

PROCEDURES 336
APPEAL OF CHILD ABUSE AND NEGLECT
INVESTIGATION FINDINGS
June 1, 2000 – P.T. 2000.09

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The majority of the sections contained in Rules 336 are self-explanatory, require no further procedural instructions, and are carried out by the Administrative Hearing Unit and the Administrative Law Judge. Those sections which affect other units of the Department or require action on their part are included below.

Section 336.30 Notice of Department Decision

The notices required by Rule Section 336.30 are sent by the State Central Register. Per Procedures 300.110 (k), Notify Subjects of the Report, investigators are to make reasonable efforts to verbally notify alleged perpetrators of the investigator's recommended determination. At this time the investigator may take the time to explain the appeal process, although the alleged perpetrator should be informed that the appeal should not be requested until official notice of the finding has been received from the State Central Register

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Section 336.40 Notice of the Right to Appeal and Receive an Administrative Hearing

a) Notice of Right to Appeal

Subjects of an indicated report of child abuse and neglect are informed of their right to appeal the finding in:

- 1) The brochure **CFS 1050-54, What You Need To Know About A Child Abuse or Neglect Investigation**, which is given to parents, guardians and alleged perpetrators by the investigator during the formal investigative process per Procedures 300.110, The Formal Investigative Process.
- 2) The written notice of the final determination is sent by the State Central Register within 10 days after the investigation has been completed and the final determination has been entered into the State Central Register. This notice informs subjects where to send their requests for an appeal.

== **b)**

c) Subjects shall mail or fax their request for appeals to:

The Administrative Hearings Unit
Expungement Hearings
406 E. Monroe Station 15
Springfield, Illinois 62701
Telephone: 217-782-6655
Fax: 217-557-4652

d) Within three working days after receipt of the appeal, the Administrative Hearings Unit will send a written request for a copy of the investigative file to the field office where the investigative team that conducted the hearing is located. The field office must send the file to the Administrative Hearings Unit within ten working days. The file shall be sent to the Administrative Hearings Unit at the address listed above in (c).

NOTE: It is essential that the file be sent within the ten-day time frame. The Hearings Unit is required to complete the appeal process within strict time frames. Any delays in the process that would cause the time frame to be exceeded could subject the Department to legal action.

Within 20 days after receipt of the appeal, the Administrative Hearings Unit will send a copy of the redacted file to the appellant.

e) Assistance with Written Appeal Requests

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If the appellant needs assistance in putting the appeal in writing, Regional staff shall provide assistance.

== f)

g) Other Notices

The Administrative Hearings Unit is responsible for sending the notices referenced in Rule Section 336.40(g).

Section 336.110 The Administrative Hearing and Pre-Hearing Process

In addition to notifying the parties, the Administrative Hearings Unit will inform the Child Protection Supervisor, who had primary responsibility for the investigation, of the date and time of the pre-hearing conference. The Supervisor shall be prepared to represent the Department at both the pre-hearing conference and the hearing itself, unless another Department representative has been appointed. Investigators who participated in the investigation may also be required to attend the hearing if requested by the appellant or the Administrative Law Judge.

Section 336.180 Interpreters

Interpreter services will be arranged by the region in accordance with local interpreter agreements, as are required by Procedures 300, Child Abuse and Neglect Reports. If subjects are unable to read or comprehend the English language, the region is responsible for helping them to understand all letters, notices and forms. For example, if a subject is unable to read or unable to read or comprehend the English language, forms, notices and letters should be read to the person or translated into a language the client can read. Cassettes may also be used for visually disabled clients or clients unable to read. For subjects who speak Spanish, the brochure referenced above is available in Spanish. Notices generated by the State Central Register are also in Spanish, provided the family has been identified on the CANTS forms as Spanish speaking.

Section 336.220 Final Administrative Decision

The Administrative Hearings Unit shall send the Notices of the Final Administrative Decision to those persons identified in Rule Section 336.220.

POLICY GUIDE 2000.02

REDACTING POLICE REPORTS FROM CANTS FILES

Distribution X, Z, C-3

RELEASE DATE: March 1, 2000

TO: Rules and Procedures Bookholders and Child Protective Investigative Staff

FROM: Jess McDonald, Director

EFFECTIVE DATE: March 15, 2000

I. PURPOSE

The purpose of this Policy Guide is to issue a protocol governing the removal of police reports from indicated child abuse and neglect investigation files when there is an appeal of the investigation findings or the subject of the investigation requests a copy of his or her file from the local field office.

II. Primary Users

The primary users of this Policy Guide are child protective investigative staff of the Department and purchase of services agencies, and staff of the Administrative Hearings Unit.

III. Background Information

This protocol has been developed to address police concerns that criminal investigations/prosecutions may be jeopardized when police reports are released to subjects of investigations from sources other than the involved police departments.

IV. Protocol for Redacting Police Reports

The following procedure shall be followed when an appeal of an indicated report of child abuse or neglect has been filed with the Administrative Hearings Unit:

- the complete child abuse and/or neglect investigation file, including police report documentation, shall be sent to the Administrative Hearings Unit;
- the Administrative Hearings Unit shall redact the file, removing police reports;
- the Administrative Hearings Unit shall document the removal of police reports from the file using the **Police Report Redaction Notice (CANTS 13)**; or
- use the CANTS 13 to document that police reports were not part of the

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documentation contained in the investigative file; and

- forward the redacted file with the CANTS 13 to the appellant or the appellant's authorized representative.

The following procedure shall be followed when the subject of an indicated report of child abuse or neglect requests a copy of his or her file from the local field office:

- the Child Protection Unit shall redact the file, removing police reports;
- the Child Protection Unit shall use the **Police Report Redaction Notice (CANTS 13)** to either document the removal of police reports or that documentation contained in the investigative file did not include police reports; and
- forward the redacted file with the CANTS 13 to the subject.

V. Instructions for Completing the CANTS 13

- Enter the date the file is redacted.
- Enter the name and address of the appellant or the appellant's authorized representative.
- Enter the name of the person completing the form.
- Enter the State Central Register (SCR) number.
- Check either (a) that police report documentation has been removed from the investigative file or (b) that the file did not contain police report documentation.
- Enter the SCR number.
- The person completing the form shall sign the form on the signature line.

VI. Questions

Questions concerning this protocol may be directed to Tony Zaleski at 217/524-1983.

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VII. Attachment

CANTS 13, Police Report Redaction Notice

VIII. Filing Instructions

File this Policy Guide immediately after Procedures 336, Appeal of Child Abuse and Neglect Investigation Findings.

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CANTS 13
1/2000

State of Illinois
Department of Children and Family Services

Police Report Redaction Notice

DATE:

TO:

FROM:

RE:

A police report regarding this matter:

a: _____ is

b: _____ is not

contained in the investigative file of SCR # _____.

If “a” is checked above, the police report has been removed from the copy of the investigative file being provided to you. Due to the confidential nature of police investigations and the possibility that this investigation, if ongoing, may be jeopardized by the premature release of information, the Department of Children and Family Services is not including a copy of the report at this time.

In accordance with Department Rules 336 (Appeal of Child Abuse and Neglect Investigation Findings) you have the right to request a copy of all documents the Department intends to present to the Administrative Law Judge at your hearing. If the documentation will include the police report removed from your file, you may request a copy of the report by filing a written request with the Department after your first hearing date has been set.

If “b” is checked above, the file did not contain police reports.

Signature

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CANTS 13/S
1/2000

Departamento de Servicios para Niños y Familias
Aviso de redacción de informe policial

FECHA:

PARA:

DE:

REF:

Un informe policial con respecto a este asunto:

a: _____ está

b: _____ no está

contenido en el archivo de investigación de SCR # _____.

Si se marca la opción anterior "a", el informe policial ha sido quitado de la copia del archivo de investigación que se le proporciona a usted. Debido a la naturaleza de las investigaciones policiales y la posibilidad de que esta investigación, si se está llevando a cabo en este momento, pueda peligrar debido a la revelación prematura de información, el Departamento de Servicios para Niños y Familias no incluye una copia del informe en este momento.

De acuerdo con las Normas del Departamento 336 (Apelación Sobre los Hallazgos de Investigación del Abuso y Descuido de Niño) usted tiene el derecho de pedir una copia de todo documento que el Departamento piensa presentar al Juez Administrativo de la Audiencia. Si la documentación incluyera el informe de la policía que fue quitado de su archivo, usted puede solicitar una copia de dicho informe al Departamento efectuando una solicitud por escrito después de que se haya programado la fecha de su primera audiencia.

Si se marca la opción anterior "b", el archivo no contenía informes policiales.

Firma del revisor