

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 7.8, 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,
17 no information shall be released unless it prominently states
18 the report is "indicated", and only information from
19 "indicated" reports shall be released, except that information
20 concerning pending reports may be released pursuant to Sections
21 7.14 and 7.22 of this Act to the attorney or guardian ad litem
22 appointed under Section 2-17 of the Juvenile Court Act and to
23 any person authorized under paragraphs (1), (2), (3) and (11)

1 of Section 11.1. In addition, State's Attorneys are authorized
2 to receive unfounded reports for prosecution purposes related
3 to the transmission of false reports of child abuse or neglect
4 in violation of subsection (a), paragraph (7) of Section 26-1
5 of the Criminal Code of 2012 and attorneys and guardians ad
6 litem appointed under Article II of the Juvenile Court Act of
7 1987 shall receive the ~~classified~~ reports set forth in Section
8 7.14 of this Act in conformance with paragraph (19) of Section
9 11.1 and Section 7.14 of this Act. The names and other
10 identifying data and the dates and the circumstances of any
11 persons requesting or receiving information from the central
12 register shall be entered in the register record.

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

14 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

15 Sec. 7.14. All reports in the central register shall be
16 classified in one of three categories: "indicated",
17 "unfounded" or "undetermined", as the case may be. Prior to
18 classifying ~~After the report is classified,~~ the person making
19 the classification shall determine whether the child named in
20 the report is the subject of an action under Article II of the
21 Juvenile Court Act of 1987. If the child is the subject of an
22 action under Article II of the Juvenile Court Act and τ the
23 Department intends to classify the report as indicated, the
24 Department shall, within 45 days of classification of the
25 report, transmit a copy of the report to the attorney or

1 guardian ad litem appointed for the child under Section 2-17 of
2 the Juvenile Court Act. If the child is the subject of an
3 action under Article II of the Juvenile Court Act and the
4 Department intends to classify the report as unfounded, the
5 Department shall, within 45 days of deciding its intent to
6 classify the report as unfounded, transmit a copy of the report
7 and written notice of the Department's intent to the attorney
8 or guardian ad litem appointed for the child under Section 2-17
9 of the Juvenile Court Act. All information identifying the
10 subjects of an unfounded report shall be expunged from the
11 register forthwith, except as provided in Section 7.7.
12 Unfounded reports may only be made available to the Child
13 Protective Service Unit when investigating a subsequent report
14 of suspected abuse or maltreatment involving a child named in
15 the unfounded report; and to the subject of the report,
16 provided the Department has not expunged the file in accordance
17 with Section 7.7. The Child Protective Service Unit shall not
18 indicate the subsequent report solely based upon the existence
19 of the prior unfounded report or reports. Notwithstanding any
20 other provision of law to the contrary, an unfounded report
21 shall not be admissible in any judicial or administrative
22 proceeding or action. Identifying information on all other
23 records shall be removed from the register no later than 5
24 years after the report is indicated. However, if another report
25 is received involving the same child, his sibling or offspring,
26 or a child in the care of the persons responsible for the

1 child's welfare, or involving the same alleged offender, the
2 identifying information may be maintained in the register until
3 5 years after the subsequent case or report is closed.

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

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

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

20 (325 ILCS 5/7.22)

21 Sec. 7.22. Reviews of unfounded reports.

22 (a) Whenever the Department determines that a reported
23 incident of child abuse or neglect will be ~~is~~ "unfounded", the
24 Department shall forward a copy of the report and written
25 notice of the Department's intent to classify the report as

1 unfounded to the minor's attorney or guardian ad litem
2 appointed under the Juvenile Court Act of 1987. The minor's
3 attorney or guardian ad litem may request a review of the
4 investigation within 10 days of receipt of the report and
5 written notice ~~notification~~ of the Department's intent to
6 classify the report as unfounded ~~final finding and receipt of~~
7 ~~the report~~, as provided in Section 7.14 of this Act, if the
8 subject of the report is also the minor for whom the attorney
9 or guardian ad litem has been appointed.

10 (b) Reviews requested under subsection (a) may be requested
11 by sending a request via U.S. Mail, postmarked within 10 days
12 after notice of the Department's intent to classify the report
13 as unfounded ~~the final finding~~, or by faxing a request within
14 10 days after notice of the Department's intent to classify the
15 report as unfounded ~~final finding~~. The date of notification of
16 the Department's intent to classify the report as unfounded
17 ~~final finding~~ is the date the attorney or guardian ad litem
18 received a copy of the report and written notice from the
19 Department. Following the review, the Department shall inform
20 the minor's attorney or guardian ad litem as to whether the
21 report will be classified as indicated or unfounded. The
22 minor's attorney or guardian ad litem shall also receive a
23 final finding notice from the State Central Register.

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

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

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

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