

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2013.09

**PART 300 REPORTS OF CHILD ABUSE AND NEGLECT
PART 336 APPEAL OF CHILD ABUSE AND NEGLECT INVESTIGATION FINDINGS**

DATE: December 31, 2013

TO: DCFS and POS Agency Staff

FROM: Denise Gonzales, Acting Director



EFFECTIVE: January 1, 2014

I. PURPOSE

The purpose of this Policy Guide is to provide staff with instruction for the implementation of pending amendments to **Rule 300 Reports of Child Abuse and Neglect** and **Rule 336 Appeal of Child Abuse and Neglect Investigation Findings** that were brought about by changes made to ANCRA in PA 98-0453 and 98-0487. This Policy Guide shall remain in effect pending the completion of the rulemaking process and until the subsequent revision of **Procedures 300** is complete.

II. PRIMARY USERS

Primary users of this Policy Guide are the Department's Investigation Specialists/ Investigation Supervisors and State Central Register (SCR) staff.

III. OVERVIEW

Public Act 98-453 amends Sections 7.7, 7.14, 7.16, and 7.21 of the Abused and Neglected Child Reporting Act. The Department will initiate rulemaking to implement the following requirements:

- The Department shall establish criteria and standards for labeling an “unfounded” report as an “intentional false report.” Per PA 98-453, the reporter of a case retained as intentionally false will be permitted to submit a statement regarding the report, unless the reporter has been convicted of knowingly transmitting a false report to the Department.
- Within 45 days of classifying a report as “indicated” or “unfounded”, the Department shall transmit a copy of the report to the child’s guardian ad litem (GAL), when the child is the subject of a juvenile court proceeding and the GAL has been appointed to represent the child in that proceeding.



- A child shall have the right to participate and be heard in an administrative (appeal) hearing through his/her attorney or GAL, when i) the child is the victim named in the report that is the subject of the appeal hearing; ii) the child is the subject of a juvenile court proceeding; and iii) the report was made while a GAL was appointed to represent the child in that proceeding.
- When the Department determines that a report is "unfounded", the child's attorney or GAL may request a review of the investigation within 10 days of the date of notification of the proposed final finding, if the child named in the report is also a child for whom the attorney or GAL has been appointed. The GAL shall send a written request, via U.S. Mail or fax, within 10 days of the date of notification of the proposed final finding. The "date of notification of the final finding" is the date the attorney or GAL receives a copy of the report from the Department. The review must be conducted by a Department employee outside the supervisory chain of the assigned investigation specialist and shall be conducted before entering a final finding (i.e., "indicated" or "unfounded") for the report in SACWIS.

The Department will also initiate rulemaking to implement Public Acts 98-487, amending the following provisions in Section 7.16 of ANCRA:

- The perpetrator named in the notification of the completion of an investigation may request the Department to amend or remove the record of a report from the register (SCR). (The underlined language replaces "subject of the report.")
- The 60-day deadline for filing a request for an appeal hearing shall be tolled until after the conclusion of any criminal court action in the circuit court or after adjudication in any juvenile court action concerning the circumstances that give rise to an "indicated" report.
- The perpetrator shall have the right to a timely hearing within the Department.
- There shall be no right to a hearing on the ground of the report's inaccuracy if there has been a court finding of child abuse or neglect or a criminal finding of guilt as to the perpetrator.
- The decision resulting from the appeal hearing shall be made, in writing, at the close of the hearing, or within 60 days thereof. (Section 7.16 previously required a decision within 45 days.)

IV. INSTRUCTIONS

GAL Review of Unfounded Reports

State Central Register (SCR) Staff

When taking a report of alleged abuse or neglect, it is crucial that SCR (hotline) staff identify in SACWIS those reports involving wards as an alleged victim and/or perpetrator. Hot line staff shall ensure **each** case involving a ward is so identified.

SCR shall be responsible for tracking the 10 day time period for all GAL requests to review an **unfounded** investigation.

- For Cook County- Tracking shall be based on the date of acknowledgement of receipt of the CANTS 9a in the Public Guardian's Office. (Due to the proximity of the Public Guardian's Office, hard copy documents with the CANTS 9a and the complete redacted investigative file, including a completed CANTS 13 when a police report is part of the file, will be delivered there by the designated DCFS Legal staff person.)
- For Downstate counties- Designated SCR staff shall send the CANTS 9a and complete redacted investigative file, including a completed CANTS 13 when a police report is part of the file, to the GAL via certified mail or UPS. Tracking shall be based on the date of acknowledgement of receipt of the CANTS 9a via certified mail return card or UPS signature of receipt.

Investigative Specialists and Supervisors

The Investigation Specialist shall verbally notify the GAL of the recommended **unfounded** determination, after the recommended finding has been reviewed by the Investigation Supervisor and Area Administrator, and discuss the recommended determination with the GAL. If the GAL disagrees with the recommended determination, the Investigation Specialist shall immediately notify his or her supervisor of the concerns raised by the GAL. The Investigation Supervisor shall contact the GAL to resolve his/her issues and to determine if there are additional investigation activities that need to be completed. When a resolution cannot be reached, the supervisor shall inform the GAL of his/her right to request a review of the intent to **unfound** the investigation. The supervisor and Investigation Specialist shall use SACWIS collateral notes to document the notification of the recommended determination and all attempts to resolve any issues identified by the GAL. Should a GAL request a review of the intent to unfound the investigation, such review shall take place prior to the final

determination being entered into SACWIS and shall be conducted by one of the designated Area Administrators outside the supervisory chain of the assigned investigator.

Department rules and procedures already require the Department to verbally notify a child's GAL of a recommended investigation determination (i.e., indicated, unfounded, or undetermined) of reports involving the child, including a child who has been named as a perpetrator in the report (the GAL has the right to review an investigation only when the intent is to **unfounded**). In order to ensure that the required notification takes place, the Investigation Specialist shall add the child's GAL to the SACWIS investigation as a collateral. In Cook County the GAL will always be the person fulfilling the role of the Public Guardian in the Office of the Cook County Public Guardian, Juvenile Division. Downstate Investigation Specialists will have to determine the name of the GAL representing the child from the juvenile court in the county where the child resides.

- The Investigative Specialist shall enter interviews with a GAL into a collateral note, including the GAL's mail address. (Adding the mail address into a note will generate the address into the final finding letter sent to the GAL.)
- Once the Investigative Specialist has completed all required investigative tasks and **intends to unfound** an investigation involving a ward, the case must be reviewed by their supervisor and Area Administrator, who will verify documented discussions with the GAL regarding the finding and efforts to resolve any issues of contention.
- The Investigative Specialist shall enter the recommended finding to 'unfounded' on the allegation tab in SACWIS and the case will remain in a pending status until a final finding is entered.
- The Investigative Specialist shall verify that the GAL's address is correct and then complete the CANTS 9a.
- If a **mandated reporter** requests a review after an unfounded final finding, SCR will notify the Area Administrator who conducted the GAL review, if one has been conducted, to contact the mandated reporter and conduct that review as well.

Processing of CANTS 9a and hard copy documents

The CANTS 9a and all hard copy documents not contained in SACWIS shall be scanned and emailed to designated DCFS staff within 48 hours (two business days) of the Area Administrator's review. The contact persons responsible for processing the CANTS 9A and all hard copy documents are:

Cook County- Rhonda Laye in the Office of Legal Services; and

Downstate- Polly Gahr in SCR.

Note: All emails of the CANTS 9a and hard copy documents should be cc'd to Polly Gahr.

FOR COOK- Rhonda Laye will deliver the redacted SACWIS investigation and hard copy documents, including a completed CANTS 13 when a police report is part of the file, with the CANTS 9a to the Office of the Public Guardian, notifying them of intent to **unfound**, and request a signed **acknowledgment of receipt** of the investigative file/documents. In case of a GAL request for a review, once the signed acknowledgment of receipt is obtained the file must be emailed to Polly Gahr at SCR.

DOWNSTATE: After the Investigative Supervisor and Area Administrator have reviewed a recommended finding to **unfound** a report, the Investigative Specialist shall complete the CANTS 9a, print and redact the SACWIS file and all hard copy documents, then scan and email those documents, including a completed CANTS 13 when a police report is part of the file, to Polly Gahr at SCR.

Unfounded Reports Retained as Intentionally False Reports

State Central Register (SCR)

The perpetrator in a report with an unfounded final determination has the right to request the unfounded case be retained as intentionally false. SCR retains such reports in SACWIS for a period of 5 years if the perpetrator's request was submitted to the Department in writing within 10 days of being notified of the final finding of the investigation.

- Designated SCR staff shall notify the reporter of such cases that a request has been made to retain the identified report as intentionally false **and** that the reporter has the right to make a statement regarding the report, unless the reporter has been convicted of knowingly transmitting a (previous) false report to the Department.
- Statements made by reporters of unfounded cases held as intentionally false shall be retained by SCR. SCR shall transmit a copy of the statement to the assigned investigative specialist and refer the case to the local State's Attorney, when appropriate. Statements made by a reporter must be submitted to the Department in writing within 10 days of notification.

V. QUESTIONS

Questions concerning these revisions may be directed to the Office of Child and Family Policy at 217/524-1983 or e-mail through Outlook at OCFP-Mailbox or for non-Outlook users at cfpolicy@idcfs.state.il.us

VI. ATTACHMENT

CANTS 9a Notification of Intent to Unfound a Report of Child Abuse and/or Neglect of a Ward

This form can be accessed on the T Drive.

VII. FILING INSTRUCTIONS

Place one copy of this Policy Guide behind **Rule 300 Reports of Child Abuse and Neglect** and behind **Rule 336 Appeal of Child Abuse and Neglect Investigation Findings**.

State of Illinois
Department of Children and Family Services

**NOTIFICATION OF INTENT TO UNFOUND A REPORT OF CHILD ABUSE AND/OR
NEGLECT INVOLVING A WARD**

TO: (GAL) _____

DATE: _____

The Illinois Department of Children and Family Services has investigated the report of suspected child abuse and/or neglect listed below, and intends **to UNFOUND** the report.

Please read this carefully.

Attached is a copy of a **PENDING** investigative file on a report of abuse/neglect of a ward, with a recommendation to unfound. This file is **CONFIDENTIAL** and **CANNOT** be re-disclosed or redistributed for any purpose other than to request a review.

Investigation Name: _____

Address _____

City, State, Zip Code _____

SCR No: _____

1. Children reported to be abused or neglected or involved as a perpetrator:
2. The reported abuse or neglect is alleged to have occurred at:
3. The Department intends to UNFOUND the report for the following allegation(s):
4. An unfounded report for the above allegations will be kept on the State Central Register for 1-3years, pursuant to statute 325 ILCS 7.7.

ADMINISTRATOR'S REVIEW

Before the decision to UNFOUND this report is made, you, as the minor's attorney and GAL, have the opportunity to request a review with a Child Protection Administrator who has not been involved in the investigation. The Administrator's Review will allow you to respond to the allegations and the basis of the intent to unfound. You can provide any additional information you may have, ask questions, seek clarification, and provide any facts to be explored regarding the incident and provide written statements and documents.

You must request the Administrators Review, IN WRITING, within 10 days of RECEIPT of this notice and the pending investigation file. You may use the attached form to submit your request for review.

The assigned Administrator will then contact you by phone to schedule a date and time for the review.

The Administrator's Review provides you with an opportunity to present any information that you believe can or should help the Department make the most accurate decision regarding the current allegations of child abuse and/or neglect.

After the Administrator's Review, you will be given written notice of the final finding decision.

COOK COUNTY ONLY

ACKNOWLEDGEMENT OF RECEIPT

THIS COPY TO BE COMPLETED, SIGNED AND RETURNED TO DCFS

In connection with SCR Number, _____ I acknowledge that I received the following:

1. Notice of Intent to UNFOUND, CANTS 9a
2. The Investigative File

Printed Name _____

Printed Address _____

Telephone Number _____

Signature _____

Date _____

COOK COUNTY

ACKNOWLEDGEMENT OF RECEIPT OF INVESTIGATIVE FILE

THIS COPY TO BE COMPLETED, SIGNED AND RETURNED TO DCFS

**REQUEST FOR REVIEW OF INTENT TO UNFOUND A REPORT OF CHILD
ABUSE/NEGLECT OF A WARD**

TO: SCR Administrator
406 E. Monroe, Mail Station #30
Springfield, IL 62701-1498
FAX: 217-785-0395

RE: GAL REQUEST FOR ADMINISTRATOR'S REVIEW

I have been advised that the Department intends to UNFOUND its investigation for SCR NUMBER: _____.

I am the court appointed Guardian Ad Litem and wish to request a review of the intent to unfound this report.

I am attaching copies of documentation/other relevant information I wish to be considered or will do so at the time of the review, if deemed necessary.

I may be contacted per below to schedule a date and time for an Administrator's review:

GAL NAME: _____

GAL PHONE NUMBER: _____

I prefer the following dates/times:
