



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2743

Introduced 1/29/2020, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

325 ILCS 5/7.8	
325 ILCS 5/7.14	from Ch. 23, par. 2057.14
705 ILCS 405/2-8.1 new	
705 ILCS 405/2-31	from Ch. 37, par. 802-31

Amends the Abused and Neglected Child Reporting Act. In provisions concerning persons authorized to have access to reports of child abuse or neglect, provides that State's Attorneys are authorized to receive unfounded reports for the purposes of screening and prosecuting court petitions making an allegation of abuse or neglect relating to the same child, a sibling of the child involving the same perpetrator, or a child or perpetrator in the same household as the child for whom the petition is being filed. Provides that parties to juvenile court proceedings are entitled to receive copies of unfounded reports regarding the same child, a sibling of the child, or a child or perpetrator in the same household as the child, including a household from which a child was removed or into which a child may be placed for purposes of certain types of juvenile court hearings. Amends the Juvenile Court Act of 1987. Requires the Department of Children and Family Services to notify parties of the final finding on a report of alleged abuse or neglect within 5 days after the Department classifies the report. Provides that a court shall not terminate wardship if there is a pending investigation involving any person acting in a caretaker role in the minor's household, unless the court makes written factual findings that, despite the pending investigation, there is no risk of abuse or neglect to the minor, that good cause exists to terminate wardships, and it is in the minor's best interest to terminate wardship. Effective upon becoming law, except some provisions take effect January 1, 2021.

LRB101 16993 KTG 69011 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 and 7.14 as follows:

6 (325 ILCS 5/7.8)

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:

20 (1) Information ~~information~~ concerning pending reports may
21 be released pursuant to Sections 7.14 and 7.22 of this Act to
22 the attorney or guardian ad litem appointed under Section 2-17
23 of the Juvenile Court Act of 1987 and to any person authorized

1 under paragraphs (1), (2), (3) and (11) of Section 11.1.

2 (2) ~~In addition,~~ State's Attorneys are authorized to
3 receive unfounded reports:

4 (A) ~~(i)~~ for prosecution purposes related to the
5 transmission of false reports of child abuse or neglect in
6 violation of subsection (a), paragraph (7) of Section 26-1
7 of the Criminal Code of 2012; or

8 (B) ~~(ii)~~ for the purposes of screening and prosecuting
9 a petition filed under Article II of the Juvenile Court Act
10 of 1987 alleging an ~~a subsequent~~ allegation of abuse or
11 neglect relating to the same child, a sibling of the child
12 involving, or the same perpetrator, or a child or
13 perpetrator in the same household as the child for whom the
14 petition is being filed.

15 (3) ~~The~~ the parties to the proceedings filed under Article
16 II of the Juvenile Court Act of 1987 are entitled to receive
17 copies of ~~previously~~ unfounded reports regarding the same
18 child, a sibling of the child, or a child or ~~the same~~
19 perpetrator in the same household as the child, including a
20 household from which a child was removed or into which a child
21 may be placed for purposes of the following types of hearings
22 under Article II of the Juvenile Court Act:

23 (A) hearings under Sections 2-10 and 2-21 of the
24 Juvenile Court Act of 1987; ~~τ~~

25 (B) hearings in which a court is: (i) considering
26 visitation between a child and a respondent to proceedings

1 in accordance with the Juvenile Court Act of 1987; (ii)
2 deciding whether a child should be returned to the custody
3 of a respondent to proceedings in accordance with the
4 Juvenile Court Act of 1987; or (iii) determining whether
5 the minor's wardship shall be terminated and proceedings
6 under the Juvenile Court Act of 1987 be discharged with the
7 minor in the custody of a respondent to proceedings in
8 accordance with the Juvenile Court Act of 1987; and

9 (C) hearings in which a court is determining whether a
10 minor's placement is necessary and appropriate or whether
11 the minor should be removed from a placement.

12 (4) Attorneys ~~and attorneys~~ and guardians ad litem
13 appointed under Article II of the Juvenile Court Act of 1987
14 shall receive the reports set forth in Section 7.14 of this Act
15 in conformance with paragraph (19) of Section 11.1 and Section
16 7.14 of this Act.

17 (5) The Department of Public Health shall receive
18 information from unfounded reports involving children alleged
19 to have been abused or neglected while hospitalized, including
20 while hospitalized in freestanding psychiatric hospitals
21 licensed by the Department of Public Health, as necessary for
22 the Department of Public Health to conduct its licensing
23 investigation.

24 (6) The Department is authorized and required to release
25 information from unfounded reports, upon request by a person
26 who has access to the unfounded report as provided in this Act,

1 as necessary in its determination to protect children and adult
2 residents who are in child care facilities licensed by the
3 Department under the Child Care Act of 1969. The names and
4 other identifying data and the dates and the circumstances of
5 any persons requesting or receiving information from the
6 central register shall be entered in the register record.

7 (Source: P.A. 101-43, eff. 1-1-20.)

8 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

9 Sec. 7.14. All reports in the central register shall be
10 classified in one of three categories: "indicated",
11 "unfounded" or "undetermined", as the case may be. Prior to
12 classifying the report, the Department shall determine whether
13 the report is subject to Department review under Section 7.22a.
14 If the report is subject to Department review, the report shall
15 not be classified as unfounded until the review is completed.
16 Prior to classifying the report, the person making the
17 classification shall determine whether the child named in the
18 report is the subject of an action under Article V of the
19 Juvenile Court Act of 1987 who is in the custody or
20 guardianship of the Department or who has an open intact family
21 services case with the Department or is the subject of an
22 action under Article II of the Juvenile Court Act of 1987. If
23 the child either is the subject of an action under Article V of
24 the Juvenile Court Act of 1987 and is in the custody or
25 guardianship of the Department or has an open intact family

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

1 shall be expunged from the register forthwith, except as
2 provided in Section 7.7. Unfounded reports may only be made
3 available to the Child Protective Service Unit when
4 investigating a subsequent report of suspected abuse or
5 maltreatment involving a child named in the unfounded report;
6 and to the subject of the report, provided the Department has
7 not expunged the file in accordance with Section 7.7. The Child
8 Protective Service Unit shall not indicate the subsequent
9 report solely based upon the existence of the prior unfounded
10 report or reports.

11 Notwithstanding any other provision of law to the contrary,
12 an unfounded report shall not be admissible in any judicial or
13 administrative proceeding or action except for proceedings
14 filed under Article II of the Juvenile Court Act of 1987
15 regarding the child who is a subject of the report, a sibling
16 of the child who is the subject of the report, or a child or
17 perpetrator in the same household as the child who is the
18 subject of the report, including a household from which the
19 child was removed or into which a child may be placed, for
20 purposes of the following types of hearings:

21 (1) hearings under Sections 2-10 and 2-21 of the
22 Juvenile Court Act of 1987;

23 (2) hearings in which a court is: (i) considering
24 visitation between a child and a respondent to proceedings
25 in accordance with the Juvenile Court Act of 1987; (ii)
26 deciding whether a child should be returned to the custody

1 of a respondent to proceedings in accordance with the
2 Juvenile Court Act of 1987; or (iii) determining whether
3 the minor's wardship shall be terminated and proceedings
4 under the Juvenile Court Act of 1987 be discharged with the
5 minor in the custody of a respondent to proceedings in
6 accordance with the Juvenile Court Act of 1987; and

7 (3) hearings in which a court is determining whether a
8 minor's placement is necessary and appropriate or whether
9 the minor should be removed from a placement. ~~involving a~~
10 ~~petition filed under Section 2-13 of the Juvenile Court Act~~
11 ~~of 1987 alleging abuse or neglect to the same child, a~~
12 ~~sibling of the child, or the same perpetrator.~~

13 Identifying information on all other records shall be
14 removed from the register no later than 5 years after the
15 report is indicated. However, if another report is received
16 involving the same child, his sibling or offspring, or a child
17 in the care of the persons responsible for the child's welfare,
18 or involving the same alleged offender, the identifying
19 information may be maintained in the register until 5 years
20 after the subsequent case or report is closed.

21 Notwithstanding any other provision of this Section,
22 identifying information in indicated reports involving serious
23 physical injury to a child as defined by the Department in
24 rules, may be retained longer than 5 years after the report is
25 indicated or after the subsequent case or report is closed, and
26 may not be removed from the register except as provided by the

1 Department in rules. Identifying information in indicated
2 reports involving sexual penetration of a child, sexual
3 molestation of a child, sexual exploitation of a child, torture
4 of a child, or the death of a child, as defined by the
5 Department in rules, shall be retained for a period of not less
6 than 50 years after the report is indicated or after the
7 subsequent case or report is closed.

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

10 (Source: P.A. 100-158, eff. 1-1-18; 100-863, eff. 8-14-18;
11 101-528, eff. 8-23-19.)

12 Section 10. The Juvenile Court Act of 1987 is amended by
13 adding Section 2-8.1 as follows:

14 (705 ILCS 405/2-8.1 new)

15 Sec. 2-8.1. Notification of final finding on alleged abuse
16 or neglect. If, at the time the petition is filed, there is a
17 report pending in accordance with the Abused and Neglected
18 Child Reporting Act, involving the minor, a sibling of the
19 minor, a respondent to the petition, or a member of the minor's
20 household where the alleged abuse or neglect occurred, within 5
21 days after the report is classified the Department of Children
22 and Family Services shall notify the parties of the final
23 finding and provide copies of the report to the parties.

1 Section 15. The Juvenile Court Act of 1987 is amended by
2 changing Section 2-31 as follows:

3 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

4 Sec. 2-31. Duration of wardship and discharge of
5 proceedings.

6 (1) All proceedings under Article II of this Act in respect
7 of any minor automatically terminate upon his or her attaining
8 the age of 21 years.

9 (2) Whenever the court determines, and makes written
10 factual findings, that health, safety, and the best interests
11 of the minor and the public no longer require the wardship of
12 the court, the court shall order the wardship terminated and
13 all proceedings under this Act respecting that minor finally
14 closed and discharged. The court shall not terminate wardship
15 if there is a pending investigation in accordance with the
16 Abused and Neglected Child Reporting Act involving any person
17 acting in a caretaker role in the minor's household, unless the
18 court makes written factual findings that, despite the pending
19 investigation, there is no risk of abuse or neglect to the
20 minor, that good cause exists to terminate wardship, and it is
21 in the minor's best interest to terminate wardship. The court
22 may at the same time continue or terminate any custodianship or
23 guardianship theretofore ordered but the termination must be
24 made in compliance with Section 2-28. When terminating wardship
25 under this Section, if the minor is over 18~~7~~ or if wardship is

1 terminated in conjunction with an order partially or completely
2 emancipating the minor in accordance with the Emancipation of
3 Minors Act, the court shall also consider the following
4 factors, in addition to the health, safety, and best interest
5 of the minor and the public: (A) the minor's wishes regarding
6 case closure; (B) the manner in which the minor will maintain
7 independence without services from the Department; (C) the
8 minor's engagement in services including placement offered by
9 the Department; (D) if the minor is not engaged, the
10 Department's efforts to engage the minor; (E) the nature of
11 communication between the minor and the Department; (F) the
12 minor's involvement in other State systems or services; (G) the
13 minor's connections with family and other community support;
14 and (H) any other factor the court deems relevant. The minor's
15 lack of cooperation with services provided by the Department of
16 Children and Family Services shall not by itself be considered
17 sufficient evidence that the minor is prepared to live
18 independently and that it is in the best interest of the minor
19 to terminate wardship. It shall not be in the minor's best
20 interest to terminate wardship of a minor over the age of 18
21 who is in the guardianship of the Department of Children and
22 Family Services if the Department has not made reasonable
23 efforts to ensure that the minor has documents necessary for
24 adult living as provided in Section 35.10 of the Children and
25 Family Services Act.

26 (3) The wardship of the minor and any custodianship or

1 guardianship respecting the minor for whom a petition was filed
2 after July 24, 1991 (the effective date of Public Act 87-14)
3 ~~this amendatory Act of 1991~~ automatically terminates when he
4 attains the age of 19 years, except as set forth in subsection
5 (1) of this Section. The clerk of the court shall at that time
6 record all proceedings under this Act as finally closed and
7 discharged for that reason. The provisions of this subsection
8 (3) become inoperative on and after July 12, 2019 (the
9 effective date of Public Act 101-78) ~~this amendatory Act of the~~
10 ~~101st General Assembly.~~

11 (4) Notwithstanding any provision of law to the contrary,
12 the changes made by Public Act 101-78 ~~this amendatory Act of~~
13 ~~the 101st General Assembly~~ apply to all cases that are pending
14 on or after July 12, 2019 (the effective date of Public Act
15 101-78) ~~this amendatory Act of the 101st General Assembly.~~

16 (Source: P.A. 100-680, eff. 1-1-19; 101-78, eff. 7-12-19;
17 revised 9-12-19.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law, except that Section 10 takes effect on January 1,
20 2021.