



Sen. William R. Haine

Filed: 3/11/2013

09800SB1207sam001

LRB098 02583 KTG 42701 a

1 AMENDMENT TO SENATE BILL 1207

2 AMENDMENT NO. _____. Amend Senate Bill 1207 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 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

1 by the pendency of any criminal court or juvenile court action
2 concerning the circumstances that gave rise to an indicated
3 report. Such request shall be in writing and directed to such
4 person as the Department designates in the notification letter
5 notifying the perpetrator of the indicated finding. The
6 perpetrator ~~If the Department disregards any request to do so~~
7 ~~or does not act within 10 days, the subject~~ shall have the
8 right to a timely hearing within the Department to determine
9 whether the record of the report should be amended or removed
10 on the grounds that it is inaccurate or it is being maintained
11 in a manner inconsistent with this Act, except that there shall
12 be no such right to a hearing on the ground of the report's
13 inaccuracy if there has been a court finding of child abuse or
14 neglect or a criminal finding of guilt as to the perpetrator. ~~7~~
15 ~~the report's accuracy being conclusively presumed on such~~
16 ~~finding.~~ Such hearing shall be held within a reasonable time
17 after the perpetrator's ~~subject's~~ request and at a reasonable
18 place and hour. The appropriate Child Protective Service Unit
19 shall be given notice of the hearing. If the minor, who is the
20 subject of a pending case under Article II of the Juvenile
21 Court Act of 1987, is also the subject of a pending hearing to
22 amend or remove the record of the report from the State central
23 register, the minor shall, through the minor's attorney and
24 guardian ad litem appointed under Section 2-17 of the Juvenile
25 Court Act of 1987, have the right to participate and be heard
26 in such hearing as defined under Department rules. In such

1 hearings, the burden of proving the accuracy and consistency of
2 the record shall be on the Department and the appropriate Child
3 Protective Service Unit. The hearing shall be conducted by the
4 Director or his designee, who is hereby authorized and
5 empowered to order the amendment or removal of the record to
6 make it accurate and consistent with this Act. The decision
7 shall be made, in writing, at the close of the hearing, or
8 within 60 ~~45~~ days thereof, and shall state the reasons upon
9 which it is based. Decisions of the Department under this
10 Section are administrative decisions subject to judicial
11 review under the Administrative Review Law.

12 Should the Department grant the request of the perpetrator,
13 ~~subject of the report~~ pursuant to this Section ~~either on~~
14 ~~administrative review or~~ after an administrative hearing to
15 amend an indicated report to an unfounded report, or should a
16 court grant the request of the perpetrator to amend an
17 indicated report to an unfounded report, the report shall be
18 released and expunged in accordance with the standards set
19 forth in Section 7.14 of this Act.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."