



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 752

2 AMENDMENT NO. _____. Amend Senate Bill 752 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 7.14 and 7.18 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. Prior to
10 classifying the report, 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 of 1987 and the Department intends
15 to classify the report as indicated, the Department shall,
16 within 45 days of classification of the report, transmit a copy

1 of the report to the attorney or guardian ad litem appointed
2 for the child under Section 2-17 of the Juvenile Court Act of
3 1987. If the child is the subject of an action under Article II
4 of the Juvenile Court Act of 1987 and the Department intends to
5 classify the report as unfounded, the Department shall, within
6 45 days of deciding its intent to classify the report as
7 unfounded, transmit a copy of the report and written notice of
8 the Department's intent to the attorney or guardian ad litem
9 appointed for the child under Section 2-17 of the Juvenile
10 Court Act of 1987. All information identifying the subjects of
11 an unfounded report shall be expunged from the register
12 forthwith, except as provided in Section 7.7. Unfounded reports
13 may only be made available to the Child Protective Service Unit
14 when investigating a subsequent report of suspected abuse or
15 maltreatment involving a child named in the unfounded report;
16 and to the subject of the report, provided the Department has
17 not expunged the file in accordance with Section 7.7. The Child
18 Protective Service Unit shall not indicate the subsequent
19 report solely based upon the existence of the prior unfounded
20 report or reports. Notwithstanding any other provision of law
21 to the contrary, an unfounded report shall not be admissible in
22 any judicial or administrative proceeding or action.
23 Identifying information on all other records shall be removed
24 from the register no later than 5 years after the report is
25 indicated. However, if another report is received involving the
26 same child, his sibling or offspring, or a child in the care of

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

5 The Department shall, by rule, prescribe retention periods
6 of no longer than 2 years for indicated reports involving
7 inadequate food, inadequate shelter, inadequate supervision,
8 inadequate clothing, environmental neglect, and other
9 categories as may be determined by the Department. Nothing in
10 this Section prohibits the Department from retaining an
11 indicated report for up to 5 years in the foregoing categories
12 of reports when there exist aggravated circumstances, as
13 defined by rule.

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

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

3 (Source: P.A. 97-333, eff. 8-12-11; 98-453, eff. 8-16-13;
4 98-807, eff. 8-1-14; revised 11-25-14.)

5 (325 ILCS 5/7.18) (from Ch. 23, par. 2057.18)

6 Sec. 7.18. Pursuant to Sections 7.15 and 7.16 and for good
7 cause shown, the Child Protective Service Unit may amend any
8 report previously sent to the State-wide center. Unless
9 otherwise prescribed by this Act, the content, form, manner and
10 timing of making the reports shall be established by rules of
11 the Department. The Department shall establish, by rule, the
12 definition of "good cause shown" and the process for requesting
13 an amendment of an indicated report.

14 (Source: P.A. 81-1077.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."