

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 Section 4.2 as follows:

6 (325 ILCS 5/4.2)

7 Sec. 4.2. Departmental report on death or serious  
8 life-threatening injury of child.

9 (a) In the case of the death or serious life-threatening  
10 injury of a child whose care and custody or custody and  
11 guardianship has been transferred to the Department, or in the  
12 case of a child abuse or neglect report made to the central  
13 register involving the death of a child, the Department shall  
14 (i) investigate or provide for an investigation of the cause of  
15 and circumstances surrounding the death or serious  
16 life-threatening injury, (ii) review the investigation, and  
17 (iii) prepare and issue a report on the death or serious  
18 life-threatening injury.

19 (b) The report shall include (i) the cause of death or  
20 serious life-threatening injury, whether from natural or other  
21 causes, (ii) any extraordinary or pertinent information  
22 concerning the circumstances of the child's death or serious  
23 life-threatening injury, (iii) identification of child

1 protective or other social services provided or actions taken  
2 regarding the child or his or her family at the time of the  
3 death or serious life-threatening injury or within the  
4 preceding 5 years, (iv) any action or further investigation  
5 undertaken by the Department since the death or serious  
6 life-threatening injury of the child, (v) as appropriate,  
7 recommendations for State administrative or policy changes,  
8 ~~and~~ (vi) whether the alleged perpetrator of the abuse or  
9 neglect has been charged with committing a crime related to the  
10 report and allegation of abuse or neglect, and (vii) a copy of  
11 any documents, files, records, books, and papers created or  
12 used in connection with the Department's investigation of the  
13 death or serious life-threatening injury of the child. In any  
14 case involving the death or near death of a child, when a  
15 person responsible for the child has been charged with  
16 committing a crime that results in the child's death or near  
17 death, there shall be a presumption that the best interest of  
18 the public will be served by public disclosure of certain  
19 information concerning the circumstances of the investigations  
20 of the death or near death of the child and any other  
21 investigations concerning that child or other children living  
22 in the same household.

23 If the Department receives from the public a request for  
24 information relating to a case of child abuse or neglect  
25 involving the death or serious life-threatening injury of a  
26 child, the Director shall consult with the State's Attorney in

1 the county of venue and release the report related to the case,  
2 except for the following, which may be redacted from the  
3 information disclosed to the public: any mental health or  
4 psychological information that is confidential as otherwise  
5 provided in State law; privileged communications of an  
6 attorney; the identity of the individual or individuals, if  
7 known, who made the report; information that may cause mental  
8 or physical harm to a sibling or another child living in the  
9 household; information that may undermine an ongoing criminal  
10 investigation; and any information prohibited from disclosure  
11 by federal law or regulation. Any information provided by an  
12 adult subject of a report that is released about the case in a  
13 public forum shall be subject to disclosure upon a public  
14 information request. Information about the case shall also be  
15 subject to disclosure upon consent of an adult subject.  
16 Information about the case shall also be subject to disclosure  
17 if it has been publicly disclosed in a report by a law  
18 enforcement agency or official, a State's Attorney, a judge, or  
19 any other State or local investigative agency or official.  
20 Except as it may apply directly to the cause of the death or  
21 serious life-threatening injury of the child, nothing in this  
22 Section shall be deemed to authorize the release or disclosure  
23 to the public of the substance or content of any psychological,  
24 psychiatric, therapeutic, clinical, or medical reports,  
25 evaluation, or like materials or information pertaining to the  
26 child or the child's family.

1           (c) No later than 6 months after the date of the death or  
2 serious life-threatening injury of the child, the Department  
3 shall notify the President of the Senate, the Minority Leader  
4 of the Senate, the Speaker of the House of Representatives, the  
5 Minority Leader of the House of Representatives, and the  
6 members of the Senate and the House of Representatives in whose  
7 district the child's death or serious life-threatening injury  
8 occurred upon the completion of each report and shall submit an  
9 annual cumulative report to the Governor and the General  
10 Assembly incorporating cumulative data about the above reports  
11 and including appropriate findings and recommendations. The  
12 reports required by this subsection (c) shall be made available  
13 to the public after completion or submittal.

14           (d) To enable the Department to prepare the report, the  
15 Department may request and shall timely receive from  
16 departments, boards, bureaus, or other agencies of the State,  
17 or any of its political subdivisions, or any duly authorized  
18 agency, or any other agency which provided assistance, care, or  
19 services to the deceased or injured child any information they  
20 are authorized to provide.

21           (Source: P.A. 95-405, eff. 6-1-08.)