



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB1904

Introduced 2/26/2021, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/7.8	
325 ILCS 5/7.14	from Ch. 23, par. 2057.14
705 ILCS 405/2-8.1 new	
705 ILCS 405/2-31	from Ch. 37, par. 802-31

Amends the Abused and Neglected Child Reporting Act. In provisions concerning persons authorized to have access to reports of child abuse or neglect, provides that State's Attorneys are authorized to receive unfounded reports for the purposes of screening and prosecuting court petitions making an allegation of abuse or neglect relating to the same child, a sibling of the child involving the same perpetrator, or a child or perpetrator in the same household as the child for whom the petition is being filed. Provides that parties to juvenile court proceedings are entitled to receive copies of unfounded reports regarding the same child, a sibling of the child, or a child or perpetrator in the same household as the child, including a household from which a child was removed or into which a child may be placed for purposes of certain types of juvenile court hearings. Amends the Juvenile Court Act of 1987. Requires the Department of Children and Family Services to notify parties of the final finding on a report of alleged abuse or neglect within 5 days after the Department classifies the report. Provides that a court shall not terminate wardship if there is a pending investigation involving any person acting in a caretaker role in the minor's household, unless the court makes written factual findings that, despite the pending investigation, there is no risk of abuse or neglect to the minor, that good cause exists to terminate wardship, and it is in the minor's best interest to terminate wardship. Effective upon becoming law, except some provisions take effect January 1, 2022.

LRB102 11580 KTG 16914 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 Sections 7.8 and 7.14 as follows:

6 (325 ILCS 5/7.8)

7 Sec. 7.8. Upon receiving an oral or written report of  
8 suspected child abuse or neglect, the Department shall  
9 immediately notify, either orally or electronically, the Child  
10 Protective Service Unit of a previous report concerning a  
11 subject of the present report or other pertinent information.  
12 In addition, upon satisfactory identification procedures, to  
13 be established by Department regulation, any person authorized  
14 to have access to records under Section 11.1 relating to child  
15 abuse and neglect may request and shall be immediately  
16 provided the information requested in accordance with this  
17 Act. However, no information shall be released unless it  
18 prominently states the report is "indicated", and only  
19 information from "indicated" reports shall be released, except  
20 that:

21 (1) Information ~~information~~ concerning pending reports may  
22 be released pursuant to Sections 7.14 and 7.22 of this Act to  
23 the attorney or guardian ad litem appointed under Section 2-17

1 of the Juvenile Court Act of 1987 and to any person authorized  
2 under paragraphs (1), (2), (3) and (11) of Section 11.1.

3 (2) ~~In addition,~~ State's Attorneys are authorized to  
4 receive unfounded reports:

5 (A) ~~(i)~~ for prosecution purposes related to the  
6 transmission of false reports of child abuse or neglect in  
7 violation of subsection (a), paragraph (7) of Section 26-1  
8 of the Criminal Code of 2012; or

9 (B) ~~(ii)~~ for the purposes of screening and prosecuting  
10 a petition filed under Article II of the Juvenile Court  
11 Act of 1987 alleging an ~~a subsequent~~ allegation of abuse  
12 or neglect relating to the same child, a sibling of the  
13 child involving, or the same perpetrator, or a child or  
14 perpetrator in the same household as the child for whom  
15 the petition is being filed.

16 (3) ~~The~~ the parties to the proceedings filed under Article  
17 II of the Juvenile Court Act of 1987 are entitled to receive  
18 copies of ~~previously~~ unfounded reports regarding the same  
19 child, a sibling of the child, or a child or ~~the same~~  
20 perpetrator in the same household as the child, including a  
21 household from which a child was removed or into which a child  
22 may be placed for purposes of the following types of hearings  
23 under Article II of the Juvenile Court Act:

24 (A) hearings under Sections 2-10 and 2-21 of the  
25 Juvenile Court Act of 1987; ~~τ~~

26 (B) hearings in which a court is: (i) considering

1 visitation between a child and a respondent to proceedings  
2 in accordance with the Juvenile Court Act of 1987; (ii)  
3 deciding whether a child should be returned to the custody  
4 of a respondent to proceedings in accordance with the  
5 Juvenile Court Act of 1987; or (iii) determining whether  
6 the minor's wardship shall be terminated and proceedings  
7 under the Juvenile Court Act of 1987 be discharged with  
8 the minor in the custody of a respondent to proceedings in  
9 accordance with the Juvenile Court Act of 1987; and

10 (C) hearings in which a court is determining whether a  
11 minor's placement is necessary and appropriate or whether  
12 the minor should be removed from a placement.

13 (4) Attorneys ~~and attorneys~~ and guardians ad litem  
14 appointed under Article II of the Juvenile Court Act of 1987  
15 shall receive the reports set forth in Section 7.14 of this Act  
16 in conformance with paragraph (19) of Section 11.1 and Section  
17 7.14 of this Act.

18 (5) The Department of Public Health shall receive  
19 information from unfounded reports involving children alleged  
20 to have been abused or neglected while hospitalized, including  
21 while hospitalized in freestanding psychiatric hospitals  
22 licensed by the Department of Public Health, as necessary for  
23 the Department of Public Health to conduct its licensing  
24 investigation.

25 (6) The Department is authorized and required to release  
26 information from unfounded reports, upon request by a person

1 who has access to the unfounded report as provided in this Act,  
2 as necessary in its determination to protect children and  
3 adult residents who are in child care facilities licensed by  
4 the Department under the Child Care Act of 1969. The names and  
5 other identifying data and the dates and the circumstances of  
6 any persons requesting or receiving information from the  
7 central register shall be entered in the register record.

8 (Source: P.A. 101-43, eff. 1-1-20.)

9 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

10 Sec. 7.14. All reports in the central register shall be  
11 classified in one of three categories: "indicated",  
12 "unfounded" or "undetermined", as the case may be. Prior to  
13 classifying the report, the Department shall determine whether  
14 the report is subject to Department review under Section  
15 7.22a. If the report is subject to Department review, the  
16 report shall not be classified as unfounded until the review  
17 is completed. Prior to classifying the report, the person  
18 making the classification shall determine whether the child  
19 named in the report is the subject of an action under Article V  
20 of the Juvenile Court Act of 1987 who is in the custody or  
21 guardianship of the Department or who has an open intact  
22 family services case with the Department or is the subject of  
23 an action under Article II of the Juvenile Court Act of 1987.  
24 If the child either is the subject of an action under Article V  
25 of the Juvenile Court Act of 1987 and is in the custody or

1 guardianship of the Department or has an open intact family  
2 services case with the Department or is the subject of an  
3 action under Article II of the Juvenile Court Act of 1987 and  
4 the Department intends to classify the report as indicated,  
5 the Department shall, within 45 days of classification of the  
6 report, transmit a copy of the report to the attorney or  
7 guardian ad litem appointed for the child under Section 2-17  
8 of the Juvenile Court Act of 1987 or to a guardian ad litem  
9 appointed under Section 5-610 of the Juvenile Court Act of  
10 1987. If the child either is the subject of an action under  
11 Article V of the Juvenile Court Act of 1987 and is in the  
12 custody or guardianship of the Department or has an open  
13 intact family services case with the Department or is the  
14 subject of an action under Article II of the Juvenile Court Act  
15 of 1987 and the Department intends to classify the report as  
16 unfounded, the Department shall, within 45 days of deciding  
17 its intent to classify the report as unfounded, transmit a  
18 copy of the report and written notice of the Department's  
19 intent to the attorney or guardian ad litem appointed for the  
20 child under Section 2-17 of the Juvenile Court Act of 1987, or  
21 to a guardian ad litem appointed under Section 5-610 of the  
22 Juvenile Court Act of 1987. The Department's obligation under  
23 this Section to provide reports to a guardian ad litem  
24 appointed under Section 5-610 of the Juvenile Court Act of  
25 1987 for a minor with an open intact family services case  
26 applies only if the guardian ad litem notified the Department

1 in writing of the representation. All information identifying  
2 the subjects of an unfounded report shall be expunged from the  
3 register forthwith, except as provided in Section 7.7.  
4 Unfounded reports may only be made available to the Child  
5 Protective Service Unit when investigating a subsequent report  
6 of suspected abuse or maltreatment involving a child named in  
7 the unfounded report; and to the subject of the report,  
8 provided the Department has not expunged the file in  
9 accordance with Section 7.7. The Child Protective Service Unit  
10 shall not indicate the subsequent report solely based upon the  
11 existence of the prior unfounded report or reports.

12 Notwithstanding any other provision of law to the  
13 contrary, an unfounded report shall not be admissible in any  
14 judicial or administrative proceeding or action except for  
15 proceedings filed under Article II of the Juvenile Court Act  
16 of 1987 regarding the child who is a subject of the report, a  
17 sibling of the child who is the subject of the report, or a  
18 child or perpetrator in the same household as the child who is  
19 the subject of the report, including a household from which  
20 the child was removed or into which a child may be placed, for  
21 purposes of the following types of hearings:

22 (1) hearings under Sections 2-10 and 2-21 of the  
23 Juvenile Court Act of 1987;

24 (2) hearings in which a court is: (i) considering  
25 visitation between a child and a respondent to proceedings  
26 in accordance with the Juvenile Court Act of 1987; (ii)

1 deciding whether a child should be returned to the custody  
2 of a respondent to proceedings in accordance with the  
3 Juvenile Court Act of 1987; or (iii) determining whether  
4 the minor's wardship shall be terminated and proceedings  
5 under the Juvenile Court Act of 1987 be discharged with  
6 the minor in the custody of a respondent to proceedings in  
7 accordance with the Juvenile Court Act of 1987; and

8 (3) hearings in which a court is determining whether a  
9 minor's placement is necessary and appropriate or whether  
10 the minor should be removed from a placement. ~~involving a~~  
11 ~~petition filed under Section 2-13 of the Juvenile Court~~  
12 ~~Act of 1987 alleging abuse or neglect to the same child, a~~  
13 ~~sibling of the child, or the same perpetrator.~~

14 Identifying information on all other records shall be  
15 removed from the register no later than 5 years after the  
16 report is indicated. However, if another report is received  
17 involving the same child, his sibling or offspring, or a child  
18 in the care of the persons responsible for the child's  
19 welfare, or involving the same alleged offender, the  
20 identifying information may be maintained in the register  
21 until 5 years after the subsequent case or report is closed.

22 Notwithstanding any other provision of this Section,  
23 identifying information in indicated reports involving serious  
24 physical injury to a child as defined by the Department in  
25 rules, may be retained longer than 5 years after the report is  
26 indicated or after the subsequent case or report is closed,



1 and may not be removed from the register except as provided by  
2 the Department in rules. Identifying information in indicated  
3 reports involving sexual penetration of a child, sexual  
4 molestation of a child, sexual exploitation of a child,  
5 torture of a child, or the death of a child, as defined by the  
6 Department in rules, shall be retained for a period of not less  
7 than 50 years after the report is indicated or after the  
8 subsequent case or report is closed.

9 For purposes of this Section, "child" includes an adult  
10 resident as defined in this Act.

11 (Source: P.A. 100-158, eff. 1-1-18; 100-863, eff. 8-14-18;  
12 101-528, eff. 8-23-19.)

13 Section 10. The Juvenile Court Act of 1987 is amended by  
14 adding Section 2-8.1 as follows:

15 (705 ILCS 405/2-8.1 new)

16 Sec. 2-8.1. Notification of final finding on alleged abuse  
17 or neglect. If, at the time the petition is filed, there is a  
18 report pending in accordance with the Abused and Neglected  
19 Child Reporting Act, involving the minor, a sibling of the  
20 minor, a respondent to the petition, or a member of the minor's  
21 household where the alleged abuse or neglect occurred, within  
22 5 days after the report is classified the Department of  
23 Children and Family Services shall notify the parties of the  
24 final finding and provide copies of the report to the parties.

1 Section 15. The Juvenile Court Act of 1987 is amended by  
2 changing Section 2-31 as follows:

3 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

4 Sec. 2-31. Duration of wardship and discharge of  
5 proceedings.

6 (1) All proceedings under Article II of this Act in  
7 respect of any minor automatically terminate upon his or her  
8 attaining the age of 21 years.

9 (2) Whenever the court determines, and makes written  
10 factual findings, that health, safety, and the best interests  
11 of the minor and the public no longer require the wardship of  
12 the court, the court shall order the wardship terminated and  
13 all proceedings under this Act respecting that minor finally  
14 closed and discharged. The court shall not terminate wardship  
15 if there is a pending investigation in accordance with the  
16 Abused and Neglected Child Reporting Act involving any person  
17 acting in a caretaker role in the minor's household, unless  
18 the court makes written factual findings that, despite the  
19 pending investigation, there is no risk of abuse or neglect to  
20 the minor, that good cause exists to terminate wardship, and  
21 it is in the minor's best interest to terminate wardship. The  
22 court may at the same time continue or terminate any  
23 custodianship or guardianship theretofore ordered but the  
24 termination must be made in compliance with Section 2-28. When

1 terminating wardship under this Section, if the minor is over  
2 18~~7~~ or if wardship is terminated in conjunction with an order  
3 partially or completely emancipating the minor in accordance  
4 with the Emancipation of Minors Act, the court shall also  
5 consider the following factors, in addition to the health,  
6 safety, and best interest of the minor and the public: (A) the  
7 minor's wishes regarding case closure; (B) the manner in which  
8 the minor will maintain independence without services from the  
9 Department; (C) the minor's engagement in services including  
10 placement offered by the Department; (D) if the minor is not  
11 engaged, the Department's efforts to engage the minor; (E) the  
12 nature of communication between the minor and the Department;  
13 (F) the minor's involvement in other State systems or  
14 services; (G) the minor's connections with family and other  
15 community support; and (H) any other factor the court deems  
16 relevant. The minor's lack of cooperation with services  
17 provided by the Department of Children and Family Services  
18 shall not by itself be considered sufficient evidence that the  
19 minor is prepared to live independently and that it is in the  
20 best interest of the minor to terminate wardship. It shall not  
21 be in the minor's best interest to terminate wardship of a  
22 minor over the age of 18 who is in the guardianship of the  
23 Department of Children and Family Services if the Department  
24 has not made reasonable efforts to ensure that the minor has  
25 documents necessary for adult living as provided in Section  
26 35.10 of the Children and Family Services Act.

1           (3) The wardship of the minor and any custodianship or  
2 guardianship respecting the minor for whom a petition was  
3 filed after July 24, 1991 (the effective date of Public Act  
4 87-14) ~~this amendatory Act of 1991~~ automatically terminates  
5 when he attains the age of 19 years, except as set forth in  
6 subsection (1) of this Section. The clerk of the court shall at  
7 that time record all proceedings under this Act as finally  
8 closed and discharged for that reason. The provisions of this  
9 subsection (3) become inoperative on and after July 12, 2019  
10 (the effective date of Public Act 101-78) ~~this amendatory Act~~  
11 ~~of the 101st General Assembly.~~

12           (4) Notwithstanding any provision of law to the contrary,  
13 the changes made by Public Act 101-78 ~~this amendatory Act of~~  
14 ~~the 101st General Assembly~~ apply to all cases that are pending  
15 on or after July 12, 2019 (the effective date of Public Act  
16 101-78) ~~this amendatory Act of the 101st General Assembly.~~

17           (Source: P.A. 100-680, eff. 1-1-19; 101-78, eff. 7-12-19;  
18 revised 9-12-19.)

19           Section 99. Effective date. This Act takes effect upon  
20 becoming law, except that Section 10 takes effect on January  
21 1, 2022.