

1 AN ACT in relation to 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
5 is amended by changing Sections 7.19 and 11.1 as follows:

6 (325 ILCS 5/7.19) (from Ch. 23, par. 2057.19)

7 Sec. 7.19. Upon request, a subject of a report shall be
8 entitled to receive a copy of all information contained in
9 the central register pertaining to his case, except that any
10 report provided to the central register by a law enforcement
11 agency shall be released only with the written permission of
12 that law enforcement agency. However, the Department may
13 prohibit the release of data that would identify or locate a
14 person who, in good faith, made a report or cooperated in a
15 subsequent investigation. In addition, the Department may
16 seek a court order from the circuit court prohibiting the
17 release of any information which the court finds is likely to
18 be harmful to the subject of the report.

19 (Source: P.A. 81-1077.)

20 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

21 Sec. 11.1. Access to records.

22 (a) A person shall have access to the records described
23 in Section 11 only in furtherance of purposes directly
24 connected with the administration of this Act or the
25 Intergovernmental Missing Child Recovery Act of 1984. Those
26 persons and purposes for access include:

27 (1) Department staff in the furtherance of their
28 responsibilities under this Act, or for the purpose of
29 completing background investigations on persons or
30 agencies licensed by the Department or with whom the

1 Department contracts for the provision of child welfare
2 services.

3 (2) A law enforcement agency investigating known or
4 suspected child abuse or neglect, known or suspected
5 involvement with child pornography, known or suspected
6 criminal sexual assault, known or suspected criminal
7 sexual abuse, or any other sexual offense when a child is
8 alleged to be involved.

9 (3) The Department of State Police when
10 administering the provisions of the Intergovernmental
11 Missing Child Recovery Act of 1984.

12 (4) A physician who has before him a child whom he
13 reasonably suspects may be abused or neglected.

14 (5) A person authorized under Section 5 of this Act
15 to place a child in temporary protective custody when
16 such person requires the information in the report or
17 record to determine whether to place the child in
18 temporary protective custody.

19 (6) A person having the legal responsibility or
20 authorization to care for, treat, or supervise a child or
21 a parent, guardian, or other person responsible for the
22 child's welfare who is the subject of a report.

23 (7) Except in regard to harmful or detrimental
24 information as provided in Section 7.19, any subject of
25 the report, and if the subject of the report is a minor,
26 his guardian or guardian ad litem. No access shall be
27 permitted under this paragraph (7), however, to any
28 report provided to the Department by a law enforcement
29 agency.

30 (8) A court, upon its finding that access to such
31 records may be necessary for the determination of an
32 issue before such court; however, such access shall be
33 limited to in camera inspection, unless the court
34 determines that public disclosure of the information

1 contained therein is necessary for the resolution of an
2 issue then pending before it.

3 (8.1) A probation officer or other authorized
4 representative of a probation or court services
5 department conducting an investigation ordered by a court
6 under the Juvenile Court Act of 1987.

7 (9) A grand jury, upon its determination that
8 access to such records is necessary in the conduct of its
9 official business.

10 (10) Any person authorized by the Director, in
11 writing, for audit or bona fide research purposes.

12 (11) Law enforcement agencies, coroners or medical
13 examiners, physicians, courts, school superintendents and
14 child welfare agencies in other states who are
15 responsible for child abuse or neglect investigations or
16 background investigations.

17 (12) The Department of Professional Regulation, the
18 State Board of Education and school superintendents in
19 Illinois, who may use or disclose information from the
20 records as they deem necessary to conduct investigations
21 or take disciplinary action, as provided by law.

22 (13) A coroner or medical examiner who has reason
23 to believe that a child has died as the result of abuse
24 or neglect.

25 (14) The Director of a State-operated facility when
26 an employee of that facility is the perpetrator in an
27 indicated report.

28 (15) The operator of a licensed child care facility
29 or a facility licensed by the Department of Human
30 Services (as successor to the Department of Alcoholism
31 and Substance Abuse) in which children reside when a
32 current or prospective employee of that facility is the
33 perpetrator in an indicated child abuse or neglect
34 report, pursuant to Section 4.3 of the Child Care Act of

1 1969.

2 (16) Members of a multidisciplinary team in the
3 furtherance of its responsibilities under subsection (b)
4 of Section 7.1. All reports concerning child abuse and
5 neglect made available to members of such
6 multidisciplinary teams and all records generated as a
7 result of such reports shall be confidential and shall
8 not be disclosed, except as specifically authorized by
9 this Act or other applicable law. It is a Class A
10 misdemeanor to permit, assist or encourage the
11 unauthorized release of any information contained in such
12 reports or records. Nothing contained in this Section
13 prevents the sharing of reports or records relating or
14 pertaining to the death of a minor under the care of or
15 receiving services from the Department of Children and
16 Family Services and under the jurisdiction of the
17 juvenile court with the juvenile court, the State's
18 Attorney, and the minor's attorney.

19 (17) The Department of Human Services, as provided
20 in Section 17 of the Disabled Persons Rehabilitation Act.

21 (18) Any other agency or investigative body,
22 including the Department of Public Health and a local
23 board of health, authorized by State law to conduct an
24 investigation into the quality of care provided to
25 children in hospitals and other State regulated care
26 facilities. The access to and release of information
27 from such records shall be subject to the approval of the
28 Director of the Department or his designee.

29 (19) The person appointed, under Section 2-17 of
30 the Juvenile Court Act of 1987, as the guardian ad litem
31 of a minor who is the subject of a report or records
32 under this Act.

33 (b) Nothing contained in this Act prevents the sharing
34 or disclosure of information or records relating or

1 pertaining to juveniles subject to the provisions of the
2 Serious Habitual Offender Comprehensive Action Program when
3 that information is used to assist in the early
4 identification and treatment of habitual juvenile offenders.

5 (c) To the extent that persons or agencies are given
6 access to information pursuant to this Section, those persons
7 or agencies may give this information to and receive this
8 information from each other in order to facilitate an
9 investigation conducted by those persons or agencies.

10 (Source: P.A. 90-15, eff. 6-13-97; 91-357, eff. 7-29-99.)