

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)

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
16 provided the information requested in accordance with this
17 Act. However, no information shall be released unless it
18 prominently states the report is "indicated", and only
19 information from "indicated" reports shall be released, except
20 that:

21 (1) Information ~~information~~ concerning pending reports may
22 be released pursuant to Sections 7.14 and 7.22 of this Act to
23 the attorney or guardian ad litem appointed under Section 2-17

1 of the Juvenile Court Act of 1987 and to any person authorized
2 under paragraphs (1), (2), (3) and (11) of Section 11.1.

3 (2) ~~In addition,~~ State's Attorneys are authorized to
4 receive unfounded reports:

5 (A) ~~(i)~~ for prosecution purposes related to the
6 transmission of false reports of child abuse or neglect in
7 violation of subsection (a), paragraph (7) of Section 26-1
8 of the Criminal Code of 2012; or

9 (B) ~~(ii)~~ for the purposes of screening and prosecuting
10 a petition filed under Article II of the Juvenile Court
11 Act of 1987 alleging ~~a subsequent allegation of~~ abuse or
12 neglect relating to the same child, a sibling of the
13 child, ~~or~~ the same perpetrator, or a child or perpetrator
14 in the same household as the child for whom the petition is
15 being filed.

16 (3) ~~The~~ ~~the~~ parties to the proceedings filed under Article
17 II of the Juvenile Court Act of 1987 are entitled to receive
18 copies of ~~previously~~ unfounded reports regarding the same
19 child, a sibling of the child, ~~or~~ the same perpetrator, or a
20 child or perpetrator in the same household as the child for
21 purposes of hearings under Sections 2-10 and 2-21 of the
22 Juvenile Court Act of 1987. ~~τ~~

23 (4) Attorneys ~~and attorneys~~ and guardians ad litem
24 appointed under Article II of the Juvenile Court Act of 1987
25 shall receive the reports set forth in Section 7.14 of this Act
26 in conformance with paragraph (19) of Section 11.1 and Section

1 7.14 of this Act.

2 (5) The Department of Public Health shall receive
3 information from unfounded reports involving children alleged
4 to have been abused or neglected while hospitalized, including
5 while hospitalized in freestanding psychiatric hospitals
6 licensed by the Department of Public Health, as necessary for
7 the Department of Public Health to conduct its licensing
8 investigation.

9 (6) The Department is authorized and required to release
10 information from unfounded reports, upon request by a person
11 who has access to the unfounded report as provided in this Act,
12 as necessary in its determination to protect children and
13 adult residents who are in child care facilities licensed by
14 the Department under the Child Care Act of 1969. The names and
15 other identifying data and the dates and the circumstances of
16 any persons requesting or receiving information from the
17 central register shall be entered in the register record.

18 (Source: P.A. 101-43, eff. 1-1-20.)

19 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

20 Sec. 7.14. All reports in the central register shall be
21 classified in one of three categories: "indicated",
22 "unfounded" or "undetermined", as the case may be. Prior to
23 classifying the report, the Department shall determine whether
24 the report is subject to Department review under Section
25 7.22a. If the report is subject to Department review, the

1 report shall not be classified as unfounded until the review
2 is completed. Prior to classifying the report, the person
3 making the classification shall determine whether the child
4 named in the report is the subject of an action under Article V
5 of the Juvenile Court Act of 1987 who is in the custody or
6 guardianship of the Department or who has an open intact
7 family services case with the Department or is the subject of
8 an action under Article II of the Juvenile Court Act of 1987.
9 If the child either is the subject of an action under Article V
10 of the Juvenile Court Act of 1987 and is in the custody or
11 guardianship of the Department or has an open intact family
12 services case with the Department or is the subject of an
13 action under Article II of the Juvenile Court Act of 1987 and
14 the Department intends to classify the report as indicated,
15 the Department shall, within 45 days of classification of the
16 report, transmit a copy of the report to the attorney or
17 guardian ad litem appointed for the child under Section 2-17
18 of the Juvenile Court Act of 1987 or to a guardian ad litem
19 appointed under Section 5-610 of the Juvenile Court Act of
20 1987. If the child either is the subject of an action under
21 Article V of the Juvenile Court Act of 1987 and is in the
22 custody or guardianship of the Department or has an open
23 intact family services case with the Department or is the
24 subject of an action under Article II of the Juvenile Court Act
25 of 1987 and the Department intends to classify the report as
26 unfounded, the Department shall, within 45 days of deciding

1 its intent to classify the report as unfounded, transmit a
2 copy of the report and written notice of the Department's
3 intent to the attorney or guardian ad litem appointed for the
4 child under Section 2-17 of the Juvenile Court Act of 1987, or
5 to a guardian ad litem appointed under Section 5-610 of the
6 Juvenile Court Act of 1987. The Department's obligation under
7 this Section to provide reports to a guardian ad litem
8 appointed under Section 5-610 of the Juvenile Court Act of
9 1987 for a minor with an open intact family services case
10 applies only if the guardian ad litem notified the Department
11 in writing of the representation. All information identifying
12 the subjects of an unfounded report shall be expunged from the
13 register forthwith, except as provided in Section 7.7.
14 Unfounded reports may only be made available to the Child
15 Protective Service Unit when investigating a subsequent report
16 of suspected abuse or maltreatment involving a child named in
17 the unfounded report; and to the subject of the report,
18 provided the Department has not expunged the file in
19 accordance with Section 7.7. The Child Protective Service Unit
20 shall not indicate the subsequent report solely based upon the
21 existence of the prior unfounded report or reports.
22 Notwithstanding any other provision of law to the contrary, an
23 unfounded report shall not be admissible in any judicial or
24 administrative proceeding or action except for proceedings
25 under Sections 2-10 and 2-21 of the Juvenile Court Act of 1987
26 involving a petition filed under Section 2-13 of the Juvenile

1 Court Act of 1987 alleging abuse or neglect to the same child,
2 a sibling of the child, ~~or~~ the same perpetrator, or a member of
3 the child's household. Identifying information on all other
4 records shall be removed from the register no later than 5
5 years after the report is indicated. However, if another
6 report is received involving the same child, his sibling or
7 offspring, or a child in the care of the persons responsible
8 for the child's welfare, or involving the same alleged
9 offender, the identifying information may be maintained in the
10 register until 5 years after the subsequent case or report is
11 closed.

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

25 For purposes of this Section, "child" includes an adult
26 resident as defined in this Act.

1 (Source: P.A. 100-158, eff. 1-1-18; 100-863, eff. 8-14-18;
2 101-528, eff. 8-23-19.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.