



Rep. Carol Ammons

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LRB102 03032 KTG 37822 a

1 AMENDMENT TO HOUSE BILL 1019

2 AMENDMENT NO. _____. Amend House Bill 1019 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act
5 is amended by changing Section 4 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
22 services administrator; or substance abuse treatment
23 personnel.

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

1 (4) Education personnel, including any: school
2 personnel (including administrators and certified and
3 non-certified school employees); personnel of institutions
4 of higher education; educational advocate assigned to a
5 child in accordance with the School Code; member of a
6 school board or the Chicago Board of Education or the
7 governing body of a private school (but only to the extent
8 required under subsection (d)); or truant officer.

9 (5) Recreation or athletic program or facility
10 personnel.

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

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

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

25 (9) Any member of the clergy.

26 (10) Any physician, physician assistant, registered

1 nurse, licensed practical nurse, medical technician,
2 certified nursing assistant, licensed social worker,
3 licensed clinical social worker, or licensed professional
4 counselor of any office, clinic, or any other physical
5 location that provides abortions, abortion referrals, or
6 contraceptives.

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

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

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

1 (B) the mandated reporter is affiliated with an
2 agency, institution, organization, school, school
3 district, regularly established church or religious
4 organization, or other entity that is directly responsible
5 for the care, supervision, guidance, or training of the
6 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
10 happens while the mandated reporter is engaged in his or
11 her employment or practice of a profession, or in a
12 regularly scheduled program, activity, or service.

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

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

1 or other 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
14 requesting school district the fact that an employee of the
15 school 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
24 been informed by the Department that the allegations were
25 unfounded. An employee of a school district who is or has been
26 the subject of a report made pursuant to this Act during his or

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

8 (e) Whenever such person is required to report under this
9 Act in his capacity as a member of the staff of a medical or
10 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
13 provisions of this Act and may also notify the person in charge
14 of such institution, school, facility or agency, or church,
15 synagogue, temple, mosque, or other religious institution, or
16 his 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
20 agent to whom such notification has been made, exercise any
21 control, restraint, modification or other change in the report
22 or the forwarding of such report to the Department.

23 (f) In addition to the persons required to report
24 suspected cases of child abuse or child neglect under this
25 Section, any other person may make a report if such person has
26 reasonable cause to believe a child may be an abused child or a

1 neglected child.

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

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

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

21 (h) Any office, clinic, or any other physical location
22 that provides abortions, abortion referrals, or contraceptives
23 shall provide to all office personnel copies of written
24 information and training materials about abuse and neglect and
25 the requirements of this Act that are provided to employees of
26 the office, clinic, or physical location who are required to

1 make reports to the Department under this Act, and instruct
2 such office personnel to bring to the attention of an employee
3 of the office, clinic, or physical location who is required to
4 make reports to the Department under this Act any reasonable
5 suspicion that a child known to him or her in his or her
6 professional or official capacity may be an abused child or a
7 neglected child.

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

20 (j) Persons required to report child abuse or child
21 neglect as provided under this Section must complete an
22 initial mandated reporter training, including a section on
23 implicit bias and a section on the consequences and results of
24 hotline calls and Department investigations, within 3 months
25 of their date of engagement in a professional or official
26 capacity as a mandated reporter, or within the time frame of

1 any other applicable State law that governs training
2 requirements for a specific profession, and at least every 3
3 years thereafter. The initial requirement only applies to the
4 first time they engage in their professional or official
5 capacity. In lieu of training every 3 years, medical
6 personnel, as listed in paragraph (1) of subsection (a), must
7 meet the requirements described in subsection (k).

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

19 The implicit bias section shall be in-person or web-based,
20 and shall include, at a minimum, information on the following
21 topics: (i) implicit bias and (ii) racial and ethnic
22 sensitivity. As used in this subsection, "implicit bias" means
23 the attitudes or internalized stereotypes that affect people's
24 perceptions, actions, and decisions in an unconscious manner
25 and that exist and often contribute to unequal treatment of
26 people based on race, ethnicity, gender identity, sexual

1 orientation, age, disability, and other characteristics. The
2 implicit bias section shall provide tools to adjust automatic
3 patterns of thinking and ultimately eliminate discriminatory
4 behaviors. During these trainings mandated reporters shall
5 complete the following: (1) a pretest to assess baseline
6 implicit bias levels; (2) an implicit bias training task; and
7 (3) a posttest to reevaluate bias levels after training. The
8 implicit bias curriculum for mandated reporters shall be
9 developed within one year after the effective date of this
10 amendatory Act of the 102nd General Assembly and shall be
11 created in consultation with organizations demonstrating
12 expertise and or experience in the areas of implicit bias,
13 youth and adolescent developmental issues, prevention of child
14 abuse, exploitation, and neglect, culturally diverse family
15 systems, and the child welfare system.

16 The section on the consequences and results of hotline
17 calls and Department investigations shall be in-person or
18 web-based, and shall include, at a minimum, information on the
19 following topics: (i) the procedural process after a hotline
20 call is made, including, but not limited to, how the
21 Department decides whether or not to accept a call, the
22 initial investigation, the full investigation, the
23 implications of each investigation outcome (unfounded,
24 indicated, undetermined), and how an indicated finding can
25 trigger court involvement; (ii) actions the Department is
26 authorized to take during the investigative process, including

1 conducting interviews of caregivers, children, and others;
2 conducting searches of homes, locations, and persons; taking
3 photographs or x-rays; taking protective custody; and entering
4 into a Safety Plan with the person under investigation, with
5 descriptions thereof and how children and families are made
6 aware of these actions and their rights during the
7 investigative process; (iii) data from the last 5 annual
8 Disproportionality and Disparity reports, published by the
9 Children and Family Research Center, that detail the racial
10 disproportionality present at each key decision point of
11 system involvement; (iv) the trauma caused to children and
12 families by family separation, even for 48 hours or less; and
13 (v) how records of indicated, unfounded, and undetermined
14 investigations are retained and used by the Department and
15 other public entities, including lengths of time records are
16 retained based on a case's allegations and determination.

17 The mandated reporter training, including a section on
18 implicit bias and a section on the consequences and results of
19 hotline calls and Department investigations, shall be provided
20 through the Department, through an entity authorized to
21 provide continuing education for professionals licensed
22 through the Department of Financial and Professional
23 Regulation, the State Board of Education, the Illinois Law
24 Enforcement Training Standards Board, or the Department of
25 State Police, or through an organization approved by the
26 Department to provide mandated reporter training, including a

1 section on implicit bias and a section on the consequences and
2 results of hotline calls and Department investigations. The
3 Department must make available a free web-based training for
4 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 toward meeting the
14 licensee's required continuing education hours.

15 Beginning January 1, 2023, any additions or updates to the
16 mandated reporting training required under this subsection
17 shall be reflected in all manuals or guides for mandated
18 reporters about their duty to report.

19 (k)(1) Medical personnel, as listed in paragraph (1) of
20 subsection (a), who work with children in their professional
21 or official capacity, must complete mandated reporter training
22 at least every 6 years. Such medical personnel, if licensed,
23 must attest at each time of licensure renewal on their renewal
24 form that they understand they are a mandated reporter of
25 child abuse and neglect, that they are aware of the process for
26 making a report, that they know how to respond to a child in a

1 trauma-informed manner, and that they are aware of the role of
2 child protective services and the role of a reporter after a
3 call has been made.

4 (2) In lieu of repeated training, medical personnel, as
5 listed in paragraph (1) of subsection (a), who do not work with
6 children in their professional or official capacity, may
7 instead attest each time at licensure renewal on their renewal
8 form that they understand they are a mandated reporter of
9 child abuse and neglect, that they are aware of the process for
10 making a report, that they know how to respond to a child in a
11 trauma-informed manner, and that they are aware of the role of
12 child protective services and the role of a reporter after a
13 call has been made. Nothing in this paragraph precludes
14 medical personnel from completing mandated reporter training
15 and receiving continuing education credits for that training.

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

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

24 Any person who knowingly and willfully violates any
25 provision of this Section other than a second or subsequent
26 violation of transmitting a false report as described in the

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

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

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

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

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

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

10 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22.)".