



Sen. Julie A. Morrison

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1 AMENDMENT TO SENATE BILL 1778

2 AMENDMENT NO. _____. Amend Senate Bill 1778 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing 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;

1 intern; medical administrator or personnel engaged in the
2 examination, care, and treatment of persons; psychiatrist;
3 surgeon; dentist; dental hygienist; chiropractic
4 physician; podiatric physician; physician assistant;
5 emergency medical technician; acupuncturist; registered
6 nurse; licensed practical nurse; advanced practice
7 registered nurse; genetic counselor; respiratory care
8 practitioner; home health aide; or certified nursing
9 assistant.

10 (2) Social services and mental health personnel,
11 including any: licensed professional counselor; licensed
12 clinical professional counselor; licensed social worker;
13 licensed clinical social worker; licensed psychologist or
14 assistant working under the direct supervision of a
15 psychologist; associate licensed marriage and family
16 therapist; licensed marriage and family therapist; field
17 personnel of the Departments of Healthcare and Family
18 Services, Public Health, Human Services, Human Rights, or
19 Children and Family Services; supervisor or administrator
20 of the General Assistance program established under
21 Article VI of the Illinois Public Aid Code; social services
22 administrator; or substance abuse treatment personnel.

23 (3) Crisis intervention personnel, including any:
24 crisis line or hotline personnel; or domestic violence
25 program personnel.

26 (4) Education personnel, including any: school

1 personnel (including administrators and certified and
2 non-certified school employees); personnel of institutions
3 of higher education; educational advocate assigned to a
4 child in accordance with the School Code; member of a
5 school board or the Chicago Board of Education or the
6 governing body of a private school (but only to the extent
7 required in accordance with other provisions of this
8 Section expressly concerning the duty of school board
9 members to report suspected child abuse); or truant
10 officer.

11 (5) Recreation or athletic program or facility
12 personnel.

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

18 (7) Law enforcement personnel, including any: law
19 enforcement officer; field personnel of the Department of
20 Juvenile Justice; field personnel of the Department of
21 Corrections; probation officer; or animal control officer
22 or field investigator of the Department of Agriculture's
23 Bureau of Animal Health and Welfare.

24 (8) Any funeral home director; funeral home director
25 and embalmer; funeral home employee; coroner; or medical
26 examiner.

1 (9) Any member of the clergy.

2 (10) Any physician, physician assistant, registered
3 nurse, licensed practical nurse, medical technician,
4 certified nursing assistant, licensed social worker,
5 licensed clinical social worker, or licensed professional
6 counselor of any office, clinic, or any other physical
7 location that provides abortions, abortion referrals, or
8 contraceptives.

9 (b) When 2 or more persons who work within the same
10 workplace and are required to report under this Act share a
11 reasonable cause to believe that a child may be an abused or
12 neglected child, a single report may be made by a designated
13 reporter. The report shall include the names and contact
14 information for the other mandated reporters sharing the
15 reasonable cause to believe that a child may be an abused or
16 neglected child. The designated reporter must provide written
17 confirmation of the report to those mandated reporters within
18 48 hours. If confirmation is not provided, those mandated
19 reporters are individually responsible for immediately
20 ensuring a report is made. Nothing in this Section precludes
21 any person from reporting child abuse or child neglect.

22 (c) (1) As used in this Section, "a child known to them in
23 their professional or official capacities" means:

24 (A) the mandated reporter comes into contact with the
25 child in the course of the reporter's employment or
26 practice of a profession, or through a regularly scheduled

1 program, activity, or service;

2 (B) the mandated reporter is affiliated with an agency,
3 institution, organization, school, school district,
4 regularly established church or religious organization, or
5 other entity that is directly responsible for the care,
6 supervision, guidance, or training of the child; or

7 (C) a person makes a specific disclosure to the
8 mandated reporter that an identifiable child is the victim
9 of child abuse or child neglect, and the disclosure happens
10 while the mandated reporter is engaged in his or her
11 employment or practice of a profession, or in a regularly
12 scheduled program, activity, or service.

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

16 ~~Any physician, resident, intern, hospital, hospital~~
17 ~~administrator and personnel engaged in examination, care and~~
18 ~~treatment of persons, surgeon, dentist, dentist hygienist,~~
19 ~~osteopath, chiropractor, podiatric physician, physician~~
20 ~~assistant, substance abuse treatment personnel, funeral home~~
21 ~~director or employee, coroner, medical examiner, emergency~~
22 ~~medical technician, acupuncturist, crisis line or hotline~~
23 ~~personnel, school personnel (including administrators and both~~
24 ~~certified and non-certified school employees), personnel of~~
25 ~~institutions of higher education, educational advocate~~
26 ~~assigned to a child pursuant to the School Code, member of a~~

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

1 ~~to believe a child known to them in their professional or~~
2 ~~official capacity may be an abused child or a neglected child~~
3 ~~shall immediately report or cause a report to be made to the~~
4 ~~Department.~~

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

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

20 (d) If an allegation is raised to a school board member
21 during the course of an open or closed school board meeting
22 that a child who is enrolled in the school district of which he
23 or she is a board member is an abused child as defined in
24 Section 3 of this Act, the member shall direct or cause the
25 school board to direct the superintendent of the school
26 district or other equivalent school administrator to comply

1 with the requirements of this Act concerning the reporting of
2 child abuse. For purposes of this paragraph, a school board
3 member is granted the authority in his or her individual
4 capacity to direct the superintendent of the school district or
5 other equivalent school administrator to comply with the
6 requirements of this Act concerning the reporting of child
7 abuse.

8 Notwithstanding any other provision of this Act, if an
9 employee of a school district has made a report or caused a
10 report to be made to the Department under this Act involving
11 the conduct of a current or former employee of the school
12 district and a request is made by another school district for
13 the provision of information concerning the job performance or
14 qualifications of the current or former employee because he or
15 she is an applicant for employment with the requesting school
16 district, the general superintendent of the school district to
17 which the request is being made must disclose to the requesting
18 school district the fact that an employee of the school
19 district has made a report involving the conduct of the
20 applicant or caused a report to be made to the Department, as
21 required under this Act. Only the fact that an employee of the
22 school district has made a report involving the conduct of the
23 applicant or caused a report to be made to the Department may
24 be disclosed by the general superintendent of the school
25 district to which the request for information concerning the
26 applicant is made, and this fact may be disclosed only in cases

1 where the employee and the general superintendent have not been
2 informed by the Department that the allegations were unfounded.
3 An employee of a school district who is or has been the subject
4 of a report made pursuant to this Act during his or her
5 employment with the school district must be informed by that
6 school district that if he or she applies for employment with
7 another school district, the general superintendent of the
8 former school district, upon the request of the school district
9 to which the employee applies, shall notify that requesting
10 school district that the employee is or was the subject of such
11 a report.

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

1 (f) In addition to the persons required to report suspected
2 cases of child abuse or child neglect under this Section, any
3 other person may make a report if such person has reasonable
4 cause to believe a child may be an abused child or a neglected
5 child.

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

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

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

25 (h) Any office, clinic, or any other physical location that
26 provides abortions, abortion referrals, or contraceptives

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

16 (i) Any person who enters into employment on and after July
17 1, 1986 and is mandated by virtue of that employment to report
18 under this Act, shall sign a statement on a form prescribed by
19 the Department, to the effect that the employee has knowledge
20 and understanding of the reporting requirements of this Act. On
21 and after January 1, 2019, the statement shall also include
22 information about available mandated reporter training
23 provided by the Department. The statement shall be signed prior
24 to commencement of the employment. The signed statement shall
25 be retained by the employer. The cost of printing,
26 distribution, and filing of the statement shall be borne by the

1 employer.

2 (j) Persons ~~Within one year of initial employment and at~~
3 ~~least every 5 years thereafter, school personnel~~ required to
4 report child abuse or child neglect as provided under this
5 Section must complete mandated reporter training within 3
6 months of their date of engagement in a professional or
7 official capacity as a mandated reporter, and at least every 3
8 years thereafter. The initial 3-month requirement only applies
9 to the first time they engage in their professional or official
10 capacity.

11 The trainings shall be in-person or web-based, and shall
12 include, at a minimum, information on the following topics: (i)
13 indicators for recognizing child abuse and child neglect, as
14 defined under this Act; (ii) the process for reporting
15 suspected child abuse and child neglect in Illinois as required
16 by this Act and the required documentation; (iii) responding to
17 a child in a trauma-informed manner; and (iv) understanding the
18 response of child protective services and the role of the
19 reporter after a call has been made. Child-serving
20 organizations are encouraged to provide in-person annual
21 trainings.

22 The mandated reporter training shall be provided through
23 the Department, through an entity authorized to provide
24 continuing education for professionals licensed through the
25 Department of Financial and Professional Regulation, the State
26 Board of Education, the Illinois Law Enforcement Training

1 Standards Board, or the Department of State Police, or through
2 an organization approved by the Department to provide mandated
3 reporter training. The Department must make available a free
4 web-based training for reporters.

5 Each mandated reporter shall report to his or her employer
6 and, when applicable, to his or her licensing or certification
7 board that he or she received the mandated reporter training.
8 The mandated reporter shall maintain records of completion.

9 Beginning January 1, 2021, if a mandated reporter receives
10 licensure from the Department of Financial and Professional
11 Regulation or the State Board of Education, and his or her
12 profession has continuing education requirements, the training
13 mandated under this Section shall count towards meeting the
14 licensee's required continuing education hours.

15 ~~by a provider or agency with expertise in recognizing and~~
16 ~~reporting child abuse.~~

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

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

25 Any person who knowingly and willfully violates any
26 provision of this Section other than a second or subsequent

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

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

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

23 (o) Nothing in this Act prohibits a mandated reporter who
24 reasonably believes that an animal is being abused or neglected
25 in violation of the Humane Care for Animals Act from reporting
26 animal abuse or neglect to the Department of Agriculture's

1 Bureau of Animal Health and Welfare.

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

8 (q) For purposes of this Section "child abuse or neglect"
9 includes abuse or neglect of an adult resident as defined in
10 this Act.

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

12 (325 ILCS 5/11.5) (from Ch. 23, par. 2061.5)

13 Sec. 11.5. Public awareness program.

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

21 The Department shall reach out to businesses and
22 organizations to seek assistance in raising awareness about
23 child abuse and child neglect and the statewide toll-free
24 telephone number established under Section 7.6, including
25 posting notices. The Department shall make a model notice

1 available for download on the Department's website. The model
2 notice shall:

3 (1) be available in English, Spanish, and the 2 other
4 languages most widely spoken in the State;

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

7 (3) include the following statement:

8 "Protecting children is a responsibility we all
9 share. It is important for every person to take child
10 abuse and child neglect seriously, to be able to
11 recognize when it happens, and to know what to do next.
12 If you have reason to believe a child you know is being
13 abused or neglected, call the State's child abuse
14 hotline; and

15 (4) include the statewide toll-free telephone number
16 established under Section 7.6, and the Department's
17 website address where more information about child abuse
18 and child neglect is available.

19 (b) Within the appropriation available, the Department
20 shall conduct a continuing education and training program for
21 State and local staff, persons and officials required to
22 report, the general public, and other persons engaged in or
23 intending to engage in the prevention, identification, and
24 treatment of child abuse and neglect. The program shall be
25 designed to encourage the fullest degree of reporting of known
26 and suspected child abuse and neglect, and to improve

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

26 (c) Within the appropriation available, the Department

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

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