



ILLINOIS SENATE BILL 376

PROTECTING INNOCENT FAMILIES ACT

SB 376 Protects Vulnerable Families from Injustice

When parents bring their child to a doctor or hospital, they naturally assume they will be provided with high-quality medical care that considers all possible diagnoses; however, when a child presents with specific symptoms—such as unexplained bruises, fractures, seizures, or failure to thrive—the case is often immediately brought to a Child Abuse Pediatrician (CAP) to provide a forensic opinion that will be used to both assess and prosecute the parents for child abuse. CAPs often present themselves to parents as members of the treatment team who are there to answer their questions; in fact, these CAPs are actually forensic investigators (not treating physicians) who are contracted with the State to report their findings to DCFS, law enforcement, and prosecutors, and even to testify against the family in court.

Once a CAP says that a child has been abused, that conclusion—even when proven incorrect—can dramatically change the course of a child's treatment, traumatize families and their communities, lead to wrongful criminal charges and family separations, and result in insurmountable legal fees for defense against the wrongful allegation. Parents of children with rare diseases and families of color are especially vulnerable to experiencing this injustice within the child welfare system.

• Parents of Children With Rare Diseases are Vulnerable

According to the National Organization for Rare Disorders, 25 million people in the US suffer from a rare disease—that's 1 in 10 Americans, which is the equivalent to the prevalence of type 2 diabetes. On average, a patient will suffer with a rare disease for five to 10 years before getting a diagnosis, during which time children often experience otherwise unexplained symptoms including bruising, bone fragility, vascular fragility, failure to thrive, seizures, developmental delays, and more. Each of these symptoms routinely trigger child abuse investigations, which can greatly delay diagnosis and treatment, as well as cause traumatic family separation.

• Families of Color are Disproportionally Targeted

Families of color are far more susceptible to wrongful allegations. A shocking 53% of Black families in the nation are investigated by child welfare agencies at least once.¹ In Cook County alone, 68% of kids in DCFS care are Black,² compared to 23% of the general population.³ Moreover, once the system intervenes against Black families, case data reveals they experience more serious charges and longer separation times than other families, even when the allegation is ultimately proven to be false.⁴



SB 376 Protects Children from Abuse & Neglect

The measures proposed by this bill will help increase the efficiency and efficacy of investigations and better protect children who are actually suffering abuse or neglect. When significant resources are spent pursuing wrongful allegations, investigators are less able to act quickly in legitimate cases. A new report by the DCFS Inspector General shows that 171 children died last year on DCFS's radar, which is a 40% increase over the prior year.⁵ **The purpose of this bill is not just to prevent the occurrence of wrongful allegations—it ensures that valuable State resources are reserved for their true purpose, which is protecting children from abuse and neglect.**

Current investigative practices put innocent parents at a disadvantage. SB 376 seeks to protect parents' constitutional rights by:

- **Requiring** child abuse pediatricians who hold state contracts with prosecutors and DCFS to identify themselves to families as forensic investigators, not as members of the child's treatment team
- **Allowing** families to seek second opinions from independent medical experts and requiring DCFS to consider those opinions
- **Requiring** DCFS to report data and demographic statistics on outcomes of forensic opinions so that forensic investigators can be held accountable for patterns of misdiagnosis and bias

SOURCES:

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2. Illinois Department of Children & Family Services. (2023, January 31). Youth In Care By Demographic. <https://www2.illinois.gov/dcf/aboutus/newsandreports/Documents/Youth%20In%20Care%20By%20Demographic.pdf>
3. 2020 U.S. Census Bureau Statistics
4. Cenat, J. M., McIntee, S. E., Mukunzi, J. N., & Noorishad, P. G. (2020). Overrepresentation of Black children in the child welfare system: A systematic review to understand and better act. Children and Youth Services Review, 120. <https://doi.org/10.1016/j.childyouth.2020.105714>
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