



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB3145

Introduced 2/11/2014, by Sen. Mattie Hunter

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/7.14  
325 ILCS 5/7.15

from Ch. 23, par. 2057.14  
from Ch. 23, par. 2057.15

Amends the Abused and Neglected Child Reporting Act. Provides that the Department of Children and Family Services shall, by rule, establish conditions under which an indicated finding that is properly appealed may be expunged upon completion of a course of services prescribed by the Department. Provides that notwithstanding the expiration of the deadline for appealing an indicated report and notwithstanding the previous issuance of a non-appealable final administrative decision denying a request to expunge an indicated report, and pursuant to the Child Protective Service Unit's authority to amend reports, the Director of the Department or his or her designee shall have the exclusive discretion, on the ground of manifest injustice, to expunge from the central register either an indicated report or the name of a specified perpetrator or to reduce the length of time for which the specified perpetrator's name is to remain registered on the central register. Further provides that in the alternative, the Director or his or her designee shall have the exclusive discretion to direct that the issue of expungement of an indicated report or of expungement of the name of a specified perpetrator be re-opened for an evidentiary hearing on the merits. Effective immediately.

LRB098 16340 KTG 51401 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 Sections 7.14 and 7.15 as follows:

6 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

7 Sec. 7.14. All reports in the central register shall be  
8 classified in one of three categories: "indicated",  
9 "unfounded" or "undetermined", as the case may be. After the  
10 report is classified, the person making the classification  
11 shall determine whether the child named in the report is the  
12 subject of an action under Article II of the Juvenile Court Act  
13 of 1987. If the child is the subject of an action under Article  
14 II of the Juvenile Court Act, the Department shall, within 45  
15 days of classification of the report, transmit a copy of the  
16 report to the guardian ad litem appointed for the child under  
17 Section 2-17 of the Juvenile Court Act. All information  
18 identifying the subjects of an unfounded report shall be  
19 expunged from the register forthwith, except as provided in  
20 Section 7.7. Unfounded reports may only be made available to  
21 the Child Protective Service Unit when investigating a  
22 subsequent report of suspected abuse or maltreatment involving  
23 a child named in the unfounded report; and to the subject of

1 the report, provided the Department has not expunged the file  
2 in accordance with Section 7.7. The Child Protective Service  
3 Unit shall not indicate the subsequent report solely based upon  
4 the existence of the prior unfounded report or reports.  
5 Notwithstanding any other provision of law to the contrary, an  
6 unfounded report shall not be admissible in any judicial or  
7 administrative proceeding or action. Identifying information  
8 on all other records shall be removed from the register no  
9 later than 5 years after the report is indicated. However, if  
10 another report is received involving the same child, his  
11 sibling or offspring, or a child in the care of the persons  
12 responsible for the child's welfare, or involving the same  
13 alleged offender, the identifying information may be  
14 maintained in the register until 5 years after the subsequent  
15 case or report is closed.

16 The Department shall, by rule, prescribe retention periods  
17 of no longer than 2 years in all categories of cases in which  
18 the differential response program, authorized under subsection  
19 (a-5) of Section 7.4, has operated, if any. In addition, the  
20 Department shall, by rule, establish conditions under which an  
21 indicated finding that is properly appealed under Section 7.16  
22 may be expunged upon completion of a course of services  
23 prescribed by the Department.

24 Notwithstanding any other provision of this Section,  
25 identifying information in indicated reports involving serious  
26 physical injury to a child as defined by the Department in

1 rules, may be retained longer than 5 years after the report is  
2 indicated or after the subsequent case or report is closed, and  
3 may not be removed from the register except as provided by the  
4 Department in rules. Identifying information in indicated  
5 reports involving sexual penetration of a child, sexual  
6 molestation of a child, sexual exploitation of a child, torture  
7 of a child, or the death of a child, as defined by the  
8 Department in rules, shall be retained for a period of not less  
9 than 50 years after the report is indicated or after the  
10 subsequent case or report is closed.

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

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

14 (325 ILCS 5/7.15) (from Ch. 23, par. 2057.15)

15 Sec. 7.15. The central register may contain such other  
16 information which the Department determines to be in  
17 furtherance of the purposes of this Act. Pursuant to the  
18 provisions of Sections 7.14 and 7.16, the Department may amend  
19 or remove from the central register appropriate records upon  
20 good cause shown and upon notice to the subjects of the report  
21 and the Child Protective Service Unit.

22 Notwithstanding the expiration of the deadline set forth in  
23 Section 7.16 for appealing an indicated report and  
24 notwithstanding the previous issuance of a non-appealable  
25 final administrative decision denying a request to expunge an

1 indicated report, and pursuant to the Child Protective Service  
2 Unit's authority to amend reports granted in Section 7.18, the  
3 Director of the Department or his or her designee shall have  
4 the exclusive discretion, on the ground of manifest injustice,  
5 to expunge from the central register either an indicated report  
6 or the name of a specified perpetrator or to reduce the length  
7 of time for which the specified perpetrator's name is to remain  
8 registered on the central register. In the alternative, the  
9 Director of the Department or his or her designee shall have  
10 the exclusive discretion to direct that the issue of  
11 expungement of an indicated report or of expungement of the  
12 name of a specified perpetrator be re-opened for an evidentiary  
13 hearing on the merits. The Department shall establish  
14 procedures for requesting relief on the grounds of manifest  
15 injustice.

16 (Source: P.A. 90-15, eff. 6-13-97.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.