



Sen. Julie A. Morrison

**Filed: 4/16/2021**

10200SB1904sam002

LRB102 11580 KTG 25208 a

1 AMENDMENT TO SENATE BILL 1904

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1904 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act  
5 is 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

1 Act. However, no information shall be released unless it  
2 prominently states the report is "indicated", and only  
3 information from "indicated" reports shall be released, except  
4 that:

5 (1) Information ~~information~~ concerning pending reports may  
6 be released pursuant to Sections 7.14 and 7.22 of this Act to  
7 the attorney or guardian ad litem appointed under Section 2-17  
8 of the Juvenile Court Act of 1987 and to any person authorized  
9 under paragraphs (1), (2), (3) and (11) of Section 11.1.

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

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

16 (B) ~~(ii)~~ for the purposes of screening and prosecuting  
17 a petition filed under Article II of the Juvenile Court  
18 Act of 1987 alleging ~~a subsequent allegation of~~ abuse or  
19 neglect relating to the same child, a sibling of the  
20 child, ~~or~~ the same perpetrator, or a child or perpetrator  
21 in the same household as the child for whom the petition is  
22 being filed.

23 (3) ~~The~~ the parties to the proceedings filed under Article  
24 II of the Juvenile Court Act of 1987 are entitled to receive  
25 copies of ~~previously~~ unfounded reports regarding the same  
26 child, a sibling of the child, ~~or~~ the same perpetrator, or a

1 child or perpetrator in the same household as the child for  
2 purposes of hearings under Sections 2-10 and 2-21 of the  
3 Juvenile Court Act of 1987. ~~7~~

4 (4) Attorneys and ~~attorneys~~ and guardians ad litem  
5 appointed under Article II of the Juvenile Court Act of 1987  
6 shall receive the reports set forth in Section 7.14 of this Act  
7 in conformance with paragraph (19) of Section 11.1 and Section  
8 7.14 of this Act.

9 (5) The Department of Public Health shall receive  
10 information from unfounded reports involving children alleged  
11 to have been abused or neglected while hospitalized, including  
12 while hospitalized in freestanding psychiatric hospitals  
13 licensed by the Department of Public Health, as necessary for  
14 the Department of Public Health to conduct its licensing  
15 investigation.

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

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

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 Department shall determine whether  
6 the report is subject to Department review under Section  
7 7.22a. If the report is subject to Department review, the  
8 report shall not be classified as unfounded until the review  
9 is completed. Prior to classifying the report, the person  
10 making the classification shall determine whether the child  
11 named in the report is the subject of an action under Article V  
12 of the Juvenile Court Act of 1987 who is in the custody or  
13 guardianship of the Department or who has an open intact  
14 family services case with the Department or is the subject of  
15 an action under Article II of the Juvenile Court Act of 1987.  
16 If the child either is the subject of an action under Article V  
17 of the Juvenile Court Act of 1987 and is in the custody or  
18 guardianship of the Department or has an open intact family  
19 services case with the Department or is the subject of an  
20 action under Article II of the Juvenile Court Act of 1987 and  
21 the Department intends to classify the report as indicated,  
22 the Department shall, within 45 days of classification of the  
23 report, transmit a copy of the report to the attorney or  
24 guardian ad litem appointed for the child under Section 2-17  
25 of the Juvenile Court Act of 1987 or to a guardian ad litem  
26 appointed under Section 5-610 of the Juvenile Court Act of

1 1987. If the child either is the subject of an action under  
2 Article V of the Juvenile Court Act of 1987 and is in the  
3 custody or guardianship of the Department or has an open  
4 intact family services case with the Department or is the  
5 subject of an action under Article II of the Juvenile Court Act  
6 of 1987 and the Department intends to classify the report as  
7 unfounded, the Department shall, within 45 days of deciding  
8 its intent to classify the report as unfounded, transmit a  
9 copy of the report and written notice of the Department's  
10 intent to the attorney or guardian ad litem appointed for the  
11 child under Section 2-17 of the Juvenile Court Act of 1987, or  
12 to a guardian ad litem appointed under Section 5-610 of the  
13 Juvenile Court Act of 1987. The Department's obligation under  
14 this Section to provide reports to a guardian ad litem  
15 appointed under Section 5-610 of the Juvenile Court Act of  
16 1987 for a minor with an open intact family services case  
17 applies only if the guardian ad litem notified the Department  
18 in writing of the representation. All information identifying  
19 the subjects of an unfounded report shall be expunged from the  
20 register forthwith, except as provided in Section 7.7.  
21 Unfounded reports may only be made available to the Child  
22 Protective Service Unit when investigating a subsequent report  
23 of suspected abuse or maltreatment involving a child named in  
24 the unfounded report; and to the subject of the report,  
25 provided the Department has not expunged the file in  
26 accordance with Section 7.7. The Child Protective Service Unit

1 shall not indicate the subsequent report solely based upon the  
2 existence of the prior unfounded report or reports.  
3 Notwithstanding any other provision of law to the contrary, an  
4 unfounded report shall not be admissible in any judicial or  
5 administrative proceeding or action except for proceedings  
6 under Sections 2-10 and 2-21 of the Juvenile Court Act of 1987  
7 involving a petition filed under Section 2-13 of the Juvenile  
8 Court Act of 1987 alleging abuse or neglect to the same child,  
9 a sibling of the child, ~~or~~ the same perpetrator, or a member of  
10 the child's household. Identifying information on all other  
11 records shall be removed from the register no later than 5  
12 years after the report is indicated. However, if another  
13 report is received involving the same child, his sibling or  
14 offspring, or a child in the care of the persons responsible  
15 for the child's welfare, or involving the same alleged  
16 offender, the identifying information may be maintained in the  
17 register until 5 years after the subsequent case or report is  
18 closed.

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

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

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

8 (Source: P.A. 100-158, eff. 1-1-18; 100-863, eff. 8-14-18;  
9 101-528, eff. 8-23-19.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."