

ILLINOIS LAW ENFORCEMENT COMMISSION - RETA
120 SOUTH RIVERSIDE PLAZA
CHICAGO, ILLINOIS 60606

A SERVICE GUIDE FOR PROFESSIONALS WHO ASSIST VICTIMS OF RAPE, CHILD ABUSE AND DOMESTIC VIOLENCE

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This service guide is for workers in public and private service organizations who come into contact with victims of rape, child abuse and wife abuse.

The guide has been prepared to familiarize workers with aspects of laws that directly relate to crime victims, to answer common questions about these laws and to provide a listing of specialized and general service organizations that serve these client populations.

The crime areas of rape, child abuse and wife abuse have certain things in common. First, the victims of these crimes often want to keep the crime a secret. They are embarrassed or afraid that people will find out what has happened to them. This makes it impossible to tell how often these crimes occur.

Second, the victim may have a personal relationship with the person who has harmed him or her. This is sometimes the case in a rape, usually the case in child abuse and always the case in wife abuse. The fact that the person doing the harm is often not a stranger complicates the victim's feelings about the crime and may confuse the perception of the crime in the mind of the service worker.

Two types of service agencies are available to assist victims. There are *specialized services* designed to help victims of rape, child abuse and wife abuse and *general services* designed to help people in trouble whether or not they are victims of these particular crimes. General service organizations will often help these victims, even though they do not "advertise" such services.

The legal section of this guide does not purport to be an exhaustive analysis of the legal issues addressed; it is, rather, a synopsis of the laws, an attempt to convey the concepts behind these laws and an attempt to describe the day to day responsibilities and duties that the laws create for social service personnel. For a thorough analysis of Illinois' *Abused and Neglected Child Reporting Act* and the *Juvenile Court Act*, see the *Child Abuse and Neglect Legal Handbook* which was recently published by the Child Advocate Association, Chicago, Illinois.

Since new agencies are always opening, telephone numbers and addresses change and old programs close, blank space has been left at the end of each section for names and addresses of new agencies and programs. For information on additional service agencies in your community it is recommended that you contact one of the listed referral agencies.

PART I — RAPE

Introduction

Over the past few years, more and more attention has been paid to the crime of rape and its effects upon its victims. Consequently, the law enforcement, medical and social service professions have developed new means of helping a rape victim and her family contend with the crime of rape, and have developed increased sensitivities to the rape victim's needs.

In Illinois, *rape* is defined as an act of sexual intercourse performed by a male of 14 years or older upon a woman who is not his wife and where the act is committed with force and against the will of the woman. An act of sexual intercourse is defined only as the *penetration* of the female sex organ by the male sex organ. Ejaculation is not required for a rape to have occurred (see Appendix B for the text of the law).

Other sexual acts may also be forced upon the victim. Such acts do not involve penetration of the female sex organ by the male sex organ, and are therefore not considered rape under the law in Illinois. These acts are called *deviate sexual assault* and are defined under the law as one person forcing another person to perform an act of sexual gratification involving the sex organ of one person and the mouth or anus of another (see Appendix B for the text of the law).

A. *What should a woman do if she has just been raped?* A woman who has just been raped should call the local police department at once. When a woman calls the police she should tell them where she is so that the police can send a patrol officer to meet her. The patrol officer will take the attacker's description and obtain other pertinent information about the attack. After she has called the police she should call a trusted friend to meet her at the hospital and lend support throughout the medical examination and police investigation. The police officer who first meets the victim will then transport her to the nearest hospital which can provide adequate treatment.

She should not wash or douche before going for treatment even though this may cause some discomfort. This is important because washing will destroy valuable evidence necessary to convict the attacker.

(In Chicago, if the victim decides to go to the hospital *before* she calls the police, she should know that hospitals are required by law to notify the police when they receive a rape victim from a source other than the police department.)

B. *Will the police be present during the examination?* No. The examinations are voluntary and confidential. They will be performed with only medical personnel present. The results of the examinations, with the victim's consent, will be made available to the State's Attorney and the police for use during the prosecution of the attacker. However, no one else may see the contents of these examination reports without her permission.

C. *Why is a hospital examination necessary?* Even though the victim is not required to accept hospital treatment, going to the hospital is most important for several reasons. First, the victim will be treated for any external and internal injuries that she might have suffered. Second, tests will be made for pre-existing pregnancy and treatment given for possible venereal disease which may have resulted from the attack.

The victim needs to be re-tested for venereal disease within *six to eight* weeks after the attack. This return visit may be made either to the original treating hospital, to the local public health department, or to a personal physician. If the victim wishes, methods to prevent pregnancy will be administered at the hospital unless the hospital has a policy against anti-pregnancy treatment. Even if, however, the hospital will not provide such treatment, the victim should be provided with information about where anti-pregnancy treatment may be obtained should she wish such information. (In Chicago, provision of such information is required by ordinance.) In practice, some hospitals may neglect to provide the victim with this information, and the victim may have to ask about anti-pregnancy treatment if it is a matter of concern to her.

In addition, the doctor will collect physical evidence essential to the prosecution of the attacker. The doctor will collect several specimens from the victim which will include the following: evidence of semen from the vagina, rectum and mouth, head and pubic hair specimens, fingernail scrapings or cuttings and items of clothing which may be needed for analysis. These specimens will then be turned over to the local police department or criminalistics laboratory for possible use in court.

D. *Who pays for hospital treatment of a rape victim?* If the victim has private health insurance, Medicaid or Medicare coverage, the cost of rape treatment will be covered by these programs. If a victim does *not* have any type of insurance coverage, the State of Illinois Department of Public Health (IDPH) will

reimburse the hospital for the costs of treatment given to the victim. *Hospitals cannot require payment from uninsured victims for emergency rape treatment services.* To qualify for reimbursement hospitals must file a treatment plan with IDPH. Once the plan is approved, the hospital will then be eligible for reimbursement.

E. *Counseling.* Rape is a physically and psychologically traumatic event — victims should be encouraged to seek emotional support if they feel they need it. State of Illinois law also requires that hospitals have members of their professional or volunteer staff available for counseling of rape victims if the victims so request. This person, with the victim's consent, may remain with the victim during subsequent police interviews about the attack.

Many hospitals are now developing teams of rape victim advocates who are especially trained in meeting the emotional needs of rape victims. The victim may wish to inquire about the availability of this program at the hospital that is treating her or at a nearby hospital.

The victim may desire longer term counseling after the attack. If the social worker cannot provide this service, he or she should provide the victim with a referral for counseling to one of the agencies listed at the end of this section.

F. *Does a rape victim have to go to court if the attacker is caught?* While she cannot be forced to bring charges against her attacker and testify in court, victims should be encouraged to do so, not only for their own sake, but for the sake of other potential victims.

G. *What happens in court?* An Assistant State's Attorney will be assigned to prosecute the case against the attacker, now called the *defendant*, who will have an attorney of his own. If the defendant pleads guilty, there will be no trial because he is admitting his guilt to the state. The judge will then sentence the defendant to punishment.

If the defendant pleads not guilty, then there will be a trial. Only the defendant has the right to choose to be tried either by a jury of 12 people or by a judge (called a bench trial).

H. *What happens at a trial?* The victim's testimony will be the main part of the prosecution's case. Through the victim's testimony, the Assistant State's Attorney will present evidence to show that she was raped and that the defendant was the person who raped her.

The defendant's lawyer will then have an opportunity to question the victim. This is called "cross-examination." He or she will try to show that the victim really *consented* to the sexual act or that she has *identified the wrong person* as the attacker. The defense attorney may try to prove both situations, depending on the circumstances of the attack.

I. *What questions about her sexual history may a rape victim be asked?* Under recently enacted Illinois law (see Appendix E for the text of the law), questions about the victim's sexual history may be asked *only if*:

- (1) The victim has denied any past sexual activity with the defendant *and...*
- (2) the defense has other evidence that will contradict the victim's denial of sexual activity with the defendant *and...*
- (3) after a private meeting with the attorneys for the defendant and the state, if the judge determines the defense attorney has bona fide evidence of the victim's past sexual activity with the defendant and that the victim will deny such activity, then the judge may agree to allow the questions to be asked.

The defense lawyer will also ask the victim if she was sure of her identification of the defendant; for instance, did she see his face during the attack; how long did she see his face?, etc.

If the victim doesn't understand what took place during the trial, she should later ask the Assistant State's Attorney for clarification of events.

Resources

1. Loop Center YWCA Rape Project
37 South Wabash Avenue
372-6600
YWCA business hours: 8:30 a.m. to 9:00 p.m. Monday through Friday
9:00 a.m. to 4:30 p.m. Saturday

SERVICES: counseling available for rape victims and their families, Monday and Wednesday by appointment only; call for an appointment at the above number.

Contact person: _____

2. Women in Crisis Can Act (WICCA)
1628-A W. Belmont
528-3303
5:00 p.m. to 11:00 p.m. Tuesday through Friday
24-hour answering service all other times
SERVICES: counseling for rape victims over the telephone only.
Contact person: _____
3. United Way of Metropolitan Chicago-Community Referral Service
72 W. Adams
427-9623
8:30 a.m. to 5:30 p.m. Monday through Friday
After hours answering service
SERVICES: comprehensive listings of social service agencies serving metropolitan Chicago; no direct service to clients.
Contact person: _____
4. Metro-Help, Inc.
2210 N. Halsted St.
929-5150
24 hours a day, seven days a week
SERVICES: information and referral to social service agencies in the Chicago area.
Contact person: _____
5. Attorney General Scott's Office
Crime Victim Compensation Program
188 W. Randolph St.
793-2585
8:30 a.m. to 5:00 p.m. Monday through Friday
SERVICES: a program of financial compensation to victims of violent crimes, including rape; program will reimburse victims of crime and their families for loss of earnings and medical bills not covered by insurance; repayments are based upon actual wages of the victim and total payment cannot exceed \$10,000.
Notice to file claim must be filed within six months of the crime, and the claim itself must be filed within two years of the crime. Interpreters are available in several languages to help victims in filling out the forms. Claims generally take about one year to process.
Contact person: _____
6. City of Chicago Department of Human Services
Victim/Witness Advocacy Project
640 N. LaSalle St.
744-4030
9:00 a.m. to 5:00 p.m. Monday through Friday
SERVICES: counseling and follow-up services to victims of violent crimes in the 19th (Belmont), 20th (Foster Avenue), and 23rd (Town Hall) police districts on the north side and the 6th (Gresham) and 7th (Englewood) police districts on the south side; services may also include notification of friends and relatives of the victim, transportation to and from court appearances, assistance in filing claim under Crime Victim Compensation Act, assistance in securing other financial aid, food, shelter, or clothing. While crime victims do not have to be residents of the above police districts, the crime must have taken place in those districts for services to be provided.
Contact person: _____
7. Rape Victim Advocates (RVA)
P.O. Box 11537
Chicago, Illinois 60611
SERVICES: RVA trains women volunteers for work in hospital emergency rooms. Volunteers are trained in various aspects of medical, police, and legal procedures that affect rape victims. RVA volunteers will be on call to offer support to a rape victim while she is in the

emergency room and on a longer-term basis if the victim so wishes. RVA volunteers are available on a 24 hour a day, seven day a week basis to the following Chicago hospitals:

Augustana Hospital
411 West Dickens Ave.

Grant Hospital
550 W. Webster Ave.

Henrotin Hospital
11 W. Oak Street

Illinois Masonic Hospital
836 W. Wellington Ave.

Weiss Memorial Hospital
4646 N. Marine Drive

Wesley Pavilion-Northwestern Hospital
Superior St. at Fairbanks Court

At the present time, Rape Victim Advocates can only be reached at the hospitals listed above.

Contact person: _____

NEW LISTINGS

1. _____

2. _____

3. _____

PART II — CHILD ABUSE

Introduction

While most people are familiar with the term "child abuse," many people believe that it refers only to small children who are repeatedly beaten up, locked up, or severely mistreated in other ways. In actuality, child abuse covers a much wider spectrum of behavior and mistreatment of children.

A. The State of Illinois *Abused and Neglected Child Reporting Act* (See Appendix A for the text of the law.) defines an abused or neglected child as:

1. a person under 18 years old who...
2. has suffered a direct physical injury or disability as a result of a deliberate action on the part of a parent or custodian; or...
3. a child who has been deliberately malnourished; or...
4. a child who has been deliberately neglected physically in other ways; or...
5. a child who has suffered psychological neglect or abuse; or...
6. a child who has been sexually molested.

It should be noted that there is *no specific crime* of child abuse in Illinois; that is, a person cannot be charged with child abuse in the same way a person can be charged with burglary, theft, etc.

A child abuser may, however, be charged with other crimes as a result of the abuse, such as assault and battery or, should the child die, with manslaughter or murder. If the offense is some form of sexual abuse, the child abuser may be charged with taking indecent liberties with a child, contributing to the sexual delinquency of a child, incest or aggravated incest.

In most cases, criminal charges are not filed against an abusive parent when the abuse comes to the attention of the state authorities. There is a tendency to see involvement of the criminal justice system as defeating any chance of working with the family through social services with the goal of keeping the family intact.

Further, there are serious problems with obtaining the evidence necessary for a trial against a child abuser. Often times the child cannot give evidence because he or she is too young to testify or because the trauma of putting the child on the witness stand will be too great. If the abuse is not severe then the chances are great that physical evidence will not be readily available. Similarly, although spouses can be compelled to testify against each other in cases where the custody of the child is in question (including abuse/neglect cases), the 5th Amendment (not having to give testimony to incriminate yourself) could be used by either spouse in cases where they were responsible for the abuse or if their *partner* committed the abuse but *they* did not take steps to prevent it.

It should be noted, however, that there are times when the police and the State's Attorney will prosecute and go ahead with criminal charges. This usually happens where the abuse has been very severe, or fatal, or where there has been sexual abuse of the child.

B. *Who can be found to have neglected or abused a child?* Under the law, any person who has responsibility for a child's well-being can neglect or abuse a child. *Usually* this means the parents or guardians of the child, but the law does not restrict the definition of an abuser to these two classifications. A school teacher, babysitter, or other person responsible for the child's health or welfare may be an abuser.

C. *Who must report a suspicion of child abuse?* All doctors, dentists, or Christian Scientist practitioners caring for a child for any reason who *reasonably suspect* that a child they are seeing is neglected or abused *must* report this suspicion to the Illinois Department of Children and Family Services (DCFS). The reporter *does not have to be certain* that the child is being abused to make the report, nor does he have to have proof that the child is being abused. If he or she has reasonable cause to believe that the child is being abused or neglected in any way, the law requires a report of this suspicion.

Besides medical people, the following professionals are *required* to report suspected child abuse or neglect:

- law enforcement officers
- school teachers
- school administrators

- truant officers
- social workers or social service administrators
- registered nurses
- licensed practical nurses
- directors or staff assistants at day care centers
- field workers for the Illinois Department of Public Aid.

Reports are required from these professionals if they have *reasonable cause* to believe that the child is being abused or neglected.

Other individuals, like neighbors, relatives, or friends are *allowed* to make reports, but are not required by law to report suspected abuse or neglect.

D. *To whom should the report be made?* All reports of suspected child abuse or neglect in Cook County should be telephoned to the *Illinois Department of Children and Family Services' Child Abuse Hotline*.

The telephone number for Cook County residents is:

793-2100

This telephone number is answered 24-hours a day, every day of the year. Anonymous calls are accepted, but DCFS prefers to know the identity of the caller to assist in the follow-up investigation that comes after the call, in order to obtain future evidence if needed.

E. *Is sexual abuse of a child treated differently than other forms of abuse?* While sexual abuse is covered by the *Abused and Neglected Child Reporting Act*, there are also specific criminal penalties for sexual abuse under the Illinois Criminal Code.

If you believe that a child has been sexually abused or molested by a stranger, the police should be called immediately at 911. The police can also be called if the child has been molested or abused by his/her parent.

F. *What happens after a child abuse report has been made to the state department of Children and Family Services (DCFS)?* Under the State Reporting Act, all reports of child abuse must be investigated within 24 hours of their receipt at Children and Family Services.

The Department is able to initiate investigations within this 24 hour period. This process consists of verifying the report and prioritizing it as to its severity. Severe cases of abuse receive highest priority and undergo thorough investigation immediately.

An investigation consists of an interview between a DCFS Child Abuse Unit worker and the child, the child's parents, medical personnel (when involved) and others who might have information about the alleged abuse. From this investigation, the Department can decide whether or not to proceed with court action to obtain guardianship of the child and place the child outside the home, whether in-home services for the family are all that are required, or whether the report was unfounded in the first place.

Should the Department decide to maintain involvement, the case will be transferred to a follow-up unit for continued monitoring of the family's progress.

A stated policy of the Department is that families should be maintained when and wherever possible. Unless the abuse is severe, the Department will generally try to provide in-home services such as homemaker services, family counseling, or day care services before a decision to place the child outside the home will be reached.

Should the child appear to be in immediate jeopardy of harm, the Department will place the child outside of the home, usually to a licensed foster home which is supervised either directly by the Department or under the auspices of a private agency. The child will not be returned to the natural home until the Department has decided, and the juvenile court has agreed, that a return to the natural home will not pose a threat of harm to the child.

After a child has been hospitalized for abuse, a doctor may, under the law, refuse to release the child to his/her natural parents if the doctor honestly believes that physical harm would follow such a release. A formal court hearing must follow immediately to determine whether the parents shall regain custody or whether custody shall be transferred to the State, at least temporarily.

G. *Can a person who makes a report be sued by the child's family?* No. Presuming that the person

who made the report *honestly* believed that the child was actually abused or neglected, the law gives *immunity* to anyone who either is required or allowed to report.

H. *Can family members report one another to DCFS?* Yes. Should someone decide that they wish to talk with a Department social worker about getting services for themselves or their family, they are allowed, and even encouraged, to call the Department to discuss their problem. All Department services are available on a voluntary basis, and involvement with the Juvenile Court is not a prerequisite for obtaining such services.

I. *Can a child abuser get help without making a report to the State?* Yes. There are several social service agencies that specialize in abused children and their families. Many other agencies, though not specialists, are experienced with abused children. Several of these agencies are listed at the end of this section.

It should be noted that even though these agencies are legally covered by the *Abused and Neglected Child Reporting Act*, most of them will not report a family that voluntarily seeks help if the abuse is not severe.

Only one agency, the Citizens Committee for Children and Parents Under Stress, will accept clients on an anonymous basis.

Resources

The following agencies all provide child services to child abuse victims and their families. Many of these agencies have limited caseloads because either they are small agencies or because they reserve space for referrals from the Illinois Department of Children and Family Services.

Before referring a client to one of these agencies, then, an advance call to determine caseload status is recommended.

Counseling, Placement and Homemaker Services

1. Illinois Department of Children and Family Services

1026 S. Damen Avenue

793-2100

24 hours a day, every day of the year

SERVICES: mandated State of Illinois child abuse and neglect reporting agency; direct services available on an in-home basis; services for out-of-home placement; services through private child welfare and family service agencies; information and referral.

Contact person: _____

2. Citizens Committee for Children and Parents Under Stress

407 South Dearborn St. — Suite 540

427-1161 (staff offices)

SERVICES: Parental Stress Hotline, 463-0390 — 24 hours a day — a confidential hotline for parents who are abusing their children or who are afraid that they might abuse their children; Parents Anonymous groups which are groups for people who wish to remain anonymous but wish to meet with other parents who have similar problems with their children; counseling services; information and referral about other services.

Contact person: _____

3. Juvenile Protective Association

12 East Grand Avenue

467-9595

8:45 a.m. to 5:00 p.m., Monday through Friday

SERVICES: limited direct service capability for counseling services; information and referral to other resources.

Contact person: _____

4. Salvation Army

4800 North Marine Drive

275-6233

8:30 a.m. to 4:30 p.m., Monday through Friday

SERVICES: offers homemaker and counseling services to families.

Contact person: _____

5. Child and Family Services
234 South Wabash Avenue
427-8790
8:30 a.m. to 5:00 p.m., Monday through Friday
SERVICES: offers homemaker and counseling services to families.

Contact person: _____

6. Catholic Charities of the Archdiocese of Chicago
647 West Randolph Street
236-5172
8:30 a.m. to 4:30 p.m., Monday through Friday
SERVICES: offers counseling services to families.

Contact person: _____

7. Traveler's Aid Society
327 South LaSalle Street
435-4500
8:30 a.m. to 5:00 p.m., Monday through Friday
SERVICES: offers counseling services to families.

Contact person: _____

Day Care Services

1. Marrilac House
2822 West Jackson Boulevard
722-7440
8:30 a.m. to 6:00 p.m., Monday through Friday

Contact person: _____

2. St. Vincent DePaul Center
2145 North Halsted Street
943-6776
10:00 a.m. to 6:00 p.m., Monday through Friday

Contact person: _____

Information and Referral

1. United Way of Metropolitan Chicago/Community Referral Service
72 West Adams Street
427-9623
8:30 a.m. to 5:30 p.m., Monday through Friday
after hours answering service
SERVICES: comprehensive listing of social services in Metropolitan Chicago for information and referral; help in defining service needs, defining problems and in selecting most appropriate service; no direct services to clients are available

Contact person: _____

2. Metro-Help, Inc.
2210 N. Halsted Street
929-5150
24 hours a day, seven days a week
SERVICES: information and referral to social service agencies; no direct service to clients

Contact person: _____

NEW LISTINGS

1. _____

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PART III — DOMESTIC VIOLENCE

Introduction

There are few personal problems more difficult to cope with than being a battered woman. For too long this crime area was greatly neglected, and battered women had to fend for themselves in finding help. The situation, however, is changing. More publicity is being devoted to this very serious and widespread problem: the laws dealing with battering are changing, police and law enforcement agencies are beginning to develop increased sensitivities to the needs of battered women, and new social service agencies especially attuned to the needs of battered women are appearing.

A. *What can a battered woman do to stop the beatings immediately?* Striking anyone, including a spouse, can result in the charge of battery which is a crime under Illinois law. If the attack results in an injury or if a weapon is used, aggravated battery — an even more serious crime — may be charged. In either case, the woman may swear out an arrest warrant. The problem here is that the arrested abuser may be released on bail and *immediately* return home. This can often make the situation worse than before.

In Illinois, a battered woman has few other options available. Recent legislation, however, does allow for a battered spouse to obtain an injunction to keep the attacking spouse out of the home for up to thirty (30) days (see appendix G for the text of the law). Such an injunction can be obtained *even if a divorce is not being considered*. Thus far, this type of injunction has *only been available to married individuals* and has not been granted where the battered woman and her abuser are living together but are not married.

Violating a court's injunction is a serious offense and can lead to arrest. Obtaining such an injunction is a complicated matter, and a battered woman considering it should contact an attorney to help her. Consult the resource section below for a list of legal services.

The filing of divorce proceedings is another option when the battered woman wishes to end the marriage completely. An injunction keeping the husband away from the home while divorce proceedings are underway is also usually available.

Legal Resources

1. The following agencies specialize in the legal problems of battered women.

- The *Legal Center for Battered Woman*, a part of the Legal Assistance Foundation of Chicago, offers full legal services including consultation and representation. This center specializes in the legal problems of battered women. It is located at 343 South Dearborn St., on the 7th floor. The phone number is 663-9440. Call first to see if an appointment is required.

- The *Women's Legal Counseling Center* offers free legal consultation for battered women and for women with other legal problems. This center does not provide direct representation, but will make referrals to appropriate agencies. It is located at 1628-A W. Belmont Avenue, and is open from 7:00 p.m. to 9:00 p.m. Tuesday only. The Center's phone number is 477-4244.

2. There are many agencies providing *legal services* in addition to those listed above. A call ahead of time for an appointment is usually recommended. Note that some offices provide only consultation, while others will provide full representation. Note also that some agencies charge fees while other services are available free for eligible clients.

- Chicago Bar Association — Lawyer Referral Service
29 South LaSalle Street
782-7348

9:00 a.m. to 5:00 p.m. — Monday through Friday

SERVICES: refers callers to lawyers listed with service; there is usually a \$10.00 consultation charge which may be waived in certain circumstances; will handle divorce cases but fees must be paid by client or by spouse as part of divorce decree.

Contact person: _____

- Chicago Volunteer Legal Services
19 S. LaSalle Street
332-1624 (central number)
9:00 a.m. through 5:00 p.m. — Monday through Friday

SERVICES: free legal services for low income individuals provided out of participating community organizations' offices in various parts of the city; call main number for nearest participating office and schedule; divorce cases accepted:

Contact person: _____

- United Charities Legal Aid Bureau
64 E. Jackson Boulevard
922-5625
9:00 a.m. to 5:00 p.m. — Monday through Friday

SERVICES: will accept divorce cases whether contested or uncontested; clients must be low-income to be eligible for service and there is no charge for representation; no appointment is required; additional social services are available through United Charities Family Service Bureaus.

Contact person: _____

B. Other than a divorce or an injunction, what other types of help are available? Sometimes a battered woman does not want to end the relationship with her spouse, but wants to get professional help to solve whatever family or personal problems are provoking the attacks, if this is possible. There may be job or money problems, problems with drugs or alcohol, or other problems which aggravate the family situation.

Services which address these types of problems are described below.

C. Should a battered woman decide to move out on her own, what special types of problems should she anticipate? If a battered woman decides to move out, either for a temporary period or on a permanent basis, some of the problems that will be confronted are:

- where to live, permanently or temporarily;
- how to find a job and what to do if she can't;
- how to keep her children in school.

1. *Housing services* for battered women are very scarce in Illinois at the present time. There are shelters for battered women presently in Chicago, Elgin and Springfield (see list below). However, recent Congressional enactments have appropriated monies for the purpose of providing shelters for battered spouses, and further development of services in Chicago and downstate Illinois may soon be forthcoming.

- Salvation Army Emergency Lodge
4800 N. Marine Drive
275-9383
24 hours a day, seven days a week

SERVICES: short term emergency lodging for women and their children; extremely limited capacity at any given time due to high demand; call first before coming; men and their families also admitted.

Contact person: _____

- City of Chicago Department of Human Services
640 N. LaSalle Street
744-8115
24 hours a day

SERVICES: can provide assistance in locating emergency lodging but provides no housing directly.

Contact person: _____

- Sojourn House
915 North 7th Street
Springfield, Illinois 62702
(217) 544-2484 (24-hour hotline)
(217) 525-0313

SERVICES: temporary (usually 2 weeks) housing for women. Counseling, advocacy and legal referral services available. Services available for battered women or any woman in personal crisis who needs temporary shelter. Capacity is 8-10 persons. Call first for appointment.

Contact person: _____

- Community Crisis Center, Inc.
600 Margaret Place
Elgin, Illinois
697-2380
742-4031

SERVICES: temporary housing services for women and their children who reside within Elgin township. Maximum length of stay is 3 weeks and is determined after in-person intake interview. Overnight emergency housing available. Capacity is eight to ten persons. Counseling and advocacy services also available. Call first for appointment.

Contact person: _____

2. The following agencies offer *specialized* counseling services to battered women, and are well versed in the problems facing a battered woman.

- *The Loop Center YWCA*, a part of the YWCA of Metropolitan Chicago, sponsors a Women's Service Center which includes counseling and referral unit for battered women. Counseling services are available on a sliding fee scale, and are available *by appointment only*. Consultation on legal services is also available. The Loop Center is located at 37 S. Wabash Avenue. Its phone number is 372-6600.

- *Women in Crisis Can Act (WICCA)* provides over-the-phone counseling to battered women. It is located at 1628-A W. Belmont Avenue and is open from 5:00 p.m. to 11:00 p.m. Tuesday through Friday. WICCA also has a 24 hour answering service. Their phone number is 528-3303.

3. The following agencies are *generalized* social service agencies that deal with family problems. They offer counseling on an individual, group and family basis.

- United Charities Family Service Bureau
64 E. Jackson Boulevard
939-5930 (central number)
8:30 a.m. to 5:00 p.m., Monday through Friday

SERVICES: multi-service agency specializing in family problems; many offices in various neighborhoods; for office nearest to you, call the main number downtown; appointments are usually not necessary, but call local office to be certain.

Contact person: _____

- Catholic Charities Family Counseling Center
657 W. Randolph Street
236-5172
8:30 a.m. to 4:30 p.m., Monday through Friday

SERVICES: family counseling and casework services.

Contact person: _____

- Lutheran Welfare Services of Illinois
4840 W. Byron Street
282-7800 (central number)
9:00 a.m. to 8:30 p.m., Monday through Friday

SERVICES: family casework services available at several locations in the city and the suburbs.

Contact person: _____

- Jewish Family and Community Services
1 S. Franklin Street
346-6700 (central number)
9:00 a.m. to 5:30 p.m., Monday through Friday

SERVICES: family casework services available in several locations in the city and suburbs.

Contact person: _____

- Mujeres Latinas en Accion
1823 W. 17th Street
226-1544
Weekday evenings, all day Thursday
SERVICES: counseling services for Latino women.

Contact person: _____

- Illinois Department of Mental Health/Community Mental Health Centers
160 N. LaSalle Street
793-2735 (general number for information)
8:30 a.m. to 5:00 p.m., Monday through Friday
SERVICES: individual and family counseling available at several locations in the city and suburbs provided through local community agencies.

Contact person: _____

4. One of the primary problems associated with domestic violence is that of *alcoholism* in the family. The following agencies use a variety of detoxification and therapeutic techniques to contend with the problem.

- Alcoholism and Drug Dependence (ADD) Program
Lutheran Welfare Services of Illinois
4840 W. Byron Street
282-7800 (central information number)
9:00 a.m. to 5:00 p.m., Monday through Friday
SERVICES: operates several programs for detoxification and follow-up counseling with individual alcoholics and their families; main number should be called for nearest outpost location.

Contact person: _____

- Alcoholics Anonymous
205 W. Wacker Drive
346-1475
9:00 a.m. to 5:00 p.m., Monday through Friday
9:00 a.m. to Noon, Saturday
SERVICES: operates programs for alcoholics and families of alcoholics centered on maintenance of sobriety.

Contact person: _____

- Al-Anon is a separate program for the spouses of alcoholics. For information about Al-Anon meetings in the spouse's area, call:
Central-North — 848-2707
South — 471-0225
Far West — 833-7897
N.W. Suburbs — 358-0338

Contact person: _____

- A program for the children of alcoholics, Ala-Teen, can also be contacted through the above listed phone numbers.

Contact person: _____

- Chicago Alcoholic Treatment Center
3026 S. California Ave.
254-3680
8:00 a.m. to 4:30 p.m., Monday through Friday
SERVICES: primarily hospitalization and detoxification for alcoholics; some aftercare services available; some counseling services available.

Contact person: _____

- Alcoholism Center of the Comprehensive Health Council
55 East Jackson Boulevard — Room 1081
663-0610
9:00 a.m. to 5:00 p.m., Monday through Friday

SERVICES: information and referral on alcoholism programs; direct services limited to assisting in hospitalization for detoxification.

Contact person: _____

5. *Information and referral* services can help identify the most appropriate service available for an individual case. The services listed here have comprehensive lists of all available social service agencies in addition to those agencies listed in this guide.

- United Way of Metropolitan Chicago
Community Referral Service
72 W. Adams St.
472-9623
8:30 a.m. to 5:30 p.m., Monday through Friday
after hours answering service

SERVICE: comprehensive listings of social service agencies in metropolitan area; social workers interview clients over the phone and attempt to match the clients' needs with an agency nearest to them.

Contact person: _____

- Metro-Help, Inc.
2210 N. Halsted St.
929-5150
24 hours a day, seven days a week

SERVICES: comprehensive listings of social service agencies; information and referral to most appropriate agency.

Contact person: _____

6. The following agencies are part of *state or local government* and can serve the particular needs of a battered woman who is moving out of her home and needs help getting established.

- Illinois Department of Public Aid
624 S. Michigan Ave.
793-3033 (central information number)
8:30 a.m. to 5:00 p.m., Monday through Friday

SERVICES: this is the State welfare agency that has field offices in various parts of the city and suburbs; for nearest office, call main number above; direct services include income maintenance (cash payments), food stamp applications, day care; job training is offered and may be required depending on number and ages of children; usual processing time is 45 days but this may be expedited in case of emergency (and wife battering does constitute an emergency); there is no same-day cash disbursement available through Public Aid.

Contact person: _____

- Illinois Department of Labor
Bureau of Employment Security
910 S. Michigan Ave.
(see phone book listings for phone number of nearest field office)
8:30 a.m. to 5:00 p.m., Monday through Friday

SERVICES: job training and job finding depending on skills of applicant; a variety of different programs are available depending on vocational and educational history of applicant; call to discuss case before arriving as services vary from office to office in some instances.

Contact person: _____

- Chicago Board of Education
221 N. LaSalle St.
641-4450 (attendance office)
9:00 a.m. to 5:00 p.m., Monday through Friday

SERVICES: information about school districts for children of battered women should they move to a new school district; information about transfer requirements and rules can be obtained from *district offices* located in various parts of the city, and numbers of district offices can be obtained from attendance office; *note:* parents may wish to discuss the family situation with the principal(s) of the children's new school(s), and a school principal should be available for this purpose.

Contact person: _____

7. *Advocacy services* are those services which provide emotional support to battered women, help in cutting the red tape of governmental organizations, or assist the woman in finding other types of help or assistance.

- Women in Crisis Can Act (WICCA)
1628-A West Belmont Ave.
528-3303
5:00 p.m. to 11:00 p.m., Tuesday through Friday
24 hour answering service all other times

SERVICES: counseling and advocacy services for battered women.

Contact person: _____

- City of Chicago Department of Human Services
Victim/Witness Advocacy Project
640 N. LaSalle St.
744-4030
9:00 a.m. to 5:00 p.m., Monday through Friday

SERVICES: advocacy services include notification of friends and relatives of the victim if hospitalization is required, transportation to and from court appearances, assistance in securing food, shelter or clothing, etc. To be eligible for this program, spouses must live in either the 19th (Belmont), 20th (Foster Avenue), or 23rd (Town Hall) police district on the north side or the 6th (Gresham) or 7th (Englewood) district on the south side.

Contact person: _____

NEW LISTINGS

1. _____

2. _____

3. _____

APPENDIX A

THE ABUSED AND NEGLECTED CHILD REPORTING ACT

An act creating the Abused and Neglected Child Reporting Act and repealing and amending other Acts.

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

Section 1. This Act shall be known and may be cited as the Abused and Neglected Child Reporting Act.

Section 2. The Illinois Department of Children and Family Services shall, upon receiving reports made under this Act, protect the best interests of the child, offer protective services in order to prevent any further harm to the child and to other children in the family, stabilize the home environment and preserve family life whenever possible. In performing any of these duties, the Department may utilize such protective services of voluntary agencies as are available.

Section 3. As used in this Act unless the context otherwise requires:

"Child" means any person under the age of 18 years.

"Department" means Department of Children and Family Services.

"Local law enforcement agency" means the police of a city, town, village, or other incorporated area or the sheriff of an unincorporated area.

"Abuse" means any physical injury, sexual abuse or mental injury inflicted on a child other than by accidental means by a person responsible for the child's health or welfare.

"Neglect" means a failure to provide, by those responsible for the care and maintenance of the child, the proper and necessary support, education as required by law, or medical or other remedial care recognized under State law, other care necessary for the child's well-being; or abandonment by his parent, guardian or custodian; or subjecting a child to an environment injurious to the child's welfare.

Section 4. Any physician, hospital, surgeon, dentist, osteopath, chiropractor, podiatrist, Christian Science practitioner, coroner, school teacher, school administrator, truant officer, social worker, social services administrator, registered nurse, licensed practical nurse, director or staff assistant of a nursery school or a child day care center, law enforcement officer, or field personnel of the Illinois Department of Public Aid having reasonable cause to believe any child with whom they have direct contact has been subjected to abuse or neglect shall immediately report or cause a report to be made to the Department. In addition to the above persons required to report suspected child abuse and neglect, any other person may make a report if such a person has reasonable cause to suspect a child has been abused or neglected.

This Section applies to cases of a child whose death occurs from suspected abuse or neglect before being found or brought to a hospital. A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

Section 5. Any physician who has before him a child he reasonably believes may be abused or neglected may take or retain temporary protective custody of the child without the consent of the child's parent or guardian, whether or not additional medical treatment is required, if the circumstances or conditions of the child are such that continuing in his place of residence or in the care and custody of his parent, guardian or custodian or other person responsible for the child's care, presents an imminent danger to that child's life or health. The physician taking or retaining a child in temporary protective custody must immediately notify the parents or guardian of the child and the Department. The Department shall promptly initiate proceedings under the Juvenile Court Act for the continued temporary custody of the child. For the purpose of this Section, temporary protective custody shall mean custody within a hospital or other medical facility.

Section 6. Any person required to investigate cases of suspected child abuse or neglect may take or cause to be taken, at Department expense, color photographs and x-rays of the area of trauma on the child who is the subject of a report.

Section 7. The report required by this Act shall be made immediately by phone or in person to the nearest office of the Department; and shall also be made in writing deposited in the U.S. mail, postage prepaid, within 24 hours after having reasonable cause to believe that the condition of the child resulted from abuse or neglect. Such reports may in addition be made to the local law enforcement agency in the same manner. In the event a report is made to the local law enforcement agency, the reporter shall so inform the Department. The Department shall initiate an investigation of each report of child abuse and neglect under this Act, whether oral or written, within 24 hours after the receipt of such report. The Department may delegate to law enforcement officials, other public agencies or to private social service agencies the performance of the investigation.

Section 8. The report required by this Act shall include the name and address of the child and his parents or other persons having his custody; the child's age; the nature of the child's condition including any evidence of previous injuries or disabilities; and any other information that the reporter believes might be helpful in establishing the cause of such abuse or neglect and the identity of the person believed to have caused such abuse or neglect.

Section 9. Any person, institution or agency, under this Act, participating in good faith in the making of a report, or in the investigation of such a report in the taking of photographs and x-rays or in the retaining of a child in temporary protective custody shall have immunity from any liability, civil, criminal or that otherwise might result by reason of such actions. For the purpose of any proceedings, civil or criminal, the good faith of any persons required to report, or permitted to report, cases of suspected child abuse or neglect under this Act, shall be presumed.

Section 10. Any person who makes a report or who investigates a report under this Act shall testify fully in any judicial proceeding resulting from such report, as to any evidence of abuse or neglect, or the cause thereof. No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged perpetrator of abuse or neglect, or the child subject of the report under this Act and the person making or investigating the report.

Section 11. The Department shall maintain a central registry of child abuse and neglect reports.

All reports contained therein shall be confidential. Any person who permits or encourages the unauthorized dissemination of information contained in the central registry of child abuse and neglect is guilty of a Class A misdemeanor. The Department shall, by regulation, regulate the entry and retention of child abuse and neglect information and access thereto.

Section 12. "An Act for the reporting of certain cases of physical abuse, neglect or injury to children, and to make an appropriation in connection therewith," approved March 31, 1965, as amended is repealed.

APPENDIX B

Illinois Criminal Code, Sex Offenses

Some definitions of the various sex offenses based on Chapter 38 of the Illinois Criminal Code are:

Rape. A rape has been committed when a male over the age of 14 has sexual intercourse with a woman who is not his wife, by force, and against her will. Sexual intercourse is defined as *any* penetration of the woman's genitals by the genitals of the male. **Rape** is a Class X felony. (See below)

Deviate Sexual Conduct. Deviate sexual conduct is any act of sexual gratification involving the sex organ of one person and the mouth or anus of another person.

Deviate Sexual Assault. A deviate sexual assault has been committed when any person over the age of 14 forces another person to engage in any act of deviate sexual conduct as defined above. **Deviate sexual assault** is a Class X felony.

Indecent Liberties with a Child. A person who is 17 or older may take indecent liberties with any child under 16 years old. An act of indecent liberties consists of an act of sexual intercourse, an act of deviate sexual conduct or an act of lewd fondling or touching engaged in for the purpose of sexual gratification of either the person or the child.

A person charged with this crime may offer as a defense that he or she reasonably believed that the child was 16 or over, that the child is a prostitute, or that the child was previously married. **Indecent liberties** is a Class 1 felony.

Contributing to the Sexual Delinquency of a Child. Any person over the age of 14 may contribute to the sexual delinquency of any child under the age of 18 through the act of sexual intercourse, an act of deviate sexual conduct, an act of lewd fondling or touching done for the purpose of sexual gratification of either the person or the child, or any lewd act done in the presence of the child with the intent to arouse or satisfy the sexual desires of either the child or the person.

Reasonable belief that the child was 18 or over is not a defense to this charge. **Contributing** is a Class A misdemeanor.

Indecent Solicitation of a Child. Any person who is 17 or older who *solicits* a child under 13 to commit an act which would constitute indecent liberties with a child or contributing to the sexual delinquency of a child if performed commits indecent solicitation. Similarly, luring or attempting to lure a child under 13 into an automobile for the purpose of committing an indecent act is indecent solicitation.

Reasonably believing that the child was over 13 is not a defense to this charge. **Indecent solicitation** is a Class A misdemeanor.

Aggravated Incest. Any *male* who has sexual intercourse or commits an act of deviate sexual conduct with someone he knows is his *daughter* commits aggravated incest. Daughter is defined as a blood daughter regardless of age or legitimacy or a step-daughter or adopted daughter under the age of 18. **Aggravated incest** is a Class 2 felony.

Incest. Any act of sexual intercourse or deviate sexual conduct between people who know that they are:

- 1) mother and son;
- 2) brother and sister either of whole or half blood

Incest is a class 3 felony.

An Explanation of Charges and Sentences

Rape is a Class X offense under the new Illinois sentencing law. Under this law a convicted rapist may be sentenced to prison for from 6-30 years. Further, a *third* conviction results in a mandatory life sentence. Under the new law, a person sentenced to life imprisonment cannot be released except through executive clemency.

Lastly, under the new law an extended sentence of anything between 30-60 years in prison can be imposed upon a rapist if 1) he had been convicted of the same or more serious offense within the previous 10 years or 2) the rape was carried out with exceptional brutality or cruelty.

Since Deviate Sexual Assault is also a Class X offense, the same sentencing provisions apply. The new Illinois sentencing law also provides that Class 1 and Class 2 felonies are converted to Class X felonies for sentencing purposes when preceded by two prior convictions of the same or more serious offense. Similar extended sentencing provisions apply where the felony was committed with extreme brutality or was preceded by a single prior conviction of the same or more serious offense.

A Class 1 felony carries a punishment of 4-15 years imprisonment (15-30 when extended), Class 2 carries 3-7 years imprisonment (7-14 when extended), and Class 3 carries 2-5 years imprisonment (5-10 when extended).

A misdemeanor is an offense less serious than a felony. A Class A misdemeanor carries a punishment of any term of less than one year imprisonment.

The primary confusion in the sex offense categories arises from the various crimes centering on sexual activity involving children.

Indecent Liberties with a Child is the most severe crime in terms of punishment; it is a Class 1 felony for which the offender may not be sentenced to death. Because of the severity of the penalty, the defendant may offer proof as to his/her reasonable belief that the child was over 16, was previously married, or was a prostitute.

Note also that the minimum age of the offender is 17; the statute is clearly designed in part to protect children from adult sexual exploitation.

Contributing to the Sexual Delinquency of a Child is a less severe charge which protects older children, or younger children victimized by younger offenders (minimum defendant age here is 14). The prohibited acts are the same, with the inclusion of exhibitionistic acts. **Contributing** is a Class A misdemeanor, a substantially less severe charge than a Class 1 felony.

Note: While **Deviate Sexual Assault** requires that the offender have used force in his attack, this element is missing from the crime of **Indecent Liberties** or **Contributing**. In short, then, even if the victim *consents* to the sexual act involved, the offender may still be found guilty of the charge if the other elements are proved (e.g. age of the child, age of the offender, reasonable belief as to age, etc.).

Indecent Solicitation makes it a crime to request, command, or encourage a young child to commit an indecent act or to lure or *attempt* to lure a young child into a car for the purpose of committing an indecent act. Again, the minimum defendant age is 17, so an intent to control adult exploitation may be inferred. **Solicitation** is also a Class A misdemeanor. A less severe penalty is imposed as no act is alleged to have taken place, but merely the attempt or encouragement to commit an act.

The **incest categories**. Incest is broken into two categories, with the first centering on the father-daughter relationship.

Aggravated Incest prohibits a father from having sexual intercourse or engaging in deviate sexual conduct with someone *who he knows* is his daughter by blood (whether legitimate or not) *or* is his step-daughter *if* she is under 18. (Adopted daughters are also covered here.)

The question of knowledge is important here, as under the old laws this type of incest was a "strict liability" offense; e.g. if a man hadn't seen his daughter in 25 years, had no way of knowing she was his daughter, etc., he could still be guilty of incest. Under the "modern" rule the father's *knowledge of the relationship* must be shown to prosecute successfully. The father need not exercise force, to make his daughter submit. This offense makes father-daughter sexual relations a crime even if the daughter consents.

Aggravated incest is a Class 2 felony.

Incest covers all other types of inter-familial sexual conduct, i.e. mother-son, brother-sister, although whether this statute would control mother and adopted son is not clear.

Incest is a Class 3 felony, carrying a lesser sentence than aggravated incest. This difference in sentences is probably based somewhat on social bias, with a father-daughter sexual relationship being seen as a greater taboo than others. Another possible reason is the belief that a girl is less able to defend herself against her father's advances than a son against a mother, or a sibling against another sibling.

For the complete text of the law upon which the excerpts in this appendix are based, consult the following sections of Chapter 38 of the Illinois Criminal Code:

- §11-1 — Rape
- §11-2 — Deviate Sexual Conduct
- §11-3 — Deviate Sexual Assault
- §11-4 — Indecent Liberties with a Child
- §11-5 — Contributing to the Sexual Delinquency of a Child
- §11-6 — Indecent Solicitation of a Child
- §11-10 — Aggravated Incest
- §11-11 — Incest

APPENDIX C

A Brief Explanation of the Act Creating the Illinois Department of Children and Family Services

The Illinois Department of Children and Family Services (DCFS) was created by an act of the Illinois General Assembly in 1964. The purpose of the act was to centralize services within the state for neglected and dependant children and to centralize mechanisms of payment to agencies that serve wards of the various juvenile courts throughout the state.

Prior to the creation of the DCFS, most children's services were provided out of the county department of public aid or through the Illinois Department of Mental Health.

Many counties were becoming increasingly unable to bear the cost of children's services in addition to their other rising welfare costs. Similarly, conventional reform thinking at the time held that centralization of services under a single state agency would help insure higher quality services to more children.

Under the enabling act, the Department is vested with several duties, among which are.

- 1) serve as a statewide coordinator for day care operations and planning, including the responsibility for preparing a comprehensive statewide day care plan;
- 2) encourage and help develop day care resources where such resources are scarce in various areas through the State;
- 3) accept for care and training those children committed to it as neglected and dependant children;
- 4) accept for care and training those children found to be delinquent who are under the age of 13;
- 5) accept for care and training those children who have been found to be Minors Otherwise in Need of Supervision (MINS) by virtue of their violation of a lawful court order.

The Department is authorized to assess the financial condition of the family of the child in need of service to determine whether or not the family is able to contribute to the cost of providing care to the child.

The Department is mandated to directly operate and administer certain institutions throughout the State. These institutions serve the disabled, the children of veterans, and aged veterans in need of residential care.

The Department is also authorized to enter into purchase of service agreements with child welfare service provider agencies within the private sector. In providing services to children who fall within its mandate, the Department must utilize private child welfare agencies where they exist and where they provide services appropriate to the child's needs.

Where no such private agency services exist, the Department shall provide them directly.

The Department is further authorized to make grants to private day care service agencies throughout the state.

The distinction between grants and purchase of service agreements should be noted. A purchase of service agreement repays private child welfare agencies on a per child, per day basis according to a rate established contractually between the Department and an individual agency. These rates vary from agency to agency dependant on the nature of the service provided, the type of child served, etc.

A grant, on the other hand, is a block of money for all services to all children served which is distributed, for example, one quarter at a time four times a year. Day care service grants also tend to be much more uniform in amounts paid to the different agencies than do purchase of service agreements.

Other Duties of the Department

The Department of Children and Family Services is the designated statewide reporting agency for child abuse.

All child abuse must be reported to the Department and the Department must investigate all child abuse. The Department is also to maintain a central registry of child abuse complaints.

These duties, and the attendant procedural responsibilities, are not contained in the Department's enabling act, but rather in the *Abused and Neglected Child Reporting Act*, a separate piece of legislation.

The Department has the responsibility of developing and promulgating licensing standards for child welfare agencies, foster homes and residential treatment centers, day care and night care agencies.

The Department also investigates and approves of adoptive placements for court considerations.

APPENDIX D

Excerpts From the Juvenile Court Act

Illinois Revised Statutes (1973), Chapter 37, Section 701-1 et seq., as amended.

Introduction. Illinois was the first state to create a special court act for juveniles. The predecessor to the present Juvenile Court Act was passed in 1899, and was hailed as a long needed reform for the benefit of children. The benefits anticipated included the separation of children from adult offenders, the non-adversary nature of Juvenile Court proceedings, the secrecy of the proceedings (to guarantee that a child would not be publicly branded as a criminal) and the wide range of dispositional alternatives available to the judge through which he could take into account the "special needs" of each of the young people appearing before him or her.

The Juvenile Court Act has undergone many revisions over the years, of course, but the main elements of the Juvenile Court system has remained intact. The Juvenile Court remains non-adversary; no one's guilt is determined at a juvenile hearing but, rather, a judge will make a disposition as to the youth's status. Proceedings are still secret, and youthful offenders are still segregated from adult offenders. In 1969 a special division of the newly created Department of Corrections (replacing the old Commission on Public Safety) was set aside for juveniles only.

The Juvenile Court Act has a much greater purview than simply juvenile delinquents. It contains the definitions of neglected and dependant youth and also makes provisions for status offenders, who are called Minors In Need of Supervision (MINS) in the Act.

NOTE: *The following excerpts do not purport to be a complete rendering of the Juvenile Court Act.* What is contained herein is, in effect, a glossary of important terms and concepts used in the Juvenile Court Act. Generally speaking, provisions as to due process, financial liability, the duties of counties as to services, etc., have been excluded.

NOTE: A reading of the complete Juvenile Court Act is recommended before attempting to use this guide.

Adjudicatory Hearing. An adjudicatory hearing is, in effect, a trial. It is at this hearing, presided over by a Juvenile Court judge, that the allegations contained in the juvenile petition which started the matter are considered. The Court attempts to determine whether or not the child is actually neglected, delinquent, etc. (For definitions of these terms, see below). The judge hears all the evidence, considers the testimony of the parents, the child, school officials, etc., and makes his/her finding.

NOTE: Since this proceeding is not adversary, there is no presumption of innocence or guilt. The hearing is approached as a fact finding attempt by the court as to the status of the child within the community.

At this hearing, the child may also be found to be a ward of the Court if his or her social circumstances dictate such a finding. Such a finding usually results in a transfer of custody and/or guardianship of the child to another, usually the State of Illinois, on behalf of the Court.

Dispositional Hearing. Once the child has been determined a ward of the court, the court will hold a dispositional hearing to determine what to do with the child. Many alternatives avail, depending on the status of the child (i.e. neglected, delinquent, etc.) and the desires of the court. A child, then, may be placed on probation, placed in a foster home, placed in a Department of Corrections (DOC) youth facility, etc.

Guardianship of the Person. When the court transfers guardianship, it cuts off all of the rights of the natural parents with some notable exceptions. The child may not be adopted by someone else (unless there is further hearing to *terminate parental rights*); the parents may not be denied visitation rights (unless expressly found undesirable and therefore forbidden by the Court); the child's religion may not be changed nor may he or she be compelled to practice any religion other than his or her own.

Short of these restrictions, the guardianship powers are fairly absolute. The person or agency holding guardianship may:

- 1) consent to the child's marriage;
- 2) consent to the child's enlistment in the armed services;
- 3) consent to major or minor medical treatment for the child;

- 4) represent the child in any legal actions;
- 5) make decisions as to where the child lives, attends school, etc.;
and in the words of the act...
- 6) "Make other decisions of substantial legal significance concerning the minor."

Since these decisions are vested with the guardianship holder, no one else may make these decisions for the child unless the authority has been delegated by the guardianship holder. A child welfare agency may, then, seek emergency medical treatment for a child placed with it, etc.

Guardianship is not time limited. It can be vacated only by another hearing of the court at which time it is determined that there is no longer any need for the guardianship to be vested outside the natural family. Guardianship is then returned to the natural parents and the court ceases its relationship to the child.

Custody of the Person. Custody represents a lesser assertion of state authority over the child. Here the custodian is responsible for the child's physical well being (i.e. room and board), his or her education, discipline, and ordinary medical care. The responsibility for major legal decisions as described in the previous section *does not* vest with custody of the child's person.

The court will transfer custody as opposed to guardianship because it feels there is less of a need for complete separation from the family. Custody is usually more time limited with follow-up hearings being more frequently scheduled. In short, custody is viewed as a more temporary measure, designed to allow for some immediate serving of the natural family and the quick return of the child.

Minor Defined. A minor is any person who is less than 21 years old when they become subject to the provisions of the act. NOTE: Some of the sub-categories of juveniles have separate age requirements. See sections on Delinquent Minor, Minor Otherwise in Need of Supervision and Neglected Minor below.

Petition. A petition is the document that begins the Juvenile Court process. Any adult person, agency, or association may file a petition in the Juvenile Court in which the person states his or her belief that a certain child is dependant, neglected, etc., and states the reason(s) for his or her belief. The petition may also ask for a certain type of dispositional relief, i.e. transfer of guardianship, placement outside the home, etc., if that type of relief is available under the Act.

Rights of Parties to the Proceeding. This section defines who may present evidence at a hearing and who is a formal party to the proceeding, etc. Although the proceedings are not intended to be adversary, parents, guardians, custodians, etc., all have the right to be heard at a hearing and have the right to examine evidence and cross-examine witnesses. Similarly, any *party*, as distinguished from interested person, may have counsel appointed to them if they are unable to financially afford private counsel.

An interested person would be a foster parent agency, a previous guardian or a foster parent. They may be heard by the court, but do not become parties to the proceeding.

If a change in status is being considered, e.g. assumption of guardian rights, etc., notice must be given to the natural parents, foster parents, etc., of that possibility.

Parties have a right to appeal the findings of the court.

At the discretion of the court, the minor in question may be excluded from attending the proceedings.

The general public, except for the news media, shall be excluded from attending the proceedings.

Delinquent Minor. A delinquent is any young person who violates any state or federal law or municipal ordinance if he or she is under 17 years old at the time of the offense.

Practically, this means that if the act committed would be criminal if the child were an adult, then he or she is a delinquent youth.

Minor Otherwise in Need of Supervision. A Minor Otherwise in Need of Supervision (MINS) is any child who is under 18 and is beyond the control of his/her parents, is habitually truant, is a drug addict, or who violates a lawful court order made under any other provision of the Juvenile Court Act.

A MINS is a status offender, i.e. the offense committed would not be punishable if the child were an adult. Most MINS are truants, runaways, otherwise ungovernable, etc.

Neglected Minor. A neglected minor is any child under the age of 18 who is neglected as to his or her physical well-being, education or training, medical care necessary to well-being, *or* who is abandoned by his/her parents, guardians, or custodians, *or* whose environment is injurious to his or her well-being.

The categories are obviously quite broad and a finding of neglect is very much left to the discretion of the court.

A child may not be neglected simply because his parents are poor. Greater deprivation than simply absence of financial resources must be shown.

Dependant Minor. A dependant minor is a child under the age of 18 who has no parent, guardian, or custodian, whose parent, guardian, or custodian is disabled and therefore not able to care for the child, or whose parent, guardian, or custodian wishes to be relieved of all responsibilities for the child including the right of adoption.

This section is rarely invoked, and most usually has been applied to orphans.

The distinction between a neglected child and a dependant child seems to be that in an instance of neglect, the person caring for the child is "unwilling" to so, where for the dependant child the person caring for the child is "unable" to provide appropriate care.

Criminal Prosecutions Limited. Generally speaking a child under the age of 17 cannot be prosecuted as an adult for violations of criminal statutes or ordinances. There are some significant exceptions to this rule however.

If a child is 13 or over and commits a crime under state law, he/she may be tried as an adult where such a trial is found to be in the best interests of the child or the public. This is known as transfer, and the matter is decided at a transfer hearing which is held at the instigation of the State's Attorney. The decision is made by a Juvenile Court judge. A juvenile can also request a trial as an adult and waive his or her right to be heard under the Juvenile Court Act. Again, he or she must be 13 or over, and must be charged with breaking a state law.

The Juvenile Court Act provides some guidelines for a judge in deciding whether or not to transfer the case for adult trial.

- whether or not there is sufficient evidence under which the grand jury could be expected to return an indictment if it considered the charges under an adult criminal petition.
- whether or not there is evidence to indicate that the alleged offense was committed in an aggressive or premeditated manner;
- the age and prior history of the juvenile;
- whether or not the child would receive proper treatment and rehabilitation through Juvenile Court services if the case were maintained in Juvenile Court;
- whether or not the best interests of the minor and the security of the public would indicate that the child should continue under supervision or custody beyond his/her 21st birthday, i.e. under long term probation or incarceration.

Confinement. After arrest, a minor under the age of 16 may not be kept in a jail or police station lock-up area. If the child is under 17, he or she may be so confined but must be kept in an area separate from adults under arrest. In Chicago, the Arthur J. Audy Home is used for this purpose.

Shelter Care. Any minor taken into custody by a law enforcement officer shall be placed by the court in a foster home or other designated shelter care facility if outside of the home care is required, unless the child requires physical restriction in which case confinement definition applies.

Guardian Ad Litem. A Guardian Ad Litem is a Court appointed officer whose responsibility is to represent the interests of the child when there are no parents or guardians to represent the child; where the interests of the child and the parents or guardians may conflict; where the child allegedly has been abused; or where the court otherwise believes that it is in the best interests of the child to so appoint.

Unless the Guardian Ad Litem is an attorney, he/she may be represented by counsel.

Kinds of Dispositional Orders. Once the child has been adjudicated as a delinquent, neglected child, MINS, or dependant child, the Court, after hearing a social history of the child and his/her family from the court's social investigator, will enter an order as to the disposition of the child. The dispositional alternatives available to the judge vary with the type of child that is the subject of the hearing.

For a delinquent child the court may: 1) return him/her to the custody of his/her parents under the supervision of the court's probation staff, 2) admit the child to treatment with the Department of Mental

Health and Developmental Disabilities if the child has been found to be a drug addict, 3) commit the child to the Illinois Department of Children and Family Services *if* the child is under the age of 13, or 4) commit the child to the Illinois Department of Corrections for institutional treatment *if* incarceration is permitted for adults found guilty of the offense for which the child had been adjudicated a delinquent.

For a MINS child the court may: 1) return the child to his/her parents with or without the supervision of the Juvenile Court, 2) place him/her with a suitable relative with or without supervision, 3) commit him/her to the Illinois Department of Children and Family Services, or 4) place him/her under the treatment of the Department of Mental Health/Developmental Disabilities if the child is a drug addict.

For a neglected child the Court may: 1) continue the child under the custody of the child's parents, guardian, or legal custodian, or 2) place the child outside of the home by committing the child to the care of the Illinois Department of Children and Family Services (DCFS). Such a commitment usually entails a transfer of guardianship responsibilities to the DCFS.

The Department must report to the Court from time to time about the progress of the child's treatment and the rehabilitation of the family, with the return of the child to the family as the ultimate service goal. The guardianship rights of the Department continue until the Department petitions the Court for release of guardianship, with the rights usually returning to the child's natural family. Where physical abuse of the child was the source of the Court's involvement in the case, the court will engage in a rather detailed hearing to determine whether or not the physical threat to the child has been terminated.

Probation. For a delinquent child the Court may order probation as an alternative to incarceration. As a condition of this probation, the Court may direct the child to work or undergo vocational training, undergo medical or psychiatric treatment, attend school, attend a non-residential program for youth, report periodically to a probation officer, or comply with other conditions that the Court may determine are appropriate.

A child may not be put on probation for a period longer than 5 years or until he/she reaches the age of 21, whichever is less.

Duration of Wardship and Discharge of Proceedings. The wardship of a minor terminates automatically upon his or her 21st birthday. No court action is required.

The Court may terminate guardianship at any time prior to the child's 21st birthday if in the best interests of the child, i.e. conditions causing the Court taking guardianship have been remediated.

Effective Date. The Juvenile Court Act became effective in its present form on January 1, 1966. It has been revised and amended several times since then. All revisions have been accounted for in this summary.

For the complete text of the law upon which the excerpts in this appendix are based, consult the following sections of the Juvenile Court Act:

- §701-4 Adjudicatory Hearing Defined
- §701-10 Dispositional Hearing Defined
- §701-11 Guardianship of the Person Defined
- §701-12 Custody of the Person Defined
- §701-13 Minor Defined (for the purpose of this Act)
- §701-20 Rights of the Parties to the Proceedings
- §702-2 Delinquent Minor Defined
- §702-3 Minor Otherwise in Need of Supervision Defined
- §702-4 Neglected Minor Defined
- §702-5 Dependant Minor Defined
- §702-7 Criminal Prosecutions Limited
- §702-8 Confinement
- §703-3 Shelter Care
- §704-5 Guardian Ad Litem
- §705-2 Kinds of Dispositional Orders
- §705-3 Probation
- §705-11 Duration of Wardship and Termination of Proceedings
- §708-1 Effective Date

APPENDIX E

ILLINOIS REVISED STATUTES (1975 Chapter 38, Code of Criminal Procedure, Section 115-7.)

(When a woman's past sexual conduct is admissible evidence in the trial of her accused rapist.)

Section 115-7.

a. In prosecutions for rape or deviate sexual assault, the prior sexual activity or the reputation of the alleged victim is inadmissible except as evidence concerning the past sexual conduct of the alleged victim with the accused.

b. No evidence admissible under this section shall be introduced unless ruled admissible by the trial judge after an offer of proof has been made at a hearing to be held *in camera* in order to determine whether the defense has evidence to impeach the witness in the event that prior sexual activity with the defendant is denied. Unless the court finds that such evidence is available, counsel for the defendant shall be ordered to refrain from inquiring into prior sexual activity between the alleged victim and the defendant.

Section.2 This amendatory Act takes effect upon its becoming law. (Note: became law in 1978.)

Comment: The impact of this statute is that information about a woman's past sexual history may not be introduced at a trial of her accused rapist unless the evidence relates to her past sexual history *with the defendant*. Further, this information may only be sought if the woman intends to deny a history of sexual conduct with the defendant and the defense has evidence to show that she is lying.

Historically, information about a woman's sexual history with someone other than the defendant could be admitted if it would prove that the alleged rape victim had a reputation for promiscuity in the community. The assumption was that, in the words of the Illinois Supreme Court in 1962, "it is more probable that an unchaste woman would assent (consent) to...an act of intercourse than a virtuous woman." Since a rape requires that the sexual act be performed against the will of the woman, proving consent would defeat a charge of rape.

Although such evidence would only be allowed to show a bad *reputation*, and not merely individual sexual acts with other men or the defendant, the feeling that such an evidentiary rule actually placed the victim on trial rather than the accused rapist resulted in the legislation described above.

The determination that the woman intends to deny a history of sexual conduct with the defendant and that the defense has evidence to the contrary *is not made* in open court during the course of the trial. The judge hears the matter in his chambers ("*in camera*") outside of where the jury will hear the information. The judge then decides whether or not to permit the defense to introduce the information about the woman's past sexual conduct. If the judge decides that the information should not be introduced, the defense attorney *may not* ask the alleged victim questions about her past sexual conduct.

If the defense counsel ignores this ruling and asks the questions in open court, the judge should strike the question and order the jury to disregard it.

APPENDIX F

ILLINOIS REVISED STATUTES, Chapter 111-1/2, *Public Health*

(Rape Victims Emergency Treatment Act)

Section 87-1 et seq.

Section 1. Short Title. This Act shall be known and may be cited as the "Rape Victims Emergency Treatment Act."

Section 2. Hospitals to furnish emergency service. Every hospital required to be licensed by the Department of Public Health pursuant to the Hospital Licensing Act, approved July 1, 1953, as now or hereafter amended, which provides general medical and surgical hospital services shall provide emergency hospital service, in accordance with the rules and regulations adopted by the Department of Public Health, to all alleged rape victims who apply for such hospital emergency services in relation to injuries or trauma resulting from the rape.

Section 3. Community or areawide plan for emergency services to rape victims. A hospital is authorized to participate, in conjunction with one or more other hospitals or health care facilities, in a community or areawide plan for the furnishing of hospital emergency service to alleged rape victims on a community or areawide basis provided each hospital participating in such a plan shall furnish such hospital emergency services as it is designated to provide in the plan agreed upon by the participating hospitals to any alleged rape victim who applies for such hospital emergency services in relation to injuries or trauma resulting from the rape.

Section 4. Community or areawide plans—Submission to department. Community or areawide plans may be developed by the hospitals or other health care facilities in the community or area to be served, and shall provide for the hospital emergency services to alleged rape victims which shall be made available by each of the participating hospitals. All such plans shall be submitted to the Department of Public Health for approval prior to such plan becoming effective. The Department of Public Health shall approve such plan for community or areawide hospital emergency service to alleged rape victims if it finds that the implementation of the proposed plan would provide an adequate hospital emergency service for the people of the community or area to be served.

Section 5. Minimum requirements for hospitals providing emergency service to rape victims. Every hospital providing emergency hospital services to an alleged rape victim under this Act shall, as minimum requirements for such services, provide, with the consent of the alleged rape victim, and as ordered by the attending physician, the following:

(1) appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of an alleged rape victim or which may be used as evidence in a criminal proceeding against a person accused of the rape, or both; and records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the alleged rape victim;

(2) appropriate oral and written information concerning the possibility of infection, venereal disease and pregnancy resulting from rape;

(3) appropriate oral and written information concerning accepted medical procedures, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from rape;

(4) such medication as deemed appropriate by the attending physician;

(5) a blood test to determine the the presence or absence of venereal disease;

(6) written or oral instructions indicating the need for a second blood test 6 weeks after the rape to determine the presence or absence of venereal disease; and

(7) appropriate counseling as determined by the hospital, by trained personnel designated by the hospital.

Section 6. Powers and duties of Department of Public Health. The Department of Public Health shall have the duties and responsibilities required by Section 6.1 through 6.3.

Section 6.1. To prescribe minimum standards, rules and regulations pursuant to the Illinois Hospital Licensing Act approved July 1, 1953, as now or hereafter amended, necessary to implement this Act, which shall apply to every hospital required to be licensed by the Department of Public Health. Such standards shall include, but not be limited to, a uniform system for recording results of medical examinations and all diagnostic tests performed in connection therewith to determine the condition and necessary treatment of alleged rape victims, which results shall be preserved in a confidential manner as part of the hospital record of the patient.

Section 6.2. To assist in the development and operation of programs which provide emergency services to alleged rape victims, and, where necessary, to provide grants to hospitals for this purpose.

Section 6.3. To establish standards, rules and regulations, for the reimbursement to hospitals of costs of providing services to alleged rape victims pursuant to Section 7 of this act.

Section 7. Hospital charges and reimbursement. When any hospital provides emergency services required under this Act to any rape victim, or to any alleged rape victim as defined by the Department of Public Health pursuant to Section 6.3 of this Act, who is neither eligible to receive such services under The Illinois Public Aid Code nor covered as to such services by a policy of insurance, the hospital shall furnish such service to that person without charge and shall be entitled to be reimbursed for its costs in providing such services by the Department of Public Health which shall include appropriate provisions for this reimbursement program in the rules and regulations promulgated by it under this Act.

Section 8. Penalties. Any hospital violating any provisions of this Act shall be guilty of a petty offense for each violation, and any fine imposed shall be paid into the general corporate funds of the city, incorporated town or village in which the hospital is located, or of the county, in case such hospital is outside the limits of any incorporated municipality.

Section 9. Nothing in this Act shall be construed to require a hospital to provide any services which relate to an abortion.

Section 10. This Act takes effect January 1, 1976.

Comment: The purpose of this Act is to ensure that women who are victims of rape are capable of getting medical treatment despite the fact that they have no insurance or are not covered by Public Aid Medicaid. The State of Illinois promises to repay hospitals for any treatment they give to any person claiming to have been raped, including the costs of collecting and submitting evidence for analysis by law enforcement laboratories.

A person does not have to be a "verified" rape victim to receive treatment. If the person *alleges* that she has been raped, her medical treatment will be reimbursed under this act.

Under the regulations promulgated by the Illinois Department of Public Health under this Act, a liberal construction has been applied to "rape victim" or "alleged rape victim" and the repayment of services will also be extended where the hospital has provided care to the victim or alleged victim of any type of sexual assault.

As to the issue of abortion, the Act leaves the provision of this service, including the administration of anti-pregnancy treatment to the discretion of the hospital according to the Illinois Department of Public Health. However, should the victim so request and should the hospital elect to provide such treatment, repayment of the services will be made *if* the anti-pregnancy treatment is part of the emergency room treatment and *if* it is administered *immediately* after the attack, according to the Department.

APPENDIX G

ILLINOIS REVISED STATUTES, (1975) Chapter 69 (Injunctions)

Section 25 — Domestic Violence — Injunctive Relief

An action for injunctive relief commenced by a verified complaint alleging the existence of domestic violence, as herein defined, may be brought by any spouse on behalf of himself or herself or on behalf of minor children. For purposes of this Section, "domestic violence" is defined to include physical injury or the threat of imminent physical injury of the complaining spouse or the parties' minor children.

Upon a proper showing of actual or imminent physical harm, the court may, upon due notice and full hearing, enter an order of injunction, mandatory or restraining. The relief provided by the court may include any or all of the following.

- 1) enjoining any party from threatening, molesting or injuring any other party, or the parties' minor children; or
- 2) excluding either party, for a period not to exceed 30 days from the marital or family home, where this exclusion is necessary to the physical or mental well-being of the plaintiff or minor children; or
- 3) awarding temporary custody or establishing temporary visitation rights with regard to minor children, or both; or
- 4) recommending either or both parties to undergo counseling with a social worker, family service agency, mental health center, psychiatrist, or any guidance service that the court deems appropriate.

The Court may amend its order or agreement at any time upon subsequent petition filed by either party. No order or agreement under this Section shall in any manner affect title to real property.

The Court may grant emergency relief without notice pursuant to Section 3-1 of this Act, upon a showing of immediate and present danger of abuse to the plaintiff or minor children and may enter an order, pending notice and full hearing on the merits, enjoining the defendant from threatening, molesting, or disturbing the peace of the plaintiff.

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CREDITS

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Ms. Dorothy Goos, Lutheran Welfare Services of Illinois

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Ms. Pat Goldman, Attorney General William Scott's Office of Crime Victim Compensation

Ms. Karen Crane, Attorney General William Scott's Office of Crime Victim Compensation

Mr. Jordy Lightman, Chicago Board of Education

Mr. Paul Waterhouse, Illinois Bureau of Employment Security

Ms. Karen Copp, Chicago Hospital Council

Ms. Ruth Becker, *Presbyterian-St. Luke's Hospital*

Mr. Burton S. Terry, United Charities of Chicago, Legal Aid Bureau

Ms. Jeanine Smith, Illinois Department of Children and Family Services

Ms. Sunni Reed, Illinois Department of Children and Family Services

The Chicago Crime Commission's *Illinois' New Crime Legislation — What Does It Do?*

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