

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 7.14, 7.16, 7.22, and 11.1 as  
6 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 person making the classification  
12 shall determine whether the child named in the report is the  
13 subject of an action under Article V of the Juvenile Court Act  
14 of 1987 who is in the custody or guardianship of the Department  
15 or who has an open intact family services case with the  
16 Department or is the subject of an action under Article II of  
17 the Juvenile Court Act of 1987. If the child is either the  
18 subject of an action under Article V of the Juvenile Court Act  
19 of 1987 and is in the custody or guardianship of the Department  
20 or has an open intact family services case with the Department  
21 or is the subject of an action under Article II of the Juvenile  
22 Court Act of 1987 and the Department intends to classify the  
23 report as indicated, the Department shall, within 45 days of

1 classification of the report, transmit a copy of the report to  
2 the attorney or guardian ad litem appointed for the child under  
3 Section 2-17 of the Juvenile Court Act of 1987 or to a guardian  
4 ad litem appointed under Section 5-610 of the Juvenile Court  
5 Act of 1987. If the child is either the subject of an action  
6 under Article V of the Juvenile Court Act of 1987 and is in the  
7 custody or guardianship of the Department or has an open intact  
8 family services case with the Department or is the subject of  
9 an action under Article II of the Juvenile Court Act of 1987  
10 and the Department intends to classify the report as unfounded,  
11 the Department shall, within 45 days of deciding its intent to  
12 classify the report as unfounded, transmit a copy of the report  
13 and written notice of the Department's intent to the attorney  
14 or guardian ad litem appointed for the child under Section 2-17  
15 of the Juvenile Court Act of 1987, or to a guardian ad litem  
16 appointed under Section 5-610 of the Juvenile Court Act of  
17 1987. The Department's obligation under this Section to provide  
18 reports to a guardian ad litem appointed under Section 5-610 of  
19 the Juvenile Court Act of 1987 for a minor with an open intact  
20 family services case applies only if the guardian ad litem  
21 notified the Department in writing of the representation. All  
22 information identifying the subjects of an unfounded report  
23 shall be expunged from the register forthwith, except as  
24 provided in Section 7.7. Unfounded reports may only be made  
25 available to the Child Protective Service Unit when  
26 investigating a subsequent report of suspected abuse or

1 maltreatment involving a child named in the unfounded report;  
2 and to the subject of the report, provided the Department has  
3 not expunged the file in accordance with Section 7.7. The Child  
4 Protective Service Unit shall not indicate the subsequent  
5 report solely based upon the existence of the prior unfounded  
6 report or reports. Notwithstanding any other provision of law  
7 to the contrary, an unfounded report shall not be admissible in  
8 any judicial or administrative proceeding or action except for  
9 proceedings under Sections 2-10 and 2-21 of the Juvenile Court  
10 Act of 1987 involving a petition filed under Section 2-13 of  
11 the Juvenile Court Act of 1987 alleging abuse or neglect to the  
12 same child, a sibling of the child, or the same perpetrator.  
13 Identifying information on all other records shall be removed  
14 from the register no later than 5 years after the report is  
15 indicated. However, if another report is received involving the  
16 same child, his sibling or offspring, or a child in the care of  
17 the persons responsible for the child's welfare, or involving  
18 the same alleged offender, the identifying information may be  
19 maintained in the register until 5 years after the subsequent  
20 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. 98-453, eff. 8-16-13; 98-807, eff. 8-1-14; 99-78,  
11 eff. 7-20-15; 99-349, eff. 1-1-16.)

12 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

13 Sec. 7.16. For any investigation or appeal initiated on or  
14 after, or pending on July 1, 1998, the following time frames  
15 shall apply. Within 60 days after the notification of the  
16 completion of the Child Protective Service Unit investigation,  
17 determined by the date of the notification sent by the  
18 Department, the perpetrator named in the notification may  
19 request the Department to amend the record or remove the record  
20 of the report from the register, except that the 60-day  
21 deadline for filing a request to amend the record or remove the  
22 record of the report from the State Central Register shall be  
23 tolled until after the conclusion of any criminal court action  
24 in the circuit court or after adjudication in any juvenile  
25 court action concerning the circumstances that give rise to an

1 indicated report. Such request shall be in writing and directed  
2 to such person as the Department designates in the notification  
3 letter notifying the perpetrator of the indicated finding. The  
4 perpetrator shall have the right to a timely hearing within the  
5 Department to determine whether the record of the report should  
6 be amended or removed on the grounds that it is inaccurate or  
7 it is being maintained in a manner inconsistent with this Act,  
8 except that there shall be no such right to a hearing on the  
9 ground of the report's inaccuracy if there has been a court  
10 finding of child abuse or neglect or a criminal finding of  
11 guilt as to the perpetrator. Such hearing shall be held within  
12 a reasonable time after the perpetrator's request and at a  
13 reasonable place and hour. The appropriate Child Protective  
14 Service Unit shall be given notice of the hearing. If the  
15 minor, who is the victim named in the report sought to be  
16 amended or removed from the State Central Register, is the  
17 subject of a pending action under Article V of the Juvenile  
18 Court Act of 1987 and is in the custody or guardianship of the  
19 Department or has an open intact family services case with the  
20 Department or is the subject of a pending action under Article  
21 II of the Juvenile Court Act of 1987, and the report was made  
22 while a guardian ad litem was appointed for the minor under  
23 Section 5-610 or 2-17 of the Juvenile Court Act of 1987, then  
24 the minor shall, through the minor's attorney or guardian ad  
25 litem appointed under Section 5-610 or 2-17 of the Juvenile  
26 Court Act of 1987, have the right to participate and be heard

1 in such hearing as defined under the Department's rules. The  
2 Department's obligation under this Section to provide a minor  
3 with a guardian ad litem appointed under Section 5-610 of the  
4 Juvenile Court Act of 1987 and an open intact family services  
5 case with the right to participate and be heard applies only if  
6 the guardian ad litem notified the Department in writing of the  
7 representation. In such hearings, the burden of proving the  
8 accuracy and consistency of the record shall be on the  
9 Department and the appropriate Child Protective Service Unit.  
10 The hearing shall be conducted by the Director or his designee,  
11 who is hereby authorized and empowered to order the amendment  
12 or removal of the record to make it accurate and consistent  
13 with this Act. The decision shall be made, in writing, at the  
14 close of the hearing, or within 60 days thereof, and shall  
15 state the reasons upon which it is based. Decisions of the  
16 Department under this Section are administrative decisions  
17 subject to judicial review under the Administrative Review Law.

18 Should the Department grant the request of the perpetrator  
19 pursuant to this Section either on administrative review or  
20 after an administrative hearing to amend an indicated report to  
21 an unfounded report, the report shall be released and expunged  
22 in accordance with the standards set forth in Section 7.14 of  
23 this Act.

24 (Source: P.A. 98-453, eff. 8-16-13; 98-487, eff. 1-1-14;  
25 98-756, eff. 7-16-14.)

1 (325 ILCS 5/7.22)

2 Sec. 7.22. Reviews of unfounded reports.

3 (a) Whenever the Department determines that a reported  
4 incident of child abuse or neglect will be "unfounded", the  
5 Department shall forward a copy of the report and written  
6 notice of the Department's intent to classify the report as  
7 unfounded to a guardian ad litem appointed under Section 5-610  
8 of the Juvenile Court Act of 1987 for a minor who is in the  
9 custody or guardianship of the Department or who has an open  
10 intact family services case with the Department or the minor's  
11 attorney or guardian ad litem appointed under Section 2-17 of  
12 the Juvenile Court Act of 1987. The Department's obligation  
13 under this subsection to provide reports to a guardian ad litem  
14 appointed under Section 5-610 of the Juvenile Court Act of 1987  
15 for a minor with an open intact family services case applies  
16 only if the guardian ad litem notified the Department in  
17 writing of the representation. The minor's attorney or guardian  
18 ad litem who receives a report pursuant to this subsection may  
19 request a review of the investigation within 10 days of receipt  
20 of the report and written notice of the Department's intent to  
21 classify the report as unfounded, as provided in Section 7.14  
22 of this Act, if the subject of the report is also the minor for  
23 whom the attorney or guardian ad litem has been appointed.

24 (b) Reviews requested under subsection (a) may be requested  
25 by sending a request via U.S. Mail, postmarked within 10 days  
26 after notice of the Department's intent to classify the report

1 as unfounded, or by faxing a request within 10 days after  
2 notice of the Department's intent to classify the report as  
3 unfounded. The date of notification of the Department's intent  
4 to classify the report as unfounded is the date the attorney or  
5 guardian ad litem received a copy of the report and written  
6 notice from the Department. Following the review, the  
7 Department shall inform the minor's attorney or guardian ad  
8 litem as to whether the report will be classified as indicated  
9 or unfounded. The minor's attorney or guardian ad litem shall  
10 also receive a final finding notice from the State Central  
11 Register.

12 (c) By January 1, 2014, the Department shall promulgate  
13 rules addressing reviews requested under subsection (a). The  
14 rules shall provide that a review requested under subsection  
15 (a) must occur before the report is classified and a final  
16 finding is entered in the central register and that the review  
17 must be conducted by a Department employee outside the  
18 supervisory chain of the assigned investigator.

19 (Source: P.A. 98-453, eff. 8-16-13; 98-807, eff. 8-1-14.)

20 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

21 Sec. 11.1. Access to records.

22 (a) A person shall have access to the records described in  
23 Section 11 only in furtherance of purposes directly connected  
24 with the administration of this Act or the Intergovernmental  
25 Missing Child Recovery Act of 1984. Those persons and purposes



1 for access include:

2 (1) Department staff in the furtherance of their  
3 responsibilities under this Act, or for the purpose of  
4 completing background investigations on persons or  
5 agencies licensed by the Department or with whom the  
6 Department contracts for the provision of child welfare  
7 services.

8 (2) A law enforcement agency investigating known or  
9 suspected child abuse or neglect, known or suspected  
10 involvement with child pornography, known or suspected  
11 criminal sexual assault, known or suspected criminal  
12 sexual abuse, or any other sexual offense when a child is  
13 alleged to be involved.

14 (3) The Department of State Police when administering  
15 the provisions of the Intergovernmental Missing Child  
16 Recovery Act of 1984.

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

19 (5) A person authorized under Section 5 of this Act to  
20 place a child in temporary protective custody when such  
21 person requires the information in the report or record to  
22 determine whether to place the child in temporary  
23 protective custody.

24 (6) A person having the legal responsibility or  
25 authorization to care for, treat, or supervise a child, or  
26 a parent, prospective adoptive parent, foster parent,

1 guardian, or other person responsible for the child's  
2 welfare, who is the subject of a report.

3 (7) Except in regard to harmful or detrimental  
4 information as provided in Section 7.19, any subject of the  
5 report, and if the subject of the report is a minor, his  
6 guardian or guardian ad litem.

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

14 (8.1) A probation officer or other authorized  
15 representative of a probation or court services department  
16 conducting an investigation ordered by a court under the  
17 Juvenile Court Act of 1987.

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

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

23 (11) Law enforcement agencies, coroners or medical  
24 examiners, physicians, courts, school superintendents and  
25 child welfare agencies in other states who are responsible  
26 for child abuse or neglect investigations or background

1 investigations.

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

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

10 (14) The Director of a State-operated facility when an  
11 employee of that facility is the perpetrator in an  
12 indicated report.

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

20 (16) Members of a multidisciplinary team in the  
21 furtherance of its responsibilities under subsection (b)  
22 of Section 7.1. All reports concerning child abuse and  
23 neglect made available to members of such  
24 multidisciplinary teams and all records generated as a  
25 result of such reports shall be confidential and shall not  
26 be disclosed, except as specifically authorized by this Act

1 or other applicable law. It is a Class A misdemeanor to  
2 permit, assist or encourage the unauthorized release of any  
3 information contained in such reports or records. Nothing  
4 contained in this Section prevents the sharing of reports  
5 or records relating or pertaining to the death of a minor  
6 under the care of or receiving services from the Department  
7 of Children and Family Services and under the jurisdiction  
8 of the 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 in  
11 Section 17 of the Rehabilitation of Persons with  
12 Disabilities Act.

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

21 (19) The person appointed, under Section 2-17 of the  
22 Juvenile Court Act of 1987, as the guardian ad litem of a  
23 minor who is the subject of a report or records under this  
24 Act; or the person appointed, under Section 5-610 of the  
25 Juvenile Court Act of 1987, as the guardian ad litem of a  
26 minor who is in the custody or guardianship of the

1       Department or who has an open intact family services case  
2       with the Department and who is the subject of a report or  
3       records made pursuant to this Act.

4           (20) The Department of Human Services, as provided in  
5       Section 10 of the Early Intervention Services System Act,  
6       and the operator of a facility providing early intervention  
7       services pursuant to that Act, for the purpose of  
8       determining whether a current or prospective employee who  
9       provides or may provide direct services under that Act is  
10      the perpetrator in an indicated report of child abuse or  
11      neglect filed under this Act.

12          (b) Nothing contained in this Act prevents the sharing or  
13      disclosure of information or records relating or pertaining to  
14      juveniles subject to the provisions of the Serious Habitual  
15      Offender Comprehensive Action Program when that information is  
16      used to assist in the early identification and treatment of  
17      habitual juvenile offenders.

18          (c) To the extent that persons or agencies are given access  
19      to information pursuant to this Section, those persons or  
20      agencies may give this information to and receive this  
21      information from each other in order to facilitate an  
22      investigation conducted by those persons or agencies.

23      (Source: P.A. 99-143, eff. 7-27-15.)

24           Section 10. The Juvenile Court Act of 1987 is amended by  
25      changing Section 5-610 as follows:

1 (705 ILCS 405/5-610)

2 Sec. 5-610. Guardian ad litem and appointment of attorney.

3 (1) The court may appoint a guardian ad litem for the minor  
4 whenever it finds that there may be a conflict of interest  
5 between the minor and his or her parent, guardian or legal  
6 custodian or that it is otherwise in the minor's interest to do  
7 so.

8 (2) Unless the guardian ad litem is an attorney, he or she  
9 shall be represented by counsel.

10 (3) The reasonable fees of a guardian ad litem appointed  
11 under this Section shall be fixed by the court and charged to  
12 the parents of the minor, to the extent they are able to pay.  
13 If the parents are unable to pay those fees, they shall be paid  
14 from the general fund of the county.

15 (4) If, during the court proceedings, the parents,  
16 guardian, or legal custodian prove that he or she has an actual  
17 conflict of interest with the minor in that delinquency  
18 proceeding and that the parents, guardian, or legal custodian  
19 are indigent, the court shall appoint a separate attorney for  
20 that parent, guardian, or legal custodian.

21 (5) A guardian ad litem appointed under this Section for a  
22 minor who is in the custody or guardianship of the Department  
23 of Children and Family Services or who has an open intact  
24 family services case with the Department of Children and Family  
25 Services is entitled to receive copies of any and all

1 classified reports of child abuse or neglect made pursuant to  
2 the Abused and Neglected Child Reporting Act in which the  
3 minor, who is the subject of the report under the Abused and  
4 Neglected Child Reporting Act, is also a minor for whom the  
5 guardian ad litem is appointed under this Act. The Department  
6 of Children and Family Services' obligation under this  
7 subsection to provide reports to a guardian ad litem for a  
8 minor with an open intact family services case applies only if  
9 the guardian ad litem notified the Department in writing of the  
10 representation.

11 (Source: P.A. 90-590, eff. 1-1-99.)