**Section 299.130 Records**

a) Required Admission Documents −

1) When a resident is delivered to the custody of the Department, the following documents shall be requested:

A) Of the court:

i) A copy of the detention order or the court order finding probable cause which orders the person evaluated in a detention facility or the court order that commits the person to the custody of the Department.

ii) A copy of the petition.

iii) All additional matters that the court directs the clerk to transmit.

B) Of the transferring authority:

i) Admissions

Prior to the admission of a new resident, the Department shall request a detention summary from the transferring authority. The Department shall request that the detention summary contain any relevant medical, psychiatric or psychological information in the transferring authority's records to allow Department treatment and evaluation staff to prepare for behavioral or health needs of the resident. The Department shall further request that the transferring authority share the master file, medical file, and clinical and field services information pertaining to the resident as necessary for the proper evaluation and treatment to the resident and for program safety and security. Prior to the admission of a new resident, the Department shall request a copy of the report recommending commitment and/or petition seeking commitment from the Attorney General and/or State's Attorney filing the petition.

ii) Probable Cause

Following a probable cause hearing in which the court enters a finding of probable cause, the Department shall request the Attorney General's Office or appropriate State's Attorney to provide documents in its possession which were provided as required under the Act in support of the transferring authority's recommendation for commitment and/or records gathered by the Attorney General or State's Attorney in preparation for filing the petition seeking commitment. The Department shall further request upon a finding of probable cause that the transferring authority make the resident's criminal history, disciplinary history, mental health records, escape risk and other relevant information accessible to the Department if the Attorney General or State's Attorney has not already provided this information.

iii) Juveniles

Prior to the admission of a juvenile, the Department shall request that the Attorney General or State's Attorney of the appropriate county seek a court order allowing the Attorney General or State's Attorney to provide juvenile records which were provided to the Attorney General or State's Attorney in support of the transferring authority's recommendation for commitment pursuant to the Act to the Department and to further enter an order allowing the transferring authority to make the master file, medical file, and clinical records of the juvenile accessible to the Department for purposes of the juvenile's custody, care and treatment.

iv) Confidentiality

The Department is responsible for maintaining the confidentiality and security of any and all documents and records that are made accessible and/or provided to the Department.

b) Access to Records

1) Records of a resident may be accessed by authorized facility staff, authorized conditional release staff, Department evaluators, and staff from the Illinois Attorney General or other Illinois prosecutorial staff.

2) Records of a resident may be accessed:

A) by the resident and persons authorized by the resident; or

B) as otherwise ordered by a court. The Department may require payment of copying costs for any records it is asked to produce, except that each resident is entitled to receive, upon request, one free copy of his/her clinical file and medical file. The Department shall maintain a record in each resident's clinical file that indicates:

i) The parties who have requested to inspect and/or copy clinical records under the provisions of this subsection (b) and their authorization; and

ii) The clinical records inspected and/or copied under this subsection (b).

(Source: Amended at 44 Ill. Reg. 8246, effective April 28, 2020)