



Sen. Kimberly A. Lightford

Filed: 3/19/2015

09900SB1335sam002

LRB099 07648 KTG 33159 a

1 AMENDMENT TO SENATE BILL 1335

2 AMENDMENT NO. _____. Amend Senate Bill 1335 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 7.8 and 7.14 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,

1 no information shall be released unless it prominently states
2 the report is "indicated", and only information from
3 "indicated" reports shall be released, except that information
4 concerning pending reports may be released pursuant to Sections
5 7.14 and 7.22 of this Act to the attorney or guardian ad litem
6 appointed under Section 2-17 of the Juvenile Court Act of 1987
7 and to any person authorized under paragraphs (1), (2), (3) and
8 (11) of Section 11.1. In addition, State's Attorneys are
9 authorized to receive unfounded reports (i) for prosecution
10 purposes related to the transmission of false reports of child
11 abuse or neglect in violation of subsection (a), paragraph (7)
12 of Section 26-1 of the Criminal Code of 2012 or (ii) for the
13 purposes of screening and prosecuting a petition filed under
14 Article II of the Juvenile Court Act of 1987 alleging a
15 subsequent allegation of abuse or neglect relating to the same
16 child, sibling of the child, or the same perpetrator, and
17 attorneys and guardians ad litem appointed under Article II of
18 the Juvenile Court Act of 1987 shall receive the reports set
19 forth in Section 7.14 of this Act in conformance with paragraph
20 (19) of Section 11.1 and Section 7.14 of this Act. The names
21 and other identifying data and the dates and the circumstances
22 of any persons requesting or receiving information from the
23 central register shall be entered in the register record.
24 (Source: P.A. 97-1150, eff. 1-25-13; 98-807, eff. 8-1-14;
25 revised 11-25-14.)

1 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

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

1 and to the subject of the report, provided the Department has
2 not expunged the file in accordance with Section 7.7. The Child
3 Protective Service Unit shall not indicate the subsequent
4 report solely based upon the existence of the prior unfounded
5 report or reports. Notwithstanding any other provision of law
6 to the contrary, an unfounded report shall not be admissible in
7 any judicial or administrative proceeding or action except for
8 the purpose of prosecuting a petition filed under Article II of
9 the Juvenile Court Act of 1987 alleging a subsequent allegation
10 of abuse or neglect relating to the same child, sibling of the
11 child, or the same perpetrator. Identifying information on all
12 other records shall be removed from the register no later than
13 5 years after the report is indicated. However, if another
14 report is received involving the same child, his sibling or
15 offspring, or a child in the care of the persons responsible
16 for the child's welfare, or involving the same alleged
17 offender, the identifying information may be maintained in the
18 register until 5 years after the subsequent case or report is
19 closed.

20 Notwithstanding any other provision of this Section,
21 identifying information in indicated reports involving serious
22 physical injury to a child as defined by the Department in
23 rules, may be retained longer than 5 years after the report is
24 indicated or after the subsequent case or report is closed, and
25 may not be removed from the register except as provided by the
26 Department in rules. Identifying information in indicated

1 reports involving sexual penetration of a child, sexual
2 molestation of a child, sexual exploitation of a child, torture
3 of a child, or the death of a child, as defined by the
4 Department in rules, shall be retained for a period of not less
5 than 50 years after the report is indicated or after the
6 subsequent case or report is closed.

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

9 (Source: P.A. 97-333, eff. 8-12-11; 98-453, eff. 8-16-13;
10 98-807, eff. 8-1-14; revised 11-25-14.)".