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TO WHOM IT MAY CONCERN:

The Abused and Neglected Child Reporting Act [325 ILCS 5/ sections 2, 3, 6, 7.2, 7.3, and 7.4] gives the Department of Children & Family Services (DCFS) Division of Child Protection (DCP) Investigative Staff the statutory authority to investigate reports of abuse and neglect of minors received by DCFS in Illinois. When conducting investigations, DCP Investigative Staff are entitled to receive information and records concerning the subjects of the investigation and their environments, which is relevant to the investigation. [325 ILCS 5/7.4] In addition, the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) has an exception that allows protected health information about a subject of an investigation, which is relevant to an investigation, to be disclosed without written authorization to an "appropriate government authority authorized by law to receive reports of child abuse or neglect." 45 CFR 164.512(b)(1)(ii). DCFS is the sole agency in Illinois responsible for receiving and investigating reports of child abuse and neglect. [325 ILCS 5/7.3]

In addition, pursuant to Section 11(i) of the Illinois Mental Health and Developmental Disabilities Code [740 ILCS 110/11(i)], the disclosure of mental health records to DCP without a consent is allowed, in accordance with the provisions of the Abused and Neglected Child Reporting Act, subsection (u) of Section 5 of the Children and Family Services Act, or Section 7.4 of the Child Care Act of 1969. Section 11 of the Illinois Mental Health and Developmental Disabilities Code specifically states that "any person, institution, or agency, under this Act, participating in good faith in the making of a report under the Abused and Neglected Child Reporting Act or in the disclosure of records and communications under this Section, shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of such action. For the purpose of any proceeding, civil or criminal, arising out of a report or disclosure under this Section, the good faith of any person, institution, or agency so reporting or disclosing shall be presumed." [740 ILCS 110/11]

Further, the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/30-5, provides that patients records are exempt from confidentiality protections set forth in 42 C.F.R. section 2.12(c) for reports of incidents of suspected abuse and neglect (however, confidentiality restrictions continue to apply to the records and any follow-up information from disclosure and use in civil or criminal proceedings arising from the report of suspected abuse or neglect).

Please send the required information/records to the staff/address listed above.

Thank you for your full cooperation.

Sincerely,

Maria Miller
Deputy Director of the Division of Child Protection
Illinois Department of Children and Family Services

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