



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2622

Introduced 1/21/2010, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

325 ILCS 5/7.7
325 ILCS 5/7.14

from Ch. 23, par. 2057.7
from Ch. 23, par. 2057.14

Amends the Abused and Neglected Child Reporting Act. Provides that the Department of Children and Family Services shall maintain all unfounded reports, with some exceptions, for 12 months following the date of a final finding. Provides that unfounded reports may only be made available to the subject of the report, provided the Department has not expunged the file in accordance with certain provisions of the Act (rather than provided that the subject requests the report within 60 days of being notified that the report was unfounded). Effective immediately.

LRB096 16636 KTG 31913 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 7.7 and 7.14 as follows:

6 (325 ILCS 5/7.7) (from Ch. 23, par. 2057.7)

7 Sec. 7.7. There shall be a central register of all cases of
8 suspected child abuse or neglect reported and maintained by the
9 Department under this Act. Through the recording of initial,
10 preliminary, and final reports, the central register shall be
11 operated in such a manner as to enable the Department to: (1)
12 immediately identify and locate prior reports of child abuse or
13 neglect; (2) continuously monitor the current status of all
14 reports of child abuse or neglect being provided services under
15 this Act; and (3) regularly evaluate the effectiveness of
16 existing laws and programs through the development and analysis
17 of statistical and other information.

18 The Department shall maintain in the central register a
19 listing of unfounded reports where the subject of the unfounded
20 report requests that the record not be expunged because the
21 subject alleges an intentional false report was made. Such a
22 request must be made by the subject in writing to the
23 Department, within 10 days of the investigation.

1 The Department shall also maintain in the central register
2 a listing of unfounded reports where the report was classified
3 as a priority one or priority two report in accordance with the
4 Department's rules or the report was made by a person mandated
5 to report suspected abuse or neglect under this Act.

6 The Department shall maintain in the central register for 3
7 years a listing of unfounded reports involving the death of a
8 child, the sexual abuse of a child, or serious physical injury
9 to a child as defined by the Department in rules.

10 The Department shall maintain all other unfounded reports
11 for 12 months following the date of the final finding.

12 (Source: P.A. 90-15, eff. 6-13-97.)

13 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

14 Sec. 7.14. All reports in the central register shall be
15 classified in one of three categories: "indicated",
16 "unfounded" or "undetermined", as the case may be. After the
17 report is classified, the person making the classification
18 shall determine whether the child named in the report is the
19 subject of an action under Article II of the Juvenile Court Act
20 of 1987. If the child is the subject of an action under Article
21 II of the Juvenile Court Act, the Department shall transmit a
22 copy of the report to the guardian ad litem appointed for the
23 child under Section 2-17 of the Juvenile Court Act. All
24 information identifying the subjects of an unfounded report
25 shall be expunged from the register forthwith, except as

1 provided in Section 7.7. Unfounded reports may only be made
2 available to the Child Protective Service Unit when
3 investigating a subsequent report of suspected abuse or
4 maltreatment involving a child named in the unfounded report;
5 and to the subject of the report, provided the Department has
6 not expunged the file in accordance with Section 7.7 ~~that the~~
7 ~~subject requests the report within 60 days of being notified~~
8 ~~that the report was unfounded~~. The Child Protective Service
9 Unit shall not indicate the subsequent report solely based upon
10 the existence of the prior unfounded report or reports.
11 Notwithstanding any other provision of law to the contrary, an
12 unfounded report shall not be admissible in any judicial or
13 administrative proceeding or action. Identifying information
14 on all other records shall be removed from the register no
15 later than 5 years after the report is indicated. However, if
16 another report is received involving the same child, his
17 sibling or offspring, or a child in the care of the persons
18 responsible for the child's welfare, or involving the same
19 alleged offender, the identifying information may be
20 maintained in the register until 5 years after the subsequent
21 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, and

1 may not be removed from the register except as provided by the
2 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, torture
5 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 (Source: P.A. 94-160, eff. 7-11-05.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.