

NOTICE OF INTENT TO INDICATE
A CHILD CARE WORKER FOR REPORT OF CHILD ABUSE AND/OR NEGLECT

QUESTIONS AND ANSWERS

WHO IS A “CHILD CARE WORKER?”

“Child care worker” includes:

Employees who work directly with children, or owners/operators of facilities regardless of whether the facility is licensed by the Department of Children and Family Services. Types of facilities include:

- Child Care Institutions
- Child Welfare Agencies
- Day Care/Night Care Centers
- Day Care/Night Care Homes
- Day Care/Night Care Group Day Care Homes
- Group Homes
- Hospitals or health care facilities
- School personnel, including school teachers or administrators (but not tenured public school teachers or administrators who have other processes available to them)
- Employees who work with children in before and after-school programs, recreational programs, summer camps, or as full-time nannies

Persons actively engaged in the job placement process as a child care worker, a person currently enrolled in an academic program which leads to a position as a child care worker, or a person who has applied for a license required for a child care worker position. A person shall qualify as a career entrant only if, at the time of notice of investigation, that person (1) has applied or will apply, within 180 days, for a position as a child care worker; (2) is enrolled in or will commence, within 180 days, an academic program which leads to a position as a child care worker; or (3) has applied for a license as a child care worker. **If you qualify under this section as a child care worker, you must tell the child protective service worker as soon as possible and provide documentation or other evidence of qualification as a child care worker.**

Persons employed in one of the above settings or persons seeking employment, enrolled in an academic program or applying for a license for a child care position who are alleged to be responsible for child abuse or neglect outside of their employment. If the investigation relates to your personal life, but you are a child care worker in one of the above settings, an indicated finding may affect your employment and any license you hold that allows you to work with children. In that case, you may request an Administrator’s Teleconference and still retain the right to appeal an indicated finding. **You must tell the child protection service worker that you want the investigation to be treated as an employment-related investigation** which means that you would receive a Notice of Intent to Indicate, an opportunity for an Administrator’s Teleconference and an opportunity for an expedited hearing as outlined below.

WHAT DOES IT MEAN TO BE “INDICATED?”

An investigation can result in an indicated report or an unfounded report. A report is **indicated** if the Department concludes that the incident of a child abuse and/or neglect occurred. A report is **unfounded** if the Department concludes that the incident of child abuse and/or neglect did not occur. If a report is indicated, the Department also makes a determination after consideration of all of the facts, as to whether a specific individual is responsible for the alleged child abuse or neglect.

You will be notified in writing of the outcome of the investigation and will have the right to appeal any indicated report if you are found to be responsible for the abuse or neglect.

WHAT IS THE EFFECT OF AN INDICATED REPORT ON YOU?

The fact that you have been indicated as a perpetrator of child abuse and/or neglect may affect whether you will be able to obtain and maintain employment of a license needed to work with children, such as a license to operate a day care home or a child welfare employee license.

A record of the indicated finding will be maintained on the Department’s State Central Register. The Department of Children and Family Service is required by law to maintain a State Central Register of all reports of suspected child abuse or neglect, as well as the outcome of the investigation of these reports. The outcome of the investigation may include a determination that a specific person abused or neglected a child, or was responsible for the abuse or neglect. The law that governs this process is in the Abused and Neglected Child Reporting Act, 325 ILCS 5/1.

HOW LONG WILL THE INDICATED FINDING BE KEPT ON THE STATE CENTRAL REGISTER?

If you are indicated as the perpetrator of child abuse and/or neglect, your name will be placed on the State Central Register, unless the report is removed as a result of your appeal. Your name will remain on the State Central Register a minimum of 5 years. More serious reports may be retained for 20 or 50 years. The length of time your name will be maintained on the Department’s State Central Register depends on the allegation for which you are indicted. The length of time your name will remain on the State Central Register is listed on the Notice of Intent to Indicate.

If the report is unfounded, all identifying information concerning this report will be removed from the Department’s files according to a schedule specified in 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department.

WHO CAN GET INFORMATION FROM THE STATE CENTRAL REGISTER?

The Department’s State Central Register is not available to the public. However, employers or prospective employers of people who work with children can get information from the State Central Register.

In addition, categories of people listed in the Abused and Neglected Child Reporting Act, 325 ILCS 5/11.1, which includes law enforcement personnel, physicians, and officials responsible for licensing people in professions that involve working with children, have access to the information kept on the State Central Register. This information can include whether you are listed on the State Central Register as being responsible for child abuse or neglect.

DOES THIS AFFECT MY JUVENILE COURT OR CRIMINAL CASE?

Juvenile court and criminal court cases are separate from the Department's administrative appeal process. If you wish to appeal DCFS' indicated finding, you should file an appeal even if there is a juvenile court or criminal court case pending.

WHAT CAN I DO ABOUT THE DECISION TO INDICATE ME FOR CHILD ABUSE OR/NEGLECT?

Administrator's Teleconference

Before the decision to indicate is made, you have the opportunity to request a telephone conference with a Child Protection Administrator who has not been involved in the investigation. The Administrator's Teleconference 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, including reasons why you believe the report should not be indicated. However, if you choose not to participate in the Administrator's Teleconference, the intent to indicate will most likely result in a decision to indicate you for child abuse and/or neglect and your name will most likely be placed on the State Central Register. The Administrator's Teleconference will allow you to respond to the allegations and the basis of the intent to indicate you.

After the Administrator's Teleconference, you will be given written notice of the decision as well as an explanation of the administrative appeal process. If you do not participate in the Administrator's Teleconference, you will be sent a notice of the Department's decision as well as an explanation of the expedited and regular appeal process.

You retain the right to appeal the decision whether or not you participate in the Administrator's Teleconference.

Administrative Appeal

You have the right to appeal the Department's decision to indicate you as a perpetrator of child abuse and/or neglect through the Department's administrative appeal process. This appeal will be before a neutral administrative law judge.

Expedited appeals are available to child care workers as explained above. An expedited appeal hearing will result in a final administrative decision within 35 days of your request for an expedited administrative appeal, not, not including any continuances you might request.

If you do not request an expedited hearing, you may still request a regular administrative appeal hearing. A regular administrative appeal hearing will result in a final administrative decision within 90-days of your request for a hearing, not including any continuances you might request.

Information about how to request an appeal will be given to you in the event that you are indicated.