



Rep. Kelly M. Cassidy

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10000HB3288ham001

LRB100 11371 KTG 23903 a

1 AMENDMENT TO HOUSE BILL 3288

2 AMENDMENT NO. _____. Amend House Bill 3288 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. The Foster Parent Law is amended by changing
5 Section 1-20 as follows:

6 (20 ILCS 520/1-20)

7 Sec. 1-20. Foster parent responsibilities. A foster
8 parent's responsibilities include, but are not limited to, the
9 following:

10 (1) The responsibility to openly communicate and share
11 information about the child with other members of the child
12 welfare team.

13 (2) The responsibility to respect the confidentiality
14 of information concerning foster children and their
15 families and act appropriately within applicable
16 confidentiality laws and regulations.

1 (3) The responsibility to advocate for children in the
2 foster parent's care.

3 (4) The responsibility to treat children in the foster
4 parent's care and the children's families with dignity,
5 respect, and consideration.

6 (5) The responsibility to recognize the foster
7 parent's own individual and familial strengths and
8 limitations when deciding whether to accept a child into
9 care; and the responsibility to recognize the foster
10 parent's own support needs and utilize appropriate
11 supports in providing care for foster children.

12 (6) The responsibility to be aware of the benefits of
13 relying on and affiliating with other foster parents and
14 foster parent associations in improving the quality of care
15 and service to children and families.

16 (7) The responsibility to assess the foster parent's
17 ongoing individual training needs and take action to meet
18 those needs.

19 (8) The responsibility to develop and assist in
20 implementing strategies to prevent placement disruptions,
21 recognizing the traumatic impact of placement disruptions
22 on a foster child and all members of the foster family; and
23 the responsibility to provide emotional support for the
24 foster children and members of the foster family if
25 preventive strategies fail and placement disruptions
26 occur.

1 (9) The responsibility to know the impact foster
2 parenting has on individuals and family relationships; and
3 the responsibility to endeavor to minimize, as much as
4 possible, any stress that results from foster parenting.

5 (10) The responsibility to know the rewards and
6 benefits to children, parents, families, and society that
7 come from foster parenting and to promote the foster
8 parenting experience in a positive way.

9 (11) The responsibility to know the roles, rights, and
10 responsibilities of foster parents, other professionals in
11 the child welfare system, the foster child, and the foster
12 child's own family.

13 (12) The responsibility to know and, as necessary,
14 fulfill the foster parent's responsibility to serve as a
15 professional mandated reporter of suspected child abuse or
16 neglect under the Abused and Neglected Child Reporting Act;
17 and the responsibility to know the child welfare agency's
18 policy regarding allegations that foster parents have
19 committed child abuse or neglect and applicable
20 administrative rules and procedures governing
21 investigations of those allegations.

22 (13) The responsibility to know and receive training
23 regarding the purpose of administrative case reviews,
24 client service plans, and court processes, as well as any
25 filing or time requirements associated with those
26 proceedings; and the responsibility to actively

1 participate in the foster parent's designated role in these
2 proceedings.

3 (14) The responsibility to know the child welfare
4 agency's appeal procedure for foster parents and the rights
5 of foster parents under the procedure.

6 (15) The responsibility to know and understand the
7 importance of maintaining accurate and relevant records
8 regarding the child's history and progress; and the
9 responsibility to be aware of and follow the procedures and
10 regulations of the child welfare agency with which the
11 foster parent is licensed or affiliated.

12 (16) The responsibility to share information, through
13 the child welfare team, with the subsequent caregiver
14 (whether the child's parent or another substitute
15 caregiver) regarding the child's adjustment in the foster
16 parent's home.

17 (17) The responsibility to provide care and services
18 that are respectful of and responsive to the child's
19 cultural needs and are supportive of the relationship
20 between the child and his or her own family; the
21 responsibility to recognize the increased importance of
22 maintaining a child's cultural identity when the race or
23 culture of the foster family differs from that of the
24 foster child; and the responsibility to take action to
25 address these issues.

26 (Source: P.A. 89-19, eff. 6-3-95.)

1 Section 5. The Abused and Neglected Child Reporting Act is
2 amended by changing Sections 3, 4, 4.4, 4.4a, 4.4b, 7, 7.3b,
3 7.7, 7.21, 10, and 11.2 as follows:

4 (325 ILCS 5/3) (from Ch. 23, par. 2053)

5 Sec. 3. As used in this Act unless the context otherwise
6 requires:

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

13 "Agency" means a child care facility licensed under Section
14 2.05 or Section 2.06 of the Child Care Act of 1969 and includes
15 a transitional living program that accepts children and adult
16 residents for placement who are in the guardianship of the
17 Department.

18 "Blatant disregard" means an incident where the real,
19 significant, and imminent risk of harm would be so obvious to a
20 reasonable parent or caretaker that it is unlikely that a
21 reasonable parent or caretaker would have exposed the child to
22 the danger without exercising precautionary measures to
23 protect the child from harm. With respect to a person working
24 at an agency in his or her professional capacity with a child

1 or adult resident, "blatant disregard" includes a failure by
2 the person to perform job responsibilities intended to protect
3 the child's or adult resident's health, physical well-being, or
4 welfare, and, when viewed in light of the surrounding
5 circumstances, evidence exists that would cause a reasonable
6 person to believe that the child was neglected. With respect to
7 an agency, "blatant disregard" includes a failure to implement
8 practices that ensure the health, physical well-being, or
9 welfare of the children and adult residents residing in the
10 facility.

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

14 "Department" means Department of Children and Family
15 Services.

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

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

24 (a) inflicts, causes to be inflicted, or allows to be
25 inflicted upon such child physical injury, by other than
26 accidental means, which causes death, disfigurement,

1 impairment of physical or emotional health, or loss or
2 impairment of any bodily function;

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

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

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

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

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

23 (g) causes to be sold, transferred, distributed, or
24 given to such child under 18 years of age, a controlled
25 substance as defined in Section 102 of the Illinois
26 Controlled Substances Act in violation of Article IV of the

1 Illinois Controlled Substances Act or in violation of the
2 Methamphetamine Control and Community Protection Act,
3 except for controlled substances that are prescribed in
4 accordance with Article III of the Illinois Controlled
5 Substances Act and are dispensed to such child in a manner
6 that substantially complies with the prescription; or

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

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

14 "Neglected child" means any child who is not receiving the
15 proper or necessary nourishment or medically indicated
16 treatment including food or care not provided solely on the
17 basis of the present or anticipated mental or physical
18 impairment as determined by a physician acting alone or in
19 consultation with other physicians or otherwise is not
20 receiving the proper or necessary support or medical or other
21 remedial care recognized under State law as necessary for a
22 child's well-being, or other care necessary for his or her
23 well-being, including adequate food, clothing and shelter; or
24 who is subjected to an environment which is injurious insofar
25 as (i) the child's environment creates a likelihood of harm to
26 the child's health, physical well-being, or welfare and (ii)

1 the likely harm to the child is the result of a blatant
2 disregard of parent, caretaker, or agency responsibilities; or
3 who is abandoned by his or her parents or other person
4 responsible for the child's welfare without a proper plan of
5 care; or who has been provided with interim crisis intervention
6 services under Section 3-5 of the Juvenile Court Act of 1987
7 and whose parent, guardian, or custodian refuses to permit the
8 child to return home and no other living arrangement agreeable
9 to the parent, guardian, or custodian can be made, and the
10 parent, guardian, or custodian has not made any other
11 appropriate living arrangement for the child; or who is a
12 newborn infant whose blood, urine, or meconium contains any
13 amount of a controlled substance as defined in subsection (f)
14 of Section 102 of the Illinois Controlled Substances Act or a
15 metabolite thereof, with the exception of a controlled
16 substance or metabolite thereof whose presence in the newborn
17 infant is the result of medical treatment administered to the
18 mother or the newborn infant. A child shall not be considered
19 neglected for the sole reason that the child's parent or other
20 person responsible for his or her welfare has left the child in
21 the care of an adult relative for any period of time. A child
22 shall not be considered neglected for the sole reason that the
23 child has been relinquished in accordance with the Abandoned
24 Newborn Infant Protection Act. A child shall not be considered
25 neglected or abused for the sole reason that such child's
26 parent or other person responsible for his or her welfare

1 depends upon spiritual means through prayer alone for the
2 treatment or cure of disease or remedial care as provided under
3 Section 4 of this Act. A child shall not be considered
4 neglected or abused solely because the child is not attending
5 school in accordance with the requirements of Article 26 of The
6 School Code, as amended.

7 "Child Protective Service Unit" means certain specialized
8 State employees of the Department assigned by the Director to
9 perform the duties and responsibilities as provided under
10 Section 7.2 of this Act.

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

1 supervisors, members of the clergy, and volunteers or support
2 personnel in any setting where children may be subject to abuse
3 or neglect.

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

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

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

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

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

1 perpetrator of child abuse or neglect.

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

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

8 "Professional mandated reporter" means a person listed in
9 subsection (b) of Section 4 of this Act.

10 (Source: P.A. 99-350, eff. 6-1-16.)

11 (325 ILCS 5/4)

12 Sec. 4. Persons required to report; privileged
13 communications; transmitting false report.

14 (a) Any adult person, agency, organization, or entity that
15 has reasonable cause to believe a child may be an abused child
16 or a neglected child shall immediately report or cause a report
17 to be made to the Department.

18 (b) The following professional mandated reporters having
19 reasonable cause to believe a child known to them in their
20 professional or official capacity may be an abused child or a
21 neglected child shall immediately report or cause a report to
22 be made to the Department: any ~~Any~~ physician, resident, intern,
23 hospital, hospital administrator and personnel engaged in
24 examination, care and treatment of persons, surgeon, dentist,
25 dentist hygienist, osteopath, chiropractor, podiatric

1 physician, physician assistant, substance abuse treatment
2 personnel, funeral home director or employee, coroner, medical
3 examiner, emergency medical technician, acupuncturist, crisis
4 line or hotline personnel, school personnel (including
5 administrators and both certified and non-certified school
6 employees), personnel of institutions of higher education,
7 educational advocate assigned to a child pursuant to the School
8 Code, member of a school board or the Chicago Board of
9 Education or the governing body of a private school (but only
10 to the extent required in accordance with other provisions of
11 this Section expressly concerning the duty of school board
12 members to report suspected child abuse), truant officers,
13 social worker, social services administrator, domestic
14 violence program personnel, children's advocacy center
15 personnel, registered nurse, licensed practical nurse, genetic
16 counselor, respiratory care practitioner, advanced practice
17 nurse, home health aide, director or staff assistant of a
18 nursery school or a child day care center, recreational or
19 athletic program or facility personnel, early intervention
20 provider as defined in the Early Intervention Services System
21 Act, law enforcement officer, licensed professional counselor,
22 licensed clinical professional counselor, registered
23 psychologist and assistants working under the direct
24 supervision of a psychologist, psychiatrist, or field
25 personnel of the Department of Healthcare and Family Services,
26 Juvenile Justice, Public Health, Human Services (acting as

1 successor to the Department of Mental Health and Developmental
2 Disabilities, Rehabilitation Services, or Public Aid),
3 Corrections, Human Rights, or Children and Family Services,
4 supervisor and administrator of general assistance under the
5 Illinois Public Aid Code, probation officer, animal control
6 officer or Illinois Department of Agriculture Bureau of Animal
7 Health and Welfare field investigator, or any other foster
8 parent, homemaker, or child care worker ~~having reasonable cause~~
9 ~~to believe a child known to them in their professional or~~
10 ~~official capacity may be an abused child or a neglected child~~
11 ~~shall immediately report or cause a report to be made to the~~
12 ~~Department.~~

13 Any member of the clergy having reasonable cause to believe
14 that a child known to that member of the clergy in his or her
15 professional capacity may be an abused child as defined in item
16 (c) of the definition of "abused child" in Section 3 of this
17 Act shall immediately report or cause a report to be made to
18 the Department.

19 Any physician, physician's assistant, registered nurse,
20 licensed practical nurse, medical technician, certified
21 nursing assistant, social worker, or licensed professional
22 counselor of any office, clinic, or any other physical location
23 that provides abortions, abortion referrals, or contraceptives
24 having reasonable cause to believe a child known to him or her
25 in his or her professional or official capacity may be an
26 abused child or a neglected child shall immediately report or

1 cause a report to be made to the Department.

2 If an allegation is raised to a school board member during
3 the course of an open or closed school board meeting that a
4 child who is enrolled in the school district of which he or she
5 is a board member is an abused child as defined in Section 3 of
6 this Act, the member shall direct or cause the school board to
7 direct the superintendent of the school district or other
8 equivalent school administrator to comply with the
9 requirements of this Act concerning the reporting of child
10 abuse. For purposes of this paragraph, a school board member is
11 granted the authority in his or her individual capacity to
12 direct the superintendent of the school district or other
13 equivalent school administrator to comply with the
14 requirements of this Act concerning the reporting of child
15 abuse.

16 Notwithstanding any other provision of this Act, if an
17 employee of a school district has made a report or caused a
18 report to be made to the Department under this Act involving
19 the conduct of a current or former employee of the school
20 district and a request is made by another school district for
21 the provision of information concerning the job performance or
22 qualifications of the current or former employee because he or
23 she is an applicant for employment with the requesting school
24 district, the general superintendent of the school district to
25 which the request is being made must disclose to the requesting
26 school district the fact that an employee of the school

1 district has made a report involving the conduct of the
2 applicant or caused a report to be made to the Department, as
3 required under this Act. Only the fact that an employee of the
4 school district has made a report involving the conduct of the
5 applicant or caused a report to be made to the Department may
6 be disclosed by the general superintendent of the school
7 district to which the request for information concerning the
8 applicant is made, and this fact may be disclosed only in cases
9 where the employee and the general superintendent have not been
10 informed by the Department that the allegations were unfounded.
11 An employee of a school district who is or has been the subject
12 of a report made pursuant to this Act during his or her
13 employment with the school district must be informed by that
14 school district that if he or she applies for employment with
15 another school district, the general superintendent of the
16 former school district, upon the request of the school district
17 to which the employee applies, shall notify that requesting
18 school district that the employee is or was the subject of such
19 a report.

20 Whenever such person is required to report under this Act
21 in his capacity as a member of the staff of a medical or other
22 public or private institution, school, facility or agency, or
23 as a member of the clergy, he shall make report immediately to
24 the Department in accordance with the provisions of this Act
25 and may also notify the person in charge of such institution,
26 school, facility or agency, or church, synagogue, temple,

1 mosque, or other religious institution, or his designated agent
2 that such report has been made. Under no circumstances shall
3 any person in charge of such institution, school, facility or
4 agency, or church, synagogue, temple, mosque, or other
5 religious institution, or his designated agent to whom such
6 notification has been made, exercise any control, restraint,
7 modification or other change in the report or the forwarding of
8 such report to the Department.

9 (c) The privileged quality of communication between any
10 professional person required to report and his patient or
11 client shall not apply to situations involving abused or
12 neglected children and shall not constitute grounds for failure
13 to report as required by this Act or constitute grounds for
14 failure to share information or documents with the Department
15 during the course of a child abuse or neglect investigation. If
16 requested by the professional, the Department shall confirm in
17 writing that the information or documents disclosed by the
18 professional were gathered in the course of a child abuse or
19 neglect investigation.

20 The reporting requirements of this Act shall not apply to
21 the contents of a privileged communication between an attorney
22 and his or her client or to confidential information within the
23 meaning of Rule 1.6 of the Illinois Rules of Professional
24 Conduct relating to the legal representation of an individual
25 client.

26 A member of the clergy may claim the privilege under

1 Section 8-803 of the Code of Civil Procedure.

2 (d) Any office, clinic, or any other physical location that
3 provides abortions, abortion referrals, or contraceptives
4 shall provide to all office personnel copies of written
5 information and training materials about abuse and neglect and
6 the requirements of this Act that are provided to employees of
7 the office, clinic, or physical location who are required to
8 make reports to the Department under this Act, and instruct
9 such office personnel to bring to the attention of an employee
10 of the office, clinic, or physical location who is required to
11 make reports to the Department under this Act any reasonable
12 suspicion that a child known to him or her in his or her
13 professional or official capacity may be an abused child or a
14 neglected child. In addition to the above persons required to
15 report suspected cases of abused or neglected children, any
16 other person may make a report if such person has reasonable
17 cause to believe a child may be an abused child or a neglected
18 child.

19 (e) Any person who enters into employment on and after July
20 1, 1986 and is mandated by virtue of that employment to report
21 under this Act, shall sign a statement on a form prescribed by
22 the Department, to the effect that the employee has knowledge
23 and understanding of the reporting requirements of this Act.
24 The statement shall be signed prior to commencement of the
25 employment. The signed statement shall be retained by the
26 employer. The cost of printing, distribution, and filing of the

1 statement shall be borne by the employer.

2 Within one year of initial employment and at least every 5
3 years thereafter, school personnel required to report child
4 abuse as provided under this Section must complete mandated
5 reporter training by a provider or agency with expertise in
6 recognizing and reporting child abuse.

7 The Department shall provide copies of this Act, upon
8 request, to all employers employing persons who shall be
9 required under the provisions of this Section to report under
10 this Act.

11 (f) The Department shall provide copies of this Act, upon
12 request, to all citizens required to report under this Act. The
13 Department shall notify all citizens of Illinois of the
14 requirements of this Act via a public education campaign. The
15 Department shall make available to all mandated reporters
16 online training regarding mandated reporting requirements and
17 recognizing and reporting abuse, the Illinois Mandated
18 Reporter Handbook, and a list of agencies throughout the State
19 that provide mandated reporter training.

20 (g) The Department shall promote public awareness of the
21 State-wide, toll-free telephone number established under
22 Section 7.6 of this Act and reporter requirements through
23 community-based partner organizations and public service
24 campaigns.

25 (h) Any person who knowingly transmits a false report to
26 the Department commits the offense of disorderly conduct under

1 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
2 A violation of this provision is a Class 4 felony.

3 Any professional mandated reporter ~~person~~ who knowingly
4 and willfully violates any provision of this Section other than
5 a second or subsequent violation of transmitting a false report
6 as described in the preceding paragraph, is guilty of a Class A
7 misdemeanor for a first violation and a Class 4 felony for a
8 second or subsequent violation; except that if the person acted
9 as part of a plan or scheme having as its object the prevention
10 of discovery of an abused or neglected child by lawful
11 authorities for the purpose of protecting or insulating any
12 person or entity from arrest or prosecution, the person is
13 guilty of a Class 4 felony for a first offense and a Class 3
14 felony for a second or subsequent offense (regardless of
15 whether the second or subsequent offense involves any of the
16 same facts or persons as the first or other prior offense).
17 Unless the court finds that the person is a victim of domestic
18 violence or that other mitigating circumstances exist, any
19 other mandated reporter who knowingly and willfully violates
20 any provision of this Section other than a second or subsequent
21 violation of transmitting a false report as described in the
22 preceding paragraph, is guilty of a civil law infraction
23 punishable by a maximum fine of \$200 for a first violation and
24 a Class A misdemeanor for a second or subsequent violation. The
25 first violation fine shall be waived by the court upon proof of
26 successful completion of a course on mandated reporting

1 approved by the Department.

2 (i) A child whose parent, guardian or custodian in good
3 faith selects and depends upon spiritual means through prayer
4 alone for the treatment or cure of disease or remedial care may
5 be considered neglected or abused, but not for the sole reason
6 that his parent, guardian or custodian accepts and practices
7 such beliefs.

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

11 (j) Nothing in this Act prohibits a mandated reporter who
12 reasonably believes that an animal is being abused or neglected
13 in violation of the Humane Care for Animals Act from reporting
14 animal abuse or neglect to the Department of Agriculture's
15 Bureau of Animal Health and Welfare.

16 (k) A home rule unit may not regulate the reporting of
17 child abuse or neglect in a manner inconsistent with the
18 provisions of this Section. This Section is a limitation under
19 subsection (i) of Section 6 of Article VII of the Illinois
20 Constitution on the concurrent exercise by home rule units of
21 powers and functions exercised by the State.

22 (l) For purposes of this Section "child abuse or neglect"
23 includes abuse or neglect of an adult resident as defined in
24 this Act.

25 (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;
26 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.

1 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,
2 eff. 8-9-13; 98-408, eff. 7-1-14; 98-756, eff. 7-16-14.)

3 (325 ILCS 5/4.4)

4 Sec. 4.4. DCFS duty to report to State's Attorney. Whenever
5 the Department receives, by means of its statewide toll-free
6 telephone number established under Section 7.6 for the purpose
7 of reporting suspected child abuse or neglect or by any other
8 means or from any professional mandated reporter or other
9 person required to report under Section 4, a report of a
10 newborn infant whose blood, urine, or meconium contains any
11 amount of a controlled substance as defined in subsection (f)
12 of Section 102 of the Illinois Controlled Substances Act or a
13 metabolite thereof, with the exception of a controlled
14 substance or metabolite thereof whose presence in the newborn
15 infant is the result of medical treatment administered to the
16 mother or the newborn infant, the Department must immediately
17 report that information to the State's Attorney of the county
18 in which the infant was born.

19 (Source: P.A. 95-361, eff. 8-23-07.)

20 (325 ILCS 5/4.4a)

21 Sec. 4.4a. Department of Children and Family Services duty
22 to report to Department of Human Services' Office of Inspector
23 General. Whenever the Department receives, by means of its
24 statewide toll-free telephone number established under Section

1 7.6 for the purpose of reporting suspected child abuse or
2 neglect or by any other means or from any professional mandated
3 reporter or other person required to report under Section 4 of
4 this Act, a report of suspected abuse, neglect, or financial
5 exploitation of an adult with a disability between the ages of
6 18 and 59 and who is not residing in a DCFS licensed facility,
7 the Department shall instruct the reporter to contact the
8 Department of Human Services' Office of the Inspector General
9 and shall provide the reporter with the statewide, 24-hour
10 toll-free telephone number established and maintained by the
11 Department of Human Services' Office of the Inspector General.

12 (Source: P.A. 99-143, eff. 7-27-15.)

13 (325 ILCS 5/4.4b)

14 Sec. 4.4b. Department of Children and Family Services' duty
15 to report to a Department of Defense Family Advocacy Program.
16 Whenever the Department receives, by means of its statewide
17 toll-free telephone number established under Section 7.6 for
18 the purpose of reporting suspected child abuse or neglect or by
19 any other means or from any professional mandated reporter or
20 other person required to report under Section 4 of this Act, a
21 report of suspected abuse or neglect of a child and the child's
22 parent or guardian is named in the report as the alleged
23 perpetrator of the child abuse or neglect, the Department shall
24 make efforts as soon as practicable to determine the military
25 status of the parent or guardian. If the Department determines

1 that the parent or guardian is a service member, the Department
2 shall notify the geographically closest Department of Defense
3 Family Advocacy Program within the State that there is an
4 allegation of abuse or neglect against the parent or guardian
5 that is open for investigation. If the Department determines
6 that a person or guardian is a member of the Illinois National
7 Guard, the Department shall also notify the Office of the
8 Adjutant General that there is an allegation of abuse or
9 neglect against the parent or guardian that is open for
10 investigation.

11 As used in this Section, "service member" means an Illinois
12 resident who is a member of any component of the United States
13 Armed Forces, including the Illinois National Guard or any
14 reserve component of the United States Armed Forces.

15 (Source: P.A. 99-638, eff. 1-1-17.)

16 (325 ILCS 5/7) (from Ch. 23, par. 2057)

17 Sec. 7. Time and manner of making reports. All reports of
18 suspected child abuse or neglect made under this Act shall be
19 made immediately by telephone to the central register
20 established under Section 7.7 on the single, State-wide,
21 toll-free telephone number established in Section 7.6, or in
22 person or by telephone through the nearest Department office.
23 The Department shall, in cooperation with school officials,
24 distribute appropriate materials in school buildings listing
25 the toll-free telephone number established in Section 7.6,

1 including methods of making a report under this Act. The
2 Department may, in cooperation with appropriate members of the
3 clergy, distribute appropriate materials in churches,
4 synagogues, temples, mosques, or other religious buildings
5 listing the toll-free telephone number established in Section
6 7.6, including methods of making a report under this Act.

7 Wherever the Statewide number is posted, there shall also
8 be posted the following notice:

9 "Any person who knowingly transmits a false report to the
10 Department commits the offense of disorderly conduct under
11 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
12 A violation of this subsection is a Class 4 felony."

13 The report required by this Act shall include, if known,
14 the name and address of the child and his parents or other
15 persons having his custody; the child's age; the nature of the
16 child's condition including any evidence of previous injuries
17 or disabilities; and any other information that the person
18 filing the report believes might be helpful in establishing the
19 cause of such abuse or neglect and the identity of the person
20 believed to have caused such abuse or neglect. Reports made to
21 the central register through the State-wide, toll-free
22 telephone number shall be immediately transmitted by the
23 Department to the appropriate Child Protective Service Unit.
24 All such reports alleging the death of a child, serious injury
25 to a child including, but not limited to, brain damage, skull
26 fractures, subdural hematomas, and internal injuries, torture

1 of a child, malnutrition of a child, and sexual abuse to a
2 child, including, but not limited to, sexual intercourse,
3 sexual exploitation, sexual molestation, and sexually
4 transmitted disease in a child age 12 and under, shall also be
5 immediately transmitted by the Department to the appropriate
6 local law enforcement agency. The Department shall within 24
7 hours orally notify local law enforcement personnel and the
8 office of the State's Attorney of the involved county of the
9 receipt of any report alleging the death of a child, serious
10 injury to a child including, but not limited to, brain damage,
11 skull fractures, subdural hematomas, and, internal injuries,
12 torture of a child, malnutrition of a child, and sexual abuse
13 to a child, including, but not limited to, sexual intercourse,
14 sexual exploitation, sexual molestation, and sexually
15 transmitted disease in a child age twelve and under. All oral
16 reports made by the Department to local law enforcement
17 personnel and the office of the State's Attorney of the
18 involved county shall be confirmed in writing within 24 hours
19 of the oral report. ~~All reports by persons mandated to report~~
20 ~~under this Act shall be confirmed in writing to the appropriate~~
21 ~~Child Protective Service Unit, which may be on forms supplied~~
22 ~~by the Department, within 48 hours of any initial report.~~

23 ~~Written confirmation reports from persons not required to~~
24 ~~report by this Act may be made to the appropriate Child~~
25 ~~Protective Service Unit.~~ Written reports from persons required
26 by this Act to report shall be admissible in evidence in any

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

6 For purposes of this Section "child" includes an adult
7 resident as defined in this Act.

8 (Source: P.A. 96-1446, eff. 8-20-10; 97-189, eff. 7-22-11;
9 97-387, eff. 8-15-11; 97-813, eff. 7-13-12; 97-1150, eff.
10 1-25-13.)

11 (325 ILCS 5/7.3b) (from Ch. 23, par. 2057.3b)

12 Sec. 7.3b. All professional mandated reporters ~~persons~~
13 required to report under subsection (b) of Section 4 may refer
14 to the Department of Human Services any pregnant person in this
15 State who is addicted as defined in the Alcoholism and Other
16 Drug Abuse and Dependency Act. The Department of Human Services
17 shall notify the local Infant Mortality Reduction Network
18 service provider or Department funded prenatal care provider in
19 the area in which the person resides. The service provider
20 shall prepare a case management plan and assist the pregnant
21 woman in obtaining counseling and treatment from a local
22 substance abuse service provider licensed by the Department of
23 Human Services or a licensed hospital which provides substance
24 abuse treatment services. The local Infant Mortality Reduction
25 Network service provider and Department funded prenatal care

1 provider shall monitor the pregnant woman through the service
2 program. The Department of Human Services shall have the
3 authority to promulgate rules and regulations to implement this
4 Section.

5 (Source: P.A. 88-670, eff. 12-2-94; 89-507 (Sections 9C-25 and
6 9M-5), eff. 7-1-97.)

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
17 existing laws and programs through the development and analysis
18 of statistical and other information.

19 The Department shall maintain in the central register a
20 listing of unfounded reports where the subject of the unfounded
21 report requests that the record not be expunged because the
22 subject alleges an intentional false report was made. Such a
23 request must be made by the subject in writing to the
24 Department, within 10 days of the investigation. By January 1,
25 2014, the Department shall promulgate rules establishing

1 criteria and standards for labeling an unfounded report as an
2 intentional false report in the central register. The rules
3 shall permit the reporter to submit a statement regarding the
4 report unless the reporter has been convicted of knowingly
5 transmitting a false report to the Department under paragraph
6 (7) of subsection (a) of Section 26-1 of the Criminal Code of
7 2012.

8 The Department shall also maintain in the central register
9 a listing of unfounded reports where the report was classified
10 as a priority one or priority two report in accordance with the
11 Department's rules or the report was made by a professional
12 mandated reporter required to report ~~person mandated to report~~
13 suspected abuse or neglect under this Act.

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

18 If an individual is the subject of a subsequent
19 investigation that is pending, the Department shall maintain
20 all prior unfounded reports pertaining to that individual until
21 the pending investigation has been completed or for 12 months,
22 whichever time period ends later.

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

25 For purposes of this Section "child abuse or neglect"
26 includes abuse or neglect of an adult resident as defined in

1 this Act.

2 (Source: P.A. 97-333, eff. 8-12-11; 97-1089, eff. 8-24-12;
3 98-453, eff. 8-16-13.)

4 (325 ILCS 5/7.21)

5 Sec. 7.21. Multidisciplinary Review Committee.

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

21 (b) Whenever the Department determines that a reported
22 incident of child abuse or neglect from a professional mandated
23 reporter is "unfounded", the professional mandated reporter
24 may request a review of the investigation within 10 days of the
25 notification of the final finding.

1 A review under this subsection will be conducted by the
2 committee. The Department shall make available to the committee
3 all information in the Department's possession concerning the
4 case. The committee shall make recommendations to the
5 Department as to the adequacy of the investigation and of the
6 accuracy of the final finding determination. These findings
7 shall be forwarded to the Regional Child Protection Manager.

8 (c) The Department shall provide complete records of these
9 investigations to the committee. Records provided to the
10 committee and recommendation reports generated by the
11 committee shall not be public record.

12 (c-5) On or before October 1 of each year, the Department
13 shall prepare a report setting forth (i) the number of
14 investigations reviewed by each committee during the previous
15 fiscal year and (ii) the number of those investigations that
16 the committee found to be inadequate. The report shall also
17 include a summary of the committee's comments and a summary of
18 the corrective action, if any, that was taken in response to
19 the committee's recommendations. The report shall be a public
20 record. The Department shall submit the report to the General
21 Assembly and shall make the report available to the public upon
22 request.

23 (d) The Department shall adopt rules to implement this
24 Section.

25 (Source: P.A. 98-453, eff. 8-16-13.)

1 (325 ILCS 5/10) (from Ch. 23, par. 2060)

2 Sec. 10. Any professional mandated reporter ~~person~~ who
3 makes a report or who investigates a report under this Act
4 shall testify fully in any judicial proceeding or
5 administrative hearing resulting from such report, as to any
6 evidence of abuse or neglect, or the cause thereof. Any person
7 who is required to report a suspected case of abuse or neglect
8 under subsection (b) of Section 4 of this Act shall testify
9 fully in any administrative hearing resulting from such report,
10 as to any evidence of abuse or neglect or the cause thereof. No
11 evidence shall be excluded by reason of any common law or
12 statutory privilege relating to communications between the
13 alleged perpetrator of abuse or neglect, or the child subject
14 of the report under this Act and any person who is required to
15 report a suspected case of abuse or neglect under Section 4 of
16 this Act or the person making or investigating the report.

17 (Source: P.A. 97-387, eff. 8-15-11.)

18 (325 ILCS 5/11.2) (from Ch. 23, par. 2061.2)

19 Sec. 11.2. Disclosure to professional mandated reporting
20 source. A professional mandated reporting source as provided in
21 subsection (b) of Section 4 of this Act may receive appropriate
22 information about the findings and actions taken by the Child
23 Protective Service Unit in response to its report. The
24 information shall include the actions taken by the Child
25 Protective Service Unit to ensure a child's safety.

1 (Source: P.A. 92-319, eff. 1-1-02.)

2 Section 10. The Criminal Code of 2012 is amended by
3 changing Sections 11-9.1A and 11-9.1B as follows:

4 (720 ILCS 5/11-9.1A)

5 Sec. 11-9.1A. Permitting sexual abuse of a child.

6 (a) A person responsible for a child's welfare commits
7 permitting sexual abuse of a child if the person has actual
8 knowledge of and permits an act of sexual abuse upon the child,
9 or permits the child to engage in prostitution as defined in
10 Section 11-14 of this Code.

11 (b) In this Section:

12 "Actual knowledge" includes credible allegations made by
13 the child.

14 "Child" means a minor under the age of 17 years.

15 "Person responsible for the child's welfare" means the
16 child's parent, step-parent, legal guardian, or other person
17 having custody of a child, who is responsible for the child's
18 care at the time of the alleged sexual abuse.

19 "Prostitution" means prostitution as defined in Section
20 11-14 of this Code.

21 "Sexual abuse" includes criminal sexual abuse or criminal
22 sexual assault as defined in Section 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, or 11-1.60 of this Code.

24 (c) This Section does not apply to a person responsible for

1 the child's welfare who, having reason to believe that sexual
2 abuse has occurred, makes timely and reasonable efforts to stop
3 the sexual abuse by reporting the sexual abuse in conformance
4 with the Abused and Neglected Child Reporting Act or by
5 reporting the sexual abuse, or causing a report to be made, to
6 medical or law enforcement authorities or anyone who is a
7 professional mandated reporter under subsection (b) of Section
8 4 of the Abused and Neglected Child Reporting Act.

9 (d) Whenever a law enforcement officer has reason to
10 believe that the child or the person responsible for the
11 child's welfare has been abused by a family or household member
12 as defined by the Illinois Domestic Violence Act of 1986, the
13 officer shall immediately use all reasonable means to prevent
14 further abuse under Section 112A-30 of the Code of Criminal
15 Procedure of 1963.

16 (e) An order of protection under Section 111-8 of the Code
17 of Criminal Procedure of 1963 shall be sought in all cases
18 where there is reason to believe that a child has been sexually
19 abused by a family or household member. In considering
20 appropriate available remedies, it shall be presumed that
21 awarding physical care or custody to the abuser is not in the
22 child's best interest.

23 (f) A person may not be charged with the offense of
24 permitting sexual abuse of a child under this Section until the
25 person who committed the offense is charged with criminal
26 sexual assault, aggravated criminal sexual assault, predatory

1 criminal sexual assault of a child, criminal sexual abuse,
2 aggravated criminal sexual abuse, or prostitution.

3 (g) A person convicted of permitting the sexual abuse of a
4 child is guilty of a Class 1 felony. As a condition of any
5 sentence of supervision, probation, conditional discharge, or
6 mandatory supervised release, any person convicted under this
7 Section shall be ordered to undergo child sexual abuse,
8 domestic violence, or other appropriate counseling for a
9 specified duration with a qualified social or mental health
10 worker.

11 (h) It is an affirmative defense to a charge of permitting
12 sexual abuse of a child under this Section that the person
13 responsible for the child's welfare had a reasonable
14 apprehension that timely action to stop the abuse or
15 prostitution would result in the imminent infliction of death,
16 great bodily harm, permanent disfigurement, or permanent
17 disability to that person or another in retaliation for
18 reporting.

19 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

20 (720 ILCS 5/11-9.1B)

21 Sec. 11-9.1B. Failure to report sexual abuse of a child.

22 (a) For the purposes of this Section:

23 "Child" means any person under the age of 13.

24 "Sexual abuse" means any contact, however slight, between
25 the sex organ or anus of the victim or the accused and an

1 object or body part, including, but not limited to, the sex
2 organ, mouth, or anus of the victim or the accused, or any
3 intrusion, however slight, of any part of the body of the
4 victim or the accused or of any animal or object into the sex
5 organ or anus of the victim or the accused, including, but not
6 limited to, cunnilingus, fellatio, or anal penetration.
7 Evidence of emission of semen is not required to prove sexual
8 abuse.

9 (b) A person over the age of 18 commits failure to report
10 sexual abuse of a child when he or she personally observes
11 sexual abuse, as defined by this Section, between a person who
12 he or she knows is over the age of 18 and a person he or she
13 knows is a child, and knowingly fails to report the sexual
14 abuse to law enforcement.

15 (c) This Section does not apply to a person who makes
16 timely and reasonable efforts to stop the sexual abuse by
17 reporting the sexual abuse in conformance with the Abused and
18 Neglected Child Reporting Act or by reporting the sexual abuse
19 or causing a report to be made, to medical or law enforcement
20 authorities or anyone who is a professional mandated reporter
21 under subsection (b) of Section 4 of the Abused and Neglected
22 Child Reporting Act.

23 (d) A person may not be charged with the offense of failure
24 to report sexual abuse of a child under this Section until the
25 person who committed the offense is charged with criminal
26 sexual assault, aggravated criminal sexual assault, predatory

1 criminal sexual assault of a child, criminal sexual abuse, or
2 aggravated criminal sexual abuse.

3 (e) It is an affirmative defense to a charge of failure to
4 report sexual abuse of a child under this Section that the
5 person who personally observed the sexual abuse had a
6 reasonable apprehension that timely action to stop the abuse
7 would result in the imminent infliction of death, great bodily
8 harm, permanent disfigurement, or permanent disability to that
9 person or another in retaliation for reporting.

10 (f) Sentence. A person who commits failure to report sexual
11 abuse of a child is guilty of a Class A misdemeanor for the
12 first violation and a Class 4 felony for a second or subsequent
13 violation.

14 (g) Nothing in this Section shall be construed to allow
15 prosecution of a person who personally observes the act of
16 sexual abuse and assists with an investigation and any
17 subsequent prosecution of the offender.

18 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14.)

19 Section 99. Effective date. This Act takes effect January
20 1, 2018."