



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5129

Introduced 2/8/2012, by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

| | |
|-----------------|---------------------------|
| 325 ILCS 5/7.4 | from Ch. 23, par. 2057.4 |
| 325 ILCS 5/7.14 | from Ch. 23, par. 2057.14 |
| 325 ILCS 5/7.16 | from Ch. 23, par. 2057.16 |
| 325 ILCS 5/7.21 | |

Amends the Abused and Neglected Child Reporting Act. Requires the Department of Children and Family Services to convene a multi-disciplinary committee to review application of the Department's investigation procedures to investigations involving children with custody cases pending pursuant to the Illinois Marriage and Dissolution of Marriage Act. Requires the Department to promulgate rules, by June 1, 2013, establishing criteria and standards for labeling a child abuse or neglect report as false in the state central register. Requires the Department's investigation team to include a licensed clinical social worker with experience in working with a child's specific disability when a report involves a child with a cognitive or physical disability. Provides that if the child named in the report was in the temporary custody or guardianship of the Department when the report was received, then the child named in the report shall be a party to another's request for expungement of the final findings. Contains provisions concerning a mandated reporter's request for a review of an unfounded report; appeals requested by parents, personal guardians, or legal custodians who are not also subjects of the report; appeals conducted by a neutral third party; appeals or reviews requested via U.S. Mail; and Department rules limiting the rights of a reporter to request an appeal. Effective immediately.

LRB097 18626 KTG 65576 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

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

4 Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Sections 7.4, 7.14, 7.16, and 7.21 as
6 follows:

7 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

8 Sec. 7.4. (a) The Department shall be capable of receiving
9 reports of suspected child abuse or neglect 24 hours a day, 7
10 days a week. Whenever the Department receives a report alleging
11 that a child is a truant as defined in Section 26-2a of The
12 School Code, as now or hereafter amended, the Department shall
13 notify the superintendent of the school district in which the
14 child resides and the appropriate superintendent of the
15 educational service region. The notification to the
16 appropriate officials by the Department shall not be considered
17 an allegation of abuse or neglect under this Act.

18 (a-5) Beginning January 1, 2010, the Department of Children
19 and Family Services may implement a 5-year demonstration of a
20 "differential response program" in accordance with criteria,
21 standards, and procedures prescribed by rule. The program may
22 provide that, upon receiving a report, the Department shall
23 determine whether to conduct a family assessment or an

1 investigation as appropriate to prevent or provide a remedy for
2 child abuse or neglect.

3 For purposes of this subsection (a-5), "family assessment"
4 means a comprehensive assessment of child safety, risk of
5 subsequent child maltreatment, and family strengths and needs
6 that is applied to a child maltreatment report that does not
7 allege substantial child endangerment. "Family assessment"
8 does not include a determination as to whether child
9 maltreatment occurred but does determine the need for services
10 to address the safety of family members and the risk of
11 subsequent maltreatment.

12 For purposes of this subsection (a-5), "investigation"
13 means fact-gathering related to the current safety of a child
14 and the risk of subsequent abuse or neglect that determines
15 whether a report of suspected child abuse or neglect should be
16 indicated or unfounded and whether child protective services
17 are needed.

18 Under the "differential response program" implemented
19 under this subsection (a-5), the Department:

20 (1) Shall conduct an investigation on reports
21 involving substantial child abuse or neglect.

22 (2) Shall begin an immediate investigation if, at any
23 time when it is using a family assessment response, it
24 determines that there is reason to believe that substantial
25 child abuse or neglect or a serious threat to the child's
26 safety exists.

1 (3) May conduct a family assessment for reports that do
2 not allege substantial child endangerment. In determining
3 that a family assessment is appropriate, the Department may
4 consider issues including, but not limited to, child
5 safety, parental cooperation, and the need for an immediate
6 response.

7 (4) Shall promulgate criteria, standards, and
8 procedures that shall be applied in making this
9 determination, taking into consideration the Child
10 Endangerment Risk Assessment Protocol of the Department.

11 (5) May conduct a family assessment on a report that
12 was initially screened and assigned for an investigation.

13 In determining that a complete investigation is not
14 required, the Department must document the reason for
15 terminating the investigation and notify the local law
16 enforcement agency or the Department of State Police if the
17 local law enforcement agency or Department of State Police is
18 conducting a joint investigation.

19 Once it is determined that a "family assessment" will be
20 implemented, the case shall not be reported to the central
21 register of abuse and neglect reports.

22 During a family assessment, the Department shall collect
23 any available and relevant information to determine child
24 safety, risk of subsequent abuse or neglect, and family
25 strengths.

26 Information collected includes, but is not limited to, when

1 relevant: information with regard to the person reporting the
2 alleged abuse or neglect, including the nature of the
3 reporter's relationship to the child and to the alleged
4 offender, and the basis of the reporter's knowledge for the
5 report; the child allegedly being abused or neglected; the
6 alleged offender; the child's caretaker; and other collateral
7 sources having relevant information related to the alleged
8 abuse or neglect. Information relevant to the assessment must
9 be asked for, and may include:

10 (A) The child's sex and age, prior reports of abuse or
11 neglect, information relating to developmental
12 functioning, credibility of the child's statement, and
13 whether the information provided under this paragraph (A)
14 is consistent with other information collected during the
15 course of the assessment or investigation.

16 (B) The alleged offender's age, a record check for
17 prior reports of abuse or neglect, and criminal charges and
18 convictions. The alleged offender may submit supporting
19 documentation relevant to the assessment.

20 (C) Collateral source information regarding the
21 alleged abuse or neglect and care of the child. Collateral
22 information includes, when relevant: (i) a medical
23 examination of the child; (ii) prior medical records
24 relating to the alleged maltreatment or care of the child
25 maintained by any facility, clinic, or health care
26 professional, and an interview with the treating

1 professionals; and (iii) interviews with the child's
2 caretakers, including the child's parent, guardian, foster
3 parent, child care provider, teachers, counselors, family
4 members, relatives, and other persons who may have
5 knowledge regarding the alleged maltreatment and the care
6 of the child.

7 (D) Information on the existence of domestic abuse and
8 violence in the home of the child, and substance abuse.

9 Nothing in this subsection (a-5) precludes the Department
10 from collecting other relevant information necessary to
11 conduct the assessment or investigation. Nothing in this
12 subsection (a-5) shall be construed to allow the name or
13 identity of a reporter to be disclosed in violation of the
14 protections afforded under Section 7.19 of this Act.

15 After conducting the family assessment, the Department
16 shall determine whether services are needed to address the
17 safety of the child and other family members and the risk of
18 subsequent abuse or neglect.

19 Upon completion of the family assessment, if the Department
20 concludes that no services shall be offered, then the case
21 shall be closed. If the Department concludes that services
22 shall be offered, the Department shall develop a family
23 preservation plan and offer or refer services to the family.

24 At any time during a family assessment, if the Department
25 believes there is any reason to stop the assessment and conduct
26 an investigation based on the information discovered, the

1 Department shall do so.

2 The procedures available to the Department in conducting
3 investigations under this Act shall be followed as appropriate
4 during a family assessment.

5 The Department shall arrange for an independent evaluation
6 of the "differential response program" authorized and
7 implemented under this subsection (a-5) to determine whether it
8 is meeting the goals in accordance with Section 2 of this Act.
9 The Department may adopt administrative rules necessary for the
10 execution of this Section, in accordance with Section 4 of the
11 Children and Family Services Act.

12 The demonstration conducted under this subsection (a-5)
13 shall become a permanent program on January 1, 2015, upon
14 completion of the demonstration project period.

15 (b) (1) The following procedures shall be followed in the
16 investigation of all reports of suspected abuse or neglect
17 of a child, except as provided in subsection (c) of this
18 Section.

19 (2) If, during a family assessment authorized by
20 subsection (a-5) or an investigation, it appears that the
21 immediate safety or well-being of a child is endangered,
22 that the family may flee or the child disappear, or that
23 the facts otherwise so warrant, the Child Protective
24 Service Unit shall commence an investigation immediately,
25 regardless of the time of day or night. All other
26 investigations shall be commenced within 24 hours of

1 receipt of the report. Upon receipt of a report, the Child
2 Protective Service Unit shall conduct a family assessment
3 authorized by subsection (a-5) or begin an initial
4 investigation and make an initial determination whether
5 the report is a good faith indication of alleged child
6 abuse or neglect.

7 (3) Based on an initial investigation, if the Unit
8 determines the report is a good faith indication of alleged
9 child abuse or neglect, then a formal investigation shall
10 commence and, pursuant to Section 7.12 of this Act, may or
11 may not result in an indicated report. The formal
12 investigation shall include: direct contact with the
13 subject or subjects of the report as soon as possible after
14 the report is received; an evaluation of the environment of
15 the child named in the report and any other children in the
16 same environment; a determination of the risk to such
17 children if they continue to remain in the existing
18 environments, as well as a determination of the nature,
19 extent and cause of any condition enumerated in such
20 report; the name, age and condition of other children in
21 the environment; and an evaluation as to whether there
22 would be an immediate and urgent necessity to remove the
23 child from the environment if appropriate family
24 preservation services were provided. After seeing to the
25 safety of the child or children, the Department shall
26 forthwith notify the subjects of the report in writing, of

1 the existence of the report and their rights existing under
2 this Act in regard to amendment or expungement. To fulfill
3 the requirements of this Section, the Child Protective
4 Service Unit shall have the capability of providing or
5 arranging for comprehensive emergency services to children
6 and families at all times of the day or night.

7 (4) If (i) at the conclusion of the Unit's initial
8 investigation of a report, the Unit determines the report
9 to be a good faith indication of alleged child abuse or
10 neglect that warrants a formal investigation by the Unit,
11 the Department, any law enforcement agency or any other
12 responsible agency and (ii) the person who is alleged to
13 have caused the abuse or neglect is employed or otherwise
14 engaged in an activity resulting in frequent contact with
15 children and the alleged abuse or neglect are in the course
16 of such employment or activity, then the Department shall,
17 except in investigations where the Director determines
18 that such notification would be detrimental to the
19 Department's investigation, inform the appropriate
20 supervisor or administrator of that employment or activity
21 that the Unit has commenced a formal investigation pursuant
22 to this Act, which may or may not result in an indicated
23 report. The Department shall also notify the person being
24 investigated, unless the Director determines that such
25 notification would be detrimental to the Department's
26 investigation.

1 (c) In an investigation of a report of suspected abuse or
2 neglect of a child by a school employee at a school or on
3 school grounds, the Department shall make reasonable efforts to
4 follow the following procedures:

5 (1) Investigations involving teachers shall not, to
6 the extent possible, be conducted when the teacher is
7 scheduled to conduct classes. Investigations involving
8 other school employees shall be conducted so as to minimize
9 disruption of the school day. The school employee accused
10 of child abuse or neglect may have his superior, his
11 association or union representative and his attorney
12 present at any interview or meeting at which the teacher or
13 administrator is present. The accused school employee
14 shall be informed by a representative of the Department, at
15 any interview or meeting, of the accused school employee's
16 due process rights and of the steps in the investigation
17 process. The information shall include, but need not
18 necessarily be limited to the right, subject to the
19 approval of the Department, of the school employee to
20 confront the accuser, if the accuser is 14 years of age or
21 older, or the right to review the specific allegations
22 which gave rise to the investigation, and the right to
23 review all materials and evidence that have been submitted
24 to the Department in support of the allegation. These due
25 process rights shall also include the right of the school
26 employee to present countervailing evidence regarding the

1 accusations.

2 (2) If a report of neglect or abuse of a child by a
3 teacher or administrator does not involve allegations of
4 sexual abuse or extreme physical abuse, the Child
5 Protective Service Unit shall make reasonable efforts to
6 conduct the initial investigation in coordination with the
7 employee's supervisor.

8 If the Unit determines that the report is a good faith
9 indication of potential child abuse or neglect, it shall
10 then commence a formal investigation under paragraph (3) of
11 subsection (b) of this Section.

12 (3) If a report of neglect or abuse of a child by a
13 teacher or administrator involves an allegation of sexual
14 abuse or extreme physical abuse, the Child Protective Unit
15 shall commence an investigation under paragraph (2) of
16 subsection (b) of this Section.

17 (c-5) In any instance in which a report is made or caused
18 to made by a school district employee involving the conduct of
19 a person employed by the school district, at the time the
20 report was made, as required under Section 4 of this Act, the
21 Child Protective Service Unit shall send a copy of its final
22 finding report to the general superintendent of that school
23 district.

24 (d) If the Department has contact with an employer, or with
25 a religious institution or religious official having
26 supervisory or hierarchical authority over a member of the

1 clergy accused of the abuse of a child, in the course of its
2 investigation, the Department shall notify the employer or the
3 religious institution or religious official, in writing, when a
4 report is unfounded so that any record of the investigation can
5 be expunged from the employee's or member of the clergy's
6 personnel or other records. The Department shall also notify
7 the employee or the member of the clergy, in writing, that
8 notification has been sent to the employer or to the
9 appropriate religious institution or religious official
10 informing the employer or religious institution or religious
11 official that the Department's investigation has resulted in an
12 unfounded report.

13 (e) Upon request by the Department, the Department of State
14 Police and law enforcement agencies are authorized to provide
15 criminal history record information as defined in the Illinois
16 Uniform Conviction Information Act and information maintained
17 in the adjudicatory and dispositional record system as defined
18 in Section 2605-355 of the Department of State Police Law (20
19 ILCS 2605/2605-355) to properly designated employees of the
20 Department of Children and Family Services if the Department
21 determines the information is necessary to perform its duties
22 under the Abused and Neglected Child Reporting Act, the Child
23 Care Act of 1969, and the Children and Family Services Act. The
24 request shall be in the form and manner required by the
25 Department of State Police. Any information obtained by the
26 Department of Children and Family Services under this Section

1 is confidential and may not be transmitted outside the
2 Department of Children and Family Services other than to a
3 court of competent jurisdiction or unless otherwise authorized
4 by law. Any employee of the Department of Children and Family
5 Services who transmits confidential information in violation
6 of this Section or causes the information to be transmitted in
7 violation of this Section is guilty of a Class A misdemeanor
8 unless the transmittal of the information is authorized by this
9 Section or otherwise authorized by law.

10 (f) For purposes of this Section "child abuse or neglect"
11 includes abuse or neglect of an adult resident as defined in
12 this Act.

13 (g) The Department shall convene a multi-disciplinary
14 committee to review application of the Department's
15 investigation procedures to investigations involving children
16 with custody cases pending pursuant to the Illinois Marriage
17 and Dissolution of Marriage Act. The committee shall include
18 Department staff, a licensed clinical social worker
19 specializing in working with children who have experienced
20 trauma, a licensed clinical social worker specializing in
21 working with children involved in custody disputes, a
22 professional child custody evaluator, and child advocacy
23 organizations. The committee shall develop recommendations for
24 policy changes and training regarding investigations of these
25 cases. Reference to and guidance on parental alienation
26 syndrome shall be removed from existing procedures and

1 policies. Analysis of influence on a child's statements and
2 behavior shall be case-specific and supported by details. The
3 committee shall prepare a report by December 1, 2013. The
4 Department shall tender the committee's report and the
5 Department's response and plan for implementation to the
6 General Assembly by March 1, 2014.

7 (h) By June 1, 2013, the Department shall promulgate rules
8 establishing criteria and standards for labeling a report as
9 false in the state central register. The rules shall permit the
10 reporter to submit a statement regarding the report, unless the
11 reporter has been convicted of knowingly transmitting a false
12 report to the Department under paragraph (7) of subsection (a)
13 of Section 26-1 of the Criminal Code of 1961.

14 (i) When a report involves a child with a cognitive or
15 physical disability, the Department's investigation team shall
16 include a licensed clinical social worker with experience in
17 working with the specific disability to help assess the
18 information received from the child. This person shall be
19 directly involved in preparing for the investigation by
20 building awareness of the child's communication, including use
21 of assistive technology, and reading abilities, assessing
22 whether a reduced number of or shortened interviews are
23 warranted, and determining the appropriate environment for
24 interviewing the child. If a forensic interview is to be
25 completed, the Department shall ensure that the interviewer is
26 trained to interview individuals with disabilities, and the

1 Department shall ensure that the interviewer has access to
2 individualized information about the victim's disability from
3 personal records, family members or care providers, and others
4 with relevant information prior to meeting the child.

5 (Source: P.A. 95-908, eff. 8-26-08; 96-760, eff. 1-1-10;
6 96-1446, eff. 8-20-10.)

7 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

8 Sec. 7.14. All reports in the central register shall be
9 classified in one of three categories: "indicated",
10 "unfounded" or "undetermined", as the case may be. After the
11 report is classified, the person making the classification
12 shall determine whether the child named in the report is the
13 subject of an action under Article II of the Juvenile Court Act
14 of 1987. If the child is the subject of an action under Article
15 II of the Juvenile Court Act, the Department shall, within 30
16 days after classification, transmit a copy of the report to the
17 guardian ad litem appointed for the child under Section 2-17 of
18 the Juvenile Court Act. All information identifying the
19 subjects of an unfounded report shall be expunged from the
20 register forthwith, except as provided in Section 7.7.
21 Unfounded reports may only be made available to the Child
22 Protective Service Unit when investigating a subsequent report
23 of suspected abuse or maltreatment involving a child named in
24 the unfounded report; and to the subject of the report,
25 provided the Department has not expunged the file in accordance

1 with Section 7.7. The Child Protective Service Unit shall not
2 indicate the subsequent report solely based upon the existence
3 of the prior unfounded report or reports. Notwithstanding any
4 other provision of law to the contrary, an unfounded report
5 shall not be admissible in any judicial or administrative
6 proceeding or action. Identifying information on all other
7 records shall be removed from the register no later than 5
8 years after the report is indicated. However, if another report
9 is received involving the same child, his sibling or offspring,
10 or a child in the care of the persons responsible for the
11 child's welfare, or involving the same alleged offender, the
12 identifying information may be maintained in the register until
13 5 years after the subsequent case or report is closed.

14 Notwithstanding any other provision of this Section,
15 identifying information in indicated reports involving serious
16 physical injury to a child as defined by the Department in
17 rules, may be retained longer than 5 years after the report is
18 indicated or after the subsequent case or report is closed, and
19 may not be removed from the register except as provided by the
20 Department in rules. Identifying information in indicated
21 reports involving sexual penetration of a child, sexual
22 molestation of a child, sexual exploitation of a child, torture
23 of a child, or the death of a child, as defined by the
24 Department in rules, shall be retained for a period of not less
25 than 50 years after the report is indicated or after the
26 subsequent case or report is closed.

1 For purposes of this Section "child" includes an adult
2 resident as defined in this Act.

3 (Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10;
4 97-333, eff. 8-12-11.)

5 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

6 Sec. 7.16. For any investigation or appeal initiated on or
7 after, or pending on July 1, 1998, the following time frames
8 shall apply. Within 60 days after the notification of the
9 completion of the Child Protective Service Unit investigation,
10 determined by the date of the notification sent by the
11 Department, a subject of a report may request the Department to
12 amend the record or remove the record of the report from the
13 register. Such request shall be in writing and directed to such
14 person as the Department designates in the notification. If the
15 Department disregards any request to do so or does not act
16 within 10 days, the subject shall have the right to a hearing
17 within the Department to determine whether the record of the
18 report should be amended or removed on the grounds that it is
19 inaccurate or it is being maintained in a manner inconsistent
20 with this Act, except that there shall be no such right to a
21 hearing on the ground of the report's inaccuracy if there has
22 been a court finding of child abuse or neglect, the report's
23 accuracy being conclusively presumed on such finding. Such
24 hearing shall be held within a reasonable time after the
25 subject's request and at a reasonable place and hour. The

1 appropriate Child Protective Service Unit shall be given notice
2 of the hearing. If the child named in the report was in the
3 temporary custody or guardianship of the Department pursuant to
4 Article II of the Juvenile Court Act of 1987 when the report
5 was received, then the child named in the report shall be a
6 party to another subject's request for expungement of the final
7 findings. In such hearings, the burden of proving the accuracy
8 and consistency of the record shall be on the Department and
9 the appropriate Child Protective Service Unit. The hearing
10 shall be conducted by the Director or his designee, who is
11 hereby authorized and empowered to order the amendment or
12 removal of the record to make it accurate and consistent with
13 this Act. The decision shall be made, in writing, at the close
14 of the hearing, or within 45 days thereof, and shall state the
15 reasons upon which it is based. Decisions of the Department
16 under this Section are administrative decisions subject to
17 judicial review under the Administrative Review Law.

18 Should the Department grant the request of the subject of
19 the report pursuant to this Section either on administrative
20 review or after administrative hearing to amend an indicated
21 report to an unfounded report, the report shall be released and
22 expunged in accordance with the standards set forth in Section
23 7.14 of this Act.

24 (Source: P.A. 90-15, eff. 6-13-97; 90-608, eff. 6-30-98.)

1 Sec. 7.21. Multidisciplinary Review Committee.

2 (a) Reviews requested by mandated reporters. The
3 Department may establish multidisciplinary review committees
4 in each region of the State to assure that mandated reporters
5 have the ability to have a review conducted on any situation
6 where a child abuse or neglect report made by them was
7 "unfounded", and they have concerns about the adequacy of the
8 investigation. These committees shall draw upon the expertise
9 of the Child Death Review Teams as necessary and practicable.
10 Each committee will be composed of the following: a health care
11 professional, a Department employee, a law enforcement
12 official, a licensed social worker, and a representative of the
13 State's attorney's office. In appointing members of a
14 committee, primary consideration shall be given to a
15 prospective member's prior experience in dealing with cases of
16 suspected child abuse or neglect. Whenever the Department
17 determines that a reported incident of child abuse or neglect
18 from a mandated reporter is "unfounded", the mandated reporter
19 may request a review of the investigation within 10 days after
20 the notification of the final finding. Within 60 days, the
21 committee shall make recommendations to the Department as to
22 the adequacy of the investigation and the accuracy of the final
23 finding determination. These findings shall be forwarded to the
24 Regional Child Protection Manager. A summary of the result of
25 the committee's findings, including whether the finding was
26 recommended, reversed, or upheld and the rationale for the

1 determination, shall be provided to the mandated reporter
2 within 60 days. The summary shall inform the mandated reporter
3 that if he or she disagrees with the findings of the committee,
4 the mandated reporter may submit a request for investigation
5 with the Department's Office of the Inspector General.

6 (b) Reviews requested by guardians ad litem appointed
7 pursuant to Section 2-17 of the Juvenile Court Act of 1987.

8 ~~Whenever the Department determines that a reported incident of~~
9 ~~child abuse or neglect from a mandated reporter is "unfounded",~~
10 ~~the mandated reporter may request a review of the investigation~~
11 ~~within 10 days of the notification of the final finding.~~

12 Whenever the Department determines that a reported incident of
13 child abuse or neglect ~~from a mandated reporter or any other~~
14 ~~reporter~~ is "unfounded", the minor's guardian ad litem
15 appointed under the Juvenile Court Act of 1987 may request an
16 appeal ~~a review~~ of the investigation within 10 days of the
17 notification of the final finding if the subject of the report
18 is also a ~~the~~ minor as defined by Section 1-3 of the Juvenile
19 Court Act of 1987 for whom the guardian ad litem has been
20 appointed. ~~The review of the investigation requested by the~~
21 ~~guardian ad litem may be conducted by the Regional Child~~
22 ~~Protection Manager.~~

23 ~~A review under this subsection will be conducted by the~~
24 ~~committee, except those requests for review that are made by~~
25 ~~the guardian ad litem, which shall be conducted by the Regional~~
26 ~~Child Protection Manager. The Department shall make available~~

1 ~~to the committee all information in the Department's possession~~
2 ~~concerning the case. The committee shall make recommendations~~
3 ~~to the Department as to the adequacy of the investigation and~~
4 ~~of the accuracy of the final finding determination. These~~
5 ~~findings shall be forwarded to the Regional Child Protection~~
6 ~~Manager.~~

7 (b-1) Appeals requested by parents, personal guardians, or
8 legal custodians who are not also subjects of the report.
9 Whenever the Department determines that a reported incident of
10 child abuse involving abuse allegations of death, head
11 injuries, internal injuries, burns, wounds, bone fractures,
12 torture, sexually transmitted disease, sexual penetration,
13 sexual exploitation, sexual molestation, substantial risk of
14 sexual injury, or human trafficking of children is unfounded, a
15 parent, personal guardian, or legal custodian of the alleged
16 victim, who is not the subject perpetrator of the report, may
17 request an appeal of the final finding within 10 days after
18 notification of the final finding.

19 (b-2) Appeals under subsections (b) and (b-1) shall be
20 conducted by a neutral third party. The neutral third party
21 shall make recommendations to the Department as to the adequacy
22 of the investigation and the accuracy of the final finding
23 determination. These findings shall be forwarded to the
24 Regional Child Protection Manager.

25 (b-3) Appeals or reviews requested under subsection (a),
26 (b), or (b-1) may be requested by sending a request via U.S.

1 Mail, postmarked within 10 days after notice of the final
2 finding. The Department may, by rule, establish additional
3 methods of receiving appeals.

4 (c) The Department shall provide complete records of these
5 investigations to the committee or the neutral third party
6 hearing an appeal. Records provided to the committee or the
7 neutral third party hearing an appeal and recommendation
8 reports generated by the committee or the neutral third party
9 hearing an appeal shall not be public record. Recommendation
10 reports shall be provided to a guardian ad litem appointed
11 under Section 2-17 of the Juvenile Court Act of 1987 to
12 represent a minor named as a subject of the report.

13 (c-5) On or before October 1 of each year, the Department
14 shall prepare a report setting forth (i) the number of
15 investigations reviewed pursuant to subsection (a) by each
16 committee during the previous fiscal year, ~~and~~ (ii) the number
17 of appeals requested pursuant to subsections (b) and (b-1),
18 (iii) the number of those investigations that the committee
19 found to be inadequate, (iv) a summary of the committee's or
20 neutral third party's comments, (v) ~~The report shall also~~
21 ~~include a summary of the committee's comments and~~ a summary of
22 the corrective action, if any, that was taken in response to
23 the committee's or the neutral third party's recommendations,
24 and (vi) the number of recommendations made to reverse final
25 findings. The report shall be a public record. The Department
26 shall submit the report to the General Assembly and shall make

1 the report available to the public upon request.

2 (d) The Department shall adopt rules to implement this
3 Section by October 1, 2013. The rules may limit the rights of a
4 reporter to request an appeal pursuant to subsection (b-1) when
5 the reporter has been convicted of making false reports under
6 paragraph (7) of subsection (a) of Section 26-1 of the Criminal
7 Code of 1961.

8 (Source: P.A. 90-239, eff. 7-28-97; 91-812, eff. 6-13-00.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.