



Sen. Terry Link

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LRB101 04152 KTG 58095 a

1 AMENDMENT TO SENATE BILL 391

2 AMENDMENT NO. _____. Amend Senate Bill 391 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 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

1 a transitional living program that accepts children and adult
2 residents for placement who are in the guardianship of the
3 Department.

4 "Blatant disregard" means an incident where the real,
5 significant, and imminent risk of harm would be so obvious to a
6 reasonable parent or caretaker that it is unlikely that a
7 reasonable parent or caretaker would have exposed the child to
8 the danger without exercising precautionary measures to
9 protect the child from harm. With respect to a person working
10 at an agency in his or her professional capacity with a child
11 or adult resident, "blatant disregard" includes a failure by
12 the person to perform job responsibilities intended to protect
13 the child's or adult resident's health, physical well-being, or
14 welfare, and, when viewed in light of the surrounding
15 circumstances, evidence exists that would cause a reasonable
16 person to believe that the child was neglected. With respect to
17 an agency, "blatant disregard" includes a failure to implement
18 practices that ensure the health, physical well-being, or
19 welfare of the children and adult residents residing in the
20 facility.

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

24 "Department" means Department of Children and Family
25 Services.

26 "Local law enforcement agency" means the police of a city,

1 town, village or other incorporated area or the sheriff of an
2 unincorporated area or any sworn officer of the Illinois
3 Department of State Police.

4 "Abused child" means a child whose parent or immediate
5 family member, or any person responsible for the child's
6 welfare, or any individual residing in the same home as the
7 child, or a paramour of the child's parent:

8 (a) inflicts, causes to be inflicted, or allows to be
9 inflicted upon such child physical injury, by other than
10 accidental means, which causes death, disfigurement,
11 impairment of physical or emotional health, or loss or
12 impairment of any bodily function;

13 (b) creates a substantial risk of physical injury to
14 such child by other than accidental means which would be
15 likely to cause death, disfigurement, impairment of
16 physical or emotional health, or loss or impairment of any
17 bodily function;

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

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

25 (e) inflicts excessive corporal punishment or, in the
26 case of a person working for an agency who is prohibited

1 from using corporal punishment, inflicts corporal
2 punishment upon a child or adult resident with whom the
3 person is working in his or her professional capacity;

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

7 (g) causes to be sold, transferred, distributed, or
8 given to such child under 18 years of age, a controlled
9 substance as defined in Section 102 of the Illinois
10 Controlled Substances Act in violation of Article IV of the
11 Illinois Controlled Substances Act or in violation of the
12 Methamphetamine Control and Community Protection Act,
13 except for controlled substances that are prescribed in
14 accordance with Article III of the Illinois Controlled
15 Substances Act and are dispensed to such child in a manner
16 that substantially complies with the prescription; or

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

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

24 A child shall not be considered abused for the sole reason
25 that the child has been diagnosed with or has tested positive
26 for Ehlers-Danlos syndrome, or for the sole reason that the

1 child's parent, sibling, or grandparent has been diagnosed with
2 or has tested positive for Ehlers-Danlos syndrome.

3 "Neglected child" means any child who is not receiving the
4 proper or necessary nourishment or medically indicated
5 treatment including food or care not provided solely on the
6 basis of the present or anticipated mental or physical
7 impairment as determined by a physician acting alone or in
8 consultation with other physicians or otherwise is not
9 receiving the proper or necessary support or medical or other
10 remedial care recognized under State law as necessary for a
11 child's well-being, or other care necessary for his or her
12 well-being, including adequate food, clothing and shelter; or
13 who is subjected to an environment which is injurious insofar
14 as (i) the child's environment creates a likelihood of harm to
15 the child's health, physical well-being, or welfare and (ii)
16 the likely harm to the child is the result of a blatant
17 disregard of parent, caretaker, or agency responsibilities; or
18 who is abandoned by his or her parents or other person
19 responsible for the child's welfare without a proper plan of
20 care; or who has been provided with interim crisis intervention
21 services under Section 3-5 of the Juvenile Court Act of 1987
22 and whose parent, guardian, or custodian refuses to permit the
23 child to return home and no other living arrangement agreeable
24 to the parent, guardian, or custodian can be made, and the
25 parent, guardian, or custodian has not made any other
26 appropriate living arrangement for the child; or who is a

1 newborn infant whose blood, urine, or meconium contains any
2 amount of a controlled substance as defined in subsection (f)
3 of Section 102 of the Illinois Controlled Substances Act or a
4 metabolite thereof, with the exception of a controlled
5 substance or metabolite thereof whose presence in the newborn
6 infant is the result of medical treatment administered to the
7 mother or the newborn infant. A child shall not be considered
8 neglected for the sole reason that the child's parent or other
9 person responsible for his or her welfare has left the child in
10 the care of an adult relative for any period of time. A child
11 shall not be considered neglected for the sole reason that the
12 child has been relinquished in accordance with the Abandoned
13 Newborn Infant Protection Act. A child shall not be considered
14 neglected or abused for the sole reason that such child's
15 parent or other person responsible for his or her welfare
16 depends upon spiritual means through prayer alone for the
17 treatment or cure of disease or remedial care as provided under
18 Section 4 of this Act. A child shall not be considered
19 neglected or abused solely because the child is not attending
20 school in accordance with the requirements of Article 26 of The
21 School Code, as amended.

22 "Child Protective Service Unit" means certain specialized
23 State employees of the Department assigned by the Director to
24 perform the duties and responsibilities as provided under
25 Section 7.2 of this Act.

26 "Near fatality" means an act that, as certified by a

1 physician, places the child in serious or critical condition,
2 including acts of great bodily harm inflicted upon children
3 under 13 years of age, and as otherwise defined by Department
4 rule.

5 "Great bodily harm" includes bodily injury which creates a
6 high probability of death, or which causes serious permanent
7 disfigurement, or which causes a permanent or protracted loss
8 or impairment of the function of any bodily member or organ, or
9 other serious bodily harm.

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

1 personnel in any setting where children may be subject to abuse
2 or neglect.

3 "Temporary protective custody" means custody within a
4 hospital or other medical facility or a place previously
5 designated for such custody by the Department, subject to
6 review by the Court, including a licensed foster home, group
7 home, or other institution; but such place shall not be a jail
8 or other place for the detention of criminal or juvenile
9 offenders.

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

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

16 "An undetermined report" means any report made under this
17 Act in which it was not possible to initiate or complete an
18 investigation on the basis of information provided to the
19 Department.

20 "Subject of report" means any child reported to the central
21 register of child abuse and neglect established under Section
22 7.7 of this Act as an alleged victim of child abuse or neglect
23 and the parent or guardian of the alleged victim or other
24 person responsible for the alleged victim's welfare who is
25 named in the report or added to the report as an alleged
26 perpetrator of child abuse or neglect.

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

4 "Member of the clergy" means a clergyman or practitioner of
5 any religious denomination accredited by the religious body to
6 which he or she belongs.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".