



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1207

Introduced 1/30/2013, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

325 ILCS 5/7.16

from Ch. 23, par. 2057.16

Amends the Abused and Neglected Child Reporting Act. Provides that within 60 days after the notification of the completion of the Child Protective Service Unit investigation, determined by the date of the notification sent by the Department of Children and Family Services, the perpetrator named in the notification (rather than a subject of a report) may request the Department to amend the record or remove the record of the report from the register, except that the 60 day deadline for filing a request to amend the record or remove the record of the report from the record shall be tolled by the pendency of any criminal court or juvenile court action concerning the circumstances that gave rise to an indicated report. Provides that the perpetrator shall have the right to a timely hearing (rather than if the Department disregards any request to do so or does not act within 10 days, the subject shall have a right to a hearing) to determine whether the record of the report should be amended or removed on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this Act, except that there shall be no such right to a hearing on the ground of the report's inaccuracy if there has been a court finding of child abuse or neglect or a criminal finding of guilt as to the perpetrator (rather than if there has been a court finding of child abuse or neglect, the report's accuracy being conclusively presumed on such finding). Makes other changes. Effective immediately.

LRB098 02583 KTG 32588 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 7.16 as follows:

6 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

7 Sec. 7.16. For any investigation or appeal initiated on or
8 after, or pending on July 1, 1998, the following time frames
9 shall apply. Within 60 days after the notification of the
10 completion of the Child Protective Service Unit investigation,
11 determined by the date of the notification sent by the
12 Department, the perpetrator named in the notification ~~a subject~~
13 ~~of a report~~ may request the Department to amend the record or
14 remove the record of the report from the register, except that
15 the 60 day deadline for filing a request to amend the record or
16 remove the record of the report from the record shall be tolled
17 by the pendency of any criminal court or juvenile court action
18 concerning the circumstances that gave rise to an indicated
19 report. Such request shall be in writing and directed to such
20 person as the Department designates in the notification letter
21 notifying the perpetrator of the indicated finding. The
22 perpetrator ~~If the Department disregards any request to do so~~
23 ~~or does not act within 10 days, the subject shall have the~~

1 right to a timely hearing within the Department to determine
2 whether the record of the report should be amended or removed
3 on the grounds that it is inaccurate or it is being maintained
4 in a manner inconsistent with this Act, except that there shall
5 be no such right to a hearing on the ground of the report's
6 inaccuracy if there has been a court finding of child abuse or
7 neglect or a criminal finding of guilt as to the perpetrator. ~~7~~
8 ~~the report's accuracy being conclusively presumed on such~~
9 ~~finding.~~ Such hearing shall be held within a reasonable time
10 after the perpetrator's ~~subject's~~ request and at a reasonable
11 place and hour. The appropriate Child Protective Service Unit
12 shall be given notice of the hearing. In such hearings, the
13 burden of proving the accuracy and consistency of the record
14 shall be on the Department and the appropriate Child Protective
15 Service Unit. The hearing shall be conducted by the Director or
16 his designee, who is hereby authorized and empowered to order
17 the amendment or removal of the record to make it accurate and
18 consistent with this Act. The decision shall be made, in
19 writing, at the close of the hearing, or within 60 ~~45~~ days
20 thereof, and shall state the reasons upon which it is based.
21 Decisions of the Department under this Section are
22 administrative decisions subject to judicial review under the
23 Administrative Review Law.

24 Should the Department grant the request of the perpetrator,
25 ~~subject of the report~~ pursuant to this Section ~~either on~~
26 ~~administrative review or~~ after an administrative hearing to

1 amend an indicated report to an unfounded report, or should a
2 court grant the request of the perpetrator to amend an
3 indicated report to an unfounded report, the report shall be
4 released and expunged in accordance with the standards set
5 forth in Section 7.14 of this Act.

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

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