

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Children's Advocacy Center Act is amended by changing Sections 2.5 and 4 as follows:

(55 ILCS 80/2.5)

Sec. 2.5. Definitions. As used in this Section:

"Accreditation" means the process in which certification of competency, authority, or credibility is presented by standards set by the National Children's Alliance to ensure effective, efficient, and consistent delivery of services by a CAC.

"Child maltreatment" includes any act or occurrence, as defined in Section 5 of the Criminal Code of 2012, under the Children and Family Services Act or the Juvenile Court Act of 1987 involving either a child victim or child witness.

"Children's Advocacy Center" or "CAC" is a child-focused, trauma-informed, facility-based program in which representatives from law enforcement, child protection, prosecution, mental health, forensic interviewing, medical, and victim advocacy disciplines collaborate to interview children, meet with a child's parent or parents, caregivers, and family members, and make team decisions about the

investigation, prosecution, safety, treatment, and support services for child maltreatment cases.

"Children's Advocacy Centers of Illinois" or "CACI" is a state chapter of the National Children's Alliance ("NCA") and organizing entity for Children's Advocacy Centers in the State of Illinois. It defines membership and engages member CACs in the NCA accreditation process and collecting and sharing of data, and provides training, leadership, and technical assistance to existing and emerging CACs in the State.

"Electronic recording" includes a motion picture, audiotape, videotape, or digital recording.

"Forensic interview" means an interview between a trained forensic interviewer, as defined by NCA standards, and a child in which the interviewer obtains information from children in an unbiased and fact finding manner that is developmentally appropriate and culturally sensitive to support accurate and fair decision making by the multidisciplinary team in the criminal justice and child protection systems. Whenever practical, all parties involved in investigating reports of child maltreatment shall observe the interview, which shall be electronically recorded.

"Forensic interview transcription" means a verbatim transcript of a forensic interview for the purpose of translating the interview into another language.

"Multidisciplinary team" or "MDT" means a group of professionals working collaboratively under a written

protocol, who represent various disciplines from the point of a report of child maltreatment to assure the most effective coordinated response possible for every child. MDT members shall access and share relevant information related to an investigation to the extent authorized by applicable State and federal privacy and confidentiality laws, so that professionals involved in the investigation can coordinate effectively, ensure the safety and well-being of the child, and support a thorough and informed investigation while protecting sensitive information. ~~Employees from each participating entity shall be included on the MDT.~~ A CAC's MDT must include professionals involved in the ~~coordination,~~ investigation, and prosecution of child abuse and professionals, such as victim advocates, involved in the coordination of care for and treatment of victims, including the CAC's staff, participating law enforcement agencies, the county state's attorney, ~~and~~ the Illinois Department of Children and Family Services, and specialized medical and mental health providers ~~must include professionals involved in the delivery of services to victims of child maltreatment and non-offending parent or parents, caregiver, and their families.~~ MDT members shall coordinate, communicate, and keep non-offending parents and caregivers and their families aware of the status of the investigation.

"National Children's Alliance" or "NCA" means the professional membership organization dedicated to helping

local communities respond to allegations of child abuse in an effective and efficient manner. NCA provides training, support, technical assistance and leadership on a national level to state and local CACs and communities responding to reports of child maltreatment. NCA is the national organization that provides the standards for CAC accreditation.

"Protocol" means a written methodology defining the responsibilities of each of the MDT members in the investigation and prosecution of child maltreatment within a defined jurisdiction. Written protocols are signed documents and are reviewed and/or updated annually, at a minimum, by a CAC's Advisory Board.

(Source: P.A. 101-81, eff. 7-12-19; 101-236, eff. 1-1-20.)

(55 ILCS 80/4) (from Ch. 23, par. 1804)

Sec. 4. Children's Advocacy Center.

(a) Children's Advocacy Centers shall ~~A CAC may~~ be established to coordinate the activities of the various agencies involved in the investigation, prosecution and treatment of child maltreatment. The individual county or regional Advisory Board shall set the written protocol of the CAC within the appropriate jurisdiction. The operation of the CAC may be funded through public or private grants, contracts, donations, fees, and other available sources under this Act. Each CAC shall operate to the best of its ability in accordance

with available funding. In counties in which a referendum has been adopted under Section 5 of this Act, the Advisory Board, by the majority vote of its members, shall submit a proposed annual budget for the operation of the CAC to the county board, which shall appropriate funds and levy a tax sufficient to operate the CAC. The county board in each county in which a referendum has been adopted shall establish a Children's Advocacy Center Fund and shall deposit the net proceeds of the tax authorized by Section 6 of this Act in that Fund, which shall be kept separate from all other county funds and shall only be used for the purposes of this Act.

(b) The Advisory Board shall pay from the Children's Advocacy Center Fund or from other available funds the salaries of all employees of the Center and the expenses of acquiring a physical plant for the Center by construction or lease and maintaining the Center, including the expenses of administering the coordination of the investigation, prosecution and treatment referral of child maltreatment under the provisions of the protocol adopted pursuant to this Act.

(b-1) Recognizing the pivotal role of CACs in providing comprehensive support to trafficked children and youth, each CAC shall:

(1) ensure that each county's multidisciplinary ~~multi-disciplinary~~ team protocol includes a response to allegations of human trafficking;

(2) increase the capacity of each multidisciplinary

~~multi-disciplinary~~ team to identify, assess, and serve trafficked children and youth;

(3) facilitate collaboration between the CAC, law enforcement, child welfare agencies, health care providers, and other pertinent stakeholders to ensure a synchronized and trauma-informed response to trafficked children and youth;

(4) ensure all CAC employees and contractors treating, interviewing, or coming in contact with victims receive training on victim-centered, trauma-informed response to child and youth victims of human trafficking, including identifying and addressing the unique needs of trafficked children and youth, thereby enabling access to appropriate support services and legal remedies; and

(5) work with the Department of Human Services to establish standards for victim-centered, trauma-informed training for CACs and members of multidisciplinary ~~multi-disciplinary~~ teams.

(c) Every CAC shall include at least the following components:

(1) A multidisciplinary, coordinated systems approach to the investigation of child maltreatment, which shall include, at a minimum:

(i) a comprehensive ~~an~~ interagency notification procedure for all MDT partners;

(ii) a policy on multidisciplinary team

collaboration and communication that requires coordination among applicable MDT members and establishes procedures for the exchange of information ~~requires MDT members share information~~ pertinent to investigations and the safety of the child to the extent permitted under applicable state and federal privacy and confidentiality laws, through secure and confidential methods. The policy shall require that MDT members have access to and share relevant information related to an investigation to the extent authorized by applicable State and federal privacy and confidentiality laws, to facilitate MDT coordination, support the investigative responsibilities of the agencies with statutory authority, promote the safety and well-being of the child, and support a thorough and informed investigation while protecting sensitive information ~~children;~~

(iii) (blank);

(iv) a description of the role each agency has in responding to a referral for services in an individual case;

(v) a dispute resolution process between the involved agencies when a conflict arises on how to proceed on the referral of a particular case;

(vi) a process for the CAC to assist in the forensic interview of children that witness alleged

crimes;

(vii) a child-friendly, trauma-informed ~~trauma-informed~~ space for children and their non-offending family members;

(viii) an MDT approach including law enforcement, prosecution, medical, mental health, victim advocacy, the Department of Children and Family Services, and other community resources, and, if appropriate, school personnel;

(ix) medical evaluation on-site or off-site through referral;

(x) mental health services on-site or off-site through referral;

(xi) on-site forensic interviews;

(xii) culturally competent services;

(xiii) case tracking and review;

(xiv) case staffing on each investigation;

(xv) effective organizational capacity; ~~and~~

(xvi) a policy or procedure to familiarize a child and his or her non-offending family members or guardians with the court process as well as preparations for testifying in court, if necessary; and

(xvii) participation of appropriate MDT members, as relevant to the circumstances of the case;

(2) A safe, separate space with assigned personnel

designated for the investigation and coordination of child maltreatment cases;

(3) A multidisciplinary case review process for purposes of decision-making, problem solving, systems coordination, and information sharing;

(4) A comprehensive client tracking system to receive and coordinate information concerning child maltreatment cases from each participating agency;

(5) Multidisciplinary specialized training for all professionals involved with the victims and non-offending family members in child maltreatment cases; and

(6) A process for evaluating the effectiveness of the CAC and its operations.

(d) In the event that a CAC has been established as provided in this Section, the Advisory Board of that CAC may, by a majority vote of the members, authorize the CAC to coordinate the activities of the various agencies involved in the investigation, prosecution, and treatment referral in cases of serious or fatal injury to a child. For CACs receiving funds under Section 5 or 6 of this Act, the Advisory Board shall provide for the financial support of these activities in a manner similar to that set out in subsections (a) and (b) of this Section and shall be allowed to submit a budget that includes support for physical abuse and neglect activities to the County Board, which shall appropriate funds that may be available under Section 5 of this Act. In cooperation with the

Department of Children and Family Services Child Death Review Teams, the Department of Children and Family Services Office of the Inspector General, and other stakeholders, this protocol must be initially implemented in selected counties to the extent that State appropriations or funds from other sources for this purpose allow.

(e) CACI may also provide technical assistance and guidance to the Advisory Boards.

(e-5) CACI shall convene an annual meeting of statewide leadership from each MDT discipline to review data, discuss and analyze findings, and work collaboratively to identify service gaps and opportunities for process improvements. CACI shall create a report that summarizes discussion at the annual meeting and shall share the report with the leadership of MDT partners and other agencies and publish the report on CACI's website.

(f) In this Section:

"Child" or "children" refers to persons under 18 years of age.

"Youth" means persons between the ages of 18 and 24 years.

(Source: P.A. 104-159, eff. 1-1-26.)

Section 10. The Criminal Code of 2012 is amended by changing Section 12C-5 as follows:

(720 ILCS 5/12C-5) (was 720 ILCS 5/12-21.6)

Sec. 12C-5. Endangering the life or health of a child.

(a) A person commits endangering the life or health of a child when he or she knowingly: (1) causes or permits the life or health of a child under the age of 18 to be endangered; or (2) causes or permits a child to be placed in circumstances that endanger the child's life or health. It is not a violation of this Section for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act.

(b) A trier of fact may infer that a child 6 years of age or younger is unattended if that child is left in a motor vehicle for more than 10 minutes.

(c) "Unattended" means either: (i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.

(d) Sentence. Except as otherwise provided in this subsection, a ~~A~~ violation of this Section is a Class A misdemeanor. ~~A second or subsequent violation of this Section~~ A person who is convicted of a second or subsequent violation of this Section is guilty of a Class 3 felony. A person who is convicted of a violation of this Section after having previously been convicted under the laws of any other state of an offense that is substantially equivalent to the offense of endangering the life or health of a child, is guilty of ~~is~~ a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be

sentenced to a term of not less than 2 years and not more than 10 years. A parent, who is found to be in violation of this Section with respect to his or her child, may be sentenced to probation for this offense pursuant to Section 12C-15.

(Source: P.A. 97-1109, eff. 1-1-13.)

Section 15. The Bill of Rights for Children is amended by changing Section 3.5 as follows:

(725 ILCS 115/3.5)

Sec. 3.5. Right to forensic interview with children's advocacy center.

(a) In this Section:

"Child" means a person under 18 years of age.

"Youth" means a person between the ages of 18 and 24 years.

(b) Every child reported to the Department of Children and Family Services or law enforcement to be a victim of sexual assault or sexual abuse, trafficking in persons, involuntary servitude, and related offenses, whose case is accepted by either agency for investigation has the right to have that child's forensic interview conducted by a forensic interviewer from a children's advocacy center accredited according to the Children's Advocacy Center Act and serving the child's area or jurisdiction where the incident(s) occurred, when such service is accessible based on the CAC's available resources. The agency with statutory investigative authority shall notify the

child, in a manner that is developmentally appropriate and consistent with the child's capacity to understand, of the child's right to receive a forensic interview through a CAC. This right may be asserted by the child or, when appropriate based on the child's developmental capacity, by the child's parent or guardian with the child's assent. The agency may also notify the child's parent or guardian of this right, unless the agency determines that the notification would conflict with the child's expressed wishes, would be inconsistent with the child's developmental capacity, or would deter the child from participating in the investigation. If the agency with statutory investigating authority is a law enforcement agency, then the law enforcement agency shall not notify the parent or guardian of a child 13 years of age or older, unless the law enforcement agency confirms that the notification would not conflict with the child's expressed wishes. The child may request the presence of a support person when notice is given under this Section. ~~informing the investigating personnel at the Department of Children and Family Services or the law enforcement agency that the parent or guardian wants the child to have the child's interview conducted by the children's advocacy center.~~ Each local CAC protocol will outline a process to address situations in which it is deemed not possible for a forensic interview to occur, to ensure a trauma-informed response with follow up services from the CAC.

(Source: P.A. 102-477, eff. 1-1-22.)

Section 20. The Privacy of Child Victims of Criminal Sexual Offenses Act is amended by changing Section 3 as follows:

(725 ILCS 190/3) (from Ch. 38, par. 1453)

Sec. 3. Confidentiality of law enforcement and court records. Notwithstanding any other law to the contrary, inspection and copying of law enforcement records maintained by any law enforcement agency or all circuit court records maintained by any circuit clerk relating to any investigation or proceeding pertaining to a criminal sexual offense, by any person, except a judge, state's attorney, assistant state's attorney, Attorney General, Assistant Attorney General, psychologist, psychiatrist, social worker, doctor, non-offending parent or guardian, parole agent, aftercare specialist, probation officer, multidisciplinary team member, as defined in the Children's Advocacy Center Act, defendant, defendant's attorney, advocate, or victim's attorney (as defined in Section 3 of the Rights of Crime Victims and Witnesses Act) in any criminal proceeding or investigation related thereto, shall be restricted to exclude the identity of any child who is a victim of such criminal sexual offense or alleged criminal sexual offense unless a court order is issued authorizing the removal of such restriction as provided under

this Section of a particular case record or particular records of cases maintained by any circuit court clerk. A court may, for the child's protection and for good cause shown, prohibit any person or agency present in court from further disclosing the child's identity.

A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor's identity, the court shall consider:

- (1) the best interest of the child; and
- (2) whether such nondisclosure would further a compelling State interest.

When a criminal sexual offense is committed or alleged to have been committed by a school district employee or any individual contractually employed by a school district, a copy of the criminal history record information relating to the investigation of the offense or alleged offense shall be transmitted to the superintendent of schools of the district immediately upon request or if the law enforcement agency knows that a school district employee or any individual contractually employed by a school district has committed or is alleged to have committed a criminal sexual offense, the superintendent of schools of the district shall be immediately provided a copy of the criminal history record information. The copy of the criminal history record information to be provided under this Section shall exclude the identity of the

child victim. The superintendent shall be restricted from revealing the identity of the victim. Nothing in this Article precludes or may be used to preclude a mandated reporter from reporting child abuse or child neglect as required under the Abused and Neglected Child Reporting Act.

For the purposes of this Act, "criminal history record information" means:

- (i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

- (ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

- (iii) court records that are public, as defined in paragraph (1) of subsection (b) of Section 5 of the Court Record and Document Accessibility Act;

- (iv) records that are otherwise available under State or local law; or

- (v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of Section 7 of the Freedom of Information Act.

(Source: P.A. 102-651, eff. 1-1-22; 102-813, eff. 5-13-22; 103-166, eff. 1-1-24.)