

1. Kane County Protocol For Allegations of Sexual Abuse of Children

I. Statutory Basis and Authority

The Child Center Advisory Board shall adopt, by a majority of the members, a written child abuse protocol. The protocol shall be filed with the Illinois Department of Children and Family Services, Children's Advocacy Centers of Illinois, and a copy shall be furnished to each agency in the county, which has any involvement with cases of abused children. The protocol shall be a written document outlining in detail the procedures to be used in investigating and prosecuting cases arising from alleged child sexual abuse and in coordinating treatment referrals for the child and his or her family. 55 ILCS 80/3(c) (2000).

II. Purpose of Protocol

The purpose of the protocol shall be to ensure coordination and cooperation among all agencies involved in child sexual abuse cases so as to increase the efficiency and effectiveness of those agencies, to minimize the stress created for the child and his or her family by the investigatory and judicial processes, and to ensure that effective treatment is provided to the child and his or her family. 55ILCS 80/3(d) (2000). This protocol ensures that all agencies clearly commit to the multi-disciplinary team approach of the Child Advocacy Center,

III. County-wide Jurisdiction and Case Criteria

The Kane County Child Advocacy Center (hereinafter referred to as the "CAC") shall have primary investigative responsibility for all cases of incidents occurring in Kane County as described below:

A. SEXUAL ABUSE

- a. All cases of sexual abuse and/or sexual assault to a child under 13 years of age where the accused is age ten or over.
- b. Cases of sexual abuse and/or sexual assault to children under 18 years of age by a family member, caretaker or person in a position of authority where the accused is age ten or over.
 1. Allegations of sex abuse include, but are not limited to: Sexual penetration, sexual molestation, and sexually transmitted disease present in underage children concurrent with lab confirmation or disclosure
- c. Cases of Sexual abuse and/or assault to children between the ages of 13 and 17 by non-family members where there is:
 1. A substantial element of force **or**

2. More than five (5) years age difference between victim and offender **AND** the accused is age ten or over.

Cases involving alleged consensual sexual acts between participants less than ten years apart in age will be investigated by the police agency with jurisdiction. However, all cases involving the suspect as a family member, caretaker or persons in position of trust or authority shall be referred to the CAC.

- d. Children under the age of **10** who have been accused of engaging in sexual acts will not be accepted for criminal investigation by the Child Advocacy Center. It is not the policy of the CAC to accept the investigations of these children as perpetrators. The CAC will, upon request by the referring jurisdiction, screen these children for adult involvement and make service referrals as appropriate.
- e. Cases Indecent Solicitation of a Child and Sexual Exploitation of a Child where the minor child is under the age of 13 years old. In cases involving minors 13 years of age or older, the local law enforcement agency shall have exclusive jurisdiction to investigate those cases. The CAC may assist in those cases by conducting a courtesy forensic interview upon request.
- f. The local law enforcement department shall have exclusive jurisdiction to investigate cases of sex exploitation of a child, and indecent solicitation of a child in Kane County. However, these investigations may benefit from a child forensic interview being conducted by the CAC and should be considered in those types of investigations. The CAC will assist with child forensic interviews requests from other agencies for sex exploitation of a child, and indecent solicitation of a child upon requests.
- g. The Director shall have the discretion to accept cases other than those specified herein when, in the judgment of the Director, a determination is made that a forensic interview would be appropriate and should be conducted.
- h. All other criminal investigations involving child victims or witnesses can be reviewed by the Director and/or the First Assistant of the State's Attorney's Office to determine whether or not the case requires a forensic interview be conducted. When so deemed, CAC personnel shall conduct the necessary child forensic interviews.
- i. In those instances where a perpetrator has committed offenses in addition to sexual and physical abuse, i.e. abduction, kidnapping, etc., the Assistant State's Attorney's assigned to prosecute CAC cases will have prosecutorial responsibility for the additional charges as appropriate.

B. PHYSICAL ABUSE

- a. The local law enforcement department shall have exclusive jurisdiction to investigate severe physical abuse to children in Kane County. The CAC may offer any assistance requested by local law enforcement jurisdictions to assist in these severe physical

abuse cases of children. The CAC may assist in these cases by conducting forensic interviews of children in their capacity as either a victim or witness in these cases if requested by the local law enforcement or DCFS agencies. In cases of severe physical abuse to children that the CAC assists in the investigation, the CAC shall also assist in coordinating any treatment referrals to the victim and non-offending family members.

IV. Team Approach and Process

The Kane County Child Advocacy Advisory Board adopted a report on the model approach to be used at the CAC in November 1993. The CAC operates on a multidisciplinary team approach with the response team being comprised of the following positions:

- A. Criminal Investigator: Law enforcement officers hired by the State's Attorney or assigned by an outside agency to participate in the CAC. The Criminal Investigator shall have countywide jurisdiction and will possess all of the authority of Peace Officers set forth in the Illinois Compiled Statutes. The Criminal Investigator will participate in the forensic interview and will be responsible for collecting all relevant information and performing all duties necessary to determine the validity of sexual-allegations regardless of referral source.
- B. Child Protection Investigator: Illinois Department of Children and Family Services personnel assigned to the CAC who will work in partnership with the Criminal investigator. The Child Protection Investigator will participate in the forensic interview and will be responsible for collecting all relevant information and performing all duties necessary to determine the validity of sexual abuse allegations regardless of referral source. The Child Protection Investigator is also responsible for developing plans to assure the safety of the abused child.
- C. Case Manager: A victim/witness advocate, hired by the State's Attorney to provide support services to children and families. These services include: crisis intervention, medical and legal advocacy, referral and linkage to counseling and other needed social services and assistance in obtaining Orders of Protection and victim/witness compensation.
- D. Assistant State's Attorney: Assigned full-time and has offices at the CAC. This prosecutor will be available to answer legal questions during the investigation of the case. He/she be responsible for charging decisions both juvenile and criminal. The Assistant State's Attorney will be responsible for handling all criminal cases from charging through trial and sentencing and any juvenile court cases through disposition.
- E. Medical providers: Specialized medical examinations are provided through approved medical facilities, participating medical staff at Edward's Hospital or CAC approved sites, and medical staff from the MERIT program from University of Illinois. Medical personnel are responsible for completing the specialized examination including photographic documentation. All medical records remain the property of the medical facility. The treating physician or treating medical provider shall prepare a report of the examination which will be provided to the CAC.
- F. Mental health providers are responsible for providing services to victims as needed and as detailed in the CAC Counseling Program and to be available to answer team questions in any areas of concern to the investigative/prosecutorial team. They will also be available to provide pre-testimonial clinical support for trial.

Each multi-disciplinary team will meet on a regularly scheduled basis to discuss the status of each case, thereby facilitating coordination between the agencies.

V. Vertical Prosecution

The Assistant State's Attorneys assigned to CAC shall handle, through disposition, all court action involving any child whose case is being handled by the CAC. This will include actions that are criminal (the offender is an adult or a juvenile), juvenile (the offender is a juvenile charged with a juvenile delinquency petition), or assisting with juvenile abuse/neglect.

VI. Procedures for Referral of Cases by DCFS

The Department of Children and Family Services shall transmit to the Center any report of sexual abuse/ assault that it receives from the Child Abuse Hotline in Springfield as enumerated in Section III-B and Section III-E (2). Transmittal to the CAC will be confirmed via telephone or pager. DCFS Field office personnel and CAC assigned personnel will rotate the after-hours on-call. Field office staff shall receive CAC protocol, along with afterhours contact information.

VII. Procedures for Referral of Cases by Police Departments

All police departments or other referring sources shall use the following procedure when they receive a complaint or allegation involving a victim as set forth in Section III, A-G:

- A. Ensure the safety of the child.
- B. Obtain all information possible for the CAC referral from sources other than the victim. **DO NOT INTERVIEW THE CHILD.**
- C. Determine the primary language of any of the involved parties (victim, victim's family, witnesses and suspect) and any translation needs.
- D. **During normal business hours (8:30 am to 4:30 pm):** prepare a CAC Referral Form and submit it along with all pertinent reports by fax to 630-208-5159 or email kanecac@co.kane.il.us; in family member/caretaker cases you are mandated to call the DCFS Hotline at 1-800-25-ABUSE in addition to your referral to the CAC.
- E. **Outside normal business hours:** contact the CAC After Hour's Pager # 630-218-3995. At this time, CAC staff will coordinate a response with the referring agency.
- F. Follow all requirements of the Sexual Assault Incident Procedure Act – Public Act 099-0801

In any situation when an officer is uncertain if a case meets CAC protocol guidelines, or believes that a case needs special handling, the CAC may be contacted by phone at 630-208-5160 during daytime hours or though the pager system after hours, for a preliminary review of the facts by the Center Director.

VIII. Victim Interviews

Interviews of victims of any of the offenses as set forth in section III shall, whenever possible, be conducted at the CAC during normal business hours as safety and other case considerations permit. Members of the CAC team assigned to the case shall conduct all interviews of victims using a child forensic interview approach incorporating generally accepted standards of practice.

- A. CAC staff will receive ongoing training in such areas as investigative techniques, forensic interviewing, child development and cultural diversity awareness. Assistant State's Attorney's assigned to the CAC will also receive specialized training in the areas of trial preparation, and litigation regarding child abuse prosecution.
- B. Parents or other caretakers are not permitted to be present or to observe child victim interviews.
- C. All victim interviews conducted at the CAC will be digitally recorded in accordance with the CAC Forensic Interview Policy revised and adopted 01/13/09 (attached hereto for reference) copy maintained and DVD kept in master file.
- D. Following each interview, a single report of the interview will be prepared.

IX. Interviews of Suspects

CAC personnel shall, whenever possible, conduct any interview of the suspect in a CAC case. If case circumstances dictate an immediate or alternate response, other law enforcement or DCFS personnel may conduct the suspect interview after consultation and coordination with CAC staff.

- A. Suspects may be interviewed in the CAC Annex building on the first floor in the room designated for that purpose.
- B. Adult suspects shall NOT be interviewed at the CAC, nor permitted at the CAC for any reason.
- C. At the Director's discretion, a juvenile suspect may be interviewed at the CAC. However, in no event shall a juvenile suspect be at the CAC when the victim is present.

X. Coordination in Investigation and Prosecution

The CAC, local law enforcement agencies, and the Department of Children and Family Services Field Office staff will cooperate and coordinate the investigation and prosecution of cases when requested to do so. It is anticipated that assistance will be most needed in the areas of emergency/after-hours response, crime scene processing, evidence collection, arrests of suspects, execution of search warrants and location and transport of witnesses.

XI. Physical Examinations

An expert medical examination by a physician or other medical personnel trained in the area of child abuse and trauma shall be arranged for any victim of abuse alleging sexual penetration.

- A. In cases of alleged sexual penetration outside a 72-hour window this examination may be instituted at any time subsequent to the initial interview of the victim.
- B. In cases of alleged sexual penetration in the preceding 72 hour period, the victim shall be examined in the emergency room and sexual assault kit evidence collected.

XII. Mental Health Counseling

Case Managers will refer victims and their families for mental health counseling if appropriate. Victims may also be referred for specialized assessments if appropriate.

XIII. Case Review

The CAC will hold weekly Team Review Meetings at which CAC personnel will review case activity and make recommendations for protective issues, medical referrals, the treatment and social service needs of the victim and family, as well as, appropriate legal disposition. These meetings will be held every Tuesday at 2pm at the CAC.

XIV. Mass Molestation

Mass molestation will be defined as any case of sexual abuse to multiple children in a non-family setting, including but not limited to day care centers, baby sitters, institutions, group homes, schools, athletic associations or other volunteer groups, etc.,.

In such mass molestation cases, the Director shall assign one or more investigative teams as the number of children to be interviewed and the situation may warrant. If necessary, the Director shall request assistance from other agencies or jurisdictions.

XV. Program Goals

The goals of the Kane County Child Advocacy Center shall be to:

- A. Minimize the trauma to victims of child abuse and their families as they turn to the justice system for protection.
- B. Provide a coordinated multidisciplinary approach to child abuse investigations and intervention.
- C. Identify child abusers and hold them accountable to their victims and the community by means of the judicial process.
- D. Insure victims receive support and advocacy throughout the judicial process.

- E. Insure that victims and their families receive appropriate treatment and social services to assist them in their healing.
- F. Assure that all cases involving child sexual abuse in Kane County are handled in a consistent and child sensitive manner based on the protection and safety of, and respect for, the child and his or her family.

XVI. Evaluation of the Protocol

The Kane County Protocol for Child Sexual Abuse shall be reviewed annually, at which time the implementation and effectiveness of the protocol shall be evaluated. The Child Advocacy Advisory Board shall make any amendments deemed appropriate.

A copy of the amended protocol shall be forwarded to the Children's Advocacy Centers of Illinois (CACI) for comment. Comments may be considered for further revision if the Advisory Board deems appropriate.

The newly amended version of the protocol, if any, shall then be filed with the county's local DCFS office and with the DCFS office in Springfield. In addition, the newly amended protocol may be forwarded to each agency in the county that has any involvement with cases of sexual and physical abuse of children.

XVI. Formal Adoption of the Kane County Protocol

The foregoing protocol for cases of sexual abuse is hereby approved, passed, and adopted by the Kane County Child Advocacy Advisory Board this January 19, 2021.