



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4407

Introduced 1/16/2024, by Rep. Laura Faver Dias

SYNOPSIS AS INTRODUCED:

325 ILCS 5/7
325 ILCS 5/8.6

from Ch. 23, par. 2057

Amends the Abused and Neglected Child Reporting Act. Requires the Child Protective Service Unit to send a notification letter (rather than a copy of the Unit's final finding report) to a child's school following an investigation and finding of physical or sexual abuse. Provides that if an indicated finding is overturned in an appeal or hearing, the Department of Children and Family Services shall request that the notification letter (rather than final finding report) be purged from the student's record, and the school shall purge the notification letter (rather than final finding report) from the student's record in accordance with the Illinois School Student Records Act. Requires the notification letter to provide the date of expungement from the central register. Removes a provision requiring all reports made by mandated reporters to be confirmed in writing to the appropriate Child Protective Service Unit within 48 hours of any initial report.

LRB103 36040 KTG 66127 b

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 and 8.6 as follows:

6 (325 ILCS 5/7) (from Ch. 23, par. 2057)

7 Sec. 7. Time and manner of making reports. All reports of
8 suspected child abuse or neglect made under this Act shall be
9 made immediately by telephone to the central register
10 established under Section 7.7 on the single, State-wide,
11 toll-free telephone number established in Section 7.6, or in
12 person or by telephone through the nearest Department office.
13 The Department shall, in cooperation with school officials,
14 distribute appropriate materials in school buildings listing
15 the toll-free telephone number established in Section 7.6,
16 including methods of making a report under this Act. The
17 Department may, in cooperation with appropriate members of the
18 clergy, distribute appropriate materials in churches,
19 synagogues, temples, mosques, or other religious buildings
20 listing the toll-free telephone number established in Section
21 7.6, including methods of making a report under this Act.

22 Wherever the Statewide number is posted, there shall also
23 be posted the following notice:

1 "Any person who knowingly transmits a false report to the
2 Department commits the offense of disorderly conduct under
3 subsection (a)(7) of Section 26-1 of the Criminal Code of
4 2012. A violation of this subsection is a Class 4 felony."

5 The report required by this Act shall include, if known,
6 the name and address of the child and the child's parents or
7 other persons having the child's custody; the child's age; the
8 nature of the child's condition, including any evidence of
9 previous injuries or disabilities; and any other information
10 that the person filing the report believes might be helpful in
11 establishing the cause of such abuse or neglect and the
12 identity of the person believed to have caused such abuse or
13 neglect. Reports made to the central register through the
14 State-wide, toll-free telephone number shall be immediately
15 transmitted by the Department to the appropriate Child
16 Protective Service Unit. All such reports alleging the death
17 of a child, serious injury to a child, including, but not
18 limited to, brain damage, skull fractures, subdural hematomas,
19 and internal injuries, torture of a child, malnutrition of a
20 child, and sexual abuse to a child, including, but not limited
21 to, sexual intercourse, sexual exploitation, sexual
22 molestation, and sexually transmitted disease in a child age
23 12 and under, shall also be immediately transmitted by the
24 Department to the appropriate local law enforcement agency.
25 The Department shall within 24 hours orally notify local law
26 enforcement personnel and the office of the State's Attorney

1 of the involved county of the receipt of any report alleging
2 the death of a child, serious injury to a child, including, but
3 not limited to, brain damage, skull fractures, subdural
4 hematomas, and internal injuries, torture of a child,
5 malnutrition of a child, and sexual abuse to a child,
6 including, but not limited to, sexual intercourse, sexual
7 exploitation, sexual molestation, and sexually transmitted
8 disease in a child age 12 and under. All oral reports made by
9 the Department to local law enforcement personnel and the
10 office of the State's Attorney of the involved county shall be
11 confirmed in writing within 24 hours of the oral report. ~~All~~
12 ~~reports by persons mandated to report under this Act shall be~~
13 ~~confirmed in writing to the appropriate Child Protective~~
14 ~~Service Unit, which may be on forms supplied by the~~
15 ~~Department, within 48 hours of any initial report.~~

16 Any report received by the Department alleging the abuse
17 or neglect of a child by a person who is not the child's
18 parent, a member of the child's immediate family, a person
19 responsible for the child's welfare, an individual residing in
20 the same home as the child, or a paramour of the child's parent
21 shall immediately be referred to the appropriate local law
22 enforcement agency for consideration of criminal investigation
23 or other action.

24 Written confirmation reports from persons not required to
25 report by this Act may be made to the appropriate Child
26 Protective Service Unit. Written reports from persons required

1 by this Act to report shall be admissible in evidence in any
2 judicial proceeding or administrative hearing relating to
3 child abuse or neglect. Reports involving known or suspected
4 child abuse or neglect in public or private residential
5 agencies or institutions shall be made and received in the
6 same manner as all other reports made under this Act.

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

9 (Source: P.A. 102-558, eff. 8-20-21; 103-22, eff. 8-8-23.)

10 (325 ILCS 5/8.6)

11 Sec. 8.6. Reports to a child's school. Within 10 days
12 after completing an investigation of alleged physical or
13 sexual abuse under this Act, if the report is indicated, the
14 Child Protective Service Unit shall send a notification letter
15 ~~copy of its final finding report~~ to the school that the child,
16 who is the indicated victim of child abuse, ~~the report~~
17 attends. If the final finding report is sent during the summer
18 when the school is not in session, the notification letter
19 ~~report~~ shall be sent to the last school that the child
20 attended. The notification letter ~~final finding report~~ shall
21 be sent as "confidential", and the school shall be responsible
22 for ensuring that the notification letter ~~report~~ remains
23 confidential in accordance with the Illinois School Student
24 Records Act. If an indicated finding is overturned in an
25 appeal or hearing, ~~or if the Department has made a~~

1 ~~determination that the child is no longer at risk of physical~~
2 ~~or sexual harm,~~ the Department shall request that the
3 notification letter ~~final finding report~~ be purged from the
4 student's record, and the school shall purge the notification
5 letter ~~final finding report~~ from the student's record in
6 accordance with the Illinois School Student Records Act. The
7 notification letter shall provide the date of expungement ~~and~~
8 ~~return the report to the Department. If an indicated report is~~
9 ~~expunged from the central register, and that report has been~~
10 ~~sent to a child's school, the Department shall request that~~
11 ~~the final finding report be purged from the student's record,~~
12 and the school shall purge the notification letter ~~final~~
13 ~~finding report~~ from the student's record in accordance with
14 the Illinois School Student Records Act ~~and return the report~~
15 ~~to the Department.~~

16 (Source: P.A. 92-295, eff. 1-1-02.)