**Section 336.60 What May Be Appealed**

The following issues may be appealed through an administrative appeal:

a) an indicated finding of child abuse or neglect, with the exception that there is no right to an appeal on the ground of the report's inaccuracy if there is a court finding of child abuse or neglect or a criminal finding of guilt as to the perpetrator concerning the circumstances that gave rise to the indicated report;

b) failure to remove an unfounded report of child abuse or neglect from the State Central Register involving any of the situations described in this subsection (b). The criteria in this subsection apply unless the unfounded report is being retained longer as an intentionally false report at the unfounded perpetrator's request.

1) The death of a child, the sexual abuse of a child, or serious physical injury to a child after the passage of three years from the date the final finding is entered into the State Central Register;

2) Any allegation other than death, sexual abuse or serious physical injury of a child after the passage of 12 months from the date the final finding is entered into the State Central Register; or

3) Whenever a subsequent report is received concerning a perpetrator of an existing unfounded report and the unfounded report is retained longer than 12 months after the conclusion of the subsequent report.

c) failure to remove an unfounded report made by a mandated reporter involving a report as described in 89 Ill. Adm. Code 431.30(b)(5)(B) (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services) after the passage of 12 months from the date the final finding is entered into the State Central Register, unless the report is being retained longer under subsection (b) of this Section or the report is being retained as an intentionally false report at the unfounded perpetrator's request;

d) failure to remove an unfounded report made by a mandated reporter involving a report as described in 89 Ill. Adm. Code 431.30(b)(5)(B) after passage of 60 days from the date the final finding is entered into the State Central Register, unless the report is being retained longer under subsection (b) or (c) of this Section or the report is being retained as an intentionally false report at the unfounded perpetrator's request;

e) failure to remove any other unfounded report, not retained for a longer period of time under any of the preceding subsections, within 30 days from the date the final finding is entered into the State Central Register, unless the report is being retained as an intentionally false report at the unfounded perpetrator's request;

f) failure to expunge or remove information about an indicated report of child abuse or neglect that the appellant believes is maintained in a manner inconsistent with ANCRA; and

g) whether the Department determined retention period assigned to the indicated report is in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by DCFS).

(Source: Amended at 41 Ill. Reg. 15260, effective December 6, 2017)