



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5281

by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

325 ILCS 5/7
325 ILCS 5/7.3

from Ch. 23, par. 2057
from Ch. 23, par. 2057.3

Amends the Abused and Neglected Child Reporting Act. Provides that any report received by the Department of Children and Family Services alleging the abuse or neglect of a child by any person (rather than a person who is not the child's parent, a member of the child's immediate family, a person responsible for the child's welfare, an individual residing in the same home as the child, or a paramour of the child's parent) shall immediately be shared with (rather than referred to) the appropriate local law enforcement agency. Provides that, upon receipt of the shared report, the local law enforcement agency may, in its discretion, conduct a criminal investigation or other action based on the information contained within the report. Provides that the Department shall be the sole agency responsible for receiving and investigating reports of child abuse or neglect made under the Act, except where investigations by other agencies may be required with respect to reports alleging the abuse or neglect of a child by any person (rather than except where investigations by other agencies may be required with respect to reports alleging the abuse or neglect of a child by a person who is not the child's parent, a member of the child's immediate family, a person responsible for the child's welfare, an individual residing in the same home as the child, or a paramour of the child's parent).

LRB101 18169 KTG 70414 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 1. Reference to Act. This Act may be referred to as
5 the AJ Freund Act.

6 Section 5. The Abused and Neglected Child Reporting Act is
7 amended by changing Sections 7 and 7.3 as follows:

8 (325 ILCS 5/7) (from Ch. 23, par. 2057)

9 Sec. 7. Time and manner of making reports. All reports of
10 suspected child abuse or neglect made under this Act shall be
11 made immediately by telephone to the central register
12 established under Section 7.7 on the single, State-wide,
13 toll-free telephone number established in Section 7.6, or in
14 person or by telephone through the nearest Department office.
15 The Department shall, in cooperation with school officials,
16 distribute appropriate materials in school buildings listing
17 the toll-free telephone number established in Section 7.6,
18 including methods of making a report under this Act. The
19 Department may, in cooperation with appropriate members of the
20 clergy, distribute appropriate materials in churches,
21 synagogues, temples, mosques, or other religious buildings
22 listing the toll-free telephone number established in Section

1 7.6, including methods of making a report under this Act.

2 Wherever the Statewide number is posted, there shall also
3 be posted the following notice:

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

8 The report required by this Act shall include, if known,
9 the name and address of the child and his parents or other
10 persons having his custody; the child's age; the nature of the
11 child's condition, including any evidence of previous injuries
12 or disabilities; and any other information that the person
13 filing the report believes might be helpful in establishing the
14 cause of such abuse or neglect and the identity of the person
15 believed to have caused such abuse or neglect. Reports made to
16 the central register through the State-wide, toll-free
17 telephone number shall be immediately transmitted by the
18 Department to the appropriate Child Protective Service Unit.
19 All such reports alleging the death of a child, serious injury
20 to a child, including, but not limited to, brain damage, skull
21 fractures, subdural hematomas, and internal injuries, torture
22 of a child, malnutrition of a child, and sexual abuse to a
23 child, including, but not limited to, sexual intercourse,
24 sexual exploitation, sexual molestation, and sexually
25 transmitted disease in a child age 12 and under, shall also be
26 immediately transmitted by the Department to the appropriate

1 local law enforcement agency. The Department shall within 24
2 hours orally notify local law enforcement personnel and the
3 office of the State's Attorney of the involved county of the
4 receipt of any report alleging the death of a child, serious
5 injury to a child, including, but not limited to, brain damage,
6 skull fractures, subdural hematomas, and⁷ internal injuries,
7 torture of a child, malnutrition of a child, and sexual abuse
8 to a child, including, but not limited to, sexual intercourse,
9 sexual exploitation, sexual molestation, and sexually
10 transmitted disease in a child age 12 ~~twelve~~ and under. All
11 oral reports made by the Department to local law enforcement
12 personnel and the office of the State's Attorney of the
13 involved county shall be confirmed in writing within 24 hours
14 of the oral report. All reports by persons mandated to report
15 under this Act shall be confirmed in writing to the appropriate
16 Child Protective Service Unit, which may be on forms supplied
17 by the Department, within 48 hours of any initial report.

18 Any report received by the Department alleging the abuse or
19 neglect of a child by any person ~~a person who is not the~~
20 ~~child's parent, a member of the child's immediate family, a~~
21 ~~person responsible for the child's welfare, an individual~~
22 ~~residing in the same home as the child, or a paramour of the~~
23 ~~child's parent~~ shall immediately be shared with ~~referred to~~ the
24 appropriate local law enforcement agency. Upon receipt of the
25 shared report, the local law enforcement agency may, in its
26 discretion, conduct a criminal investigation or other action

1 based on the information contained within the report. ~~for~~
2 ~~consideration of criminal investigation or other action.~~

3 Written confirmation reports from persons not required to
4 report by this Act may be made to the appropriate Child
5 Protective Service Unit. Written reports from persons required
6 by this Act to report shall be admissible in evidence in any
7 judicial proceeding or administrative hearing relating to
8 child abuse or neglect. Reports involving known or suspected
9 child abuse or neglect in public or private residential
10 agencies or institutions shall be made and received in the same
11 manner as all other reports made under this Act.

12 For purposes of this Section, "child" includes an adult
13 resident as defined in this Act.

14 (Source: P.A. 101-583, eff. 1-1-20; revised 11-21-19.)

15 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

16 Sec. 7.3. (a) The Department shall be the sole agency
17 responsible for receiving and investigating reports of child
18 abuse or neglect made under this Act, including reports of
19 adult resident abuse or neglect as defined in this Act, except
20 where investigations by other agencies may be required with
21 respect to reports alleging the abuse or neglect of a child by
22 any person ~~a person who is not the child's parent, a member of~~
23 ~~the child's immediate family, a person responsible for the~~
24 ~~child's welfare, an individual residing in the same home as the~~
25 ~~child, or a paramour of the child's parent,~~ the death of a

1 child, serious injury to a child or sexual abuse to a child
2 made pursuant to Sections 4.1 or 7 of this Act, and except that
3 the Department may delegate the performance of the
4 investigation to the Department of State Police, a law
5 enforcement agency and to those private social service agencies
6 which have been designated for this purpose by the Department
7 prior to July 1, 1980.

8 (b) Notwithstanding any other provision of this Act, the
9 Department shall adopt rules expressly allowing law
10 enforcement personnel to investigate reports of suspected
11 child abuse or neglect concurrently with the Department,
12 without regard to whether the Department determines a report to
13 be "indicated" or "unfounded" or deems a report to be
14 "undetermined".

15 (c) By June 1, 2016, the Department shall adopt rules that
16 address and set forth criteria and standards relevant to
17 investigations of reports of abuse or neglect committed by any
18 agency, as defined in Section 3 of this Act, or person working
19 for an agency responsible for the welfare of a child or adult
20 resident.

21 (Source: P.A. 101-583, eff. 1-1-20.)