

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, 7.14, 7.16, and 7.21 and by
6 adding Section 7.22 as follows:

7 (325 ILCS 5/7.7) (from Ch. 23, par. 2057.7)

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

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

1 Department, within 10 days of the investigation. By January 1,
2 2014, the Department shall promulgate rules establishing
3 criteria and standards for labeling an unfounded report as an
4 intentional false report in the central register. The rules
5 shall permit the reporter to submit a statement regarding the
6 report unless the reporter has been convicted of knowingly
7 transmitting a false report to the Department under paragraph
8 (7) of subsection (a) of Section 26-1 of the Criminal Code of
9 2012.

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

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

19 If an individual is the subject of a subsequent
20 investigation that is pending, the Department shall maintain
21 all prior unfounded reports pertaining to that individual until
22 the pending investigation has been completed or for 12 months,
23 whichever time period ends later.

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

26 For purposes of this Section "child abuse or neglect"

1 includes abuse or neglect of an adult resident as defined in
2 this Act.

3 (Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10;
4 97-333, eff. 8-12-11; 97-1089, eff. 8-24-12.)

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

6 Sec. 7.14. All reports in the central register shall be
7 classified in one of three categories: "indicated",
8 "unfounded" or "undetermined", as the case may be. After the
9 report is classified, the person making the classification
10 shall determine whether the child named in the report is the
11 subject of an action under Article II of the Juvenile Court Act
12 of 1987. If the child is the subject of an action under Article
13 II of the Juvenile Court Act, the Department shall, within 45
14 days of classification of the report, transmit a copy of the
15 report to the guardian ad litem appointed for the child under
16 Section 2-17 of the Juvenile Court Act. All information
17 identifying the subjects of an unfounded report shall be
18 expunged from the register forthwith, except as provided in
19 Section 7.7. Unfounded reports may only be made available to
20 the Child Protective Service Unit when investigating a
21 subsequent report of suspected abuse or maltreatment involving
22 a child named in the unfounded report; and to the subject of
23 the report, provided the Department has not expunged the file
24 in accordance with Section 7.7. The Child Protective Service
25 Unit shall not indicate the subsequent report solely based upon

1 the existence of the prior unfounded report or reports.
2 Notwithstanding any other provision of law to the contrary, an
3 unfounded report shall not be admissible in any judicial or
4 administrative proceeding or action. Identifying information
5 on all other records shall be removed from the register no
6 later than 5 years after the report is indicated. However, if
7 another report is received involving the same child, his
8 sibling or offspring, or a child in the care of the persons
9 responsible for the child's welfare, or involving the same
10 alleged offender, the identifying information may be
11 maintained in the register until 5 years after the subsequent
12 case or report is closed.

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

26 For purposes of this Section "child" includes an adult

1 resident as defined in this Act.

2 (Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10;
3 97-333, eff. 8-12-11.)

4 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

5 Sec. 7.16. For any investigation or appeal initiated on or
6 after, or pending on July 1, 1998, the following time frames
7 shall apply. Within 60 days after the notification of the
8 completion of the Child Protective Service Unit investigation,
9 determined by the date of the notification sent by the
10 Department, a subject of a report may request the Department to
11 amend the record or remove the record of the report from the
12 register. Such request shall be in writing and directed to such
13 person as the Department designates in the notification. If the
14 Department disregards any request to do so or does not act
15 within 10 days, the subject shall have the right to a hearing
16 within the Department to determine whether the record of the
17 report should be amended or removed on the grounds that it is
18 inaccurate or it is being maintained in a manner inconsistent
19 with this Act, except that there shall be no such right to a
20 hearing on the ground of the report's inaccuracy if there has
21 been a court finding of child abuse or neglect, the report's
22 accuracy being conclusively presumed on such finding. Such
23 hearing shall be held within a reasonable time after the
24 subject's request and at a reasonable place and hour. The
25 appropriate Child Protective Service Unit shall be given notice

1 of the hearing. If the minor, who is the subject of an action
2 under Article II of the Juvenile Court Act of 1987, is also the
3 victim named in the report sought to be amended or removed from
4 the central register, the minor shall, through the minor's
5 attorney or guardian ad litem appointed under Section 2-17 of
6 the Juvenile Court Act of 1987, have the right to participate
7 and be heard in such hearing as defined under Department rules.

8 In such hearings, the burden of proving the accuracy and
9 consistency of the record shall be on the Department and the
10 appropriate Child Protective Service Unit. The hearing shall be
11 conducted by the Director or his designee, who is hereby
12 authorized and empowered to order the amendment or removal of
13 the record to make it accurate and consistent with this Act.
14 The decision shall be made, in writing, at the close of the
15 hearing, or within 45 days thereof, and shall state the reasons
16 upon which it is based. Decisions of the Department under this
17 Section are administrative decisions subject to judicial
18 review under the Administrative Review Law.

19 Should the Department grant the request of the subject of
20 the report pursuant to this Section either on administrative
21 review or after administrative hearing to amend an indicated
22 report to an unfounded report, the report shall be released and
23 expunged in accordance with the standards set forth in Section
24 7.14 of this Act.

25 (Source: P.A. 90-15, eff. 6-13-97; 90-608, eff. 6-30-98.)

1 (325 ILCS 5/7.21)

2 Sec. 7.21. Multidisciplinary Review Committee.

3 (a) The Department may establish multidisciplinary review
4 committees in each region of the State to assure that mandated
5 reporters have the ability to have a review conducted on any
6 situation where a child abuse or neglect report made by them
7 was "unfounded", and they have concerns about the adequacy of
8 the investigation. These committees shall draw upon the
9 expertise of the Child Death Review Teams as necessary and
10 practicable. Each committee will be composed of the following:
11 a health care professional, a Department employee, a law
12 enforcement official, a licensed social worker, and a
13 representative of the State's attorney's office. In appointing
14 members of a committee, primary consideration shall be given to
15 a prospective member's prior experience in dealing with cases
16 of suspected child abuse or neglect.

17 (b) Whenever the Department determines that a reported
18 incident of child abuse or neglect from a mandated reporter is
19 "unfounded", the mandated reporter may request a review of the
20 investigation within 10 days of the notification of the final
21 finding. ~~Whenever the Department determines that a reported~~
22 ~~incident of child abuse or neglect from a mandated reporter or~~
23 ~~any other reporter is "unfounded", the minor's guardian ad~~
24 ~~litem appointed under the Juvenile Court Act of 1987 may~~
25 ~~request a review of the investigation within 10 days of the~~
26 ~~notification of the final finding if the subject of the report~~

1 ~~is also the minor for whom the guardian ad litem has been~~
2 ~~appointed. The review of the investigation requested by the~~
3 ~~guardian ad litem may be conducted by the Regional Child~~
4 ~~Protection Manager.~~

5 A review under this subsection will be conducted by the
6 committee, ~~except those requests for review that are made by~~
7 ~~the guardian ad litem,~~ which shall be conducted by the Regional
8 Child Protection Manager. The Department shall make available
9 to the committee all information in the Department's possession
10 concerning the case. The committee shall make recommendations
11 to the Department as to the adequacy of the investigation and
12 of the accuracy of the final finding determination. These
13 findings shall be forwarded to the Regional Child Protection
14 Manager.

15 (c) The Department shall provide complete records of these
16 investigations to the committee. Records provided to the
17 committee and recommendation reports generated by the
18 committee shall not be public record.

19 (c-5) On or before October 1 of each year, the Department
20 shall prepare a report setting forth (i) the number of
21 investigations reviewed by each committee during the previous
22 fiscal year and (ii) the number of those investigations that
23 the committee found to be inadequate. The report shall also
24 include a summary of the committee's comments and a summary of
25 the corrective action, if any, that was taken in response to
26 the committee's recommendations. The report shall be a public

1 record. The Department shall submit the report to the General
2 Assembly and shall make the report available to the public upon
3 request.

4 (d) The Department shall adopt rules to implement this
5 Section.

6 (Source: P.A. 90-239, eff. 7-28-97; 91-812, eff. 6-13-00.)

7 (325 ILCS 5/7.22 new)

8 Sec. 7.22. Reviews of unfounded reports.

9 (a) Whenever the Department determines that a reported
10 incident of child abuse or neglect is "unfounded", the minor's
11 attorney or guardian ad litem appointed under the Juvenile
12 Court Act of 1987 may request a review of the investigation
13 within 10 days of the notification of the final finding and
14 receipt of the report, as provided in Section 7.14 of this Act,
15 if the subject of the report is also the minor for whom the
16 attorney or guardian ad litem has been appointed.

17 (b) Reviews requested under subsection (a) may be requested
18 by sending a request via U.S. Mail, postmarked within 10 days
19 after notice of the final finding, or by faxing a request
20 within 10 days after notice of the final finding. The date of
21 notification of the final finding is the date the attorney or
22 guardian ad litem received a copy of the report from the
23 Department.

24 (c) By January 1, 2014, the Department shall promulgate
25 rules addressing reviews requested under subsection (a). The

1 rules shall provide that a review requested under subsection
2 (a) must occur before the report is classified and a final
3 finding is entered in the central register and that the review
4 must be conducted by a Department employee outside the
5 supervisory chain of the assigned investigator.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.