

SB0098



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0098

Introduced 2/3/2021, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4

Amends the Abused and Neglected Child Reporting Act. In a provision requiring all mandated reporters to complete mandated reporter training, provides that the required in-person or web-based training shall include information on the process for reporting suspected child abuse or neglect utilizing the Department of Children and Family Services' Online Reporting System for Mandated Reporters.

LRB102 03994 KTG 14010 b

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 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;
17 intern; medical 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; associate licensed marriage and family
9 therapist; licensed marriage and family therapist; field
10 personnel of the Departments of Healthcare and Family
11 Services, Public Health, Human Services, Human Rights, or
12 Children and Family Services; supervisor or administrator
13 of the General Assistance program established under
14 Article VI of the Illinois Public Aid Code; social
15 services administrator; or substance abuse treatment
16 personnel.

17 (3) Crisis intervention personnel, including any:
18 crisis line or hotline personnel; or domestic violence
19 program personnel.

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

1 required under subsection (d)); or truant officer.

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

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

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

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

18 (9) Any member of the clergy.

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

26 (b) When 2 or more persons who work within the same

1 workplace and are required to report under this Act share a
2 reasonable cause to believe that a child may be an abused or
3 neglected child, one of those reporters may be designated to
4 make a single report. The report shall include the names and
5 contact information for the other mandated reporters sharing
6 the reasonable cause to believe that a child may be an abused
7 or neglected child. The designated reporter must provide
8 written confirmation of the report to those mandated reporters
9 within 48 hours. If confirmation is not provided, those
10 mandated reporters are individually responsible for
11 immediately ensuring a report is made. Nothing in this Section
12 precludes or may be used to preclude any person from reporting
13 child abuse or child neglect.

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

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

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

26 (C) a person makes a specific disclosure to the

1 mandated reporter that an identifiable child is the victim
2 of child abuse or child neglect, and the disclosure
3 happens while the mandated reporter is engaged in his or
4 her employment or practice of a profession, or in a
5 regularly scheduled program, activity, or service.

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

9 (d) 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
20 or 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
7 requesting school district the fact that an employee of the
8 school 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
17 been informed by the Department that the allegations were
18 unfounded. An employee of a school district who is or has been
19 the subject of a report made pursuant to this Act during his or
20 her employment with the school district must be informed by
21 that school district that if he or she applies for employment
22 with another school district, the general superintendent of
23 the former school district, upon the request of the school
24 district to which the employee applies, shall notify that
25 requesting school district that the employee is or was the
26 subject of such a report.

1 (e) 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
6 provisions of this Act and may also notify the person in charge
7 of such institution, school, facility or agency, or church,
8 synagogue, temple, mosque, or other religious institution, or
9 his 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
13 agent to whom such notification has been made, exercise any
14 control, restraint, modification or other change in the report
15 or the forwarding of such report to the Department.

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

21 (g) 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
25 failure to report as required by this Act or constitute
26 grounds for failure to share information or documents with the

1 Department during the course of a child abuse or neglect
2 investigation. If requested by the professional, the
3 Department shall confirm in writing that the information or
4 documents disclosed by the professional were gathered in the
5 course of a child abuse or 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
9 the 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 (h) Any office, clinic, or any other physical location
15 that 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.

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

13 (j) Persons required to report child abuse or child
14 neglect as provided under this Section must complete an
15 initial mandated reporter training within 3 months of their
16 date of engagement in a professional or official capacity as a
17 mandated reporter, or within the time frame of any other
18 applicable State law that governs training requirements for a
19 specific profession, and at least every 3 years thereafter.
20 The initial requirement only applies to the first time they
21 engage in their professional or official capacity. In lieu of
22 training every 3 years, medical personnel, as listed in
23 paragraph (1) of subsection (a), must meet the requirements
24 described in subsection (k).

25 The trainings shall be in-person or web-based, and shall
26 include, at a minimum, information on the following topics:

1 (i) indicators for recognizing child abuse and child neglect,
2 as defined under this Act; (ii) the process for reporting
3 suspected child abuse and child neglect in Illinois as
4 required by this Act and the required documentation, including
5 the process for reporting suspected child abuse or neglect
6 utilizing the Department's Online Reporting System for
7 Mandated Reporters; (iii) responding to a child in a
8 trauma-informed manner; and (iv) understanding the response of
9 child protective services and the role of the reporter after a
10 call has been made. Child-serving organizations are encouraged
11 to provide in-person annual trainings.

12 The mandated reporter training shall be provided through
13 the Department, through an entity authorized to provide
14 continuing education for professionals licensed through the
15 Department of Financial and Professional Regulation, the State
16 Board of Education, the Illinois Law Enforcement Training
17 Standards Board, or the Department of State Police, or through
18 an organization approved by the Department to provide mandated
19 reporter training. The Department must make available a free
20 web-based training for reporters.

21 Each mandated reporter shall report to his or her employer
22 and, when applicable, to his or her licensing or certification
23 board that he or she received the mandated reporter training.
24 The mandated reporter shall maintain records of completion.

25 Beginning January 1, 2021, if a mandated reporter receives
26 licensure from the Department of Financial and Professional

1 Regulation or the State Board of Education, and his or her
2 profession has continuing education requirements, the training
3 mandated under this Section shall count toward meeting the
4 licensee's required continuing education hours.

5 (k)(1) Medical personnel, as listed in paragraph (1) of
6 subsection (a), who work with children in their professional
7 or official capacity, must complete mandated reporter training
8 at least every 6 years. Such medical personnel, if licensed,
9 must attest at each time of licensure renewal on their renewal
10 form that they understand they are a mandated reporter of
11 child abuse and neglect, that they are aware of the process for
12 making a report, that they know how to respond to a child in a
13 trauma-informed manner, and that they are aware of the role of
14 child protective services and the role of a reporter after a
15 call has been made.

16 (2) In lieu of repeated training, medical personnel, as
17 listed in paragraph (1) of subsection (a), who do not work with
18 children in their professional or official capacity, may
19 instead attest each time at licensure renewal on their renewal
20 form that they understand they are a mandated reporter of
21 child abuse and neglect, that they are aware of the process for
22 making a report, that they know how to respond to a child in a
23 trauma-informed manner, and that they are aware of the role of
24 child protective services and the role of a reporter after a
25 call has been made. Nothing in this paragraph precludes
26 medical personnel from completing mandated reporter training

1 and receiving continuing education credits for that training.

2 (l) The Department shall provide copies of this Act, upon
3 request, to all employers employing persons who shall be
4 required under the provisions of this Section to report under
5 this Act.

6 (m) Any person who knowingly transmits a false report to
7 the Department commits the offense of disorderly conduct under
8 subsection (a)(7) of Section 26-1 of the Criminal Code of
9 2012. A violation of this provision is a Class 4 felony.

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

24 (n) A child whose parent, guardian or custodian in good
25 faith selects and depends upon spiritual means through prayer
26 alone for the treatment or cure of disease or remedial care may

1 be considered neglected or abused, but not for the sole reason
2 that his parent, guardian or custodian accepts and practices
3 such beliefs.

4 (o) A child shall not be considered neglected or abused
5 solely because the child is not attending school in accordance
6 with the requirements of Article 26 of the School Code, as
7 amended.

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

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

19 (r) For purposes of this Section "child abuse or neglect"
20 includes abuse or neglect of an adult resident as defined in
21 this Act.

22 (Source: P.A. 100-513, eff. 1-1-18; 100-1071, eff. 1-1-19;
23 101-564, eff. 1-1-20.)