

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 Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise  
8 requires:

9 "Adult resident" means any person between 18 and 22 years  
10 of age who resides in any facility licensed by the Department  
11 under the Child Care Act of 1969. For purposes of this Act, the  
12 criteria set forth in the definitions of "abused child" and  
13 "neglected child" shall be used in determining whether an adult  
14 resident is abused or neglected.

15 "Agency" means a child care facility licensed under Section  
16 2.05 or Section 2.06 of the Child Care Act of 1969 and includes  
17 a transitional living program that accepts children and adult  
18 residents for placement who are in the guardianship of the  
19 Department.

20 "Blatant disregard" means an incident where the real,  
21 significant, and imminent risk of harm would be so obvious to a  
22 reasonable parent or caretaker that it is unlikely that a  
23 reasonable parent or caretaker would have exposed the child to

1 the danger without exercising precautionary measures to  
2 protect the child from harm. With respect to a person working  
3 at an agency in his or her professional capacity with a child  
4 or adult resident, "blatant disregard" includes a failure by  
5 the person to perform job responsibilities intended to protect  
6 the child's or adult resident's health, physical well-being, or  
7 welfare, and, when viewed in light of the surrounding  
8 circumstances, evidence exists that would cause a reasonable  
9 person to believe that the child was neglected. With respect to  
10 an agency, "blatant disregard" includes a failure to implement  
11 practices that ensure the health, physical well-being, or  
12 welfare of the children and adult residents residing in the  
13 facility.

14 "Child" means any person under the age of 18 years, unless  
15 legally emancipated by reason of marriage or entry into a  
16 branch of the United States armed services.

17 "Department" means Department of Children and Family  
18 Services.

19 "Local law enforcement agency" means the police of a city,  
20 town, village or other incorporated area or the sheriff of an  
21 unincorporated area or any sworn officer of the Illinois  
22 Department of State Police.

23 "Abused child" means a child whose parent or immediate  
24 family member, or any person responsible for the child's  
25 welfare, or any individual residing in the same home as the  
26 child, or a paramour of the child's parent:

1           (a) inflicts, causes to be inflicted, or allows to be  
2           inflicted upon such child physical injury, by other than  
3           accidental means, which causes death, disfigurement,  
4           impairment of physical or emotional health, or loss or  
5           impairment of any bodily function;

6           (b) creates a substantial risk of physical injury to  
7           such child by other than accidental means which would be  
8           likely to cause death, disfigurement, impairment of  
9           physical or emotional health, or loss or impairment of any  
10          bodily function;

11          (c) commits or allows to be committed any sex offense  
12          against such child, as such sex offenses are defined in the  
13          Criminal Code of 2012 or in the Wrongs to Children Act, and  
14          extending those definitions of sex offenses to include  
15          children under 18 years of age;

16          (d) commits or allows to be committed an act or acts of  
17          torture upon such child;

18          (e) inflicts excessive corporal punishment or, in the  
19          case of a person working for an agency who is prohibited  
20          from using corporal punishment, inflicts corporal  
21          punishment upon a child or adult resident with whom the  
22          person is working in his or her professional capacity;

23          (f) commits or allows to be committed the offense of  
24          female genital mutilation, as defined in Section 12-34 of  
25          the Criminal Code of 2012, against the child;

26          (g) causes to be sold, transferred, distributed, or

1 given to such child under 18 years of age, a controlled  
2 substance as defined in Section 102 of the Illinois  
3 Controlled Substances Act in violation of Article IV of the  
4 Illinois Controlled Substances Act or in violation of the  
5 Methamphetamine Control and Community Protection 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 manner  
9 that substantially complies with the prescription; or

10 (h) commits or allows to be committed the offense of  
11 involuntary servitude, involuntary sexual servitude of a  
12 minor, or trafficking in persons as defined in Section 10-9  
13 of the Criminal Code of 2012 against the child.

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

17 A child shall not be considered abused for the sole reason  
18 that the child has been diagnosed with or has tested positive  
19 for Ehlers-Danlos syndrome, or for the sole reason that the  
20 child's parent, sibling, or grandparent has been diagnosed with  
21 or has tested positive for Ehlers-Danlos syndrome.

22 "Neglected child" means any child who is not receiving the  
23 proper or necessary nourishment or medically indicated  
24 treatment including food or care not provided solely on the  
25 basis of the present or anticipated mental or physical  
26 impairment as determined by a physician acting alone or in

1 consultation with other physicians or otherwise is not  
2 receiving the proper or necessary support or medical or other  
3 remedial care recognized under State law as necessary for a  
4 child's well-being, or other care necessary for his or her  
5 well-being, including adequate food, clothing and shelter; or  
6 who is subjected to an environment which is injurious insofar  
7 as (i) the child's environment creates a likelihood of harm to  
8 the child's health, physical well-being, or welfare and (ii)  
9 the likely harm to the child is the result of a blatant  
10 disregard of parent, caretaker, or agency responsibilities; or  
11 who is abandoned by his or her parents or other person  
12 responsible for the child's welfare without a proper plan of  
13 care; or who has been provided with interim crisis intervention  
14 services under Section 3-5 of the Juvenile Court Act of 1987  
15 and whose parent, guardian, or custodian refuses to permit the  
16 child to return home and no other living arrangement agreeable  
17 to the parent, guardian, or custodian can be made, and the  
18 parent, guardian, or custodian has not made any other  
19 appropriate living arrangement for the child; or who is a  
20 newborn infant whose blood, urine, or meconium contains any  
21 amount of a controlled substance as defined in subsection (f)  
22 of Section 102 of the Illinois Controlled Substances Act or a  
23 metabolite thereof, with the exception of a controlled  
24 substance or metabolite thereof whose presence in the newborn  
25 infant is the result of medical treatment administered to the  
26 mother or the newborn infant. A child shall not be considered

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

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

19 "Near fatality" means an act that, as certified by a  
20 physician, places the child in serious or critical condition,  
21 including acts of great bodily harm inflicted upon children  
22 under 13 years of age, and as otherwise defined by Department  
23 rule.

24 "Great bodily harm" includes bodily injury which creates a  
25 high probability of death, or which causes serious permanent  
26 disfigurement, or which causes a permanent or protracted loss

1 or impairment of the function of any bodily member or organ, or  
2 other serious bodily harm.

3 "Person responsible for the child's welfare" means the  
4 child's parent; guardian; foster parent; relative caregiver;  
5 any person responsible for the child's welfare in a public or  
6 private residential agency or institution; any person  
7 responsible for the child's welfare within a public or private  
8 profit or not for profit child care facility; or any other  
9 person responsible for the child's welfare at the time of the  
10 alleged abuse or neglect, including any person that is the  
11 custodian of a child under 18 years of age who commits or  
12 allows to be committed, against the child, the offense of  
13 involuntary servitude, involuntary sexual servitude of a  
14 minor, or trafficking in persons for forced labor or services,  
15 as provided in Section 10-9 of the Criminal Code of 2012, or  
16 any person who came to know the child through an official  
17 capacity or position of trust, including but not limited to  
18 health care professionals, educational personnel, recreational  
19 supervisors, members of the clergy, and volunteers or support  
20 personnel in any setting where children may be subject to abuse  
21 or neglect.

22 "Temporary protective custody" means custody within a  
23 hospital or other medical facility or a place previously  
24 designated for such custody by the Department, subject to  
25 review by the Court, including a licensed foster home, group  
26 home, or other institution; but such place shall not be a jail

1 or other place for the detention of criminal or juvenile  
2 offenders.

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

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

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

13 "Subject of report" means any child reported to the central  
14 register of child abuse and neglect established under Section  
15 7.7 of this Act as an alleged victim of child abuse or neglect  
16 and the parent or guardian of the alleged victim or other  
17 person responsible for the alleged victim's welfare who is  
18 named in the report or added to the report as an alleged  
19 perpetrator of child abuse or neglect.

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

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

26 (Source: P.A. 99-350, eff. 6-1-16; 100-733, eff. 1-1-19.)



1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.