



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1778

Introduced 2/15/2019, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4
325 ILCS 5/11.5

from Ch. 23, par. 2061.5

Amends the Abused and Neglected Child Reporting Act. Removes the list of mandated reports under the Act and instead lists several categories of professionals required to report suspected child abuse and neglect to the Department of Children and Family Services, including: (1) medical personnel; (2) social services and mental health personnel; and (3) crisis intervention personnel. Provides that when 2 or more persons who work within the same workplace and are required to report under the Act share a reasonable cause to believe that a child may be an abused or neglected child, a single report may be made by a designated reporter. Provides that nothing in the Act requires a child to come before the mandated reporter in order for the reporter to make a report of suspected child abuse or child neglect. Provides that persons required to report under the Act must complete mandated reporter training provided through or approved by the Department and that the training must be completed within a specified timeframe. Requires the Department to adopt rules by January 1, 2020 on its process for approving mandated reporter training. Provides that, by January 1, 2021, continuing education requirements for persons licensed by the Department of Financial and Professional Regulation must include mandated reporter training. Requires the Department, by January 1, 2020, to adopt rules and procedures for educating members of the public about their right to report child abuse or neglect. Requires the Department to seek assistance from businesses and organizations on raising awareness about child abuse and child neglect and the Department's statewide toll-free child abuse hotline.

LRB101 09333 KTG 54429 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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 and 11.5 as follows:

6 (325 ILCS 5/4)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report.

9 (a) The following persons are required to immediately
10 report to the Department when they have reasonable cause to
11 believe that a child known to them in their professional or
12 official capacities may be an abused child or a neglected
13 child:

14 (1) Medical personnel, including any: physician
15 licensed to practice medicine in any of its branches
16 (medical doctor or doctor of osteopathy); resident;
17 intern; hospital administrator or personnel engaged in the
18 examination, care, and treatment of persons; psychiatrist;
19 surgeon; dentist; dental hygienist; chiropractic
20 physician; podiatric physician; physician assistant;
21 emergency medical technician; acupuncturist; registered
22 nurse; licensed practical nurse; advanced practice
23 registered nurse; genetic counselor; respiratory care

1 practitioner; home health aide; or certified nursing
2 assistant.

3 (2) Social services and mental health personnel,
4 including any: licensed professional counselor; licensed
5 clinical professional counselor; licensed social worker;
6 licensed clinical social worker; licensed psychologist or
7 assistant working under the direct supervision of a
8 psychologist; licensed marriage or family therapist; field
9 personnel of the Departments of Healthcare and Family
10 Services, Public Health, Human Services, Human Rights, or
11 Children and Family Services; supervisor or administrator
12 of the General Assistance program established under
13 Article VI of the Illinois Public Aid Code; social services
14 administrator; or substance abuse treatment personnel.

15 (3) Crisis intervention personnel, including any:
16 crisis line or hotline personnel or domestic violence
17 program personnel.

18 (4) Education personnel, including any: school
19 personnel (including administrators and certified and
20 non-certified school employees); personnel of institutions
21 of higher education; educational advocate assigned to a
22 child in accordance with the School Code; member of a
23 school board or the Chicago Board of Education or the
24 governing body of a private school (but only to the extent
25 required in accordance with other provisions of this
26 Section expressly concerning the duty of school board

1 members to report suspected child abuse); or truant
2 officer.

3 (5) Recreation or athletic program or facility
4 personnel.

5 (6) Child care personnel, including any: early
6 intervention provider as defined in the Early Intervention
7 Services System Act; director or staff assistant of a
8 nursery school or a child day care center; or foster
9 parent, homemaker, or child care worker.

10 (7) Law enforcement personnel, including any: law
11 enforcement officer; field personnel of the Department of
12 Juvenile Justice; field personnel of the Department of
13 Corrections; probation officer; animal control officer; or
14 field investigator of the Department of Agriculture's
15 Bureau of Animal Health and Welfare.

16 (8) Any funeral home director; funeral home director
17 and embalmer; funeral home employee; coroner; or medical
18 examiner.

19 (9) Any member of the clergy.

20 (10) Any physician, physician assistant, registered
21 nurse, licensed practical nurse, medical technician,
22 certified nursing assistant, licensed social worker,
23 licensed clinical social worker, or licensed professional
24 counselor of any office, clinic, or any other physical
25 location that provides abortions, abortion referrals, or
26 contraceptives.

1 When 2 or more persons who work within the same workplace
2 and are required to report under this Act share a reasonable
3 cause to believe that a child may be an abused or neglected
4 child, a single report may be made by a designated reporter.
5 The designated reporter must provide written confirmation of
6 the report to the 2 mandated reporters within 48 hours. If
7 confirmation is not provided, the 2 mandated reporters are
8 individually responsible for immediately ensuring that a
9 report is made. Nothing in this Section precludes any person
10 from reporting child abuse or child neglect.

11 (b) (1) As used in this Section, "a child known to them in
12 their professional or official capacities" means:

13 (A) the mandated reporter comes into contact with the
14 child in the course of the reporter's employment or
15 practice of a profession, or through a regularly scheduled
16 program, activity, or service;

17 (B) the mandated reporter is affiliated with an agency,
18 institution, organization, school, school district,
19 regularly established church or religious organization, or
20 other entity that is directly responsible for the care,
21 supervision, guidance, or training of the child; or

22 (C) a person makes a specific disclosure to the
23 mandated reporter that an identifiable child is the victim
24 of child abuse or child neglect, and the disclosure happens
25 while the mandated reporter is engaged in his or her
26 employment or practice of a profession, or in a regularly

1 scheduled program, activity, or service.

2 (2) Nothing in this Section requires a child to come before
3 the mandated reporter in order for the reporter to make a
4 report of suspected child abuse or child neglect.

5 ~~Any physician, resident, intern, hospital, hospital~~
6 ~~administrator and personnel engaged in examination, care and~~
7 ~~treatment of persons, surgeon, dentist, dentist hygienist,~~
8 ~~osteopath, chiropractor, podiatric physician, physician~~
9 ~~assistant, substance abuse treatment personnel, funeral home~~
10 ~~director or employee, coroner, medical examiner, emergency~~
11 ~~medical technician, acupuncturist, crisis line or hotline~~
12 ~~personnel, school personnel (including administrators and both~~
13 ~~certified and non-certified school employees), personnel of~~
14 ~~institutions of higher education, educational advocate~~
15 ~~assigned to a child pursuant to the School Code, member of a~~
16 ~~school board or the Chicago Board of Education or the governing~~
17 ~~body of a private school (but only to the extent required in~~
18 ~~accordance with other provisions of this Section expressly~~
19 ~~concerning the duty of school board members to report suspected~~
20 ~~child abuse), truant officers, social worker, social services~~
21 ~~administrator, domestic violence program personnel, registered~~
22 ~~nurse, licensed practical nurse, genetic counselor,~~
23 ~~respiratory care practitioner, advanced practice registered~~
24 ~~nurse, home health aide, director or staff assistant of a~~
25 ~~nursery school or a child day care center, recreational or~~
26 ~~athletic program or facility personnel, early intervention~~

1 ~~provider as defined in the Early Intervention Services System~~
2 ~~Act, law enforcement officer, licensed professional counselor,~~
3 ~~licensed clinical professional counselor, registered~~
4 ~~psychologist and assistants working under the direct~~
5 ~~supervision of a psychologist, psychiatrist, or field~~
6 ~~personnel of the Department of Healthcare and Family Services,~~
7 ~~Juvenile Justice, Public Health, Human Services (acting as~~
8 ~~successor to the Department of Mental Health and Developmental~~
9 ~~Disabilities, Rehabilitation Services, or Public Aid),~~
10 ~~Corrections, Human Rights, or Children and Family Services,~~
11 ~~supervisor and administrator of general assistance under the~~
12 ~~Illinois Public Aid Code, probation officer, animal control~~
13 ~~officer or Illinois Department of Agriculture Bureau of Animal~~
14 ~~Health and Welfare field investigator, or any other foster~~
15 ~~parent, homemaker or child care worker having reasonable cause~~
16 ~~to believe a child known to them in their professional or~~
17 ~~official capacity may be an abused child or a neglected child~~
18 ~~shall immediately report or cause a report to be made to the~~
19 ~~Department.~~

20 ~~Any member of the clergy having reasonable cause to believe~~
21 ~~that a child known to that member of the clergy in his or her~~
22 ~~professional capacity may be an abused child as defined in item~~
23 ~~(c) of the definition of "abused child" in Section 3 of this~~
24 ~~Act shall immediately report or cause a report to be made to~~
25 ~~the Department.~~

26 ~~Any physician, physician's assistant, registered nurse,~~

1 ~~licensed practical nurse, medical technician, certified~~
2 ~~nursing assistant, social worker, or licensed professional~~
3 ~~counselor of any office, clinic, or any other physical location~~
4 ~~that provides abortions, abortion referrals, or contraceptives~~
5 ~~having reasonable cause to believe a child known to him or her~~
6 ~~in his or her professional or official capacity may be an~~
7 ~~abused child or a neglected child shall immediately report or~~
8 ~~cause a report to be made to the Department.~~

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

23 Notwithstanding any other provision of this Act, if an
24 employee of a school district has made a report or caused a
25 report to be made to the Department under this Act involving
26 the conduct of a current or former employee of the school

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

1 (d) Whenever such person is required to report under this
2 Act in his capacity as a member of the staff of a medical or
3 other public or private institution, school, facility or
4 agency, or as a member of the clergy, he shall make report
5 immediately to the Department in accordance with the provisions
6 of this Act and may also notify the person in charge of such
7 institution, school, facility or agency, or church, synagogue,
8 temple, mosque, or other religious institution, or his
9 designated agent that such report has been made. Under no
10 circumstances shall any person in charge of such institution,
11 school, facility or agency, or church, synagogue, temple,
12 mosque, or other religious institution, or his designated agent
13 to whom such notification has been made, exercise any control,
14 restraint, modification or other change in the report or the
15 forwarding of such report to the Department.

16 (e) In addition to the persons required to report suspected
17 cases of child abuse or child neglect under this Section, any
18 other person may make a report if such person has reasonable
19 cause to believe a child may be an abused child or a neglected
20 child.

21 (f) The privileged quality of communication between any
22 professional person required to report and his patient or
23 client shall not apply to situations involving abused or
24 neglected children and shall not constitute grounds for failure
25 to report as required by this Act or constitute grounds for
26 failure to share information or documents with the Department

1 during the course of a child abuse or neglect investigation. If
2 requested by the professional, the Department shall confirm in
3 writing that the information or documents disclosed by the
4 professional were gathered in the course of a child abuse or
5 neglect investigation.

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

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

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

1 ~~report suspected cases of abused or neglected children, any~~
2 ~~other person may make a report if such person has reasonable~~
3 ~~cause to believe a child may be an abused child or a neglected~~
4 ~~child.~~

5 (h) Any person who enters into employment on and after July
6 1, 1986 and is mandated by virtue of that employment to report
7 under this Act, shall sign a statement on a form prescribed by
8 the Department, to the effect that the employee has knowledge
9 and understanding of the reporting requirements of this Act. On
10 and after January 1, 2019, the statement shall also include
11 information about available mandated reporter training
12 provided by the Department. The statement shall be signed prior
13 to commencement of the employment. The signed statement shall
14 be retained by the employer. The cost of printing,
15 distribution, and filing of the statement shall be borne by the
16 employer.

17 (i) Persons ~~Within one year of initial employment and at~~
18 ~~least every 5 years thereafter, school personnel~~ required to
19 report child abuse or child neglect as provided under this
20 Section must complete mandated reporter training provided
21 through or approved by the Department. The training must be
22 completed within 3 months of the date of engagement in the
23 professional or official capacity as a mandated reporter and
24 every 3 years thereafter. Child-serving organizations are
25 encouraged to provide in-person annual trainings.

26 By January 1, 2020, the Department shall adopt rules on its

1 process for approving mandated reporter trainings. Each person
2 required to report child abuse or child neglect under this
3 Section shall certify to his or her employer and, when
4 applicable, to his or her licensing or certification board that
5 he or she received the mandated reporter training through or
6 approved by the Department. The mandated reporter shall
7 maintain records of completion.

8 Beginning January 1, 2021, if a mandated reporter receives
9 licensure from the Department of Financial and Professional
10 Regulation and his or her profession has continuing education
11 requirements, the required continuing education hours must
12 include the training mandated under this Section.

13 ~~by a provider or agency with expertise in recognizing and~~
14 ~~reporting child abuse.~~

15 (j) The Department shall provide copies of this Act, upon
16 request, to all employers employing persons who shall be
17 required under the provisions of this Section to report under
18 this Act.

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

23 Any person who knowingly and willfully violates any
24 provision of this Section other than a second or subsequent
25 violation of transmitting a false report as described in the
26 preceding paragraph, is guilty of a Class A misdemeanor for a

1 first violation and a Class 4 felony for a second or subsequent
2 violation; except that if the person acted as part of a plan or
3 scheme having as its object the prevention of discovery of an
4 abused or neglected child by lawful authorities for the purpose
5 of protecting or insulating any person or entity from arrest or
6 prosecution, the person is guilty of a Class 4 felony for a
7 first offense and a Class 3 felony for a second or subsequent
8 offense (regardless of whether the second or subsequent offense
9 involves any of the same facts or persons as the first or other
10 prior offense).

11 (l) A child whose parent, guardian or custodian in good
12 faith selects and depends upon spiritual means through prayer
13 alone for the treatment or cure of disease or remedial care may
14 be considered neglected or abused, but not for the sole reason
15 that his parent, guardian or custodian accepts and practices
16 such beliefs.

17 (m) A child shall not be considered neglected or abused
18 solely because the child is not attending school in accordance
19 with the requirements of Article 26 of the School Code, as
20 amended.

21 (n) Nothing in this Act prohibits a mandated reporter who
22 reasonably believes that an animal is being abused or neglected
23 in violation of the Humane Care for Animals Act from reporting
24 animal abuse or neglect to the Department of Agriculture's
25 Bureau of Animal Health and Welfare.

26 (o) A home rule unit may not regulate the reporting of

1 child abuse or neglect in a manner inconsistent with the
2 provisions of this Section. This Section is a limitation under
3 subsection (i) of Section 6 of Article VII of the Illinois
4 Constitution on the concurrent exercise by home rule units of
5 powers and functions exercised by the State.

6 (p) For purposes of this Section "child abuse or neglect"
7 includes abuse or neglect of an adult resident as defined in
8 this Act.

9 (Source: P.A. 100-513, eff. 1-1-18; 100-1071, eff. 1-1-19.)

10 (325 ILCS 5/11.5) (from Ch. 23, par. 2061.5)

11 Sec. 11.5. Public awareness program.

12 (a) By January 1, 2020, the Department shall adopt rules
13 and procedures for educating members of the public about their
14 right to report when they have a reasonable cause to believe a
15 child may be an abused or neglected child. The rules and
16 procedures shall include the following:

17 (1) No later than 6 months after the effective date of
18 this amendatory Act of the 101st General Assembly, the
19 Department of Children and Family Services shall develop
20 culturally-sensitive materials about child abuse and child
21 neglect, the statewide toll-free telephone number
22 established under Section 7.6, and the process for
23 reporting any reasonable suspicion of child abuse or child
24 neglect.

25 (2) The Department shall reach out to businesses and

1 organizations to seek assistance in raising awareness
2 about child abuse and child neglect and the statewide
3 toll-free telephone number established under Section 7.6,
4 including posting notices. The Department shall make a
5 model notice available for download on the Department's
6 website. The model notice shall:

7 (A) be available in English, Spanish, and the 2
8 other languages most widely spoken in the State;

9 (B) be at least 8 1/2 inches by 11 inches in size
10 and written in a 16-point font;

11 (C) include the following statement:

12 "Protecting children is a responsibility we
13 all share. It is important for every person to take
14 child abuse and child neglect seriously, to be able
15 to recognize when it happens, and to know what to
16 do next. If you have reason to believe a child you
17 know is being abused or neglected, call the State's
18 child abuse hotline: 1-800-25-ABUSE
19 (1-800-252-2873, 1-800-358-5117 (TTY))."; and

20 (D) include the Department's website address where
21 more information about child abuse and child neglect is
22 available.

23 (b) Within the appropriation available, the Department
24 shall conduct a continuing education and training program for
25 State and local staff, persons and officials required to
26 report, the general public, and other persons engaged in or

1 intending to engage in the prevention, identification, and
2 treatment of child abuse and neglect. The program shall be
3 designed to encourage the fullest degree of reporting of known
4 and suspected child abuse and neglect, and to improve
5 communication, cooperation, and coordination among all
6 agencies in the identification, prevention, and treatment of
7 child abuse and neglect. The program shall inform the general
8 public and professionals of the nature and extent of child
9 abuse and neglect and their responsibilities, obligations,
10 powers and immunity from liability under this Act. It may
11 include information on the diagnosis of child abuse and neglect
12 and the roles and procedures of the Child Protective Service
13 Unit, the Department and central register, the courts and of
14 the protective, treatment, and ameliorative services available
15 to children and their families. Such information may also
16 include special needs of mothers at risk of delivering a child
17 whose life or development may be threatened by a disabling
18 condition, to ensure informed consent to treatment of the
19 condition and understanding of the unique child care
20 responsibilities required for such a child. The program may
21 also encourage parents and other persons having responsibility
22 for the welfare of children to seek assistance on their own in
23 meeting their child care responsibilities and encourage the
24 voluntary acceptance of available services when they are
25 needed. It may also include publicity and dissemination of
26 information on the existence and number of the 24 hour,

1 State-wide, toll-free telephone service to assist persons
2 seeking assistance and to receive reports of known and
3 suspected abuse and neglect.

4 (c) Within the appropriation available, the Department
5 also shall conduct a continuing education and training program
6 for State and local staff involved in investigating reports of
7 child abuse or neglect made under this Act. The program shall
8 be designed to train such staff in the necessary and
9 appropriate procedures to be followed in investigating cases
10 which it appears may result in civil or criminal charges being
11 filed against a person. Program subjects shall include but not
12 be limited to the gathering of evidence with a view toward
13 presenting such evidence in court and the involvement of State
14 or local law enforcement agencies in the investigation. The
15 program shall be conducted in cooperation with State or local
16 law enforcement agencies, State's Attorneys and other
17 components of the criminal justice system as the Department
18 deems appropriate.

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