



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2583

by Rep. Emanuel Chris Welch

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/7.8  
325 ILCS 5/7.14

from Ch. 23, par. 2057.8  
from Ch. 23, par. 2057.14

Amends the Abused and Neglected Child Reporting Act. Provides that State's Attorneys are authorized to receive unfounded reports of child abuse or neglect for the purpose of screening and prosecuting a petition filed under the Juvenile Court Act of 1987 requesting an Order of Protection. Provides that an unfounded report shall not be admissible in any judicial or administrative proceeding or action "except for the purpose of screening and prosecuting a petition filed under the Juvenile Court Act of 1987 requesting an Order of Protection" (rather than an unfounded report shall not be admissible in any judicial or administrative proceeding or action).

LRB099 07649 KTG 27780 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 7.8 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,  
17 no information shall be released unless it prominently states  
18 the report is "indicated", and only information from  
19 "indicated" reports shall be released, except that information  
20 concerning pending reports may be released pursuant to Sections  
21 7.14 and 7.22 of this Act to the attorney or guardian ad litem  
22 appointed under Section 2-17 of the Juvenile Court Act of 1987  
23 and to any person authorized under paragraphs (1), (2), (3) and

1 (11) of Section 11.1. In addition, State's Attorneys are  
2 authorized to receive unfounded reports for prosecution  
3 purposes related to the transmission of false reports of child  
4 abuse or neglect in violation of subsection (a), paragraph (7)  
5 of Section 26-1 of the Criminal Code of 2012 or for the purpose  
6 of screening and prosecuting a petition filed under the  
7 Juvenile Court Act of 1987 requesting an Order of Protection,  
8 and attorneys and guardians ad litem appointed under Article II  
9 of the Juvenile Court Act of 1987 shall receive the reports set  
10 forth in Section 7.14 of this Act in conformance with paragraph  
11 (19) of Section 11.1 and Section 7.14 of this Act. The names  
12 and other identifying data and the dates and the circumstances  
13 of any persons requesting or receiving information from the  
14 central register shall be entered in the register record.

15 (Source: P.A. 97-1150, eff. 1-25-13; 98-807, eff. 8-1-14;  
16 revised 11-25-14.)

17 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

18 Sec. 7.14. All reports in the central register shall be  
19 classified in one of three categories: "indicated",  
20 "unfounded" or "undetermined", as the case may be. Prior to  
21 classifying the report, the person making the classification  
22 shall determine whether the child named in the report is the  
23 subject of an action under Article II of the Juvenile Court Act  
24 of 1987. If the child is the subject of an action under Article  
25 II of the Juvenile Court Act of 1987 and the Department intends

1 to classify the report as indicated, the Department shall,  
2 within 45 days of classification of the report, transmit a copy  
3 of the report to the attorney or guardian ad litem appointed  
4 for the child under Section 2-17 of the Juvenile Court Act of  
5 1987. If the child is the subject of an action under Article II  
6 of the Juvenile Court Act of 1987 and the Department intends to  
7 classify the report as unfounded, the Department shall, within  
8 45 days of deciding its intent to classify the report as  
9 unfounded, transmit a copy of the report and written notice of  
10 the Department's intent to the attorney or guardian ad litem  
11 appointed for the child under Section 2-17 of the Juvenile  
12 Court Act of 1987. All information identifying the subjects of  
13 an unfounded report shall be expunged from the register  
14 forthwith, except as provided in Section 7.7. Unfounded reports  
15 may only be made available to the Child Protective Service Unit  
16 when investigating a subsequent report of suspected abuse or  
17 maltreatment involving a child named in the unfounded report;  
18 and to the subject of the report, provided the Department has  
19 not expunged the file in accordance with Section 7.7. The Child  
20 Protective Service Unit shall not indicate the subsequent  
21 report solely based upon the existence of the prior unfounded  
22 report or reports. Notwithstanding any other provision of law  
23 to the contrary, an unfounded report shall not be admissible in  
24 any judicial or administrative proceeding or action except for  
25 the purpose of screening and prosecuting a petition filed under  
26 the Juvenile Court Act of 1987 requesting an Order of

1 Protection. Identifying information on all other records shall  
2 be removed from the register no later than 5 years after the  
3 report is indicated. However, if another report is received  
4 involving the same child, his sibling or offspring, or a child  
5 in the care of the persons responsible for the child's welfare,  
6 or involving the same alleged offender, the identifying  
7 information may be maintained in the register until 5 years  
8 after the subsequent case or report is closed.

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

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

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