



Sen. Julie A. Morrison

Filed: 4/9/2021

10200SB1904sam001

LRB102 11580 KTG 24979 a

1 AMENDMENT TO SENATE BILL 1904

2 AMENDMENT NO. _____. Amend Senate Bill 1904 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act
5 is 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

1 Act. However, no information shall be released unless it
2 prominently states the report is "indicated", and only
3 information from "indicated" reports shall be released, except
4 that:

5 (1) Information ~~information~~ concerning pending reports may
6 be released pursuant to Sections 7.14 and 7.22 of this Act to
7 the attorney or guardian ad litem appointed under Section 2-17
8 of the Juvenile Court Act of 1987 and to any person authorized
9 under paragraphs (1), (2), (3) and (11) of Section 11.1.

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

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

16 (B) ~~(ii)~~ for the purposes of screening and prosecuting
17 a petition filed under Article II of the Juvenile Court
18 Act of 1987 alleging ~~a subsequent allegation of~~ abuse or
19 neglect relating to the same child, a sibling of the
20 child, ~~or~~ the same perpetrator, or a child or perpetrator
21 in the same household as the child for whom the petition is
22 being filed.

23 (3) ~~The~~ the parties to the proceedings filed under Article
24 II of the Juvenile Court Act of 1987 are entitled to receive
25 copies of ~~previously~~ unfounded reports regarding the same
26 child, a sibling of the child, ~~or~~ the same perpetrator, or a

1 child or perpetrator in the same household as the child for
2 purposes of hearings under Sections 2-10 and 2-21 of the
3 Juvenile Court Act of 1987. ~~7~~

4 (4) Attorneys and ~~attorneys~~ and guardians ad litem
5 appointed under Article II of the Juvenile Court Act of 1987
6 shall receive the reports set forth in Section 7.14 of this Act
7 in conformance with paragraph (19) of Section 11.1 and Section
8 7.14 of this Act.

9 (5) The Department of Public Health shall receive
10 information from unfounded reports involving children alleged
11 to have been abused or neglected while hospitalized, including
12 while hospitalized in freestanding psychiatric hospitals
13 licensed by the Department of Public Health, as necessary for
14 the Department of Public Health to conduct its licensing
15 investigation.

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

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

1 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

2 Sec. 7.14. All reports in the central register shall be
3 classified in one of three categories: "indicated",
4 "unfounded" or "undetermined", as the case may be. Prior to
5 classifying the report, the Department shall determine whether
6 the report is subject to Department review under Section
7 7.22a. If the report is subject to Department review, the
8 report shall not be classified as unfounded until the review
9 is completed. Prior to classifying the report, the person
10 making the classification shall determine whether the child
11 named in the report is the subject of an action under Article V
12 of the Juvenile Court Act of 1987 who is in the custody or
13 guardianship of the Department or who has an open intact
14 family services case with the Department or is the subject of
15 an action under Article II of the Juvenile Court Act of 1987.
16 If the child either is the subject of an action under Article V
17 of the Juvenile Court Act of 1987 and is in the custody or
18 guardianship of the Department or has an open intact family
19 services case with the Department or is the subject of an
20 action under Article II of the Juvenile Court Act of 1987 and
21 the Department intends to classify the report as indicated,
22 the Department shall, within 45 days of classification of the
23 report, transmit a copy of the report to the attorney or
24 guardian ad litem appointed for the child under Section 2-17
25 of the Juvenile Court Act of 1987 or to a guardian ad litem
26 appointed under Section 5-610 of the Juvenile Court Act of

1 1987. If the child either is the subject of an action under
2 Article V of the Juvenile Court Act of 1987 and is in the
3 custody or guardianship of the Department or has an open
4 intact family services case with the Department or is the
5 subject of an action under Article II of the Juvenile Court Act
6 of 1987 and the Department intends to classify the report as
7 unfounded, the Department shall, within 45 days of deciding
8 its intent to classify the report as unfounded, transmit a
9 copy of the report and written notice of the Department's
10 intent to the attorney or guardian ad litem appointed for the
11 child under Section 2-17 of the Juvenile Court Act of 1987, or
12 to a guardian ad litem appointed under Section 5-610 of the
13 Juvenile Court Act of 1987. The Department's obligation under
14 this Section to provide reports to a guardian ad litem
15 appointed under Section 5-610 of the Juvenile Court Act of
16 1987 for a minor with an open intact family services case
17 applies only if the guardian ad litem notified the Department
18 in writing of the representation. All information identifying
19 the subjects of an unfounded report shall be expunged from the
20 register forthwith, except as provided in Section 7.7.
21 Unfounded reports may only be made available to the Child
22 Protective Service Unit when investigating a subsequent report
23 of suspected abuse or maltreatment involving a child named in
24 the unfounded report; and to the subject of the report,
25 provided the Department has not expunged the file in
26 accordance with Section 7.7. The Child Protective Service Unit

1 shall not indicate the subsequent report solely based upon the
2 existence of the prior unfounded report or reports.
3 Notwithstanding any other provision of law to the contrary, an
4 unfounded report shall not be admissible in any judicial or
5 administrative proceeding or action except for proceedings
6 under Sections 2-10 and 2-21 of the Juvenile Court Act of 1987
7 involving a petition filed under Section 2-13 of the Juvenile
8 Court Act of 1987 alleging abuse or neglect to the same child,
9 a sibling of the child, ~~or~~ the same perpetrator, or a member of
10 the child's household. Identifying information on all other
11 records shall be removed from the register no later than 5
12 years after the report is indicated. However, if another
13 report is received involving the same child, his sibling or
14 offspring, or a child in the care of the persons responsible
15 for the child's welfare, or involving the same alleged
16 offender, the identifying information may be maintained in the
17 register until 5 years after the subsequent case or report is
18 closed.

19 Notwithstanding any other provision of this Section,
20 identifying information in indicated reports involving serious
21 physical injury to a child as defined by the Department in
22 rules, may be retained longer than 5 years after the report is
23 indicated or after the subsequent case or report is closed,
24 and may not be removed from the register except as provided by
25 the Department in rules. Identifying information in indicated
26 reports involving sexual penetration of a child, sexual

1 molestation of a child, sexual exploitation of a child,
2 torture of a child, or the death of a child, as defined by the
3 Department in rules, shall be retained for a period of not less
4 than 50 years after the report is indicated or after the
5 subsequent case or report is closed.

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

8 (Source: P.A. 100-158, eff. 1-1-18; 100-863, eff. 8-14-18;
9 101-528, eff. 8-23-19.)

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

12 (705 ILCS 405/2-8.1 new)

13 Sec. 2-8.1. Notification of final finding on alleged abuse
14 or neglect. If, at the time the petition is filed, there is a
15 report pending in accordance with the Abused and Neglected
16 Child Reporting Act, involving the minor, a sibling of the
17 minor, a respondent to the petition, or a member of the minor's
18 household where the alleged abuse or neglect occurred, within
19 10 days after the report is classified the Department of
20 Children and Family Services shall notify the parties of the
21 final finding.

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

1 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

2 Sec. 2-31. Duration of wardship and discharge of
3 proceedings.

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

7 (2) Whenever the court determines, and makes written
8 factual findings, that health, safety, and the best interests
9 of the minor and the public no longer require the wardship of
10 the court, the court shall order the wardship terminated and
11 all proceedings under this Act respecting that minor finally
12 closed and discharged. To terminate wardship in accordance
13 with this paragraph, the court shall consider a pending
14 investigation in accordance with the Abused and Neglected
15 Child Reporting Act, if any, involving any person acting in a
16 caretaker role in the minor's household, and make written
17 factual findings that, despite the pending investigation,
18 there is no risk of abuse or neglect to the minor, and it is in
19 the minor's best interest to terminate wardship. The court may
20 at the same time continue or terminate any custodianship or
21 guardianship theretofore ordered but the termination must be
22 made in compliance with Section 2-28. When terminating
23 wardship under this Section, if the minor is over 18~~7~~ or if
24 wardship is terminated in conjunction with an order partially
25 or completely emancipating the minor in accordance with the

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

24 (3) The wardship of the minor and any custodianship or
25 guardianship respecting the minor for whom a petition was
26 filed after July 24, 1991 (the effective date of Public Act

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

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

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law, except that Section 10 takes effect on January
18 1, 2022."