



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3947

Introduced 2/6/2026, by Sen. Erica Harriss

SYNOPSIS AS INTRODUCED:

325 ILCS 5/7.16

from Ch. 23, par. 2057.16

Amends the Abused and Neglected Child Reporting Act. Provides that for any expedited appeal to amend or remove an indicated report from the State Central Register that is initiated or pending on or after the effective date of the amendatory Act, the Director of the Department of Children and Family Services shall issue its final decision on the abuse or neglect report within 60 days after receipt of a timely sufficient request for an expedited appeal, unless extended by action of the appellant. Provides that within the same 60 day time period, the Director shall receive and accept, reject, amend, or return to the Administrative Hearings Unit for further proceedings the Administrative Law Judge's recommendation with respect to the expedited appeal. Provides that the Director's decision is the final administrative decision of the Department.

LRB104 19470 KTG 32918 b

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 Section 7.16 as follows:

6 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

7 Sec. 7.16. For any investigation or appeal initiated on or
8 after, or pending on July 1, 1998, the following time frames
9 shall apply. Within 60 days after the notification of the
10 completion of the Child Protective Service Unit investigation,
11 determined by the date of the notification sent by the
12 Department, the perpetrator named in the notification may
13 request the Department to amend the record or remove the
14 record of the report from the register, except that the 60-day
15 deadline for filing a request to amend the record or remove the
16 record of the report from the State Central Register shall be
17 tolled until after the conclusion of any criminal court action
18 in the circuit court or after adjudication in any juvenile
19 court action concerning the circumstances that give rise to an
20 indicated report. Such request shall be in writing and
21 directed to such person as the Department designates in the
22 notification letter notifying the perpetrator of the indicated
23 finding. The perpetrator shall have the right to a timely

1 hearing within the Department to determine whether the record
2 of the report should be amended or removed on the grounds that
3 it is inaccurate or it is being maintained in a manner
4 inconsistent with this Act, except that there shall be no such
5 right to a hearing on the ground of the report's inaccuracy if
6 there has been a court finding of child abuse or neglect or a
7 criminal finding of guilt as to the perpetrator. Expect as
8 otherwise provided in this Section, such ~~Such~~ hearing shall be
9 held within a reasonable time after the perpetrator's request
10 and at a reasonable place and hour. The appropriate Child
11 Protective Service Unit shall be given notice of the hearing.
12 If the minor, who is the victim named in the report sought to
13 be amended or removed from the State Central Register, is the
14 subject of a pending action under Article V of the Juvenile
15 Court Act of 1987 and is in the custody or guardianship of the
16 Department or has an open intact family services case with the
17 Department or is the subject of a pending action under Article
18 II of the Juvenile Court Act of 1987, and the report was made
19 while a guardian ad litem was appointed for the minor under
20 Section 5-610 or 2-17 of the Juvenile Court Act of 1987, then
21 the minor shall, through the minor's attorney or guardian ad
22 litem appointed under Section 5-610 or 2-17 of the Juvenile
23 Court Act of 1987, have the right to participate and be heard
24 in such hearing as defined under the Department's rules. The
25 Department's obligation under this Section to provide a minor
26 with a guardian ad litem appointed under Section 5-610 of the

1 Juvenile Court Act of 1987 and an open intact family services
2 case with the right to participate and be heard applies only if
3 the guardian ad litem notified the Department in writing of
4 the representation. In such hearings, the burden of proving
5 the accuracy and consistency of the record shall be on the
6 Department and the appropriate Child Protective Service Unit.
7 The hearing shall be conducted by the Director or the
8 Director's designee, who is hereby authorized and empowered to
9 order the amendment or removal of the record to make it
10 accurate and consistent with this Act. The decision shall be
11 made, in writing, at the close of the hearing, or within 60
12 days thereof, and shall state the reasons upon which it is
13 based. Decisions of the Department under this Section are
14 administrative decisions subject to judicial review under the
15 Administrative Review Law.

16 For any expedited appeal initiated or pending on or after
17 the effective date of this amendatory Act of the 104th General
18 Assembly, the Director of the Department shall issue the final
19 decision within 60 days after receipt of a timely sufficient
20 request for an expedited appeal, unless extended by action of
21 the appellant. Within the same 60 day time period, the
22 Director shall receive and accept, reject, amend, or return to
23 the Administrative Hearings Unit for further proceedings the
24 Administrative Law Judge's recommendation with respect to the
25 expedited appeal. The Director's decision is the final
26 administrative decision of the Department.

1 Should the Department grant the request of the perpetrator
2 pursuant to this Section either on administrative review or
3 after an administrative hearing to amend an indicated report
4 to an unfounded report, the report shall be released and
5 expunged in accordance with the standards set forth in Section
6 7.14 of this Act.

7 (Source: P.A. 103-22, eff. 8-8-23.)