

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 ~~a subsequent allegation of~~ abuse or  
12 neglect relating to the same child, a sibling of the  
13 child, ~~or~~ the same perpetrator, or a child or perpetrator  
14 in the same household as the child for whom the petition is  
15 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~~ the same perpetrator, or a  
20 child or perpetrator in the same household as the child for  
21 purposes of hearings under Sections 2-10 and 2-21 of the  
22 Juvenile Court Act of 1987. ~~τ~~

23 (4) Attorneys ~~and attorneys~~ and guardians ad litem  
24 appointed under Article II of the Juvenile Court Act of 1987  
25 shall receive the reports set forth in Section 7.14 of this Act  
26 in conformance with paragraph (19) of Section 11.1 and Section

1 7.14 of this Act.

2 (5) The Department of Public Health shall receive  
3 information from unfounded reports involving children alleged  
4 to have been abused or neglected while hospitalized, including  
5 while hospitalized in freestanding psychiatric hospitals  
6 licensed by the Department of Public Health, as necessary for  
7 the Department of Public Health to conduct its licensing  
8 investigation.

9 (6) The Department is authorized and required to release  
10 information from unfounded reports, upon request by a person  
11 who has access to the unfounded report as provided in this Act,  
12 as necessary in its determination to protect children and  
13 adult residents who are in child care facilities licensed by  
14 the Department under the Child Care Act of 1969. The names and  
15 other identifying data and the dates and the circumstances of  
16 any persons requesting or receiving information from the  
17 central register shall be entered in the register record.

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

19 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

20 Sec. 7.14. All reports in the central register shall be  
21 classified in one of three categories: "indicated",  
22 "unfounded" or "undetermined", as the case may be. Prior to  
23 classifying the report, the Department shall determine whether  
24 the report is subject to Department review under Section  
25 7.22a. If the report is subject to Department review, the

1 report shall not be classified as unfounded until the review  
2 is completed. Prior to classifying the report, the person  
3 making the classification shall determine whether the child  
4 named in the report is the subject of an action under Article V  
5 of the Juvenile Court Act of 1987 who is in the custody or  
6 guardianship of the Department or who has an open intact  
7 family services case with the Department or is the subject of  
8 an action under Article II of the Juvenile Court Act of 1987.  
9 If the child either is the subject of an action under Article V  
10 of the Juvenile Court Act of 1987 and is in the custody or  
11 guardianship of the Department or has an open intact family  
12 services case with the Department or is the subject of an  
13 action under Article II of the Juvenile Court Act of 1987 and  
14 the Department intends to classify the report as indicated,  
15 the Department shall, within 45 days of classification of the  
16 report, transmit a copy of the report to the attorney or  
17 guardian ad litem appointed for the child under Section 2-17  
18 of the Juvenile Court Act of 1987 or to a guardian ad litem  
19 appointed under Section 5-610 of the Juvenile Court Act of  
20 1987. If the child either is the subject of an action under  
21 Article V of the Juvenile Court Act of 1987 and is in the  
22 custody or guardianship of the Department or has an open  
23 intact family services case with the Department or is the  
24 subject of an action under Article II of the Juvenile Court Act  
25 of 1987 and the Department intends to classify the report as  
26 unfounded, the Department shall, within 45 days of deciding

1 its intent to classify the report as unfounded, transmit a  
2 copy of the report and written notice of the Department's  
3 intent to the attorney or guardian ad litem appointed for the  
4 child under Section 2-17 of the Juvenile Court Act of 1987, or  
5 to a guardian ad litem appointed under Section 5-610 of the  
6 Juvenile Court Act of 1987. The Department's obligation under  
7 this Section to provide reports to a guardian ad litem  
8 appointed under Section 5-610 of the Juvenile Court Act of  
9 1987 for a minor with an open intact family services case  
10 applies only if the guardian ad litem notified the Department  
11 in writing of the representation. All information identifying  
12 the subjects of an unfounded report shall be expunged from the  
13 register forthwith, except as provided in Section 7.7.  
14 Unfounded reports may only be made available to the Child  
15 Protective Service Unit when investigating a subsequent report  
16 of suspected abuse or maltreatment involving a child named in  
17 the unfounded report; and to the subject of the report,  
18 provided the Department has not expunged the file in  
19 accordance with Section 7.7. The Child Protective Service Unit  
20 shall not indicate the subsequent report solely based upon the  
21 existence of the prior unfounded report or reports.  
22 Notwithstanding any other provision of law to the contrary, an  
23 unfounded report shall not be admissible in any judicial or  
24 administrative proceeding or action except for proceedings  
25 under Sections 2-10 and 2-21 of the Juvenile Court Act of 1987  
26 involving a petition filed under Section 2-13 of the Juvenile

1 Court Act of 1987 alleging abuse or neglect to the same child,  
2 a sibling of the child, ~~or~~ the same perpetrator, or a member of  
3 the child's household. Identifying information on all other  
4 records shall be removed from the register no later than 5  
5 years after the report is indicated. However, if another  
6 report is received involving the same child, his sibling or  
7 offspring, or a child in the care of the persons responsible  
8 for the child's welfare, or involving the same alleged  
9 offender, the identifying information may be maintained in the  
10 register until 5 years after the subsequent case or report is  
11 closed.

12 Notwithstanding any other provision of this Section,  
13 identifying information in indicated reports involving serious  
14 physical injury to a child as defined by the Department in  
15 rules, may be retained longer than 5 years after the report is  
16 indicated or after the subsequent case or report is closed,  
17 and may not be removed from the register except as provided by  
18 the Department in rules. Identifying information in indicated  
19 reports involving sexual penetration of a child, sexual  
20 molestation of a child, sexual exploitation of a child,  
21 torture of a child, or the death of a child, as defined by the  
22 Department in rules, shall be retained for a period of not less  
23 than 50 years after the report is indicated or after the  
24 subsequent case or report is closed.

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

1 (Source: P.A. 100-158, eff. 1-1-18; 100-863, eff. 8-14-18;  
2 101-528, eff. 8-23-19.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.