

HB0831



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0831

by Rep. Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

325 ILCS 5/8.7 new
325 ILCS 5/11.1

from Ch. 23, par. 2061.1

Amends the Abused and Neglected Child Reporting Act. Provides that within 10 days after completing an investigation of alleged physical abuse, sexual abuse, or neglect, if the report is unfounded or indicated, the Child Protective Service Unit shall send a copy of its final finding report to the Director of Public Health and the Director of Healthcare and Family Services. Requires the Director of Public Health and the Director of Healthcare and Family Services to ensure that the report remains confidential. In a provision that grants the Department of Public Health and other investigative bodies access to records concerning child abuse and neglect reports, removes language that requires the Director of Children and Family Services to approve such access.

LRB101 07068 KTG 52105 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 Section 11.1 and by adding Section 8.7 as
6 follows:

7 (325 ILCS 5/8.7 new)

8 Sec. 8.7. Reports to the Departments of Public Health and
9 Healthcare and Family Services. Within 10 days after completing
10 an investigation of alleged physical abuse, sexual abuse, or
11 neglect under this Act, if the report is unfounded or
12 indicated, the Child Protective Service Unit shall send a copy
13 of its final finding report to the Director of Public Health
14 and the Director of Healthcare and Family Services. The final
15 finding report shall be sent as "confidential", and the
16 Director of Public Health and the Director of Healthcare and
17 Family Services shall ensure that the report remains
18 confidential in accordance with law.

19 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

20 Sec. 11.1. Access to records.

21 (a) A person shall have access to the records described in
22 Section 11 only in furtherance of purposes directly connected

1 with the administration of this Act or the Intergovernmental
2 Missing Child Recovery Act of 1984. Those persons and purposes
3 for access include:

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

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

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

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

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

26 (6) A person having the legal responsibility or

1 authorization to care for, treat, or supervise a child, or
2 a parent, prospective adoptive parent, foster parent,
3 guardian, or other person responsible for the child's
4 welfare, who is the subject of a report.

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

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

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

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

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

25 (11) Law enforcement agencies, coroners or medical
26 examiners, physicians, courts, school superintendents and

1 child welfare agencies in other states who are responsible
2 for child abuse or neglect investigations or background
3 investigations.

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

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

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

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

22 (16) Members of a multidisciplinary team in the
23 furtherance of its responsibilities under subsection (b)
24 of Section 7.1. All reports concerning child abuse and
25 neglect made available to members of such
26 multidisciplinary teams and all records generated as a

1 result of such reports shall be confidential and shall not
2 be disclosed, except as specifically authorized by this Act
3 or other applicable law. It is a Class A misdemeanor to
4 permit, assist or encourage the unauthorized release of any
5 information contained in such reports or records. Nothing
6 contained in this Section prevents the sharing of reports
7 or records relating or pertaining to the death of a minor
8 under the care of or receiving services from the Department
9 of Children and Family Services and under the jurisdiction
10 of the juvenile court with the juvenile court, the State's
11 Attorney, and the minor's attorney.

12 (17) The Department of Human Services, as provided in
13 Section 17 of the Rehabilitation of Persons with
14 Disabilities Act.

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

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

1 Juvenile Court Act of 1987, as the guardian ad litem of a
2 minor who is in the custody or guardianship of the
3 Department or who has an open intact family services case
4 with the Department and who is the subject of a report or
5 records made pursuant to this Act.

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

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

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

25 (Source: P.A. 99-143, eff. 7-27-15; 100-158, eff. 1-1-18.)