Worth

## **Downstate Regions**

### **Northern Region – West**

Advisor: Rhonda Best  
Assistant Advisor: Mark Tingler  
Office Address: DCFS, 107 N. Third Street, Rockford, IL 61107  
Phone/Fax: 815-967-3750 (Rhonda) 815-967-3832 (Mark)  
815-967-3737 (Fax)  
E-mail: RhondaBest@idcfs.state.il.us  
Mtingler@idcfs.state.il.us  
Areas covered: Boone, Carroll, DeKalb, Jo Daviess, Kane, Kankakee, Lee, Ogle, Stephenson, Whiteside, Winnebago

### **Northern Region – East**

Advisor: Mitch Kremer  
Assistant Advisor: Mark Tingler  
Office Address: DCFS, 500 N. Green Bay Road, Waukegan, IL 60085 (or)  
Phone/Fax: 847-249-7840 (Mitch) 815-967-3832 (Mark)  
847-249-7840 (Fax)  
E-mail: Mkremer@idcfs.state.il.us  
Mtingler@idcfs.state.il.us  
Areas covered: DuPage, Grundy, Kendall, Lake, McHenry, Will

### **Central Region – Peoria & Champaign Subregions**

Advisor: Vernessa Gipson  
Advisor: Jayne O'Brien  
Assistant Advisor: Kristal Shelvin  
Office Address: ISBE/ITAN, 45 E.University, 3<sup>rd</sup> Floor, Champaign, IL 61820  
Phone/Fax: 217-355-5990 (Office) 217-355-3166 (Fax)  
E-mail: isbeitac@aol.com  
Areas covered: Bureau, Champaign, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, Knox, LaSalle, Livingston, Marshall, McDonough, McLean, Mercer, Peoria, Putnam, Rock Island, Schuyler, Stark, Tazewell, Vermillion, Warren, Woodford

### **Central Region – Springfield Subregion**

Advisor: Mary Chepulis  
Assistant Advisor: Kristal Shelvin  
Office Address: DCFS, 521 S. Eleventh Street, Springfield, IL 62703  
Phone/Fax: 217-557-0075 (Mary) 217-355-5990 (Kristal)  
217-355-0144 (Fax)  
E-mail: Mchepulis@idcfs.state.il.us  
isbeitac@aol.com (Kristal)  
Areas covered: Adams, Brown, Cass, Mason, Menard, Logan, DeWitt, Piatt, Douglas, Edgar, Pike, Scott, Morgan, Sangamon, Macon, Moultrie, Christian, Shelby, Coles, Calhoun, Greene, Jersey, Macoupin, Montgomery, Cumberland, Clark

## **Southern Region**

Advisor: Bessie Peabody  
Assistant Advisor: Scott Pickens  
Office Address: DCFS, 10 Collinsville Ave, East St. Louis, IL 62201  
Phone/Fax: 618-583-2125 (Bessie) 618-583-2121 (Scott)  
618-583-2141 (Fax)  
E-mail: bpeabody@idcfs.state.il.us  
Areas covered: Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Marion,  
Jasper, Jefferson, Lawrence, Madison, Monroe, Richland, St. Clair, Wabash,  
Washington, Wayne

## **Southern Region – Marion Subregion**

Advisor: Kendra Homoya  
Assistant Advisor: Scott Pickens  
Office Address: DCFS, 1210 Hanson Street, Murphysboro, IL 62966  
Phone/Fax: 618-687-1733 (Kendra) 618-583-2141 (Scott)  
618-687-4584 (Fax)  
E-mail: Khomoya@idcfs.state.il.us  
Areas covered: Alexander, Franklin, Hamilton, Hardin, Gallatin, Jackson, Johnson, Massac,  
Perry, Pope, Pulaski, Randolph, Saline, Union, White, Williamson





