

1 AN ACT in relation to children.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 3. The Abused and Neglected Child Reporting Act
5 is amended by changing Section 11.1 as follows:

6 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

7 Sec. 11.1. Access to records.

8 (a) A person shall have access to the records described
9 in Section 11 only in furtherance of purposes directly
10 connected with the administration of this Act or the
11 Intergovernmental Missing Child Recovery Act of 1984. Those
12 persons and purposes for access include:

13 (1) Department staff in the furtherance of their
14 responsibilities under this Act, or for the purpose of
15 completing background investigations on persons or
16 agencies licensed by the Department or with whom the
17 Department contracts for the provision of child welfare
18 services.

19 (2) A law enforcement agency investigating known or
20 suspected child abuse or neglect, known or suspected
21 involvement with child pornography, known or suspected
22 criminal sexual assault, known or suspected criminal
23 sexual abuse, or any other sexual offense when a child is
24 alleged to be involved.

25 (3) The Department of State Police when
26 administering the provisions of the Intergovernmental
27 Missing Child Recovery Act of 1984.

28 (4) A physician who has before him a child whom he
29 reasonably suspects may be abused or neglected.

30 (5) A person authorized under Section 5 of this Act
31 to place a child in temporary protective custody when

1 such person requires the information in the report or
2 record to determine whether to place the child in
3 temporary protective custody.

4 (6) A person having the legal responsibility or
5 authorization to care for, treat, or supervise a child or
6 a parent, guardian, or other person responsible for the
7 child's welfare who is the subject of a report.

8 (7) Except in regard to harmful or detrimental
9 information as provided in Section 7.19, any subject of
10 the report, and if the subject of the report is a minor,
11 his guardian or guardian ad litem.

12 (8) A court, upon its finding that access to such
13 records may be necessary for the determination of an
14 issue before such court; however, such access shall be
15 limited to in camera inspection, unless the court
16 determines that public disclosure of the information
17 contained therein is necessary for the resolution of an
18 issue then pending before it.

19 (8.1) A probation officer or other authorized
20 representative of a probation or court services
21 department conducting an investigation ordered by a court
22 under the Juvenile Court Act of 1987.

23 (9) A grand jury, upon its determination that
24 access to such records is necessary in the conduct of its
25 official business.

26 (10) Any person authorized by the Director, in
27 writing, for audit or bona fide research purposes.

28 (11) Law enforcement agencies, coroners or medical
29 examiners, physicians, courts, school superintendents and
30 child welfare agencies in other states who are
31 responsible for child abuse or neglect investigations or
32 background investigations.

33 (12) The Department of Professional Regulation, the
34 State Board of Education and school superintendents in

1 Illinois, who may use or disclose information from the
2 records as they deem necessary to conduct investigations
3 or take disciplinary action, as provided by law.

4 (13) A coroner or medical examiner who has reason
5 to believe that a child has died as the result of abuse
6 or neglect.

7 (14) The Director of a State-operated facility when
8 an employee of that facility is the perpetrator in an
9 indicated report.

10 (15) The operator of a licensed child care facility
11 or a facility licensed by the Department of Human
12 Services (as successor to the Department of Alcoholism
13 and Substance Abuse) in which children reside when a
14 current or prospective employee of that facility is the
15 perpetrator in an indicated child abuse or neglect
16 report, pursuant to Section 4.3 of the Child Care Act of
17 1969.

18 (16) Members of a multidisciplinary team in the
19 furtherance of its responsibilities under subsection (b)
20 of Section 7.1. All reports concerning child abuse and
21 neglect made available to members of such
22 multidisciplinary teams and all records generated as a
23 result of such reports shall be confidential and shall
24 not be disclosed, except as specifically authorized by
25 this Act or other applicable law. It is a Class A
26 misdemeanor to permit, assist or encourage the
27 unauthorized release of any information contained in such
28 reports or records. Nothing contained in this Section
29 prevents the sharing of reports or records relating or
30 pertaining to the death of a minor under the care of or
31 receiving services from the Department of Children and
32 Family Services and under the jurisdiction of the
33 juvenile court with the juvenile court, the State's
34 Attorney, and the minor's attorney.

1 (17) The Department of Human Services, as provided
2 in Section 17 of the Disabled Persons Rehabilitation Act.

3 (18) Any other agency or investigative body,
4 including the Department of Public Health and a local
5 board of health, authorized by State law to conduct an
6 investigation into the quality of care provided to
7 children in hospitals and other State regulated care
8 facilities. The access to and release of information
9 from such records shall be subject to the approval of the
10 Director of the Department or his designee.

11 (19) The person appointed, under Section 2-17 of
12 the Juvenile Court Act of 1987, as the guardian ad litem
13 of a minor who is the subject of a report or records
14 under this Act.

15 (20) The Department of Human Services, as provided
16 in Section 10 of the Early Intervention Services System
17 Act, and the operator of a facility providing early
18 intervention services pursuant to that Act, for the
19 purpose of determining whether a current or prospective
20 employee who provides or may provide direct services
21 under that Act is the perpetrator in an indicated report
22 of child abuse or neglect filed under this Act.

23 (b) Nothing contained in this Act prevents the sharing
24 or disclosure of information or records relating or
25 pertaining to juveniles subject to the provisions of the
26 Serious Habitual Offender Comprehensive Action Program when
27 that information is used to assist in the early
28 identification and treatment of habitual juvenile offenders.

29 (c) To the extent that persons or agencies are given
30 access to information pursuant to this Section, those persons
31 or agencies may give this information to and receive this
32 information from each other in order to facilitate an
33 investigation conducted by those persons or agencies.

34 (Source: P.A. 90-15, eff. 6-13-97; 91-357, eff. 7-29-99.)

1 Section 5. The Early Intervention Services System Act is
2 amended by changing Sections 10 and 13.32 as follows:

3 (325 ILCS 20/10) (from Ch. 23, par. 4160)

4 Sec. 10. Standards. The Council and the lead agency,
5 with assistance from parents and providers, shall develop and
6 promulgate policies and procedures relating to the
7 establishment and implementation of program and personnel
8 standards to ensure that services provided are consistent
9 with any State-approved or recognized certification,
10 licensing, registration, or other comparable requirements
11 which apply to the area of early intervention program service
12 standards. Only State-approved public or private early
13 intervention service providers shall be eligible to receive
14 State and federal funding for early intervention services.
15 All early childhood intervention staff shall hold the highest
16 entry requirement necessary for that position.

17 To be a State-approved early intervention service
18 provider, an individual (i) shall not have served or
19 completed, within the preceding 5 years, a sentence for
20 conviction of any felony that the Department establishes by
21 rule and (ii) shall not have been indicated as a perpetrator
22 of child abuse or neglect, within the preceding 5 years, in
23 an investigation by Illinois (pursuant to the Abused and
24 Neglected Child Reporting Act) or another state. The
25 Department is authorized to receive criminal background
26 checks for such providers and persons applying to be such a
27 provider and to receive child abuse and neglect reports
28 regarding indicated perpetrators who are applying to provide
29 or currently authorized to provide early intervention
30 services in Illinois. Beginning January 1, 2004, every
31 provider of State-approved early intervention services and
32 every applicant to provide such services must authorize, in
33 writing and in the form required by the Department, a

1 criminal background check and check of child abuse and
2 neglect reports regarding the provider or applicant as a
3 condition of authorization to provide early intervention
4 services. The Department shall use the results of the checks
5 only to determine State approval of the early intervention
6 service provider and shall not re-release the information
7 except as necessary to accomplish that purpose.

8 (Source: P.A. 87-680; 87-847.)

9 (325 ILCS 20/13.32)

10 Sec. 13.32. Contracting. The lead agency may enter into
11 contracts for some or all of its responsibilities under this
12 Act, including but not limited to, credentialing and
13 enrolling providers; training under Section 13.30;
14 maintaining a central billing office; data collection and
15 analysis; establishing and maintaining a computerized case
16 management system accessible to local referral offices and
17 providers; creating and maintaining a system for provider
18 credentialing and enrollment; creating and maintaining the
19 central directory required under subsection (g) of Section 7
20 of this Act; and program operations. If contracted, the
21 contract shall be subject to a public request for proposals
22 as described in the Illinois Procurement Code,
23 notwithstanding any exemptions or alternative processes that
24 may be allowed for such a contract under that Code, and, in
25 addition to the posting requirements under that Code, shall
26 be posted on the early intervention website maintained by the
27 lead agency during the entire bid period. With the exception
28 of contracts with or grants to regional intake entities, any
29 of these listed responsibilities currently under contract or
30 grant that have not met these requirements shall be subject
31 to public bid under this request for proposal process no
32 later than July 1, 2002 or the date of termination of any
33 contract in place. Contracts with or grants to regional

1 intake entities must be made subject to public bid under a
2 request for proposals process no later than July 1, 2005.
3 (Source: P.A. 92-307, eff. 8-9-01.)