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 7.8, 7.14, and 7.22 as follows:

6   (325 ILCS 5/7.8) (from Ch. 23, par. 2057.8)

7   Sec. 7.8. Upon receiving an oral or written report of

8   suspected child abuse or neglect, the Department shall

9   immediately notify, either orally or electronically, the Child

10   Protective Service Unit of a previous report concerning a

11   subject of the present report or other pertinent information.

12   In addition, upon satisfactory identification procedures, to

13   be established by Department regulation, any person authorized

14   to have access to records under Section 11.1 relating to child

15   abuse and neglect may request and shall be immediately provided

16   the information requested in accordance with this Act. However,

17   no information shall be released unless it prominently states

18   the report is "indicated", and only information from

19   "indicated" reports shall be released, except that information

20   concerning pending reports may be released pursuant to Sections

21   7.14 and 7.22 of this Act to an attorney or guardian ad litem

22   appointed under Section 2-17 of the Juvenile Court Act and to

23   any person authorized under paragraphs (1), (2), (3) and (11)

1   of Section 11.1. In addition, State's Attorneys are authorized

2   to receive unfounded reports for prosecution purposes related

3   to the transmission of false reports of child abuse or neglect

4   in violation of subsection (a), paragraph (7) of Section 26-1

5   of the Criminal Code of 2012 and attorneys and guardians ad

6   litem appointed under Article II of the Juvenile Court Act of

7   1987 shall receive the ~~classified~~ reports set forth in Section

8   7.14 of this Act in conformance with paragraph (19) of Section

9   11.1 and Section 7.14 of this Act. The names and other

10 identifying data and the dates and the circumstances of any

11 persons requesting or receiving information from the central

12 register shall be entered in the register record.

13 (Source: P.A. 97-1150, eff. 1-25-13.)

14   (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

15   Sec. 7.14. All reports in the central register shall be

16 classified in one of three categories: "indicated",

17 "unfounded" or "undetermined", as the case may be. Prior to

18 classifying ~~After~~ the report ~~is classified~~, the person making

19 the classification shall determine whether the child named in

20 the report is the subject of an action under Article II of the

21 Juvenile Court Act of 1987. If the child is the subject of an

22 action under Article II of the Juvenile Court Act and ~~,~~ the

23 Department intends to classify the report as indicated, the

24 Department shall, within 45 days of classification of the

25 report, transmit a copy of the report to the attorney or

1   guardian ad litem appointed for the child under Section 2-17 of
2   the Juvenile Court Act. If the child is the subject of an
3   action under Article II of the Juvenile Court Act and the
4   Department intends to classify the report as unfounded, the
5   Department shall, within 45 days of deciding its intent to
6   classify the report as unfounded, transmit a copy of the report
7   and written notice of the Department's intent to the attorney
8   or guardian ad litem appointed for the child under Section 2-17
9   of the Juvenile Court Act. All information identifying the
10   subjects of an unfounded report shall be expunged from the
11   register forthwith, except as provided in Section 7.7.
12   Unfounded reports may only be made available to the Child
13   Protective Service Unit when investigating a subsequent report
14   of suspected abuse or maltreatment involving a child named in
15   the unfounded report; and to the subject of the report,
16   provided the Department has not expunged the file in accordance
17   with Section 7.7. The Child Protective Service Unit shall not
18   indicate the subsequent report solely based upon the existence
19   of the prior unfounded report or reports. Notwithstanding any
20   other provision of law to the contrary, an unfounded report
21   shall not be admissible in any judicial or administrative
22   proceeding or action. Identifying information on all other
23   records shall be removed from the register no later than 5
24   years after the report is indicated. However, if another report
25   is received involving the same child, his sibling or offspring,
26   or a child in the care of the persons responsible for the

1   child's welfare, or involving the same alleged offender, the

2   identifying information may be maintained in the register until

3   5 years after the subsequent case or report is closed.

4   Notwithstanding any other provision of this Section,

5   identifying information in indicated reports involving serious

6   physical injury to a child as defined by the Department in

7   rules, may be retained longer than 5 years after the report is

8   indicated or after the subsequent case or report is closed, and

9   may not be removed from the register except as provided by the

10 Department in rules. Identifying information in indicated

11 reports involving sexual penetration of a child, sexual

12 molestation of a child, sexual exploitation of a child, torture

13 of a child, or the death of a child, as defined by the

14 Department in rules, shall be retained for a period of not less

15 than 50 years after the report is indicated or after the

16 subsequent case or report is closed.

17   For purposes of this Section "child" includes an adult

18 resident as defined in this Act.

19 (Source: P.A. 97-333, eff. 8-12-11; 98-453, eff. 8-16-13.)

20   (325 ILCS 5/7.22)

21   Sec. 7.22. Reviews of unfounded reports.

22   (a) Whenever the Department determines that a reported

23 incident of child abuse or neglect will be is "unfounded", the

24 Department shall forward a copy of the report and written

25 notice of the Department's intent to classify the report as

1   unfounded to the minor's attorney or guardian ad litem

2   appointed under the Juvenile Court Act of 1987. The minor's

3   attorney or guardian ad litem may request a review of the

4   investigation within 10 days of receipt of the report and

5   written notice notification of the Department's intent to

6   classify the report as unfounded final finding and receipt of

7   the report, as provided in Section 7.14 of this Act, if the

8   subject of the report is also the minor for whom the attorney

9   or guardian ad litem has been appointed.

10   (b) Reviews requested under subsection (a) may be requested

11   by sending a request via U.S. Mail, postmarked within 10 days

12   after notice of the Department's intent to classify the report

13   as unfounded the final finding, or by faxing a request within

14   10 days after notice of the Department's intent to classify the

15   report as unfounded final finding. The date of notification of

16   the Department's intent to classify the report as unfounded

17   final finding is the date the attorney or guardian ad litem

18   received a copy of the report and written notice from the

19   Department. Following the review, the Department shall inform

20   the minor's attorney or guardian ad litem as to whether the

21   report will be classified as indicated or unfounded. The

22   minor's attorney or guardian ad litem shall also receive a

23   final finding notice from the State Central Register.

24   (c) By January 1, 2014, the Department shall promulgate

25   rules addressing reviews requested under subsection (a). The

26   rules shall provide that a review requested under subsection

1   (a) must occur before the report is classified and a final

2   finding is entered in the central register and that the review

3   must be conducted by a Department employee outside the

4   supervisory chain of the assigned investigator.

5   (Source: P.A. 98-453, eff. 8-16-13.)

6   Section 99. Effective date. This Act takes effect upon

7   becoming law.