

1 AN ACT in relation to child death review.

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

4 Section 5. The Open Meetings Act is amended by changing
5 Section 1.02 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering of a majority of a quorum
9 of the members of a public body held for the purpose of
10 discussing public business.

11 "Public body" includes all legislative, executive,
12 administrative or advisory bodies of the State, counties,
13 townships, cities, villages, incorporated towns, school
14 districts and all other municipal corporations, boards,
15 bureaus, committees or commissions of this State, and any
16 subsidiary bodies of any of the foregoing including but not
17 limited to committees and subcommittees which are supported
18 in whole or in part by tax revenue, or which expend tax
19 revenue, except the General Assembly and committees or
20 commissions thereof. "Public body" includes tourism boards
21 and convention or civic center boards located in counties
22 that are contiguous to the Mississippi River with populations
23 of more than 250,000 but less than 300,000. "Public body"
24 includes the Health Facilities Planning Board. "Public body"
25 does not include a child death review team or the Illinois
26 Child Death Review Teams Executive Council established under
27 the Child Death Review Team Act or an ethics commission,
28 ethics officer, or ultimate jurisdictional authority acting
29 under the State Gift Ban Act as provided by Section 80 of
30 that Act.

31 (Source: P.A. 90-517, eff. 8-22-97; 90-737, eff. 1-1-99;

1 91-782, eff. 6-9-00.)

2 Section 10. The Freedom of Information Act is amended by
3 changing Section 2 as follows:

4 (5 ILCS 140/2) (from Ch. 116, par. 202)

5 Sec. 2. Definitions. As used in this Act:

6 (a) "Public body" means any legislative, executive,
7 administrative, or advisory bodies of the State, state
8 universities and colleges, counties, townships, cities,
9 villages, incorporated towns, school districts and all other
10 municipal corporations, boards, bureaus, committees, or
11 commissions of this State, and any subsidiary bodies of any
12 of the foregoing including but not limited to committees and
13 subcommittees which are supported in whole or in part by tax
14 revenue, or which expend tax revenue. "Public body" does not
15 include a child death review team or the Illinois Child Death
16 Review Teams Executive Council established under the Child
17 Death Review Team Act.

18 (b) "Person" means any individual, corporation,
19 partnership, firm, organization or association, acting
20 individually or as a group.

21 (c) "Public records" means all records, reports, forms,
22 writings, letters, memoranda, books, papers, maps,
23 photographs, microfilms, cards, tapes, recordings, electronic
24 data processing records, recorded information and all other
25 documentary materials, regardless of physical form or
26 characteristics, having been prepared, or having been or
27 being used, received, possessed or under the control of any
28 public body. "Public records" includes, but is expressly not
29 limited to: (i) administrative manuals, procedural rules,
30 and instructions to staff, unless exempted by Section 7(p) of
31 this Act; (ii) final opinions and orders made in the
32 adjudication of cases, except an educational institution's

1 adjudication of student or employee grievance or disciplinary
2 cases; (iii) substantive rules; (iv) statements and
3 interpretations of policy which have been adopted by a public
4 body; (v) final planning policies, recommendations, and
5 decisions; (vi) factual reports, inspection reports, and
6 studies whether prepared by or for the public body; (vii) all
7 information in any account, voucher, or contract dealing with
8 the receipt or expenditure of public or other funds of public
9 bodies; (viii) the names, salaries, titles, and dates of
10 employment of all employees and officers of public bodies;
11 (ix) materials containing opinions concerning the rights of
12 the state, the public, a subdivision of state or a local
13 government, or of any private persons; (x) the name of every
14 official and the final records of voting in all proceedings
15 of public bodies; (xi) applications for any contract, permit,
16 grant, or agreement except as exempted from disclosure by
17 subsection (g) of Section 7 of this Act; (xii) each report,
18 document, study, or publication prepared by independent
19 consultants or other independent contractors for the public
20 body; (xiii) all other information required by law to be made
21 available for public inspection or copying; (xiv) information
22 relating to any grant or contract made by or between a public
23 body and another public body or private organization; (xv)
24 waiver documents filed with the State Superintendent of
25 Education or the president of the University of Illinois
26 under Section 30-12.5 of the School Code, concerning nominees
27 for General Assembly scholarships under Sections 30-9, 30-10,
28 and 30-11 of the School Code and (xvi) complaints, results of
29 complaints, and Department of Children and Family Services
30 staff findings of licensing violations at day care
31 facilities, provided that personal and identifying
32 information is not released.

33 (d) "Copying" means the reproduction of any public
34 record by means of any photographic, electronic, mechanical

1 or other process, device or means.

2 (e) "Head of the public body" means the president,
3 mayor, chairman, presiding officer, director, superintendent,
4 manager, supervisor or individual otherwise holding primary
5 executive and administrative authority for the public body,
6 or such person's duly authorized designee.

7 (f) "News media" means a newspaper or other periodical
8 issued at regular intervals, a news service, a radio station,
9 a television station, a community antenna television service,
10 or a person or corporation engaged in making news reels or
11 other motion picture news for public showing.

12 (Source: P.A. 89-681, eff. 12-13-96; 90-144, eff. 7-23-97;
13 90-670, eff. 7-31-98.)

14 Section 15. The Child Death Review Team Act is amended
15 by changing Sections 10, 15, 30, and 35 and by adding Section
16 40 as follows:

17 (20 ILCS 515/10)

18 Sec. 10. Definitions. As used in this Act, unless the
19 context requires otherwise:

20 "Child" means any person under the age of 18 years unless
21 legally emancipated by reason of marriage or entry into a
22 branch of the United States armed services.

23 "Department" means the Department of Children and Family
24 Services.

25 "Director" means the Director of Children and Family
26 Services.

27 "Executive Council" means the Illinois Child Death Review
28 Teams Executive Council.

29 (Source: P.A. 90-239, eff. 7-28-97.)

30 (20 ILCS 515/15)

31 Sec. 15. Child death review teams; establishment.

1 (a) The Director, in consultation with the Executive
2 Council, law enforcement, and other professionals who work in
3 the field of investigating, treating, or preventing child
4 abuse or neglect in that subregion, shall appoint members to
5 a child death review team in each of the Department's
6 administrative subregions of the State outside Cook County
7 and at least one child death review team in Cook County. The
8 members of a team shall be appointed for 2-year terms and
9 shall be eligible for reappointment upon the expiration of
10 the terms.

11 (b) Each child death review team shall consist of at
12 least one member from each of the following categories:

13 (1) Pediatrician or other physician knowledgeable
14 about child abuse and neglect.

15 (2) Representative of the Department.

16 (3) State's attorney or State's attorney's
17 representative.

18 (4) Representative of a local law enforcement
19 agency.

20 (5) Psychologist or psychiatrist.

21 (6) Representative of a local health department.

22 (7) Representative of a school district or other
23 education or child care interests.

24 (8) Coroner or forensic pathologist.

25 (9) Representative of a child welfare agency or
26 child advocacy organization.

27 (10) Representative of a local hospital, trauma
28 center, or provider of emergency medical services.

29 Each child death review team may make recommendations to
30 the Director concerning additional appointments.

31 Each child death review team member must have
32 demonstrated experience and an interest in investigating,
33 treating, or preventing child abuse or neglect.

34 (c) Each child death review team shall select a

1 chairperson from among its members. The chairperson shall
2 also serve on the Illinois Child Death Review Teams Executive
3 Council.

4 (Source: P.A. 88-614, eff. 9-7-94.)

5 (20 ILCS 515/30)

6 Sec. 30. Public access to information.

7 (a) Meetings of the child death review teams and the
8 Executive Council shall be closed to the public. Meetings of
9 the child death review teams and the Executive Council are
10 not subject to the Open Meetings Act (5 ILCS 120/~~1-et--seq.~~),
11 as provided in that Act.

12 (b) Records and information provided to a child death
13 review team and the Executive Council, and records maintained
14 by a team or the Executive Council, are confidential and not
15 subject to the Freedom of Information Act (5 ILCS 140/~~1-et~~
16 ~~seq.~~), as provided in that Act.

17 Nothing contained in this subsection (b) prevents the
18 sharing or disclosure of records, other than those produced
19 by a Child Death Review Team or the Executive Council,
20 relating or pertaining to the death of a minor under the care
21 of or receiving services from the Department of Children and
22 Family Services and under the jurisdiction of the juvenile
23 court with the juvenile court, the State's Attorney, and the
24 minor's attorney.

25 (c) Members of a child death review team and the
26 Executive Council are not subject to examination, in any
27 civil or criminal proceeding, concerning information
28 presented to members of the team or the Executive Council or
29 opinions formed by members of the team or the Executive
30 Council based on that information. A person may, however, be
31 examined concerning information provided to a child death
32 review team or the Executive Council that is otherwise
33 available to the public.

1 (d) Records and information produced by a child death
2 review team and the Executive Council are not subject to
3 discovery or subpoena and are not admissible as evidence in
4 any civil or criminal proceeding. Those records and
5 information are, however, subject to discovery or a subpoena,
6 and are admissible as evidence, to the extent they are
7 otherwise available to the public.
8 (Source: P.A. 90-15, eff. 6-13-97)

9 (20 ILCS 515/35)

10 Sec. 35. Indemnification. The State shall indemnify and
11 hold harmless members of a child death review team and the
12 Executive Council for all their acts, omissions, decisions,
13 or other conduct arising out of the scope of their service on
14 the team or Executive Council, except those involving willful
15 or wanton misconduct. The method of providing
16 indemnification shall be as provided in the State Employee
17 Indemnification Act (5 ILCS 350/1 et seq.).
18 (Source: P.A. 88-614, eff. 9-7-94.)

19 (20 ILCS 515/40 new)

20 Sec. 40. Illinois Child Death Review Teams Executive
21 Council.

22 (a) The Illinois Child Death Review Teams Executive
23 Council, consisting of the chairpersons of the 9 child death
24 review teams in Illinois, is the coordinating and oversight
25 body for child death review teams and activities in Illinois.
26 The vice-chairperson of a child death review team, as
27 designated by the chairperson, may serve as a back-up member
28 or an alternate member of the Executive Council, if the
29 chairperson of the child death review team is unavailable to
30 serve on the Executive Council. The Director may appoint to
31 the Executive Council any ex-officio members deemed
32 necessary. Persons with expertise needed by the Executive

1 Council may be invited to meetings. The Executive Council
2 must select from its members a chairperson and a
3 vice-chairperson, each to serve a 2-year, renewable term.

4 The Executive Council must meet at least 4 times during
5 each calendar year.

6 (b) The Department must provide or arrange for the staff
7 support necessary for the Executive Council to carry out its
8 duties. The Director, in cooperation and consultation with
9 the Executive Council, shall appoint, reappoint, and remove
10 team members.

11 (c) The Executive Council has, but is not limited to,
12 the following duties:

13 (1) To serve as the voice of child death review
14 teams in Illinois.

15 (2) To oversee the regional teams in order to
16 ensure that the teams' work is coordinated and in
17 compliance with the statutes and the operating protocol.

18 (3) To ensure that the data, results, findings, and
19 recommendations of the teams are adequately used to make
20 any necessary changes in the policies, procedures, and
21 statutes in order to protect children in a timely manner.

22 (4) To collaborate with the General Assembly, the
23 Department, and others in order to develop any
24 legislation needed to prevent child fatalities and to
25 protect children.

26 (5) To assist in the development of quarterly and
27 annual reports based on the work and the findings of the
28 teams.

29 (6) To ensure that the regional teams' review
30 processes are standardized in order to convey data,
31 findings, and recommendations in a usable format.

32 (7) To serve as a link with child death review
33 teams throughout the country and to participate in
34 national child death review team activities.

1 (8) To develop an annual statewide symposium to
2 update the knowledge and skills of child death review
3 team members and to promote the exchange of information
4 between teams.

5 (9) To provide the child death review teams with
6 the most current information and practices concerning
7 child death review and related topics.

8 (10) To perform any other functions necessary to
9 enhance the capability of the child death review teams to
10 reduce and prevent child injuries and fatalities.

11 (d) In any instance when a child death review team does
12 not operate in accordance with established protocol, the
13 Director, in consultation and cooperation with the Executive
14 Council, must take any necessary actions to bring the team
15 into compliance with the protocol.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.