

1 AMENDMENT TO HOUSE BILL 2848

2 AMENDMENT NO. _____. Amend House Bill 2848 on page 1,
3 after line 3, by inserting the following:

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

1 sexual abuse, or any other sexual offense when a child is
2 alleged to be involved.

3 (3) The Department of State Police when
4 administering the provisions of the Intergovernmental
5 Missing Child Recovery Act of 1984.

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

8 (5) A person authorized under Section 5 of this Act
9 to place a child in temporary protective custody when
10 such person requires the information in the report or
11 record to determine whether to place the child in
12 temporary protective custody.

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

17 (7) Except in regard to harmful or detrimental
18 information as provided in Section 7.19, any subject of
19 the report, and if the subject of the report is a minor,
20 his guardian or guardian ad litem.

21 (8) A court, upon its finding that access to such
22 records may be necessary for the determination of an
23 issue before such court; however, such access shall be
24 limited to in camera inspection, unless the court
25 determines that public disclosure of the information
26 contained therein is necessary for the resolution of an
27 issue then pending before it.

28 (8.1) A probation officer or other authorized
29 representative of a probation or court services
30 department conducting an investigation ordered by a court
31 under the Juvenile Court Act of 1987.

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

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

3 (11) Law enforcement agencies, coroners or medical
4 examiners, physicians, courts, school superintendents and
5 child welfare agencies in other states who are
6 responsible for child abuse or neglect investigations or
7 background investigations.

8 (12) The Department of Professional Regulation, the
9 State Board of Education and school superintendents in
10 Illinois, who may use or disclose information from the
11 records as they deem necessary to conduct investigations
12 or take disciplinary action, as provided by law.

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

16 (14) The Director of a State-operated facility when
17 an employee of that facility is the perpetrator in an
18 indicated report.

19 (15) The operator of a licensed child care facility
20 or a facility licensed by the Department of Human
21 Services (as successor to the Department of Alcoholism
22 and Substance Abuse) in which children reside when a
23 current or prospective employee of that facility is the
24 perpetrator in an indicated child abuse or neglect
25 report, pursuant to Section 4.3 of the Child Care Act of
26 1969.

27 (16) Members of a multidisciplinary team in the
28 furtherance of its responsibilities under subsection (b)
29 of Section 7.1. All reports concerning child abuse and
30 neglect made available to members of such
31 multidisciplinary teams and all records generated as a
32 result of such reports shall be confidential and shall
33 not be disclosed, except as specifically authorized by
34 this Act or other applicable law. It is a Class A

1 misdemeanor to permit, assist or encourage the
2 unauthorized release of any information contained in such
3 reports or records. Nothing contained in this Section
4 prevents the sharing of reports or records relating or
5 pertaining to the death of a minor under the care of or
6 receiving services from the Department of Children and
7 Family Services and under the jurisdiction of the
8 juvenile court with the juvenile court, the State's
9 Attorney, and the minor's attorney.

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

12 (18) Any other agency or investigative body,
13 including the Department of Public Health and a local
14 board of health, authorized by State law to conduct an
15 investigation into the quality of care provided to
16 children in hospitals and other State regulated care
17 facilities. The access to and release of information
18 from such records shall be subject to the approval of the
19 Director of the Department or his designee.

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

24 (20) The Department of Human Services, as provided
25 in Section 10 of the Early Intervention Services System
26 Act, and the operator of a facility providing early
27 intervention services pursuant to that Act, for the
28 purpose of determining whether a current or prospective
29 employee who provides or may provide direct services
30 under that Act is the perpetrator in an indicated report
31 of child abuse or neglect filed under this Act.

32 (b) Nothing contained in this Act prevents the sharing
33 or disclosure of information or records relating or
34 pertaining to juveniles subject to the provisions of the

1 Serious Habitual Offender Comprehensive Action Program when
2 that information is used to assist in the early
3 identification and treatment of habitual juvenile offenders.

4 (c) To the extent that persons or agencies are given
5 access to information pursuant to this Section, those persons
6 or agencies may give this information to and receive this
7 information from each other in order to facilitate an
8 investigation conducted by those persons or agencies.

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

10 and

11 on page 1, by replacing line 5 with the following:

12 "amended by changing Sections 10 and 13.32 as follows:

13 (325 ILCS 20/10) (from Ch. 23, par. 4160)

14 Sec. 10. Standards. The Council and the lead agency,
15 with assistance from parents and providers, shall develop and
16 promulgate policies and procedures relating to the
17 establishment and implementation of program and personnel
18 standards to ensure that services provided are consistent
19 with any State-approved or recognized certification,
20 licensing, registration, or other comparable requirements
21 which apply to the area of early intervention program service
22 standards. Only State-approved public or private early
23 intervention service providers shall be eligible to receive
24 State and federal funding for early intervention services.
25 All early childhood intervention staff shall hold the highest
26 entry requirement necessary for that position.

27 To be a State-approved early intervention service
28 provider, an individual (i) shall not have served or
29 completed, within the preceding 5 years, a sentence for
30 conviction of any felony that the Department establishes by
31 rule and (ii) shall not have been indicated as a perpetrator
32 of child abuse or neglect, within the preceding 5 years, in

1 an investigation by Illinois (pursuant to the Abused and
2 Neglected Child Reporting Act) or another state. The
3 Department is authorized to receive criminal background
4 checks for such providers and persons applying to be such a
5 provider and to receive child abuse and neglect reports
6 regarding indicated perpetrators who are applying to provide
7 or currently authorized to provide early intervention
8 services in Illinois. Beginning January 1, 2004, every
9 provider of State-approved early intervention services and
10 every applicant to provide such services must authorize, in
11 writing and in the form required by the Department, a
12 criminal background check and check of child abuse and
13 neglect reports regarding the provider or applicant as a
14 condition of authorization to provide early intervention
15 services. The Department shall use the results of the checks
16 only to determine State approval of the early intervention
17 service provider and shall not re-release the information
18 except as necessary to accomplish that purpose.

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