

1 AN ACT in relation to criminal law.

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  
5 is amended by changing Sections 2, 3, 4, 4.02, 7, 7.1, 7.4,  
6 and 7.14 as follows:

7 (325 ILCS 5/2) (from Ch. 23, par. 2052)

8 Sec. 2. The Illinois Department of Children and Family  
9 Services shall, upon receiving reports made under this Act,  
10 protect the health, safety, and best interests of the child  
11 in all situations in which the child is vulnerable to child  
12 abuse or neglect, offer protective services in order to  
13 prevent any further harm to the child and to other children  
14 in the same environment or family, stabilize the home  
15 environment, and preserve family life whenever possible.  
16 Recognizing that children also can be abused and neglected  
17 while living in public or private residential agencies or  
18 institutions meant to serve them, while attending day care  
19 centers, ~~or~~ schools, or religious activities, or when in  
20 contact with adults who are responsible for the welfare of  
21 the child at that time, this Act also provides for the  
22 reporting and investigation of child abuse and neglect in  
23 such instances. In performing any of these duties, the  
24 Department may utilize such protective services of voluntary  
25 agencies as are available.

26 (Source: P.A. 90-28, eff. 1-1-98.)

27 (325 ILCS 5/3) (from Ch. 23, par. 2053)

28 Sec. 3. As used in this Act unless the context otherwise  
29 requires:

30 "Child" means any person under the age of 18 years,

1 unless legally emancipated by reason of marriage or entry  
2 into a branch of the United States armed services.

3 "Department" means Department of Children and Family  
4 Services.

5 "Local law enforcement agency" means the police of a  
6 city, town, village or other incorporated area or the sheriff  
7 of an unincorporated area or any sworn officer of the  
8 Illinois Department of State Police.

9 "Abused child" means a child whose parent or immediate  
10 family member, or any person responsible for the child's  
11 welfare, or any individual residing in the same home as the  
12 child, or a paramour of the child's parent:

13 (a) a- inflicts, causes to be inflicted, or allows  
14 to be inflicted upon such child physical injury, by other  
15 than accidental means, which causes death, disfigurement,  
16 impairment of physical or emotional health, or loss or  
17 impairment of any bodily function;

18 (b) b- creates a substantial risk of physical  
19 injury to such child by other than accidental means which  
20 would be likely to cause death, disfigurement, impairment  
21 of physical or emotional health, or loss or impairment of  
22 any bodily function;

23 (c) c- commits or allows to be committed any sex  
24 offense against such child, as such sex offenses are  
25 defined in the Criminal Code of 1961, as amended, and  
26 extending those definitions of sex offenses to include  
27 children under 18 years of age;

28 (d) d- commits or allows to be committed an act or  
29 acts of torture upon such child;

30 (e) e- inflicts excessive corporal punishment;

31 (f) f- commits or allows to be committed the  
32 offense of female genital mutilation, as defined in  
33 Section 12-34 of the Criminal Code of 1961, against the  
34 child; or

1           (g) ~~g~~ causes to be sold, transferred, distributed,  
2           or given to such child under 18 years of age, a  
3           controlled substance as defined in Section 102 of the  
4           Illinois Controlled Substances Act in violation of  
5           Article IV of the Illinois Controlled Substances Act,  
6           except for controlled substances that are prescribed in  
7           accordance with Article III of the Illinois Controlled  
8           Substances Act and are dispensed to such child in a  
9           manner that substantially complies with the prescription.

10          A child shall not be considered abused for the sole  
11         reason that the child has been relinquished in accordance  
12         with the Abandoned Newborn Infant Protection Act.

13          "Neglected child" means any child who is not receiving  
14         the proper or necessary nourishment or medically indicated  
15         treatment including food or care not provided solely on the  
16         basis of the present or anticipated mental or physical  
17         impairment as determined by a physician acting alone or in  
18         consultation with other physicians or otherwise is not  
19         receiving the proper or necessary support or medical or other  
20         remedial care recognized under State law as necessary for a  
21         child's well-being, or other care necessary for his or her  
22         well-being, including adequate food, clothing and shelter; or  
23         who is abandoned by his or her parents or other person  
24         responsible for the child's welfare without a proper plan of  
25         care; or who is a newborn infant whose blood, urine, or  
26         meconium contains any amount of a controlled substance as  
27         defined in subsection (f) of Section 102 of the Illinois  
28         Controlled Substances Act or a metabolite thereof, with the  
29         exception of a controlled substance or metabolite thereof  
30         whose presence in the newborn infant is the result of medical  
31         treatment administered to the mother or the newborn infant. A  
32         child shall not be considered neglected for the sole reason  
33         that the child's parent or other person responsible for his  
34         or her welfare has left the child in the care of an adult

1 relative for any period of time. A child shall not be  
2 considered neglected for the sole reason that the child has  
3 been relinquished in accordance with the Abandoned Newborn  
4 Infant Protection Act. A child shall not be considered  
5 neglected or abused for the sole reason that such child's  
6 parent or other person responsible for his or her welfare  
7 depends upon spiritual means through prayer alone for the  
8 treatment or cure of disease or remedial care as provided  
9 under Section 4 of this Act. A child shall not be considered  
10 neglected or abused solely because the child is not attending  
11 school in accordance with the requirements of Article 26 of  
12 The School Code, as amended.

13 "Child Protective Service Unit" means certain specialized  
14 State employees of the Department assigned by the Director to  
15 perform the duties and responsibilities as provided under  
16 Section 7.2 of this Act.

17 "Person responsible for the child's welfare" means the  
18 child's parent; guardian; foster parent; relative caregiver;  
19 any person responsible for the child's welfare in a public or  
20 private residential agency or institution; any person  
21 responsible for the child's welfare within a public or  
22 private profit or not for profit child care facility; or any  
23 other person responsible for the child's welfare at the time  
24 of the alleged abuse or neglect, or any person who came to  
25 know the child through an official capacity or position of  
26 trust, including but not limited to health care  
27 professionals, educational personnel, recreational  
28 supervisors, members of the clergy, and volunteers or support  
29 personnel in any setting where children may be subject to  
30 abuse or neglect.

31 "Temporary protective custody" means custody within a  
32 hospital or other medical facility or a place previously  
33 designated for such custody by the Department, subject to  
34 review by the Court, including a licensed foster home, group

1 home, or other institution; but such place shall not be a  
2 jail or other place for the detention of criminal or juvenile  
3 offenders.

4 "An unfounded report" means any report made under this  
5 Act for which it is determined after an investigation that no  
6 credible evidence of abuse or neglect exists.

7 "An indicated report" means a report made under this Act  
8 if an investigation determines that credible evidence of the  
9 alleged abuse or neglect exists.

10 "An undetermined report" means any report made under this  
11 Act in which it was not possible to initiate or complete an  
12 investigation on the basis of information provided to the  
13 Department.

14 "Subject of report" means any child reported to the  
15 central register of child abuse and neglect established under  
16 Section 7.7 of this Act and his or her parent, guardian or  
17 other person responsible who is also named in the report.

18 "Perpetrator" means a person who, as a result of  
19 investigation, has been determined by the Department to have  
20 caused child abuse or neglect.

21 "Member of the clergy" means a clergyman or practitioner  
22 of any religious denomination accredited by the religious  
23 body to which he or she belongs.

24 (Source: P.A. 91-802, eff. 1-1-01; 92-408, eff. 8-17-01;  
25 92-432, eff. 8-17-01.)

26 (325 ILCS 5/4) (from Ch. 23, par. 2054)

27 Sec. 4. Persons required to report; privileged  
28 communications; transmitting false report. Any physician,  
29 resident, intern, hospital, hospital administrator and  
30 personnel engaged in examination, care and treatment of  
31 persons, surgeon, dentist, dentist hygienist, osteopath,  
32 chiropractor, podiatrist, physician assistant, substance  
33 abuse treatment personnel, Christian Science practitioner,

1 funeral home director or employee, coroner, medical examiner,  
2 emergency medical technician, acupuncturist, crisis line or  
3 hotline personnel, school personnel, educational advocate  
4 assigned to a child pursuant to the School Code, truant  
5 officers, social worker, social services administrator,  
6 domestic violence program personnel, registered nurse,  
7 licensed practical nurse, respiratory care practitioner,  
8 advanced practice nurse, home health aide, director or staff  
9 assistant of a nursery school or a child day care center,  
10 recreational program or facility personnel, law enforcement  
11 officer, registered psychologist and assistants working  
12 under the direct supervision of a psychologist, psychiatrist,  
13 or field personnel of the Illinois Department of Public Aid,  
14 Public Health, Human Services (acting as successor to the  
15 Department of Mental Health and Developmental Disabilities,  
16 Rehabilitation Services, or Public Aid), Corrections, Human  
17 Rights, or Children and Family Services, supervisor and  
18 administrator of general assistance under the Illinois Public  
19 Aid Code, probation officer, or any other foster parent,  
20 homemaker or child care worker having reasonable cause to  
21 believe a child known to them in their professional or  
22 official capacity may be an abused child or a neglected child  
23 shall immediately report or cause a report to be made to the  
24 Department.

25 Any member of the clergy having reasonable cause to  
26 believe that a child known to that member of the clergy in  
27 his or her professional capacity may be an abused child as  
28 defined in item (c) of the definition of "abused child" in  
29 Section 3 of this Act shall immediately report or cause a  
30 report to be made to the Department.

31 Whenever such person is required to report under this Act  
32 in his capacity as a member of the staff of a medical or  
33 other public or private institution, school, facility or  
34 agency, or as a member of the clergy, he shall make report

1 immediately to the Department in accordance with the  
2 provisions of this Act and may also notify the person in  
3 charge of such institution, school, facility or agency, or  
4 church, synagogue, temple, mosque, or other religious  
5 institution, or his designated agent that such report has  
6 been made. Under no circumstances shall any person in charge  
7 of such institution, school, facility or agency, or church,  
8 synagogue, temple, mosque, or other religious institution, or  
9 his designated agent to whom such notification has been made,  
10 exercise any control, restraint, modification or other change  
11 in the report or the forwarding of such report to the  
12 Department.

13 The privileged quality of communication between any  
14 professional person required to report and his patient or  
15 client shall not apply to situations involving abused or  
16 neglected children and shall not constitute grounds for  
17 failure to report as required by this Act.

18 A member of the clergy may claim the privilege under  
19 Section 8-803 of the Code of Civil Procedure.

20 In addition to the above persons required to report  
21 suspected cases of abused or neglected children, any other  
22 person may make a report if such person has reasonable cause  
23 to believe a child may be an abused child or a neglected  
24 child.

25 Any person who enters into employment on and after July  
26 1, 1986 and is mandated by virtue of that employment to  
27 report under this Act, shall sign a statement on a form  
28 prescribed by the Department, to the effect that the employee  
29 has knowledge and understanding of the reporting requirements  
30 of this Act. The statement shall be signed prior to  
31 commencement of the employment. The signed statement shall  
32 be retained by the employer. The cost of printing,  
33 distribution, and filing of the statement shall be borne by  
34 the employer.

1           The Department shall provide copies of this Act, upon  
2 request, to all employers employing persons who shall be  
3 required under the provisions of this Section to report under  
4 this Act.

5           Any person who knowingly transmits a false report to the  
6 Department commits the offense of disorderly conduct under  
7 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
8 1961". Any person who violates this provision a second or  
9 subsequent time shall be guilty of a Class 4 felony.

10           Any person who knowingly and willfully violates any  
11 provision of this Section other than a second or subsequent  
12 violation of transmitting a false report as described in the  
13 preceding paragraph, is shall--be guilty of a Class A  
14 misdemeanor for a first violation and a Class 4 felony for a  
15 second or subsequent violation.

16           A child whose parent, guardian or custodian in good faith  
17 selects and depends upon spiritual means through prayer  
18 alone for the treatment or cure of disease or remedial care  
19 may be considered neglected or abused, but not for the sole  
20 reason that his parent, guardian or custodian accepts and  
21 practices such beliefs.

22           A child shall not be considered neglected or abused  
23 solely because the child is not attending school in  
24 accordance with the requirements of Article 26 of the School  
25 Code, as amended.

26 (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99;  
27 92-16, eff. 6-28-01.)

28 (325 ILCS 5/4.02) (from Ch. 23, par. 2054.02)

29           Sec. 4.02. Any physician who willfully fails to report  
30 suspected child abuse or neglect as required by this Act  
31 shall be referred to the Illinois State Medical Disciplinary  
32 Board for action in accordance with paragraph 22 of Section  
33 22 of the Medical Practice Act of 1987. Any dentist or dental



1     hygienist who willfully fails to report suspected child abuse  
2     or neglect as required by this Act shall be referred to the  
3     Department of Professional Regulation for action in  
4     accordance with paragraph 19 of Section 23 of the Illinois  
5     Dental Practice Act. Any other person required by this Act  
6     to report suspected child abuse and neglect who willfully  
7     fails to report such is shall--be guilty of a Class A  
8     misdemeanor for a first violation and a Class 4 felony for a  
9     second or subsequent violation.

10    (Source: P.A. 91-197, eff. 1-1-00.)

11           (325 ILCS 5/7) (from Ch. 23, par. 2057)

12           Sec. 7. Time and manner of making reports. All reports  
13     of suspected child abuse or neglect made under this Act shall  
14     be made immediately by telephone to the central register  
15     established under Section 7.7 on the single, State-wide,  
16     toll-free telephone number established in Section 7.6, or in  
17     person or by telephone through the nearest Department office.  
18     The Department shall, in cooperation with school officials,  
19     distribute appropriate materials in school buildings listing  
20     the toll-free telephone number established in Section 7.6,  
21     including methods of making a report under this Act. The  
22     Department may, in cooperation with appropriate members of  
23     the clergy, distribute appropriate materials in churches,  
24     synagogues, temples, mosques, or other religious buildings  
25     listing the toll-free telephone number established in Section  
26     7.6, including methods of making a report under this Act.

27           Wherever the Statewide number is posted, there shall also  
28     be posted the following notice:

29           "Any person who knowingly transmits a false report to the  
30     Department commits the offense of disorderly conduct under  
31     subsection (a)(7) of Section 26-1 of the Criminal Code of  
32     1961. A first violation of this subsection is a Class A  
33     misdemeanor, punishable by a term of imprisonment for up to

1 one year, or by a fine not to exceed \$1,000, or by both such  
2 term and fine. A second or subsequent violation is a Class 4  
3 felony."

4 The report required by this Act shall include, if known,  
5 the name and address of the child and his parents or other  
6 persons having his custody; the child's age; the nature of  
7 the child's condition including any evidence of previous  
8 injuries or disabilities; and any other information that the  
9 person filing the report believes might be helpful in  
10 establishing the cause of such abuse or neglect and the  
11 identity of the person believed to have caused such abuse or  
12 neglect. Reports made to the central register through the  
13 State-wide, toll-free telephone number shall be immediately  
14 transmitted to the appropriate Child Protective Service Unit.  
15 The Department shall within 24 hours orally notify local law  
16 enforcement personnel and the office of the State's Attorney  
17 of the involved county of the receipt of any report alleging  
18 the death of a child, serious injury to a child including,  
19 but not limited to, brain damage, skull fractures, subdural  
20 hematomas, and, internal injuries, torture of a child,  
21 malnutrition of a child, and sexual abuse to a child,  
22 including, but not limited to, sexual intercourse, sexual  
23 exploitation, sexual molestation, and sexually transmitted  
24 disease in a child age twelve and under. All oral reports  
25 made by the Department to local law enforcement personnel and  
26 the office of the State's Attorney of the involved county  
27 shall be confirmed in writing within 48 hours of the oral  
28 report. All reports by persons mandated to report under this  
29 Act shall be confirmed in writing to the appropriate Child  
30 Protective Service Unit, which may be on forms supplied by  
31 the Department, within 48 hours of any initial report.

32 Written confirmation reports from persons not required to  
33 report by this Act may be made to the appropriate Child  
34 Protective Service Unit. Written reports from persons

1 required by this Act to report shall be admissible in  
2 evidence in any judicial proceeding relating to child abuse  
3 or neglect. Reports involving known or suspected child abuse  
4 or neglect in public or private residential agencies or  
5 institutions shall be made and received in the same manner as  
6 all other reports made under this Act.

7 (Source: P.A. 89-187, eff. 7-19-95.)

8 (325 ILCS 5/7.1) (from Ch. 23, par. 2057.1)

9 Sec. 7.1. (a) To the fullest extent feasible, the  
10 Department shall cooperate with and shall seek the  
11 cooperation and involvement of all appropriate public and  
12 private agencies, including health, education, social service  
13 and law enforcement agencies, religious institutions, courts  
14 of competent jurisdiction, and agencies, organizations, or  
15 programs providing or concerned with human services related  
16 to the prevention, identification or treatment of child abuse  
17 or neglect.

18 Such cooperation and involvement shall include joint  
19 consultation and services, joint planning, joint case  
20 management, joint public education and information services,  
21 joint utilization of facilities, joint staff development and  
22 other training, and the creation of multidisciplinary case  
23 diagnostic, case handling, case management, and policy  
24 planning teams. Such cooperation and involvement shall also  
25 include consultation and planning with the Illinois  
26 Department of Human Services regarding referrals to  
27 designated perinatal centers of newborn children requiring  
28 protective custody under this Act, whose life or development  
29 may be threatened by a developmental disability or  
30 handicapping condition.

31 For implementing such intergovernmental cooperation and  
32 involvement, units of local government and public and private  
33 agencies may apply for and receive federal or State funds

1 from the Department under this Act or seek and receive gifts  
2 from local philanthropic or other private local sources in  
3 order to augment any State funds appropriated for the  
4 purposes of this Act.

5 (b) The Department may establish up to 5 demonstrations  
6 of multidisciplinary teams to advise, review and monitor  
7 cases of child abuse and neglect brought by the Department or  
8 any member of the team. The Director shall determine the  
9 criteria by which certain cases of child abuse or neglect are  
10 brought to the multidisciplinary teams. The criteria shall  
11 include but not be limited to geographic area and  
12 classification of certain cases where allegations are of a  
13 severe nature. Each multidisciplinary team shall consist of  
14 7 to 10 members appointed by the Director, including, but not  
15 limited to representatives from the medical, mental health,  
16 educational, juvenile justice, law enforcement and social  
17 service fields.

18 (Source: P.A. 89-507, eff. 7-1-97.)

19 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

20 Sec. 7.4. (a) The Department shall be capable of  
21 receiving reports of suspected child abuse or neglect 24  
22 hours a day, 7 days a week. Whenever the Department receives  
23 a report alleging that a child is a truant as defined in  
24 Section 26-2a of The School Code, as now or hereafter  
25 amended, the Department shall notify the superintendent of  
26 the school district in which the child resides and the  
27 appropriate superintendent of the educational service region.  
28 The notification to the appropriate officials by the  
29 Department shall not be considered an allegation of abuse or  
30 neglect under this Act.

31 (b) (1) The following procedures shall be followed in  
32 the investigation of all reports of suspected abuse or  
33 neglect of a child, except as provided in subsection (c) of

1 this Section.

2 (2) If it appears that the immediate safety or  
3 well-being of a child is endangered, that the family may flee  
4 or the child disappear, or that the facts otherwise so  
5 warrant, the Child Protective Service Unit shall commence an  
6 investigation immediately, regardless of the time of day or  
7 night. In all other cases, investigation shall be commenced  
8 within 24 hours of receipt of the report. Upon receipt of a  
9 report, the Child Protective Service Unit shall make an  
10 initial investigation and an initial determination whether  
11 the report is a good faith indication of alleged child abuse  
12 or neglect.

13 (3) If the Unit determines the report is a good faith  
14 indication of alleged child abuse or neglect, then a formal  
15 investigation shall commence and, pursuant to Section 7.12 of  
16 this Act, may or may not result in an indicated report. The  
17 formal investigation shall include: direct contact with the  
18 subject or subjects of the report as soon as possible after  
19 the report is received; an evaluation of the environment of  
20 the child named in the report and any other children in the  
21 same environment; a determination of the risk to such  
22 children if they continue to remain in the existing  
23 environments, as well as a determination of the nature,  
24 extent and cause of any condition enumerated in such report;  
25 the name, age and condition of other children in the  
26 environment; and an evaluation as to whether there would be  
27 an immediate and urgent necessity to remove the child from  
28 the environment if appropriate family preservation services  
29 were provided. After seeing to the safety of the child or  
30 children, the Department shall forthwith notify the subjects  
31 of the report in writing, of the existence of the report and  
32 their rights existing under this Act in regard to amendment  
33 or expungement. To fulfill the requirements of this Section,  
34 the Child Protective Service Unit shall have the capability

1 of providing or arranging for comprehensive emergency  
2 services to children and families at all times of the day or  
3 night.

4 (4) If (i) at the conclusion of the Unit's initial  
5 investigation of a report, the Unit determines the report to  
6 be a good faith indication of alleged child abuse or neglect  
7 that warrants a formal investigation by the Unit, the  
8 Department, any law enforcement agency or any other  
9 responsible agency and (ii) the person who is alleged to have  
10 caused the abuse or neglect is employed or otherwise engaged  
11 in an activity resulting in frequent contact with children  
12 and the alleged abuse or neglect are in the course of such  
13 employment or activity, then the Department shall, except in  
14 investigations where the Director determines that such  
15 notification would be detrimental to the Department's  
16 investigation, inform the appropriate supervisor or  
17 administrator of that employment or activity that the Unit  
18 has commenced a formal investigation pursuant to this Act,  
19 which may or may not result in an indicated report. The  
20 Department shall also notify the person being investigated,  
21 unless the Director determines that such notification would  
22 be detrimental to the Department's investigation.

23 (c) In an investigation of a report of suspected abuse  
24 or neglect of a child by a school employee at a school or on  
25 school grounds, the Department shall make reasonable efforts  
26 to follow the following procedures:

27 (1) Investigations involving teachers shall not, to  
28 the extent possible, be conducted when the teacher is  
29 scheduled to conduct classes. Investigations involving  
30 other school employees shall be conducted so as to  
31 minimize disruption of the school day. The school  
32 employee accused of child abuse or neglect may have his  
33 superior, his association or union representative and his  
34 attorney present at any interview or meeting at which the

1 teacher or administrator is present. The accused school  
2 employee shall be informed by a representative of the  
3 Department, at any interview or meeting, of the accused  
4 school employee's due process rights and of the steps in  
5 the investigation process. The information shall include,  
6 but need not necessarily be limited to the right, subject  
7 to the approval of the Department, of the school employee  
8 to confront the accuser, if the accuser is 14 years of  
9 age or older, or the right to review the specific  
10 allegations which gave rise to the investigation, and the  
11 right to review all materials and evidence that have been  
12 submitted to the Department in support of the allegation.  
13 These due process rights shall also include the right of  
14 the school employee to present countervailing evidence  
15 regarding the accusations.

16 (2) If a report of neglect or abuse of a child by a  
17 teacher or administrator does not involve allegations of  
18 sexual abuse or extreme physical abuse, the Child  
19 Protective Service Unit shall make reasonable efforts to  
20 conduct the initial investigation in coordination with  
21 the employee's supervisor.

22 If the Unit determines that the report is a good  
23 faith indication of potential child abuse or neglect, it  
24 shall then commence a formal investigation under  
25 paragraph (3) of subsection (b) of this Section.

26 (3) If a report of neglect or abuse of a child by a  
27 teacher or administrator involves an allegation of sexual  
28 abuse or extreme physical abuse, the Child Protective  
29 Unit shall commence an investigation under paragraph (2)  
30 of subsection (b) of this Section.

31 (d) If the Department has contact with an employer, or  
32 with a religious institution or religious official having  
33 supervisory or hierarchical authority over a member of the  
34 clergy accused of the abuse of a child, in the course of its

1 investigation, the Department shall notify the employer or  
2 the religious institution or religious official, in writing,  
3 when a report is unfounded so that any record of the  
4 investigation can be expunged from the employee's or member  
5 of the clergy's personnel or other records. The Department  
6 shall also notify the employee or the member of the clergy,  
7 in writing, that notification has been sent to the employer  
8 or to the appropriate religious institution or religious  
9 official informing the employer or religious institution or  
10 religious official that the Department's investigation has  
11 resulted in an unfounded report.

12 (e) Upon request by the Department, the Department of  
13 State Police and law enforcement agencies are authorized to  
14 provide criminal history record information as defined in  
15 the Illinois Uniform Conviction Information Act and  
16 information maintained in the adjudicatory and dispositional  
17 record system as defined in Section 2605-355 of the  
18 Department of State Police Law (20 ILCS 2605/2605-355) to  
19 properly designated employees of the Department of Children  
20 and Family Services if the Department determines the  
21 information is necessary to perform its duties under the  
22 Abused and Neglected Child Reporting Act, the Child Care Act  
23 of 1969, and the Children and Family Services Act. The  
24 request shall be in the form and manner required by the  
25 Department of State Police. Any information obtained by the  
26 Department of Children and Family Services under this Section  
27 is confidential and may not be transmitted outside the  
28 Department of Children and Family Services other than to a  
29 court of competent jurisdiction or unless otherwise  
30 authorized by law. Any employee of the Department of Children  
31 and Family Services who transmits confidential information in  
32 violation of this Section or causes the information to be  
33 transmitted in violation of this Section is guilty of a Class  
34 A misdemeanor unless the transmittal of the information is



1 authorized by this Section or otherwise authorized by law.

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

4 Sec. 7.14. All reports in the central register shall be  
5 classified in one of three categories: "indicated",  
6 "unfounded" or "undetermined", as the case may be. After the  
7 report is classified, the person making the classification  
8 shall determine whether the child named in the report is the  
9 subject of an action under Article II of the Juvenile Court  
10 Act of 1987. If the child is the subject of an action under  
11 Article II of the Juvenile Court Act, the Department shall  
12 transmit a copy of the report to the guardian ad litem  
13 appointed for the child under Section 2-17 of the Juvenile  
14 Court Act. All information identifying the subjects of an  
15 unfounded report shall be expunged from the register  
16 forthwith, except as provided in Section 7.7. Unfounded  
17 reports may only be made available to the Child Protective  
18 Service Unit when investigating a subsequent report of  
19 suspected abuse or maltreatment involving a child named in  
20 the unfounded report; and to the subject of the report,  
21 provided that the subject requests the report within 60 days  
22 of being notified that the report was unfounded. The Child  
23 Protective Service Unit shall not indicate the subsequent  
24 report solely based upon the existence of the prior unfounded  
25 report or reports. Notwithstanding any other provision of  
26 law to the contrary, an unfounded report shall not be  
27 admissible in any judicial or administrative proceeding or  
28 action. Identifying information on all other records shall be  
29 removed from the register no later than 5 years after the  
30 report is indicated. However, if another report is received  
31 involving the same child, his sibling or offspring, or a  
32 child in the care of the persons responsible for the child's  
33 welfare, or involving the same alleged offender, the

1 identifying information may be maintained in the register  
2 until 5 years after the subsequent case or report is closed.

3 Notwithstanding any other provision of this Section,  
4 identifying information in indicated reports involving the  
5 sexual abuse of a child, the death of a child, or serious  
6 physical injury to a child as defined by the Department in  
7 rules, may be retained longer than 5 years after the report  
8 is indicated or after the subsequent case or report is  
9 closed, and may not be removed from the register except as  
10 provided by the Department in rules.

11 (Source: P.A. 90-15, eff. 6-13-97.)

12 Section 10. The Criminal Code of 1961 is amended by  
13 changing Section 3-6 as follows:

14 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

15 Sec. 3-6. Extended limitations. The period within which  
16 a prosecution must be commenced under the provisions of  
17 Section 3-5 or other applicable statute is extended under the  
18 following conditions:

19 (a) A prosecution for theft involving a breach of a  
20 fiduciary obligation to the aggrieved person may be commenced  
21 as follows:

22 (1) If the aggrieved person is a minor or a person  
23 under legal disability, then during the minority or legal  
24 disability or within one year after the termination  
25 thereof.

26 (2) In any other instance, within one year after  
27 the discovery of the offense by an aggrieved person, or  
28 by a person who has legal capacity to represent an  
29 aggrieved person or has a legal duty to report the  
30 offense, and is not himself or herself a party to the  
31 offense; or in the absence of such discovery, within one  
32 year after the proper prosecuting officer becomes aware

1 of the offense. However, in no such case is the period of  
2 limitation so extended more than 3 years beyond the  
3 expiration of the period otherwise applicable.

4 (b) A prosecution for any offense based upon misconduct  
5 in office by a public officer or employee may be commenced  
6 within one year after discovery of the offense by a person  
7 having a legal duty to report such offense, or in the absence  
8 of such discovery, within one year after the proper  
9 prosecuting officer becomes aware of the offense. However, in  
10 no such case is the period of limitation so extended more  
11 than 3 years beyond the expiration of the period otherwise  
12 applicable.

13 (c) Except as otherwise provided in subdivision (i) or  
14 (j) of this Section, a prosecution for any offense involving  
15 sexual conduct or sexual penetration, as defined in Section  
16 12-12 of this Code, where the victim and defendant are family  
17 members, as defined in Section 12-12 of this Code, may be  
18 commenced within one year of the victim attaining the age of  
19 18 years.

20 (d) A prosecution for child pornography, indecent  
21 solicitation of a child, soliciting for a juvenile  
22 prostitute, juvenile pimping or exploitation of a child may  
23 be commenced within one year of the victim attaining the age  
24 of 18 years. However, in no such case shall the time period  
25 for prosecution expire sooner than 3 years after the  
26 commission of the offense. When the victim is under 18 years  
27 of age, a prosecution for criminal sexual abuse may be  
28 commenced within one year of the victim attaining the age of  
29 18 years. However, in no such case shall the time period for  
30 prosecution expire sooner than 3 years after the commission  
31 of the offense.

32 (e) Except as otherwise provided in subdivision (j), a  
33 prosecution for any offense involving sexual conduct or  
34 sexual penetration, as defined in Section 12-12 of this Code,

1 where the defendant was within a professional or fiduciary  
2 relationship or a purported professional or fiduciary  
3 relationship with the victim at the time of the commission of  
4 the offense may be commenced within one year after the  
5 discovery of the offense by the victim.

6 (f) A prosecution for any offense set forth in Section  
7 44 of the "Environmental Protection Act", approved June 29,  
8 1970, as amended, may be commenced within 5 years after the  
9 discovery of such an offense by a person or agency having the  
10 legal duty to report the offense or in the absence of such  
11 discovery, within 5 years after the proper prosecuting  
12 officer becomes aware of the offense.

13 (g) (Blank).

14 (h) (Blank).

15 (i) Except as otherwise provided in subdivision (j), a  
16 prosecution for criminal sexual assault, aggravated criminal  
17 sexual assault, or aggravated criminal sexual abuse may be  
18 commenced within 10 years of the commission of the offense if  
19 the victim reported the offense to law enforcement  
20 authorities within 2 years after the commission of the  
21 offense.

22 ~~When the victim is under 18 years of age at the time of~~  
23 ~~the offense and the offender is a family member as defined in~~  
24 ~~Section 12-127, a prosecution for criminal sexual assault,~~  
25 ~~aggravated criminal sexual assault, predatory criminal sexual~~  
26 ~~assault of a child, or aggravated criminal sexual abuse may~~  
27 ~~be commenced within 10 years of the victim attaining the age~~  
28 ~~of 18 years.~~

29 ~~When the victim is under 18 years of age at the time of~~  
30 ~~the offense and the offender is not a family member as~~  
31 ~~defined in Section 12-127, a prosecution for criminal sexual~~  
32 ~~assault, aggravated criminal sexual assault, predatory~~  
33 ~~criminal sexual assault of a child, or aggravated criminal~~  
34 ~~sexual abuse may be commenced within 10 years of the victim~~

1     ~~attaining-the-age-of-18-years, if the victim reported the~~  
2     ~~offense to law enforcement authorities before he or she~~  
3     ~~attained the age of 21 years.~~ Nothing in this subdivision  
4     (i) shall be construed to shorten a period within which a  
5     prosecution must be commenced under any other provision of  
6     this Section.

7     (j) When the victim is under 18 years of age at the time  
8     of the offense, a prosecution for criminal sexual assault,  
9     aggravated criminal sexual assault, predatory criminal sexual  
10    assault of a child, or aggravated criminal sexual abuse or a  
11    prosecution for failure of a person who is required to report  
12    an alleged or suspected commission of any of these offenses  
13    under the Abused and Neglected Child Reporting Act may be  
14    commenced within 10 years after the child victim attains 18  
15    years of age.

16    Nothing in this subdivision (j) shall be construed to  
17    shorten a period within which a prosecution must be commenced  
18    under any other provision of this Section.

19    (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00.)

20    Section 99. Effective date. This Act takes effect upon  
21    becoming law.