

## ILLINOIS STATE POLICE DIRECTIVE ENF-005, NEGLECTED, ABUSED, AND DEPENDENT MINORS

<b>RESCINDS:</b> ENF-005, 2011-058, revised 08-24-2011.	<b>REVISED:</b> 12-02-2014 <b>2014-099</b>
<b>RELATED DOCUMENTS:</b> OPS-037	<b>RELATED CALEA STANDARDS:</b> 1.1.3, 42.1.3, 44.2.2, 55.2.2, 55.2.3

### I. POLICY

The Illinois State Police (ISP) will cooperate with state, county, and local agencies in the interest of protecting abused, neglected, or dependent minors.

### II. AUTHORITY

- II.A. Illinois State Police Juvenile Manual
- II.B. Illinois Department of Children and Family Services (DCFS) Rules Part 300, "Reports of Child Abuse and Neglect," located at [http://www.state.il.us/dcf/policy/pr\\_policy\\_rules.shtml](http://www.state.il.us/dcf/policy/pr_policy_rules.shtml)
- II.C. 325 ILCS 5/4, "Abused and Neglected Child Reporting Act: Persons required to report; privileged communications; transmitting false report"
- II.D. 705 ILCS 405/2-3, "Juvenile Court Act of 1987: Neglected or abused minor"
- II.E. 705 ILCS 405/2-4, "Juvenile Court Act of 1987: Dependent minor"
- II.F. 705 ILCS 405/2-5, "Juvenile Court Act of 1987: Taking into custody"
- II.G. 705 ILCS 405/2-6, "Juvenile Court Act of 1987: Duty of officer"
- II.H. 705 ILCS 405/2-7, "Juvenile Court Act of 1987: Temporary custody"
- II.I. 740 ILCS 45/1, "Crime Victims Compensation Act"

### III. DEFINITIONS

- III.A. Abused minor – 705 ILCS 405/2-3 (2): Any minor under 18 years of age whose parents or immediate family members, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same house as the minor, or a paramour of the minor's parent:
  - III.A.1. Inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily functions.
  - III.A.2. Creates a substantial risk of physical injury to such minor, by other than accidental means, which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function.
  - III.A.3. Commits or allows to be committed any sex offense against such minor, as such sex offenses are defined in the Criminal Code of 1961 or the Criminal Code of 2012, or in the Wrongs to Children Act, as amended, and extending those definitions of sex offenses to include minors under 18 years of age.
  - III.A.4. Commits or allows to be committed an act or acts of torture upon such minor.
  - III.A.5. Inflicts excessive corporal punishment.
  - III.A.6. Commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons as defined in Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012, upon such minor; or

- III.A.7. Allows, encourages or requires a minor to commit any act of prostitution, as defined in the Criminal Code of 1961 or the Criminal Code of 2012, and extending those definitions to include minors under 18 years of age.
- III.B. Dependent minor – 705 ILCS 405/2-4: Any minor under 18 years of age:
  - III.B.1. Who is without a parent, guardian, or legal custodian.
  - III.B.2. Who is without proper care because of the physical or mental disability of his parent, guardian or custodian.
  - III.B.3. Who is without proper medical or other remedial care recognized under State law or other care necessary for his or her well-being through no fault, neglect or lack of concern by his parents, guardian or custodian, provided that no order may be made terminating parental rights, nor may a minor be removed from the custody of his or her parents for longer than 6 months, pursuant to an adjudication as a dependent minor under this subdivision (c), unless it is found to be in his or her best interest by the court or the case automatically closes as provided under Section 2-31 of the Juvenile Court Act.
  - III.B.4. Who has a parent, guardian, or legal custodian who with good cause wishes to be relieved of all residual parental rights and responsibilities, guardianship or custody, and who desires the appointment of a guardian of the minor with power to consent to the adoption of the minor under section 2-29 (705 ILCS 405/2-29).
- III.C. Neglected minor – 705 ILCS 405/2-3 (1): Any minor under 18 years of age:
  - III.C.1. Who is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under state law as necessary for the minor's well-being or other care necessary for his/her well-being, including adequate food, clothing and shelter, or who is abandoned by his/her parents or other person responsible for the minor's welfare, except that a minor shall not be considered neglected for the sole reason that the minor's parent or other person responsible for the minor's welfare has left the minor in the care of an adult relative for any period of time, who the parent or parents or other person responsible for the minor's welfare know is both a mentally capable adult relative and physically capable adult relative, as defined by the Juvenile Court Act;
  - III.C.2. Whose environment is injurious to his/her welfare;
  - III.C.3. Any newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, as now or hereafter amended, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant is the result of medical treatment administered to the mother or the newborn infant;
  - III.C.4. Any minor under the age of 14 years whose parents or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of the minor. (Special factors to consider when determining a neglected minor see 705 ILCS 405/2-3(1)(e)(1) through (15).);
  - III.C.5. Any minor who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act and whose parent, guardian, or custodian refuses to permit the minor to return home unless the minor is an immediate physical danger to himself, herself, or others living in the home.

#### IV. RESPONSIBILITIES

- IV.A. The ISP will assume primary investigative responsibility in a suspected case of child abuse, dependency, or neglect when:

- IV.A.1. A police agency having jurisdiction lacks the necessary resources to respond to the report or ISP referral.
  - IV.A.2. Evidence of child abuse, dependency, or neglect is found by an officer during regular or special department operations.
  - IV.A.3. Multiple jurisdiction issues exist.
  - IV.B. The ISP will respond to any official request for assistance in a suspected case of abuse, dependency, or neglect with as many of its resources as are needed and available.
  - IV.C. Official requests by DCFS for protective or investigative support will be fulfilled without unnecessary delay.
  - IV.D. If the minor is a victim or a dependent of a victim of a violent crime that is covered under Crime Victims Compensation Act, the reporting officer must inform the minor of the Crime Victim Compensation Act.
- V. PROCEDURES
- V.A. An officer having reasonable cause to believe any minor with whom he/she has direct contact has been subjected to abuse, dependency, or neglect will:
    - V.A.1. Take the minor into temporary protective custody (non-secure) in accordance with 705 ILCS 405/2-5, and notify the parent/guardian of the minor's location.
    - V.A.2. If needed, seek medical attention for the minor.
    - V.A.3. Contact an ISP Juvenile Officer in accordance with ISP directive OPS-037, "Juvenile Procedures."
    - V.A.4. Notify the DCFS Hotline at 1-800-25ABUSE(22873).
      - V.A.4.a. If DCFS advises they will take temporary protective custody of the minor, relinquish custody of the minor to DCFS personnel upon their arrival.
      - V.A.4.b. If DCFS will not take custody of the minor, notify a crisis intervention agency and upon their arrival, relinquish custody.

**NOTE:** Crisis intervention agencies can be located by calling the Illinois Department of Human Services, Bureau of Youth Services and Delinquency Prevention at 1-888-816-3264. The number to locate mental health services for minors (Crisis and Referral Entry Services (CARES)) is 1-800-345-9049.
      - V.A.4.c. If DCFS will not take custody of the minor, and the officer cannot locate an available crisis intervention agency, contact DCFS to assist in locating a crisis intervention agency. If none are available, DCFS is required to take custody of the minor.
      - V.A.4.d. If parents/guardian cannot be located, relinquish custody of the minor to DCFS personnel upon their arrival.
      - V.A.4.e. If DCFS will not take custody of the minor and the officer locates an adult whom the parent/guardian advises can provide for the well-being of the minor in their absence:
        - V.A.4.e.1) Check with DCFS to determine if the adult has a negative Child Abuse/Neglect (CA/N) history.
        - V.A.4.e.2) If the adult has a negative CA/N history, the officer will relinquish custody of the minor to DCFS personnel upon their arrival.

- V.A.4.e.3) If the adult has a positive CA/N history, the officer may turn over custody to the designated adult after considering all the facts as known to the officer.
- V.A.4.f. If DCFS will not take custody of the minor, and the parent/guardian is unable to provide for the minor's well-being and refuses to cooperate with the crisis intervention agency, contact DCFS with this new update and relinquish custody of the minor to DCFS personnel upon their arrival.
- V.A.5. Contact ISP Investigations in cases involving sexual abuse/assault (see paragraph III.A.3.).
- V.A.6. Complete an ISP Field Report, form ISP 5-48b and a Juvenile Process Form, form ISP 7-166 (both forms are available from the ISP Document Library at <http://maphome/documentlibrary/>). All juvenile ICASE reports need to be submitted as "CONFIDENTIAL" reports.  
  
**NOTE:** Locations using ICASE will not complete the paper forms, but will enter information directly into ICASE.
- V.A.7. Ensure photographs are taken of any injuries. If injuries are of an area of the body considered sexual in nature (i.e., female breasts, genitalia, or buttocks) then photographs of the minor should be done by a person of the same gender with consent obtained from a non-suspect parent, guardian, physician, or juvenile officer.
- V.A.8. If applicable, advise the minor of the Crime Victims Compensation Act.
- V.B. The ISP Juvenile Officer will:
  - V.B.1. Assist the responding officer in:
    - V.B.1.a. The proper juvenile procedures
    - V.B.1.b. Ensuring the minor's rights are not violated
    - V.B.1.c. Securing proper placement for the minor
    - V.B.1.d. Ensuring the appropriate agencies have been contacted
    - V.B.1.e. Completing the proper reports
  - V.B.2. Submit preliminary reports within 72 hours of the original notification. Finalized reports will be submitted by mail, in person, or telefax to the appropriate DCFS field office (Child Protective Service Unit) or crisis intervention agency (whichever agency is involved) within 10 working days of the original notification.
  - V.B.3. Refer all reports to the District/Zone Juvenile Coordinator.

| Indicates new or revised items.

**-End of Directive-**