

1 AN ACT concerning courts.

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 7.14 and 8.2 and by adding Section  
6 7.22a as follows:

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. Prior to  
11 classifying the report, the Department shall determine whether  
12 the report is subject to Department review under Section 7.22a.  
13 If the report is subject to Department review, the report shall  
14 not be classified as unfounded until the review is completed.

15 Prior to classifying the report, the person making the  
16 classification shall determine whether the child named in the  
17 report is the subject of an action under Article V of the  
18 Juvenile Court Act of 1987 who is in the custody or  
19 guardianship of the Department or who has an open intact family  
20 services case with the Department or is the subject of an  
21 action under Article II of the Juvenile Court Act of 1987. If  
22 the child either is the subject of an action under Article V of  
23 the Juvenile Court Act of 1987 and is in the custody or

1 guardianship of the Department or has an open intact family  
2 services case with the Department or is the subject of an  
3 action under Article II of the Juvenile Court Act of 1987 and  
4 the Department intends to classify the report as indicated, the  
5 Department shall, within 45 days of classification of the  
6 report, transmit a copy of the report to the attorney or  
7 guardian ad litem appointed for the child under Section 2-17 of  
8 the Juvenile Court Act of 1987 or to a guardian ad litem  
9 appointed under Section 5-610 of the Juvenile Court Act of  
10 1987. If the child either is the subject of an action under  
11 Article V of the Juvenile Court Act of 1987 and is in the  
12 custody or guardianship of the Department or has an open intact  
13 family services case with the Department or is the subject of  
14 an action under Article II of the Juvenile Court Act of 1987  
15 and the Department intends to classify the report as unfounded,  
16 the Department shall, within 45 days of deciding its intent to  
17 classify the report as unfounded, transmit a copy of the report  
18 and written notice of the Department's intent to the attorney  
19 or guardian ad litem appointed for the child under Section 2-17  
20 of the Juvenile Court Act of 1987, or to a guardian ad litem  
21 appointed under Section 5-610 of the Juvenile Court Act of  
22 1987. The Department's obligation under this Section to provide  
23 reports to a guardian ad litem appointed under Section 5-610 of  
24 the Juvenile Court Act of 1987 for a minor with an open intact  
25 family services case applies only if the guardian ad litem  
26 notified the Department in writing of the representation. All

1 information identifying the subjects of an unfounded report  
2 shall be expunged from the register forthwith, except as  
3 provided in Section 7.7. Unfounded reports may only be made  
4 available to the Child Protective Service Unit when  
5 investigating a subsequent report of suspected abuse or  
6 maltreatment involving a child named in the unfounded report;  
7 and to the subject of the report, provided the Department has  
8 not expunged the file in accordance with Section 7.7. The Child  
9 Protective Service Unit shall not indicate the subsequent  
10 report solely based upon the existence of the prior unfounded  
11 report or reports. Notwithstanding any other provision of law  
12 to the contrary, an unfounded report shall not be admissible in  
13 any judicial or administrative proceeding or action except for  
14 proceedings under Sections 2-10 and 2-21 of the Juvenile Court  
15 Act of 1987 involving a petition filed under Section 2-13 of  
16 the Juvenile Court Act of 1987 alleging abuse or neglect to the  
17 same child, a sibling of the child, or the same perpetrator.  
18 Identifying information on all other records shall be removed  
19 from the register no later than 5 years after the report is  
20 indicated. However, if another report is received involving the  
21 same child, his sibling or offspring, or a child in the care of  
22 the persons responsible for the child's welfare, or involving  
23 the same alleged offender, the identifying information may be  
24 maintained in the register until 5 years after the subsequent  
25 case or report is closed.

26 Notwithstanding any other provision of this Section,

1 identifying information in indicated reports involving serious  
2 physical injury to a child as defined by the Department in  
3 rules, may be retained longer than 5 years after the report is  
4 indicated or after the subsequent case or report is closed, and  
5 may not be removed from the register except as provided by the  
6 Department in rules. Identifying information in indicated  
7 reports involving sexual penetration of a child, sexual  
8 molestation of a child, sexual exploitation of a child, torture  
9 of a child, or the death of a child, as defined by the  
10 Department in rules, shall be retained for a period of not less  
11 than 50 years after the report is indicated or after the  
12 subsequent case or report is closed.

13 For purposes of this Section, "child" includes an adult  
14 resident as defined in this Act.

15 (Source: P.A. 99-78, eff. 7-20-15; 99-349, eff. 1-1-16;  
16 100-158, eff. 1-1-18; 100-863, eff. 8-14-18.)

17 (325 ILCS 5/7.22a new)

18 Sec. 7.22a. Reports subject to review.

19 (a) Unfounded reports. Prior to classifying a report under  
20 Section 7.14, if the Department intends to classify the report  
21 as unfounded, the Department must first determine whether the  
22 report is subject to review in accordance with this Section. If  
23 the report is subject to review, the review process must be  
24 completed prior to classifying the report. The Deputy Director  
25 of Child Protection must oversee a review process that ensures

1 the Department reviews a random sample of at least 5% of child  
2 abuse and neglect reports in which the Department intends to be  
3 unfounded and any subject child of the report is not of  
4 compulsory school age as provided under Section 26-1 of the  
5 School Code.

6 The review must be conducted by an area administrator  
7 outside the supervisory chain of the investigator and  
8 supervisor. The review shall ensure that the investigation was  
9 conducted in accordance with the Department's rules and  
10 procedures governing child abuse and neglect investigations  
11 and that the final intended finding is consistent with the goal  
12 of protecting the health, safety, and best interests of the  
13 child in all situations in which the child is vulnerable to  
14 child abuse or neglect. If the reviewer determines the  
15 investigation or final recommended unfounded finding is  
16 inconsistent with the Department's rules and procedures, the  
17 reviewer shall document the findings in an Unfounded Review  
18 Report and forward the Unfounded Review Report to the  
19 investigator, supervisor, area administrator assigned to the  
20 case, and Deputy Director of Child Protection to ensure  
21 appropriate corrective steps are taken in the case before the  
22 final finding is entered. The Unfounded Review Report shall be  
23 included in the investigative file.

24 (b) The Deputy Director of Child Protection must oversee a  
25 review process that ensures the Department reviews a random  
26 sample of at least 5% of indicated reports in which any subject

1 child of the report is not of compulsory school age as provided  
2 under Section 26-1 of the School Code, the child is not a youth  
3 in care, and the Department is not opening a case for any type  
4 of services, including situations in which the family refuses  
5 services. The review must be conducted by an area administrator  
6 outside the supervisory chain of the assigned investigator  
7 within 15 days of the final finding being entered. The review  
8 shall ensure that the investigation was conducted in accordance  
9 with the Department's rules and procedures governing child  
10 abuse and neglect investigations and that the decision to not  
11 provide services is consistent with the goal of protecting the  
12 health, safety, and best interests of the child in all  
13 situations in which the child is vulnerable to child abuse or  
14 neglect. If the reviewer determines the investigation or final  
15 finding is inconsistent with the Department's rules and  
16 procedures, the reviewer shall document the findings in an  
17 Indicated Review Report and forward the Indicated Review Report  
18 to the investigator, supervisor, area administrator assigned  
19 to the case, and Deputy Director of Child Protection to ensure  
20 appropriate corrective steps are taken in the case. The  
21 Indicated Review Report shall be included in the investigative  
22 file.

23 (c) The Department shall document its findings in  
24 accordance with subsections (a) and (b), including the number  
25 of Unfounded Review Reports and Indicated Review Reports, and  
26 the findings and recommendations detailed in the Indicated

1 Review Reports and Unfounded Review Reports in reports to the  
2 General Assembly. The reports shall describe recommendations  
3 for systemic reforms based on the findings of the reviews and  
4 the steps the Department will take to implement the  
5 recommendations. The initial report shall be filed 90 days  
6 after the effective date of this amendatory Act of the 101st  
7 General Assembly. Subsequent reports shall be filed on December  
8 1 and June 1 of each year.

9 (325 ILCS 5/8.2) (from Ch. 23, par. 2058.2)

10 Sec. 8.2. If the Child Protective Service Unit determines,  
11 following an investigation made pursuant to Section 7.4 of this  
12 Act, that there is credible evidence that the child is abused  
13 or neglected, the Department shall assess the family's need for  
14 services, and, as necessary, develop, with the family, an  
15 appropriate service plan for the family's voluntary acceptance  
16 or refusal. In any case where there is evidence that the  
17 perpetrator of the abuse or neglect has a substance use  
18 disorder as defined in the Substance Use Disorder Act, the  
19 Department, when making referrals for drug or alcohol abuse  
20 services, shall make such referrals to facilities licensed by  
21 the Department of Human Services or the Department of Public  
22 Health. The Department shall comply with Section 8.1 by  
23 explaining its lack of legal authority to compel the acceptance  
24 of services and may explain its concomitant authority to  
25 petition the Circuit court under the Juvenile Court Act of 1987

1 or refer the case to the local law enforcement authority or  
2 State's attorney for criminal prosecution.

3 For purposes of this Act, the term "family preservation  
4 services" refers to all services to help families, including  
5 adoptive and extended families. Family preservation services  
6 shall be offered, where safe and appropriate, to prevent the  
7 placement of children in substitute care when the children can  
8 be cared for at home or in the custody of the person  
9 responsible for the children's welfare without endangering the  
10 children's health or safety, to reunite them with their  
11 families if so placed when reunification is an appropriate  
12 goal, or to maintain an adoptive placement. The term  
13 "homemaker" includes emergency caretakers, homemakers,  
14 caretakers, housekeepers and chore services. The term  
15 "counseling" includes individual therapy, infant stimulation  
16 therapy, family therapy, group therapy, self-help groups, drug  
17 and alcohol abuse counseling, vocational counseling and  
18 post-adoptive services. The term "day care" includes  
19 protective day care and day care to meet educational,  
20 prevocational or vocational needs. The term "emergency  
21 assistance and advocacy" includes coordinated services to  
22 secure emergency cash, food, housing and medical assistance or  
23 advocacy for other subsistence and family protective needs.

24 Before July 1, 2000, appropriate family preservation  
25 services shall, subject to appropriation, be included in the  
26 service plan if the Department has determined that those



1 services will ensure the child's health and safety, are in the  
2 child's best interests, and will not place the child in  
3 imminent risk of harm. Beginning July 1, 2000, appropriate  
4 family preservation services shall be uniformly available  
5 throughout the State. The Department shall promptly notify  
6 children and families of the Department's responsibility to  
7 offer and provide family preservation services as identified in  
8 the service plan. Such plans may include but are not limited  
9 to: case management services; homemakers; counseling; parent  
10 education; day care; emergency assistance and advocacy  
11 assessments; respite care; in-home health care; transportation  
12 to obtain any of the above services; and medical assistance.  
13 Nothing in this paragraph shall be construed to create a  
14 private right of action or claim on the part of any individual  
15 or child welfare agency, except that when a child is the  
16 subject of an action under Article II of the Juvenile Court Act  
17 of 1987 and the child's service plan calls for services to  
18 facilitate achievement of the permanency goal, the court  
19 hearing the action under Article II of the Juvenile Court Act  
20 of 1987 may order the Department to provide the services set  
21 out in the plan, if those services are not provided with  
22 reasonable promptness and if those services are available.

23 Each Department field office shall maintain on a local  
24 basis directories of services available to children and  
25 families in the local area where the Department office is  
26 located.

1           The Department shall refer children and families served  
2 pursuant to this Section to private agencies and governmental  
3 agencies, where available.

4           Incentives that discourage or reward a decision to provide  
5 family preservation services after a report is indicated or a  
6 decision to refer a child for the filing of a petition under  
7 Article II of the Juvenile Court Act of 1987 are strictly  
8 prohibited and shall not be included in any contract, quality  
9 assurance, or performance review process. Incentives include,  
10 but are not limited to, monetary benefits, contingencies, and  
11 enhanced or diminished performance reviews for individuals or  
12 agencies.

13           Any decision regarding whether to provide family  
14 preservation services after an indicated report or to refer a  
15 child for the filing of a petition under Article II of the  
16 Juvenile Court Act of 1987 shall be based solely on the child's  
17 health, safety, and best interests and on any applicable law.  
18 If a difference of opinion exists between a private agency and  
19 the Department regarding whether to refer for the filing of a  
20 petition under Article II of the Juvenile Court Act of 1987,  
21 the case shall be referred to the Deputy Director of Child  
22 Protection for review and determination.

23           Any Department employee responsible for reviewing  
24 contracts or program plans who is aware of a violation of this  
25 Section shall immediately refer the matter to the Inspector  
26 General of the Department.

1           Where there are 2 equal proposals from both a  
2 not-for-profit and a for-profit agency to provide services, the  
3 Department shall give preference to the proposal from the  
4 not-for-profit agency.

5           No service plan shall compel any child or parent to engage  
6 in any activity or refrain from any activity which is not  
7 reasonably related to remedying a condition or conditions that  
8 gave rise or which could give rise to any finding of child  
9 abuse or neglect.

10       (Source: P.A. 100-759, eff. 1-1-19.)

11           Section 99. Effective date. This Act takes effect upon  
12 becoming law.