

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 victim named in the  
2 report sought to be amended or removed from the State Central  
3 Register, is the subject of a pending action under Article II  
4 of the Juvenile Court Act of 1987, and the report was made  
5 while a guardian ad litem was appointed for the minor under  
6 Section 2-17 of the Juvenile Court Act of 1987, then the minor  
7 shall, through the minor's attorney or guardian ad litem  
8 appointed under Section 2-17 of the Juvenile Court Act of 1987,  
9 have the right to participate and be heard in such hearing as  
10 defined under the Department's rules. In such hearings, the  
11 burden of proving the accuracy and consistency of the record  
12 shall be on the Department and the appropriate Child Protective  
13 Service Unit. The hearing shall be conducted by the Director or  
14 his designee, who is hereby authorized and empowered to order  
15 the amendment or removal of the record to make it accurate and  
16 consistent with this Act. The decision shall be made, in  
17 writing, at the close of the hearing, or within 45 days  
18 thereof, and shall state the reasons upon which it is based.  
19 Decisions of the Department under this Section are  
20 administrative decisions subject to judicial review under the  
21 Administrative Review Law.

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

1 7.14 of this Act.

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

3 (325 ILCS 5/7.21)

4 Sec. 7.21. Multidisciplinary Review Committee.

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

19 (b) Whenever the Department determines that a reported  
20 incident of child abuse or neglect from a mandated reporter is  
21 "unfounded", the mandated reporter may request a review of the  
22 investigation within 10 days of the notification of the final  
23 finding. ~~Whenever the Department determines that a reported~~  
24 ~~incident of child abuse or neglect from a mandated reporter or~~  
25 ~~any other reporter is "unfounded", the minor's guardian ad~~

1 ~~litem appointed under the Juvenile Court Act of 1987 may~~  
2 ~~request a review of the investigation within 10 days of the~~  
3 ~~notification of the final finding if the subject of the report~~  
4 ~~is also the minor for whom the guardian ad litem has been~~  
5 ~~appointed. The review of the investigation requested by the~~  
6 ~~guardian ad litem may be conducted by the Regional Child~~  
7 ~~Protection Manager.~~

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

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

22 (c-5) On or before October 1 of each year, the Department  
23 shall prepare a report setting forth (i) the number of  
24 investigations reviewed by each committee during the previous  
25 fiscal year and (ii) the number of those investigations that  
26 the committee found to be inadequate. The report shall also



1 include a summary of the committee's comments and a summary of  
2 the corrective action, if any, that was taken in response to  
3 the committee's recommendations. The report shall be a public  
4 record. The Department shall submit the report to the General  
5 Assembly and shall make the report available to the public upon  
6 request.

7 (d) The Department shall adopt rules to implement this  
8 Section.

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

10 (325 ILCS 5/7.22 new)

11 Sec. 7.22. Reviews of unfounded reports.

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

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

1 Department.

2 (c) By January 1, 2014, the Department shall promulgate  
3 rules addressing reviews requested under subsection (a). The  
4 rules shall provide that a review requested under subsection  
5 (a) must occur before the report is classified and a final  
6 finding is entered in the central register and that the review  
7 must be conducted by a Department employee outside the  
8 supervisory chain of the assigned investigator.

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