

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2020.03

RULES AND PROCEDURES 300, REPORTS OF CHILD ABUSE AND NEGLECT

DATE: January 6, 2020
TO: DCFS AND POS Agencies
FROM: Marc D. Smith, Acting Director
EFFECTIVE: Immediately

I. PURPOSE

The purpose of this policy guide is to advise staff of changes pursuant to **Public Act 101-0043** and **Public Act 101-0583** that amend the Abused and Neglected Child Reporting Act, which therefore require amendments to Department Rules and Procedures 300, Reports of Child Abuse and Neglect.

II. PRIMARY USERS

The primary users of this Policy Guide will be State Central Register and Child Protection Staff, Supervisors and Administrators.

III. BACKGROUND AND SUMMARY

Public Act 101-0043 amends the Abused and Neglected Child Reporting Act (ANCRA) [325 ILCS 7.4, 7.8, 11.1 and by adding 4.4c] by requiring the Department, upon receipt of a report of suspected abuse or neglect of a child *and the child is alleged to have been abused or neglected while receiving care in a hospital, including a freestanding psychiatric hospital licensed by the Department of Public Health*, to notify the Directors of Public Health and Healthcare and Family Services of the report, and to send them a copy of the final finding. The Department of Public Health shall receive information from such reports, including when the reports are unfounded, to conduct its own licensing investigation.

Public Act 101-0583 amends ANCRA [325 ILCS 7, 7.3] by requiring that *any report received by the Department alleging the abuse or neglect of a child by a person who is not the child's parent, a member of the child's immediate family, a person responsible for the child's welfare, an individual residing in the same home as the child, or a paramour of the child's parent shall immediately be referred to the appropriate local law enforcement agency for consideration of criminal investigation or other action.*



IV. STATUTORY CHANGES

➤ **Pursuant to Public Act 101-0043:**

A new section will be added into **Rule 300 Section 300.130, Notices Whether Child Abuse or Neglect Occurred.**

Duty to Notify Director of Public Health and Director of Healthcare and Family Services

- Whenever the Department receives, by means of its statewide toll-free telephone number, for the purpose of reporting suspected child abuse or neglect or by any other means or from any mandated reporter, a report of suspected abuse or neglect of a child and the child is alleged to have been abused or neglected while receiving care in a hospital, including a freestanding psychiatric hospital licensed by the Department of Public Health, the Department shall notify the Director of Public Health and the Director of Healthcare and Family Services of the report. [325 ILCS 5/4]
- *Whenever a report alleges that a child was abused or neglected while receiving care in a hospital, including a freestanding psychiatric hospital licensed by the Department of Public Health, the Department shall send a copy of its final finding to the Director of Public Health and the Director of Healthcare and Family Services. [325 ILCS 5/4]*
- *The Department of Public Health shall receive information from unfounded reports involving children alleged to have been abused or neglected while hospitalized, including while hospitalized in freestanding psychiatric hospitals licensed by the Department of Public Health, as necessary for the Department of Public Health to conduct its licensing investigation. [325 ILCS 5/7.8]*

A new section will be added to **Procedures 300 Section 300.160, Notifications.**

Notification to Public Health and Healthcare and Family Services

- SCR sends notification to the Director of Public Health and to the Director of Healthcare and Family Services any time a report is received alleging a child has been abused or neglected while receiving care in a hospital, including a freestanding psychiatric hospital licensed by the Department of Public Health.
- SCR sends notification of final findings to the Director of Public Health and to the Director of Healthcare and Family Services upon receipt of notification from the assigned Child Protection Specialist via the **CANTS 2F, SCR Notification Request Form.**

➤ **Pursuant to Public Act 101-0583**

Rules 300 Section 300.70, Referrals to the Local Law Enforcement Agency and State's Attorney, will be revised to include the following subsection

- *report received by the Department alleging the abuse or neglect of a child by a person who is not the child's parent, a member of the child's immediate family, a person responsible for the child's welfare, an individual residing in the same home as the child, or a paramour of the child's parent shall immediately be referred to the appropriate local law enforcement agency for consideration of criminal investigation or other action.*[325 ILCS 5/7]

Procedures 300.160, Notification to Law Enforcement, will be revised to include the new language:

When a Call Floor Worker receives information from a Non-Law Enforcement Reporter where a child is alleged to have been abused or neglected but the alleged perpetrator of the abuse or neglect does not meet the criteria as an eligible perpetrator under ANCRA, the information reported to the Hotline meets the requirement for the Hotline to complete an immediate referral to Local Law Enforcement. A perpetrator is ineligible when he/she is:

- Not the child's parent
- Not an immediate family member
- Not a person responsible for the child's welfare
- Not an individual residing in the same home as the child
- Not a paramour of the child's parent

Per the assessment, the Call Floor Worker will complete a No Report Taken Intake (NRT) and complete a **CANTS 25A, SCR Other Law Enforcement Notification Form**. The Call Floor Worker will document at the end of the NRT narrative that a **CANTS 25A** was completed and name the Local Law Enforcement Agency notified.

Special Note: If a child is assessed with immediate safety concerns and the caller is not a Law Enforcement professional, the Call Floor Worker will contact local law enforcement for assistance and request an immediate Child Welfare Check to the child's reported location.

During the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, the Call Floor Worker will complete the **CANTS 25A** and e-mail it to the DCFS IO Processing Mailbox. The subject line of the e-mail will read "Law Enforcement Notification: (Name of Local Law Enforcement Agency to be Notified)".

During the hours of 4:30 p.m. and 8:00 a.m. Monday through Friday (as well as all hours on Holidays and Weekends), the Call Floor Worker will refer to the Law Enforcement Agency list on the SCR Rolodex to locate a fax number for the appropriate Local Law Enforcement Agency and the Call Floor worker will fax the **CANTS 25A** notification form.

Procedures 300.160, Other Notifications, will be revised to include new language:

Upon receipt of the Child Abuse/Neglect Intake marked **Other Law Enforcement Notification (CANTS 25A)**, Production Control staff at SCR will be responsible to print and fax the intake to the Local Law Enforcement Agency in the subject line of the e-mail. The fax shall be recorded on the Other Law Enforcement Notification Fax log and the hard copy shredded.

V. INSTRUCTIONS/PROCEDURES FOR STAFF

The following are instructions/procedures for workers, supervisors and administrators. Rules and Procedures 300 will be updated in the near future. A Policy Transmittal and D-Net Announcement will notify staff when these statutory changes have been adopted into Rules and Procedures 300.

When required to report to Public Health and Health & Human Services.

A. Child Welfare Specialists at SCR

Upon the completion of a Child Abuse/Neglect Investigation intake where a child is alleged to have been abused or neglected while receiving care in a hospital, including a freestanding psychiatric hospital licensed by the Department of Public Health, the SCR Child Welfare Specialist shall copy and paste the CA/N intake into an Outlook message and e-mail it to the DCFS IO Processing Mailbox. The ~~in~~ subject line of the e-mail will read "*Public Health Notification: SCR Number*".

B. Office Associates in Production Control Unit at SCR

Upon receipt of the Child Abuse/Neglect Investigation marked for Public Health Notification, Production Control staff at SCR will be responsible to redact the reporter information from the intake and email the intake to both of the following:

Director of Public Health
dph.dcsreporting@illinois.gov

Director of Healthcare & Family Services
HFS.Director@illinois.gov

Production Control Staff at SCR will record the information on the Public Health Notification Fax log and the hard copy will be shredded.

C. Child Protection Specialist in the field

At the conclusion of the investigation on the hospital, including a freestanding psychiatric hospital licensed by the Department of Public Health, the Child Protection Specialist shall make notification by using the **CANTS 2F, SCR Notification Request Form**. Child Protection Specialists are required to make this notification regardless of the final finding (indicated or unfounded) and must return the **CANTS 2F** to SCR.

When required to report to Local Law Enforcement:

A. Call Floor Procedures:

When a Call Floor Worker receives information from a Non-Law Enforcement Reporter where a child is alleged to have been abused or neglected but the alleged perpetrator of the abuse or neglect does not meet the criteria as an eligible perpetrator under ANCRA, the information reported to the Hotline meets the requirement for the Hotline to complete an immediate referral to Local Law Enforcement. A perpetrator is ineligible when he/she is:

- Not the child's parent
- Not an immediate family member
- Not a persona responsible for the child's welfare
- Not an individual residing in the same home as the child
- Not a paramour of the child's parent

Per the assessment, the Call Floor Worker will write up a No Report Taken Intake (NRT) and complete a **CANTS 25A** form. The Call Floor Worker will document at the end of the NRT narrative that a **CANTS 25A** was completed and name the Local Law Enforcement Agency notified.

Special Note: If a child is assessed with immediate safety concerns and the caller is not a Law Enforcement professional, the Call Floor Worker will contact local law enforcement for assistance and request an immediate Child Welfare Check to the child's reported location.

During the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, the Call Floor Worker will complete the **CANTS 25A** and e-mail it to the DCFS IO Processing Mailbox. The subject line of the e-mail will read "Law Enforcement Notification: (Name of Local Law Enforcement Agency to be Notified)".

During the hours of 4:30 p.m. and 8:00 a.m. Monday through Friday (as well as all hours on Holidays and Weekends), the Call Floor Worker will refer to the Law Enforcement Agency list on the SCR Rolodex to locate a fax number for the appropriate Local Law Enforcement Agency and the Call Floor worker will fax the **CANTS 25A** notification form.

B. Production Control Unit Procedures:

Upon receipt of the Child Abuse/Neglect Intake marked **Other Law Enforcement Notification (CANTS 25A)**, Production Control staff at SCR will be responsible to print and fax the intake to the Local Law Enforcement Agency in the subject line of the e-mail. The fax shall be recorded on the Other Law Enforcement Notification Fax log and the hard copy shredded.

VI. NEW, REVISED AND/OR OBSOLETE FORMS

CANTS 2-F, Notification Request Form (Rev 1/2020)

CANTS 25A, SCR Law Enforcement Notification (New 1/2020)

VII. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at DCFS.Policy. Non-Outlook users may e-mail questions to DCFS.Policy@illinois.gov.

VIII. FILING INSTRUCTIONS

File this Policy Guide behind Rules 300 Section 300.70 and Rules 300 Section 300.130 and also behind Procedures 300, Section 300.160.