**Section 107.320 Disclosure of Master Record File Material for Youth Committed to the Juvenile Division – Court Agreement**

a) Definitions

1) Youth – A person who is or has been committed to the Illinois Department of Corrections, Juvenile Division, pursuant to Section 5-33 of the Juvenile Court Act of 1987 [705 ILCS 405/5-33] or Section 5-8-6(c) of the Unified Code of Corrections [730 ILCS 5/5-8-6(c)]. This Section does not apply to record access for deceased youths.

2) Parent – The natural mother or father or an adoptive parent of a youth, except a natural or adoptive parent whose parental rights have been terminated by Sections 2-29, 3-30, 4-27, or 5-31 of the Juvenile Court Act of 1987 [705 ILCS 405/2-29, 3-30, 4-27, or 5-31] or Section 17 of the Adoption Act [750 ILCS 50/17].

3) Guardian – Individual(s) appointed by courts as guardian of the youth.

4) Authorized attorney – A lawyer authorized in writing by the youth to inspect and copy his or her master record file; or a lawyer appointed by a court as attorney for a youth.

5) Records subject to inspection and copying – This information is contained in the following documents: discharge order, face sheet, cancellation of warrants, warrants for apprehension, administrative-statewide transfer order, order of temporary transfer, dispositional order, court writs, preliminary hearing of parole violation, notice of charges, notification of alleged parole violations, police reports, report on youth's return to reception center, verification of birthdate, medical and dental records, reception center testing, academic assessments, vocational goals inventory, Department of Vocational Rehabilitation referrals, chronological recording of activities and treatment by counselor assigned, monthly staffing conference reports, physical exam, medications record, immunization cards, special concerns, consent for treatment, release of medical information, monthly progress reports, group life adjustment, daily conduct reports, achievements, summary letters to Prisoner Review Board, academic or vocational progress reports, program assignment record, institutional goals and treatment plan, performance agreements, commendation reports, reports of disciplinary action, letters to and from institution requesting information, trust fund records, youth's transfer request, medical referrals, administrative memos, unusual incident reports, clinical transfer orders or action requests, authorized absence requests-approvals, correspondence, youth advocate's reports, notice of eligibility for parole, requests for special action, medical restrictions, illness and injuries record, school transcript, Prisoner Review Board sheet, official notice of parole, special orders and orders rescinding parole, clothing inventory, and personal property inventory.

6) Records subject to inspection and copying with professional guidance – This information is contained in the following documents: assessment and assignment report, special case review, intake worksheet, social history, chaplain's reports, psychological evaluation and classification reports, psychiatric evaluation report, clinical correspondence and clinical reports from other agencies, psychiatric reports, administrative reviews, annual reviews, special case reviews, notice of eligibility of parole-narrative progress report, diagnostic treatment note(s), and psychological consultation referral(s).

7) Information not subject to inspection and copying by a youth, a parent or a non-institutional guardian – Information reported in records contained in a master record file, the disclosure of which a clinician certifies in writing would result in a specific harm to the youth, a parent or a non-institutional guardian.

8) Clinician – A psychiatrist, psychologist, or physician employed by the Department of Corrections.

9) Authorized personnel of the Department – All program or security personnel in the institutional or field services divisions of the Illinois Department of Corrections.

10) Other correctional, welfare and law enforcement agencies – Agencies designated in writing from time to time by the Director or the Deputy Director of the Juvenile Division of the Illinois Department of Corrections subject to Section 1-7 of the Juvenile Court Act of 1987, [705 ILCS 405/1-7].

11) Receiving agencies – A Department or agency to whom custody of a youth is transferred by administrative order to the Juvenile Division or by a court order.

b) Rights of and Limitations on Record Access

1) A youth, an authorized attorney, a parent, a guardian, personnel of other correctional, welfare or law enforcement agencies or receiving agencies may inspect and copy all records contained in the person's master record file, provided:

A) The youth consents in writing to the inspection and copying of such records by an authorized attorney, a parent or non-institutional guardian;

B) That information not subject to inspection and copying may be deleted from records otherwise available to a youth, a parent or a non-institutional guardian in accordance with procedures established in subsection (b) of this Section.

2) Authorized personnel of the Department may inspect and copy records.

3) All requests by the youth, authorized attorneys, parents and non-institutional guardians to copy or inspect file material shall be made in writing.

4) The Juvenile Division shall comply with all written requests for records subject to inspection and copying within 15 days, and with all written requests for records subject to inspection and copying with professional guidance within 30 days, upon payment of copying costs except where waived by the Department upon a showing of indigency by the youth, parent, non-institutional guardian, or authorized attorney.

c) Processing of Requests for Record Access

1) With regard to the master record files of youths in Illinois Youth Center facilities or on authorized absence from, or transferred to an Illinois Department of Mental Health and Developmental Disabilities facility from a Juvenile Division facility:

A) All written requests for inspection and copying should be directed to the Chief Administrative Officer of the Illinois Youth Center facility.

B) The youth's assigned counselor or other program staff person:

i) Will examine the records for information believed to be not subject to inspection and copying by a youth, a parent or guardian, and arrange for a clinician to review such records in accordance with procedures established in subsection (c)(4) of this Section.

ii) Will forward copies of the records to requesting authorized attorney, parent, or non-institutional guardian upon payment or waiver of the costs; provided that where only record inspection has been requested, the requesting party shall be notified of a date, time and place at which the records may be inspected; and a youth, a parent, or a non-institutional guardian will be notified of a date, time and place of a conference at which records subject to inspection and copying with professional guidance may be inspected or copied or both, and at which conference the counselor or other staff person will explain in detail the meaning of such records.

2) With regard to the master record files of youths currently on parole:

A) All requests for inspection and copying should be directed to the Chief Administrative Officer of the institution from which the youth was paroled.

B) The Chief Administrative Officer:

i) Will examine the records for information believed to be not subject to inspection and copying by youth, a parent or a guardian and arrange for a clinician to review such records in accordance with procedures established in subsection (c)(4) of this Section;

ii) Will forward copies of records to the requesting youth, authorized attorney, parent or non-institutional guardian upon payment or waiver of costs; provided that where only record inspection has been requested, the requesting party shall be notified of a date, time and place at which the records may be inspected; a youth, a parent, or a non-institutional guardian will be notified of a date, time and place of a conference at which records subject to inspection and copying with professional guidance may be inspected or copied or both and at which conference the correctional parole agent or other staff person will explain in detail the meaning of such records.

3) With regard to the master record files of persons formerly committed to the Juvenile Division:

A) All requests for inspection and copying should be directed to the supervisor of the microfilm center in Springfield.

B) The supervisor will contact the Chief Administrative Officer of the institution from which the youth was released or paroled.

4) A clinician shall examine all records submitted for review. If the clinician certifies in writing that the disclosure to a youth, a parent, or a non-institutional guardian of information would result in a specific harm to such individuals:

A) The information may be deleted from records inspected and copied by the individuals who would be harmed;

B) The clinician's certificate shall be attached to such records inspected and copied by all individuals.

5) The Juvenile Division shall maintain a record in each master file which indicates:

A) The parties who have requested to inspect or copy records from the master record file;

B) The records inspected or copied from the master record file.

d) Before this Section of the Subpart may be modified, the Legal Staff shall be consulted. This Section was promulgated pursuant to settlement of litigation by order of the court. It may not be modified without the approval of the court.

(Source: Amended at 20 Ill. Reg. 6745, effective May 5, 1996)