**Section 431.60 Subject Access to Records of Child Abuse and Neglect Investigations**

a) Subjects, including minor subjects, of reports of suspected abuse or neglect are allowed access to the child abuse/neglect investigative records which have been indicated or unfounded as specified in subsection (b) of this Section. However, no information will be released during the pendency of an investigation before the Department has determined whether the report is indicated or unfounded, except as allowed in Section 300.160 of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect) or for purposes of a fair hearing requested prior to the final determination of indicated or unfounded. In addition, the identity or location of persons reporting or cooperating in such investigations shall not be provided to any subject, unless a subject appeals an indicated finding and an administrative law judge determines that the lack of such information would prejudice the appellant's case or violate due process of law principles. In addition, the Department may seek a court order prohibiting the release to the subjects of a report of any information deemed likely to be harmful to them. The circumstances under which the administrative law judge will be allowed to order the disclosure to the appellant of the names of reporters or other persons cooperating in the investigation include, but are not limited to, the following:

1) Testimony must have been offered by the appellant that the reporter or collateral witnesses demonstrated bias, motive, reason to fabricate or that the reporter or collateral witnesses have other information relevant to the testimony of the reporter or collateral witness.

2) The appellant must provide the administrative law judge in private with the names of the persons believed to be the reporter or collateral witnesses.

3) The individual presenting the Department's case at the hearing shall then disclose the identity of the person(s) to the administrative law judge in an in-camera setting.

4) If the reporter or collateral witnesses is the same as the persons named by the appellant, then the identity will be disclosed to the appellant. Otherwise, no disclosure will be made. If the identity of the reporter is disclosed, a written notice shall be sent to the reporter advising of the disclosure of the individual's identity.

b) Subjects of reports of suspected abuse or neglect are allowed access to the child abuse/neglect investigative records that:

1) have been unfounded, provided the subject requests the report within 60 days after receipt of notification that the report was unfounded; or

2) are retained as evidence of false reporting.

c) The guardian of the person or guardian ad litem of a child who is the subject of a report may have access to the investigative record, as limited in subsection (a) above.

(Source: Amended at 23 Ill. Reg. 677, effective January 15, 1999)