



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3288

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4	
325 ILCS 5/4.1	from Ch. 23, par. 2054.1
325 ILCS 5/4.4a	
325 ILCS 5/7.6	from Ch. 23, par. 2057.6

Amends the Abused and Neglected Child Reporting Act. Removes a list of specified persons who are required to immediately report suspected cases of child abuse or neglect to the Department of Children and Family Services and instead provides that any person, agency, organization, or entity that knows or in good faith suspects a child may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department. Removes a requirement that a person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under the Act to sign a statement on a form prescribed by the Department that the employee has knowledge and understanding of the reporting requirements of the Act. Removes a provision requiring the Department to provide such employees with copies of the Act upon request. Removes a provision requiring any other person who has reasonable cause to believe that a child has died as a result of abuse or neglect to report his or her suspicion to the appropriate medical examiner or coroner. Makes other changes.

LRB100 11371 KTG 21761 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections 4, 4.1, 4.4a, and 7.6 as follows:

6 (325 ILCS 5/4)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any person, agency,
9 organization, or entity that knows or in good faith suspects a
10 child ~~Any physician, resident, intern, hospital, hospital~~
11 ~~administrator and personnel engaged in examination, care and~~
12 ~~treatment of persons, surgeon, dentist, dentist hygienist,~~
13 ~~osteopath, chiropractor, podiatric physician, physician~~
14 ~~assistant, substance abuse treatment personnel, funeral home~~
15 ~~director or employee, coroner, medical examiner, emergency~~
16 ~~medical technician, acupuncturist, crisis line or hotline~~
17 ~~personnel, school personnel (including administrators and both~~
18 ~~certified and non-certified school employees), personnel of~~
19 ~~institutions of higher education, educational advocate~~
20 ~~assigned to a child pursuant to the School Code, member of a~~
21 ~~school board or the Chicago Board of Education or the governing~~
22 ~~body of a private school (but only to the extent required in~~
23 ~~accordance with other provisions of this Section expressly~~

1 ~~concerning the duty of school board members to report suspected~~
2 ~~child abuse), truant officers, social worker, social services~~
3 ~~administrator, domestic violence program personnel, registered~~
4 ~~nurse, licensed practical nurse, genetic counselor,~~
5 ~~respiratory care practitioner, advanced practice nurse, home~~
6 ~~health aide, director or staff assistant of a nursery school or~~
7 ~~a child day care center, recreational or athletic program or~~
8 ~~facility personnel, early intervention provider as defined in~~
9 ~~the Early Intervention Services System Act, law enforcement~~
10 ~~officer, licensed professional counselor, licensed clinical~~
11 ~~professional counselor, registered psychologist and assistants~~
12 ~~working under the direct supervision of a psychologist,~~
13 ~~psychiatrist, or field personnel of the Department of~~
14 ~~Healthcare and Family Services, Juvenile Justice, Public~~
15 ~~Health, Human Services (acting as successor to the Department~~
16 ~~of Mental Health and Developmental Disabilities,~~
17 ~~Rehabilitation Services, or Public Aid), Corrections, Human~~
18 ~~Rights, or Children and Family Services, supervisor and~~
19 ~~administrator of general assistance under the Illinois Public~~
20 ~~Aid Code, probation officer, animal control officer or Illinois~~
21 ~~Department of Agriculture Bureau of Animal Health and Welfare~~
22 ~~field investigator, or any other foster parent, homemaker or~~
23 ~~child care worker having reasonable cause to believe a child~~
24 ~~known to them in their professional or official capacity may be~~
25 ~~an abused child or a neglected child shall immediately report~~
26 ~~or cause a report to be made to the Department.~~

1 ~~Any member of the clergy having reasonable cause to believe~~
2 ~~that a child known to that member of the clergy in his or her~~
3 ~~professional capacity may be an abused child as defined in item~~
4 ~~(c) of the definition of "abused child" in Section 3 of this~~
5 ~~Act shall immediately report or cause a report to be made to~~
6 ~~the Department.~~

7 ~~Any physician, physician's assistant, registered nurse,~~
8 ~~licensed practical nurse, medical technician, certified~~
9 ~~nursing assistant, social worker, or licensed professional~~
10 ~~counselor of any office, clinic, or any other physical location~~
11 ~~that provides abortions, abortion referrals, or contraceptives~~
12 ~~having reasonable cause to believe a child known to him or her~~
13 ~~in his or her professional or official capacity may be an~~
14 ~~abused child or a neglected child shall immediately report or~~
15 ~~cause a report to be made to the Department.~~

16 ~~If an allegation is raised to a school board member during~~
17 ~~the course of an open or closed school board meeting that a~~
18 ~~child who is enrolled in the school district of which he or she~~
19 ~~is a board member is an abused child as defined in Section 3 of~~
20 ~~this Act, the member shall direct or cause the school board to~~
21 ~~direct the superintendent of the school district or other~~
22 ~~equivalent school administrator to comply with the~~
23 ~~requirements of this Act concerning the reporting of child~~
24 ~~abuse. For purposes of this paragraph, a school board member is~~
25 ~~granted the authority in his or her individual capacity to~~
26 ~~direct the superintendent of the school district or other~~

1 ~~equivalent school administrator to comply with the~~
2 ~~requirements of this Act concerning the reporting of child~~
3 ~~abuse.~~

4 Notwithstanding any other provision of this Act, if an
5 employee of a school district has made a report or caused a
6 report to be made to the Department under this Act involving
7 the conduct of a current or former employee of the school
8 district and a request is made by another school district for
9 the provision of information concerning the job performance or
10 qualifications of the current or former employee because he or
11 she is an applicant for employment with the requesting school
12 district, the general superintendent of the school district to
13 which the request is being made must disclose to the requesting
14 school district the fact that an employee of the school
15 district has made a report involving the conduct of the
16 applicant or caused a report to be made to the Department, as
17 required under this Act. Only the fact that an employee of the
18 school district has made a report involving the conduct of the
19 applicant or caused a report to be made to the Department may
20 be disclosed by the general superintendent of the school
21 district to which the request for information concerning the
22 applicant is made, and this fact may be disclosed only in cases
23 where the employee and the general superintendent have not been
24 informed by the Department that the allegations were unfounded.
25 An employee of a school district who is or has been the subject
26 of a report made pursuant to this Act during his or her

1 employment with the school district must be informed by that
2 school district that if he or she applies for employment with
3 another school district, the general superintendent of the
4 former school district, upon the request of the school district
5 to which the employee applies, shall notify that requesting
6 school district that the employee is or was the subject of such
7 a report.

8 Whenever such person submits a ~~is required to~~ report under
9 this Act in his capacity as a member of the staff of a medical
10 or other public or private institution, school, facility or
11 agency, or as a member of the clergy, he shall make report
12 immediately to the Department in accordance with the provisions
13 of this Act and may also notify the person in charge of such
14 institution, school, facility or agency, or church, synagogue,
15 temple, mosque, or other religious institution, or his
16 designated agent that such report has been made. Under no
17 circumstances shall any person in charge of such institution,
18 school, facility or agency, or church, synagogue, temple,
19 mosque, or other religious institution, or his designated agent
20 to whom such notification has been made, exercise any control,
21 restraint, modification or other change in the report or the
22 forwarding of such report to the Department.

23 The privileged quality of communication between any
24 professional person required to report and his patient or
25 client shall not apply to situations involving abused or
26 neglected children and shall not constitute grounds for failure

1 to report as required by this Act or constitute grounds for
2 failure to share information or documents with the Department
3 during the course of a child abuse or neglect investigation. If
4 requested by the professional, the Department shall confirm in
5 writing that the information or documents disclosed by the
6 professional were gathered in the course of a child abuse or
7 neglect investigation.

8 The reporting requirements of this Act shall not apply to
9 the contents of a privileged communication between an attorney
10 and his or her client or to confidential information within the
11 meaning of Rule 1.6 of the Illinois Rules of Professional
12 Conduct relating to the legal representation of an individual
13 client.

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

16 Any office, clinic, or any other physical location that
17 provides abortions, abortion referrals, or contraceptives
18 shall provide to all employees ~~office personnel~~ copies of
19 written information and training materials about abuse and
20 neglect and the requirements of this Act ~~that are provided to~~
21 ~~employees of the office, clinic, or physical location who are~~
22 ~~required to make reports to the Department under this Act, and~~
23 ~~instruct such office personnel to bring to the attention of an~~
24 ~~employee of the office, clinic, or physical location who is~~
25 ~~required to make reports to the Department under this Act any~~
26 ~~reasonable suspicion that a child known to him or her in his or~~

1 ~~her professional or official capacity may be an abused child or~~
2 ~~a neglected child. In addition to the above persons required to~~
3 ~~report suspected cases of abused or neglected children, any~~
4 ~~other person may make a report if such person has reasonable~~
5 ~~cause to believe a child may be an abused child or a neglected~~
6 ~~child.~~

7 ~~Any person who enters into employment on and after July 1,~~
8 ~~1986 and is mandated by virtue of that employment to report~~
9 ~~under this Act, shall sign a statement on a form prescribed by~~
10 ~~the Department, to the effect that the employee has knowledge~~
11 ~~and understanding of the reporting requirements of this Act.~~
12 ~~The statement shall be signed prior to commencement of the~~
13 ~~employment. The signed statement shall be retained by the~~
14 ~~employer. The cost of printing, distribution, and filing of the~~
15 ~~statement shall be borne by the employer.~~

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

21 ~~The Department shall provide copies of this Act, upon~~
22 ~~request, to all employers employing persons who shall be~~
23 ~~required under the provisions of this Section to report under~~
24 ~~this Act.~~

25 Any person who knowingly transmits a false report to the
26 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 person who knowingly and willfully violates any
4 provision of this Section other than a second or subsequent
5 violation of transmitting a false report as described in the
6 preceding paragraph, is guilty of a Class A misdemeanor for a
7 first violation and a Class 4 felony for a second or subsequent
8 violation; except that if the person acted as part of a plan or
9 scheme having as its object the prevention of discovery of an
10 abused or neglected child by lawful authorities for the purpose
11 of protecting or insulating any person or entity from arrest or
12 prosecution, the person is guilty of a Class 4 felony for a
13 first offense and a Class 3 felony for a second or subsequent
14 offense (regardless of whether the second or subsequent offense
15 involves any of the same facts or persons as the first or other
16 prior offense).

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

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

26 Nothing in this Act prohibits a mandated reporter who

1 reasonably believes that an animal is being abused or neglected
2 in violation of the Humane Care for Animals Act from reporting
3 animal abuse or neglect to the Department of Agriculture's
4 Bureau of Animal Health and Welfare.

5 A home rule unit may not regulate the reporting of child
6 abuse or neglect in a manner inconsistent with the provisions
7 of this Section. This Section is a limitation under subsection
8 (i) of Section 6 of Article VII of the Illinois Constitution on
9 the concurrent exercise by home rule units of powers and
10 functions exercised by the State.

11 For purposes of this Section "child abuse or neglect"
12 includes abuse or neglect of an adult resident as defined in
13 this Act.

14 (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;
15 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.
16 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,
17 eff. 8-9-13; 98-408, eff. 7-1-14; 98-756, eff. 7-16-14.)

18 (325 ILCS 5/4.1) (from Ch. 23, par. 2054.1)

19 Sec. 4.1. Any person required to report under this Act who
20 has reasonable cause to suspect that a child has died as a
21 result of abuse or neglect shall also immediately report his
22 suspicion to the appropriate medical examiner or coroner. ~~Any~~
23 ~~other person who has reasonable cause to believe that a child~~
24 ~~has died as a result of abuse or neglect may report his~~
25 ~~suspicion to the appropriate medical examiner or coroner.~~ The

1 medical examiner or coroner shall investigate the report and
2 communicate his apparent gross findings, orally, immediately
3 upon completion of the gross autopsy, but in all cases within
4 72 hours and within 21 days in writing, to the local law
5 enforcement agency, the appropriate State's attorney, the
6 Department and, if the institution making the report is a
7 hospital, the hospital. The child protective investigator
8 assigned to the death investigation shall have the right to
9 require a copy of the completed autopsy report from the coroner
10 or medical examiner.

11 (Source: P.A. 85-193.)

12 (325 ILCS 5/4.4a)

13 Sec. 4.4a. Department of Children and Family Services duty
14 to report to Department of Human Services' Office of Inspector
15 General. Whenever the Department receives, by means of its
16 statewide toll-free telephone number established under Section
17 7.6 for the purpose of reporting suspected child abuse or
18 neglect or by any other means or from any mandated reporter
19 under ~~Section 4~~ of this Act, a report of suspected abuse,
20 neglect, or financial exploitation of an adult with a
21 disability between the ages of 18 and 59 and who is not
22 residing in a DCFS licensed facility, the Department shall
23 instruct the reporter to contact the Department of Human
24 Services' Office of the Inspector General and shall provide the
25 reporter with the statewide, 24-hour toll-free telephone

1 number established and maintained by the Department of Human
2 Services' Office of the Inspector General.

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

4 (325 ILCS 5/7.6) (from Ch. 23, par. 2057.6)

5 Sec. 7.6. There shall be a single State-wide, toll-free
6 telephone number established and maintained by the Department
7 which all persons, ~~whether or not mandated by law,~~ may use to
8 report suspected child abuse or neglect at any hour of the day
9 or night, on any day of the week. Immediately upon receipt of
10 such reports, the Department shall transmit the contents of the
11 report, either orally or electronically, to the appropriate
12 Child Protective Service Unit. Any ~~other~~ person may use the
13 State-wide number to obtain assistance or information
14 concerning the handling of child abuse and neglect cases.

15 Wherever the Statewide number is posted, there shall also
16 be posted the following notice:

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

21 (Source: P.A. 97-189, eff. 7-22-11; 97-1150, eff. 1-25-13.)