



Rep. Patricia R. Bellock

Filed: 3/26/2014

09800HB4916ham001

LRB098 17055 KTG 55886 a

1 AMENDMENT TO HOUSE BILL 4916

2 AMENDMENT NO. _____. Amend House Bill 4916 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Sections 7.8, 7.14, and 7.22 as follows:

6 (325 ILCS 5/7.8) (from Ch. 23, par. 2057.8)

7 Sec. 7.8. Upon receiving an oral or written report of
8 suspected child abuse or neglect, the Department shall
9 immediately notify, either orally or electronically, the Child
10 Protective Service Unit of a previous report concerning a
11 subject of the present report or other pertinent information.
12 In addition, upon satisfactory identification procedures, to
13 be established by Department regulation, any person authorized
14 to have access to records under Section 11.1 relating to child
15 abuse and neglect may request and shall be immediately provided
16 the information requested in accordance with this Act. However,

1 no information shall be released unless it prominently states
2 the report is "indicated", and only information from
3 "indicated" reports shall be released, except that information
4 concerning pending reports may be released pursuant to Sections
5 7.14 and 7.22 of this Act to an attorney or guardian ad litem
6 appointed under Section 2-17 of the Juvenile Court Act and to
7 any person authorized under paragraphs (1), (2), (3) and (11)
8 of Section 11.1. In addition, State's Attorneys are authorized
9 to receive unfounded reports for prosecution purposes related
10 to the transmission of false reports of child abuse or neglect
11 in violation of subsection (a), paragraph (7) of Section 26-1
12 of the Criminal Code of 2012 and attorneys and guardians ad
13 litem appointed under Article II of the Juvenile Court Act of
14 1987 shall receive the ~~classified~~ reports set forth in Section
15 7.14 of this Act in conformance with paragraph (19) of Section
16 11.1 and Section 7.14 of this Act. The names and other
17 identifying data and the dates and the circumstances of any
18 persons requesting or receiving information from the central
19 register shall be entered in the register record.

20 (Source: P.A. 97-1150, eff. 1-25-13.)

21 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

22 Sec. 7.14. All reports in the central register shall be
23 classified in one of three categories: "indicated",
24 "unfounded" or "undetermined", as the case may be. Prior to
25 classifying ~~After the report is classified,~~ the person making

1 the classification shall determine whether the child named in
2 the report is the subject of an action under Article II of the
3 Juvenile Court Act of 1987. If the child is the subject of an
4 action under Article II of the Juvenile Court Act and the
5 Department intends to classify the report as indicated, the
6 Department shall, within 45 days of classification of the
7 report, transmit a copy of the report to the attorney or
8 guardian ad litem appointed for the child under Section 2-17 of
9 the Juvenile Court Act. If the child is the subject of an
10 action under Article II of the Juvenile Court Act and the
11 Department intends to classify the report as unfounded, the
12 Department shall, within 45 days of deciding its intent to
13 classify the report as unfounded, transmit a copy of the report
14 and written notice of the Department's intent to the attorney
15 or guardian ad litem appointed for the child under Section 2-17
16 of the Juvenile Court Act. All information identifying the
17 subjects of an unfounded report shall be expunged from the
18 register forthwith, except as provided in Section 7.7.
19 Unfounded reports may only be made available to the Child
20 Protective Service Unit when investigating a subsequent report
21 of suspected abuse or maltreatment involving a child named in
22 the unfounded report; and to the subject of the report,
23 provided the Department has not expunged the file in accordance
24 with Section 7.7. The Child Protective Service Unit shall not
25 indicate the subsequent report solely based upon the existence
26 of the prior unfounded report or reports. Notwithstanding any

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

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

24 For purposes of this Section "child" includes an adult
25 resident as defined in this Act.

26 (Source: P.A. 97-333, eff. 8-12-11; 98-453, eff. 8-16-13.)

1 (325 ILCS 5/7.22)

2 Sec. 7.22. Reviews of unfounded reports.

3 (a) Whenever the Department determines that a reported
4 incident of child abuse or neglect will be ~~is~~ "unfounded", the
5 Department shall forward a copy of the report and written
6 notice of the Department's intent to classify the report as
7 unfounded to the minor's attorney or guardian ad litem
8 appointed under the Juvenile Court Act of 1987. The minor's
9 attorney or guardian ad litem may request a review of the
10 investigation within 10 days of receipt of the report and
11 written notice ~~notification~~ of the Department's intent to
12 classify the report as unfounded ~~final finding and receipt of~~
13 ~~the report~~, as provided in Section 7.14 of this Act, if the
14 subject of the report is also the minor for whom the attorney
15 or guardian ad litem has been appointed.

16 (b) Reviews requested under subsection (a) may be requested
17 by sending a request via U.S. Mail, postmarked within 10 days
18 after notice of the Department's intent to classify the report
19 as unfounded ~~the final finding~~, or by faxing a request within
20 10 days after notice of the Department's intent to classify the
21 report as unfounded ~~final finding~~. The date of notification of
22 the Department's intent to classify the report as unfounded
23 ~~final finding~~ is the date the attorney or guardian ad litem
24 received a copy of the report and written notice from the
25 Department. Following the review, the Department shall inform

1 the minor's attorney or guardian ad litem as to whether the
2 report will be classified as indicated or unfounded. The
3 minor's attorney or guardian ad litem shall also receive a
4 final finding notice from the State Central Register.

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

12 (Source: P.A. 98-453, eff. 8-16-13.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."