



Sen. Kirk W. Dillard

Filed: 5/6/2013

09800HB2787sam001

LRB098 06185 KTG 45460 a

1 AMENDMENT TO HOUSE BILL 2787

2 AMENDMENT NO. _____. Amend House Bill 2787 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 7.7, 7.14, 7.16, and 7.21 and by
6 adding Section 7.22 as follows:

7 (325 ILCS 5/7.7) (from Ch. 23, par. 2057.7)

8 Sec. 7.7. There shall be a central register of all cases of
9 suspected child abuse or neglect reported and maintained by the
10 Department under this Act. Through the recording of initial,
11 preliminary, and final reports, the central register shall be
12 operated in such a manner as to enable the Department to: (1)
13 immediately identify and locate prior reports of child abuse or
14 neglect; (2) continuously monitor the current status of all
15 reports of child abuse or neglect being provided services under
16 this Act; and (3) regularly evaluate the effectiveness of

1 existing laws and programs through the development and analysis
2 of statistical and other information.

3 The Department shall maintain in the central register a
4 listing of unfounded reports where the subject of the unfounded
5 report requests that the record not be expunged because the
6 subject alleges an intentional false report was made. Such a
7 request must be made by the subject in writing to the
8 Department, within 10 days of the investigation. By January 1,
9 2014, the Department shall promulgate rules establishing
10 criteria and standards for labeling an unfounded report as an
11 intentional false report in the central register. The rules
12 shall permit the reporter to submit a statement regarding the
13 report unless the reporter has been convicted of knowingly
14 transmitting a false report to the Department under paragraph
15 (7) of subsection (a) of Section 26-1 of the Criminal Code of
16 2012.

17 The Department shall also maintain in the central register
18 a listing of unfounded reports where the report was classified
19 as a priority one or priority two report in accordance with the
20 Department's rules or the report was made by a person mandated
21 to report suspected abuse or neglect under this Act.

22 The Department shall maintain in the central register for 3
23 years a listing of unfounded reports involving the death of a
24 child, the sexual abuse of a child, or serious physical injury
25 to a child as defined by the Department in rules.

26 If an individual is the subject of a subsequent

1 investigation that is pending, the Department shall maintain
2 all prior unfounded reports pertaining to that individual until
3 the pending investigation has been completed or for 12 months,
4 whichever time period ends later.

5 The Department shall maintain all other unfounded reports
6 for 12 months following the date of the final finding.

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

10 (Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10;
11 97-333, eff. 8-12-11; 97-1089, eff. 8-24-12.)

12 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

13 Sec. 7.14. All reports in the central register shall be
14 classified in one of three categories: "indicated",
15 "unfounded" or "undetermined", as the case may be. After the
16 report is classified, the person making the classification
17 shall determine whether the child named in the report is the
18 subject of an action under Article II of the Juvenile Court Act
19 of 1987. If the child is the subject of an action under Article
20 II of the Juvenile Court Act, the Department shall, within 45
21 days of classification of the report, transmit a copy of the
22 report to the guardian ad litem appointed for the child under
23 Section 2-17 of the Juvenile Court Act. All information
24 identifying the subjects of an unfounded report shall be
25 expunged from the register forthwith, except as provided in

1 Section 7.7. Unfounded reports may only be made available to
2 the Child Protective Service Unit when investigating a
3 subsequent report of suspected abuse or maltreatment involving
4 a child named in the unfounded report; and to the subject of
5 the report, provided the Department has not expunged the file
6 in accordance with Section 7.7. The Child Protective Service
7 Unit shall not indicate the subsequent report solely based upon
8 the existence of the prior unfounded report or reports.
9 Notwithstanding any other provision of law to the contrary, an
10 unfounded report shall not be admissible in any judicial or
11 administrative proceeding or action. Identifying information
12 on all other records shall be removed from the register no
13 later than 5 years after the report is indicated. However, if
14 another report is received involving the same child, his
15 sibling or offspring, or a child in the care of the persons
16 responsible for the child's welfare, or involving the same
17 alleged offender, the identifying information may be
18 maintained in the register until 5 years after the subsequent
19 case or report is 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. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10;
10 97-333, eff. 8-12-11.)

11 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

12 Sec. 7.16. For any investigation or appeal initiated on or
13 after, or pending on July 1, 1998, the following time frames
14 shall apply. Within 60 days after the notification of the
15 completion of the Child Protective Service Unit investigation,
16 determined by the date of the notification sent by the
17 Department, a subject of a report may request the Department to
18 amend the record or remove the record of the report from the
19 register. Such request shall be in writing and directed to such
20 person as the Department designates in the notification. If the
21 Department disregards any request to do so or does not act
22 within 10 days, the subject shall have the right to a hearing
23 within the Department to determine whether the record of the
24 report should be amended or removed on the grounds that it is
25 inaccurate or it is being maintained in a manner inconsistent

1 with this Act, except that there shall be no such right to a
2 hearing on the ground of the report's inaccuracy if there has
3 been a court finding of child abuse or neglect, the report's
4 accuracy being conclusively presumed on such finding. Such
5 hearing shall be held within a reasonable time after the
6 subject's request and at a reasonable place and hour. The
7 appropriate Child Protective Service Unit shall be given notice
8 of the hearing. If the minor, who is the victim named in the
9 report sought to be amended or removed from the State Central
10 Register, is the subject of a pending action under Article II
11 of the Juvenile Court Act of 1987, and the report was made
12 while a guardian ad litem was appointed for the minor under
13 Section 2-17 of the Juvenile Court Act of 1987, then the minor
14 shall, through the minor's attorney or guardian ad litem
15 appointed under Section 2-17 of the Juvenile Court Act of 1987,
16 have the right to participate and be heard in such hearing as
17 defined under the Department's rules. In such hearings, the
18 burden of proving the accuracy and consistency of the record
19 shall be on the Department and the appropriate Child Protective
20 Service Unit. The hearing shall be conducted by the Director or
21 his designee, who is hereby authorized and empowered to order
22 the amendment or removal of the record to make it accurate and
23 consistent with this Act. The decision shall be made, in
24 writing, at the close of the hearing, or within 45 days
25 thereof, and shall state the reasons upon which it is based.
26 Decisions of the Department under this Section are

1 administrative decisions subject to judicial review under the
2 Administrative Review Law.

3 Should the Department grant the request of the subject of
4 the report pursuant to this Section either on administrative
5 review or after administrative hearing to amend an indicated
6 report to an unfounded report, the report shall be released and
7 expunged in accordance with the standards set forth in Section
8 7.14 of this Act.

9 (Source: P.A. 90-15, eff. 6-13-97; 90-608, eff. 6-30-98.)

10 (325 ILCS 5/7.21)

11 Sec. 7.21. Multidisciplinary Review Committee.

12 (a) The Department may establish multidisciplinary review
13 committees in each region of the State to assure that mandated
14 reporters have the ability to have a review conducted on any
15 situation where a child abuse or neglect report made by them
16 was "unfounded", and they have concerns about the adequacy of
17 the investigation. These committees shall draw upon the
18 expertise of the Child Death Review Teams as necessary and
19 practicable. Each committee will be composed of the following:
20 a health care professional, a Department employee, a law
21 enforcement official, a licensed social worker, and a
22 representative of the State's attorney's office. In appointing
23 members of a committee, primary consideration shall be given to
24 a prospective member's prior experience in dealing with cases
25 of suspected child abuse or neglect.

1 (b) Whenever the Department determines that a reported
2 incident of child abuse or neglect from a mandated reporter is
3 "unfounded", the mandated reporter may request a review of the
4 investigation within 10 days of the notification of the final
5 finding. ~~Whenever the Department determines that a reported
6 incident of child abuse or neglect from a mandated reporter or
7 any other reporter is "unfounded", the minor's guardian ad
8 litem appointed under the Juvenile Court Act of 1987 may
9 request a review of the investigation within 10 days of the
10 notification of the final finding if the subject of the report
11 is also the minor for whom the guardian ad litem has been
12 appointed. The review of the investigation requested by the
13 guardian ad litem may be conducted by the Regional Child
14 Protection Manager.~~

15 A review under this subsection will be conducted by the
16 committee, ~~except those requests for review that are made by
17 the guardian ad litem, which shall be conducted by the Regional
18 Child Protection Manager.~~ The Department shall make available
19 to the committee all information in the Department's possession
20 concerning the case. The committee shall make recommendations
21 to the Department as to the adequacy of the investigation and
22 of the accuracy of the final finding determination. These
23 findings shall be forwarded to the Regional Child Protection
24 Manager.

25 (c) The Department shall provide complete records of these
26 investigations to the committee. Records provided to the

1 committee and recommendation reports generated by the
2 committee shall not be public record.

3 (c-5) On or before October 1 of each year, the Department
4 shall prepare a report setting forth (i) the number of
5 investigations reviewed by each committee during the previous
6 fiscal year and (ii) the number of those investigations that
7 the committee found to be inadequate. The report shall also
8 include a summary of the committee's comments and a summary of
9 the corrective action, if any, that was taken in response to
10 the committee's recommendations. The report shall be a public
11 record. The Department shall submit the report to the General
12 Assembly and shall make the report available to the public upon
13 request.

14 (d) The Department shall adopt rules to implement this
15 Section.

16 (Source: P.A. 90-239, eff. 7-28-97; 91-812, eff. 6-13-00.)

17 (325 ILCS 5/7.22 new)

18 Sec. 7.22. Reviews of unfounded reports.

19 (a) Whenever the Department determines that a reported
20 incident of child abuse or neglect is "unfounded", the minor's
21 attorney or guardian ad litem appointed under the Juvenile
22 Court Act of 1987 may request a review of the investigation
23 within 10 days of the notification of the final finding and
24 receipt of the report, as provided in Section 7.14 of this Act,
25 if the subject of the report is also the minor for whom the

1 attorney or guardian ad litem has been appointed.

2 (b) Reviews requested under subsection (a) may be requested
3 by sending a request via U.S. Mail, postmarked within 10 days
4 after notice of the final finding, or by faxing a request
5 within 10 days after notice of the final finding. The date of
6 notification of the final finding is the date the attorney or
7 guardian ad litem received a copy of the report from the
8 Department.

9 (c) By January 1, 2014, the Department shall promulgate
10 rules addressing reviews requested under subsection (a). The
11 rules shall provide that a review requested under subsection
12 (a) must occur before the report is classified and a final
13 finding is entered in the central register and that the review
14 must be conducted by a Department employee outside the
15 supervisory chain of the assigned investigator.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.".