

**What You Need
to Know about
a Child Abuse
or Neglect
Investigation**

Illinois Department of
DCFS
Children & Family Services

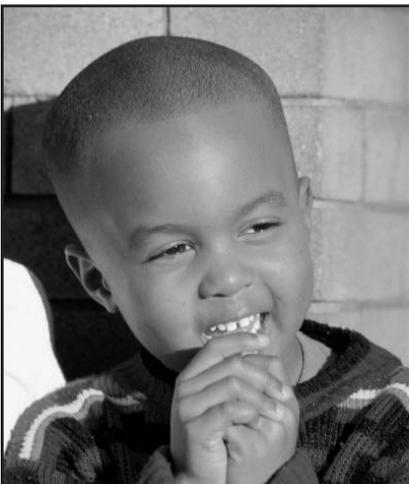
Introduction

The purpose of this booklet is to provide information concerning the Department of Children and Family Services (DCFS), the Child Abuse Hotline and the child abuse and neglect investigation process. DCFS is mandated by Illinois law to maintain a 24 hour hotline to receive reports from the public and mandated professionals concerning alleged incidents of child abuse and neglect involving Illinois children. Reports taken at the hotline are forwarded to a department field office nearest the alleged child's home for investigation.

The department's focus during the course of all child abuse and neglect investigations is the safety of the child victims of the alleged child abuse or neglect. Child abuse and neglect investigations are initiated within 24-hours after the report is taken at the hotline by initiating contact with the alleged child victims or observation of the child's environment if the allegation is one of inadequate shelter or environmental neglect.

When a child is believed to be at immediate danger of harm, the investigation will be initiated without delay. DCFS has up to 60 days to complete an investigation and make a final determination. However, 30-day extensions can be granted for good cause. The department notifies the alleged perpetrator and the child's caretakers in writing of the department's final finding within 10 days after the final determination is entered into the State Central Register. If the allegation is indicated, the notification also provides

the perpetrator with instructions on how to request an appeal and receive an administrative hearing before an impartial Administrative Law Judge. The DCFS director will issue a final administrative decision within 90 days of the receipt of a timely and sufficient request for an appeal, unless extended by an action of the person filing the



appeal or a stay pending a final judicial determination of a criminal or juvenile court proceeding based upon the same set of facts.

These topics are discussed in greater detail throughout this booklet. Information concerning child abuse and neglect investigations and administrative appeals can be accessed through the department's website, www.DCFS.illinois.gov.



Overview of Child Abuse and Neglect Investigations

What is the Child Abuse Hotline?

Child welfare professionals staff the department's child abuse hotline 24 hours per day, seven days per week, 365 days per year to receive and assess reported information of suspected child abuse and neglect. Information meeting the criteria for a report of abuse or neglect is taken and forwarded to the appropriate department field office for investigation. The toll-free number for the hotline is 1-800-25ABUSE (252-2873).

Who can call the Child Abuse Hotline?

Anyone can make a report to the DCFS child abuse hotline. However, certain professionals, such as doctors, nurses, teachers, childcare center staff and social workers are mandated reporters. Mandated reporters are required to call the child abuse hotline and make a report if they have reason to believe that a child known to them in their professional capacity may be abused or neglected. Mandated reporters may suffer severe penalties, such as the loss of a professional license or criminal charges, if they fail to report suspected child abuse or neglect.

What happens during the investigation?

After the child welfare professional at the hotline determines there is enough information to take a report, the case is assigned to a trained investigative specialist. The investigative specialist is required by law to initiate the report



by seeing the alleged child victims within 24 hours from the time the report is received. If the allegation is one of inadequate shelter or environmental neglect, the investigative specialist will initiate the report by viewing the child's living environment. During this initial contact and throughout the investigation, the investigative specialist's primary concern is the immediate safety of the alleged child victims. If necessary, the investigative specialist will develop a safety plan with the family to maintain the safety of the

children during the course of the child abuse and neglect investigation

The investigative specialist will interview the alleged child victims and other children in the household, alleged perpetrators, parents, caretakers, other members of the household, extended family members and various other professionals, depending on the specific allegation of abuse or neglect. If you or members of your family are involved in an investigation, you should provide full and complete information to the investigative specialist who will ask you and your family members questions about the alleged incident and the home environment. You and your family members should provide the investigative specialist with the names and contact information of any witnesses, neighbors, friends, family members, relatives or professionals who has first hand knowledge of the alleged incident and who you wish the investigative specialist to contact during the investigation.

State law requires that the investigative specialist notify the police and the local State's Attorney of all serious allegations of child abuse

and neglect, such as those that allege serious physical injury or sexual abuse to a child. The police and the department may conduct a joint investigation, or the police may conduct their own investigation. The investigative specialist may also need to contact the police if individuals refuse to cooperate with the investigation.

The investigative specialist is required to gather all available information during the course of the investigation. This includes information tending to show that a person is responsible for committing child abuse and/or neglect as well as information tending to show that person is not responsible for committing child abuse and/or neglect. Once all of the available information has been gathered, the investigative specialist, in conjunction with a supervisor, will make a final finding in the case. There are two final finding decisions that can result from an investigation. A report can be “unfounded” or “indicated.” When a report is unfounded, it means that the investigative specialist did not find credible evidence that a child was abused or neglect. When a report is indicated, it means that the investigative specialist found credible evidence that a child was abused or neglected. “Credible evidence” means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

How long does an investigation last?

Under state law, the department has 60 days to complete a child abuse and neglect investigation. Most child abuse and neglect investigations are completed within 30 days. The department may seek an extension of the 60 day requirement for good cause. Examples of good cause include a pending police investigation or obtaining reports from medical professionals.





How do I find out the results of the investigation?

You will be notified in writing by the department of the final finding of the department's investigation and the investigative specialist will contact you in person to advise you of the results of the investigation and the reason for the final finding. It is important that you keep the investigative specialist informed of your

current home address and other personal contact information so that the investigative specialist can make sure that the most up to date information is contained in the investigation file.

The final findings of child abuse and neglect investigations are maintained on the department's State Central Register. The State Central Register is a confidential list of persons who have been found to be indicated perpetrators of child abuse and/or neglect. Information maintained on the department's State Central Register is confidential and not open to the general public. However, state law requires that various employers such as day care centers, some schools and other facilities where people work directly with children, conduct a background check on potential employees or volunteers to determine if the person has been indicated for child abuse and/or neglect as part of the employment process.

If the investigation is unfounded, the Department's State Central Register will maintain all unfounded reports for a minimum of 5 years following the date of the final finding. After the designated time period, the record of the investigation will be removed from the State Central Register. A person who has been the subject of an unfounded report may request in writing that the department retain a record of the investigation for harassment purposes.

If the investigation is indicated, the report will be maintained on the department's State Central Register for a period of time from five years to 50 years, depending on the specific allegation that is indicated.

What can I do if I have been indicated for child abuse or neglect?

Persons who have been indicated for child abuse and/or neglect have certain rights. These rights include:

- The right to receive a copy of the investigative file, absent certain information that the department is prohibited from releasing by law
- The right to request an administrative appeal hearing of the indicated finding within 60 days after you receive notice of the final finding, except if you are also involved in a Juvenile Court or Criminal Court action concerning the circumstances that gave rise to the indicated report, you should wait to request your appeal until and within 60 days after the conclusion of any criminal court action in the circuit court or after adjudication in any juvenile court action.
- The right to a hearing at which the indicated perpetrator and the department can present testimony and other evidence before a neutral Administrative Law Judge who make a recommended finding to the DCFS Director.
- The right to see judicial review of the director's final administrative decision after an administrative appeal hearing

Can DCFS remove my children from my care during an investigation?

The department's main focus during the investigative process is to assure the safety and protection of children. The department attempts to assure the safety of children in a variety of ways during the investigation. If the investigative specialist determines that children are unsafe but may be maintained in their home with a safety plan, the investigation specialist will explain the reason for the safety plan and develop a safety plan with the family that can keep children safe during the investigation.

State law permits an investigative specialist to take temporary protective custody of a child without the consent of the person responsible for the child's welfare only if there is reason to believe that the child is in immediate danger and there is not time to file a petition in court. Before a child is taken into protective custody, the investigative specialist will consider whether there are





other means available, such as a safety plan or assistance in locating and securing housing, which could avoid the need for the child to be removed from the home. A hearing before a judge will be held within 48 hours, excluding weekends and holidays, of a child being taken into protective custody.

What is a safety plan?

During the course of a child abuse and neglect investigation, the department is mandated by law to assess the safety of any alleged child victim and other potential victims and to take appropriate steps to insure the safety of those children. Department staff will work with the children's caretakers and other family members to develop strategies to maintain the safety of children during the course of an investigation. One method by which the department attempts to insure the safety of children is to develop a safety plan with the children's caretakers and other family members. A safety plan is a temporary, short-term plan designed to control serious and immediate threats to children's safety. Safety plans can take a variety of forms and are developed with the input and voluntary consent of the children's caretakers and other family members. During the course of the child abuse and neglect investigation, the children's safety will continually be reassessed as will the continued need for the safety plan.

After the investigative specialist has completed a safety assessment on the alleged child victim and any other potential victims, they will discuss the need for any safety interventions with the children's caretakers and/or family members. The investigation specialist will provide the children's caretakers with a copy of the completed safety assessment and will also explain the reasons they believe the safety plan is necessary. The investigative specialist will also discuss the need for safety interventions with the children's caretakers and other family members.

Safety plans can take a variety of forms and the family's input is essential in developing a plan. Safety plans can include asking a caretaker and/or children to live in another location during the course of an investigation, asking a caretaker and/or children to have supervised contact with children or asking another family member to move into the home during the investigation to supervise contact with the children. The specific requirements of each safety plan will depend on the individual circumstances of the investigation and the specific needs and circumstances of the family situation. The investigative specialist will provide the family with a written copy of the safety plan, and monitor and reassess the safety issues on a weekly basis.

What will happen if my child is removed from my care?

Whenever a child is taken into temporary protective custody, the investigative specialist is required to notify the child's parents of the reasons for the child's removal from their home. Within 48 hours of the child being taken into temporary protective custody, a shelter care hearing or temporary custody hearing is held in juvenile court. The purpose of the hearing is for a judge to determine whether the child is in need of protection. Parents will be provided with written notification of the date and time of the scheduled court hearing and should make every attempt to attend the court hearing. The judge will listen to the testimony at the hearing and make a decision whether to return the child to his or her parents or to order the department to serve as the child's temporary custodian. The department will attempt to provide services to the child and the child's parents to address the reasons that the case was brought into court and any other family issues.



What happens if the court does not return my children to my care at the first hearing?

In the event that the judge orders the department to serve as the children's guardian, the department will assign the family a caseworker who will attempt to address the issues that brought the family to the department's and the court's attention as well as any other family issues. The caseworker will work with the family to provide services to address the family's needs and the court will schedule court hearings to hear about the family's progress. Further information regarding the court process will be provided in the event that a child is removed from their parents and/or caretaker's physical custody.

Can I find out who called in the report to the hotline?

By law, DCFS cannot release the name of the person who made the report to the hotline or the names of other persons who cooperated in the investigation. Limited exceptions are described in the department's administrative rules, which are contained on the DCFS website.

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 2012. A violation of this subsection is a Class 4 felony.” (Source: P.A. 97-189, eff. 7-22-11; 97-1150, eff. 1-25-13.)



www2.illinois.gov/DCFS

