



Sen. Melinda Bush

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10200SB2567sam001

LRB102 16570 KMF 24945 a

1 AMENDMENT TO SENATE BILL 2567

2 AMENDMENT NO. _____. Amend Senate Bill 2567 on page 1,
3 immediately below line 3, by inserting:

4 "Section 5. The Abused and Neglected Child Reporting Act
5 is amended by changing Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise
8 requires:

9 "Adult resident" means any person between 18 and 22 years
10 of age who resides in any facility licensed by the Department
11 under the Child Care Act of 1969. For purposes of this Act, the
12 criteria set forth in the definitions of "abused child" and
13 "neglected child" shall be used in determining whether an
14 adult resident is abused or neglected.

15 "Agency" means a child care facility licensed under
16 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and

1 includes a transitional living program that accepts children
2 and adult residents for placement who are in the guardianship
3 of the Department.

4 "Blatant disregard" means an incident where the real,
5 significant, and imminent risk of harm would be so obvious to a
6 reasonable parent or caretaker that it is unlikely that a
7 reasonable parent or caretaker would have exposed the child to
8 the danger without exercising precautionary measures to
9 protect the child from harm. With respect to a person working
10 at an agency in his or her professional capacity with a child
11 or adult resident, "blatant disregard" includes a failure by
12 the person to perform job responsibilities intended to protect
13 the child's or adult resident's health, physical well-being,
14 or welfare, and, when viewed in light of the surrounding
15 circumstances, evidence exists that would cause a reasonable
16 person to believe that the child was neglected. With respect
17 to an agency, "blatant disregard" includes a failure to
18 implement practices that ensure the health, physical
19 well-being, or welfare of the children and adult residents
20 residing in the facility.

21 "Child" means any person under the age of 18 years, unless
22 legally emancipated by reason of marriage or entry into a
23 branch of the United States armed services.

24 "Department" means Department of Children and Family
25 Services.

26 "Local law enforcement agency" means the police of a city,

1 town, village or other incorporated area or the sheriff of an
2 unincorporated area or any sworn officer of the Illinois
3 Department of State Police.

4 "Abused child" means a child whose parent or immediate
5 family member, or any person responsible for the child's
6 welfare, or any individual residing in the same home as the
7 child, or a paramour of the child's parent:

8 (a) inflicts, causes to be inflicted, or allows to be
9 inflicted upon such child physical injury, by other than
10 accidental means, which causes death, disfigurement,
11 impairment of physical or emotional health, or loss or
12 impairment of any bodily function;

13 (b) creates a substantial risk of physical injury to
14 such child by other than accidental means which would be
15 likely to cause death, disfigurement, impairment of
16 physical or emotional health, or loss or impairment of any
17 bodily function;

18 (c) commits or allows to be committed any sex offense
19 against such child, as such sex offenses are defined in
20 the Criminal Code of 2012 or in the Wrongs to Children Act,
21 and extending those definitions of sex offenses to include
22 children under 18 years of age;

23 (d) commits or allows to be committed an act or acts of
24 torture upon such child;

25 (e) inflicts excessive corporal punishment or, in the
26 case of a person working for an agency who is prohibited

1 from using corporal punishment, inflicts corporal
2 punishment upon a child or adult resident with whom the
3 person is working in his or her professional capacity;

4 (f) commits or allows to be committed the offense of
5 female genital mutilation, as defined in Section 12-34 of
6 the Criminal Code of 2012, against the child;

7 (g) causes to be sold, transferred, distributed, or
8 given to such child under 18 years of age, a controlled
9 substance as defined in Section 102 of the Illinois
10 Controlled Substances Act in violation of Article IV of
11 the Illinois Controlled Substances Act or in violation of
12 the Methamphetamine Control and Community Protection Act,
13 except for controlled substances that are prescribed in
14 accordance with Article III of the Illinois Controlled
15 Substances Act and are dispensed to such child in a manner
16 that substantially complies with the prescription; or

17 (h) commits or allows to be committed the offense of
18 involuntary servitude, involuntary sexual servitude of a
19 minor, or trafficking in persons as defined in Section
20 10-9 of the Criminal Code of 2012 against the child.

21 A child shall not be considered abused for the sole reason
22 that the child has been relinquished in accordance with the
23 Abandoned Newborn Infant Protection Act.

24 "Neglected child" means any child who is not receiving the
25 proper or necessary nourishment or medically indicated
26 treatment including food or care not provided solely on the

1 basis of the present or anticipated mental or physical
2 impairment as determined by a physician acting alone or in
3 consultation with other physicians or otherwise is not
4 receiving the proper or necessary support or medical or other
5 remedial care recognized under State law as necessary for a
6 child's well-being, or other care necessary for his or her
7 well-being, including adequate food, clothing and shelter; or
8 who is subjected to an environment which is injurious insofar
9 as (i) the child's environment creates a likelihood of harm to
10 the child's health, physical well-being, or welfare and (ii)
11 the likely harm to the child is the result of a blatant
12 disregard of parent, caretaker, person responsible for the
13 child's welfare, or agency responsibilities; or who is
14 abandoned by his or her parents or other person responsible
15 for the child's welfare without a proper plan of care; or who
16 has been provided with interim crisis intervention services
17 under Section 3-5 of the Juvenile Court Act of 1987 and whose
18 parent, guardian, or custodian refuses to permit the child to
19 return home and no other living arrangement agreeable to the
20 parent, guardian, or custodian can be made, and the parent,
21 guardian, or custodian has not made any other appropriate
22 living arrangement for the child; or who is a newborn infant
23 whose blood, urine, or meconium contains any amount of a
24 controlled substance as defined in subsection (f) of Section
25 102 of the Illinois Controlled Substances Act or a metabolite
26 thereof, with the exception of a controlled substance or

1 metabolite thereof whose presence in the newborn infant is the
2 result of medical treatment administered to the mother or the
3 newborn infant. A child shall not be considered neglected for
4 the sole reason that the child's parent or other person
5 responsible for his or her welfare has left the child in the
6 care of an adult relative for any period of time. A child shall
7 not be considered neglected for the sole reason that the child
8 has been relinquished in accordance with the Abandoned Newborn
9 Infant Protection Act. A child shall not be considered
10 neglected or abused for the sole reason that such child's
11 parent or other person responsible for his or her welfare
12 depends upon spiritual means through prayer alone for the
13 treatment or cure of disease or remedial care as provided
14 under Section 4 of this Act. A child shall not be considered
15 neglected or abused solely because the child is not attending
16 school in accordance with the requirements of Article 26 of
17 The School Code, as amended.

18 "Child Protective Service Unit" means certain specialized
19 State employees of the Department assigned by the Director to
20 perform the duties and responsibilities as provided under
21 Section 7.2 of this Act.

22 "Near fatality" means an act that, as certified by a
23 physician, places the child in serious or critical condition,
24 including acts of great bodily harm inflicted upon children
25 under 13 years of age, and as otherwise defined by Department
26 rule.

1 "Great bodily harm" includes bodily injury which creates a
2 high probability of death, or which causes serious permanent
3 disfigurement, or which causes a permanent or protracted loss
4 or impairment of the function of any bodily member or organ, or
5 other serious bodily harm.

6 "Person responsible for the child's welfare" means the
7 child's parent; guardian; foster parent; relative caregiver;
8 any person responsible for the child's welfare in a public or
9 private residential agency or institution; any person
10 responsible for the child's welfare within a public or private
11 profit or not for profit child care facility; or any other
12 person responsible for the child's welfare at the time of the
13 alleged abuse or neglect, including any person who commits or
14 allows to be committed, ~~that is the custodian of a child under~~
15 ~~18 years of age who commits or allows to be committed,~~ against
16 the child, the offense of involuntary servitude, involuntary
17 sexual servitude of a minor, or trafficking in persons for
18 forced labor or services, as provided in Section 10-9 of the
19 Criminal Code of 2012, including but not limited to the
20 custodian of the minor, or any person who came to know the
21 child through an official capacity or position of trust,
22 including but not limited to health care professionals,
23 educational personnel, recreational supervisors, members of
24 the clergy, and volunteers or support personnel in any setting
25 where children may be subject to abuse or neglect.

26 "Temporary protective custody" means custody within a

1 hospital or other medical facility or a place previously
2 designated for such custody by the Department, subject to
3 review by the Court, including a licensed foster home, group
4 home, or other institution; but such place shall not be a jail
5 or other place for the detention of criminal or juvenile
6 offenders.

7 "An unfounded report" means any report made under this Act
8 for which it is determined after an investigation that no
9 credible evidence of abuse or neglect exists.

10 "An indicated report" means a report made under this Act
11 if an investigation determines that credible evidence of the
12 alleged abuse or neglect exists.

13 "An undetermined report" means any report made under this
14 Act in which it was not possible to initiate or complete an
15 investigation on the basis of information provided to the
16 Department.

17 "Subject of report" means any child reported to the
18 central register of child abuse and neglect established under
19 Section 7.7 of this Act as an alleged victim of child abuse or
20 neglect and the parent or guardian of the alleged victim or
21 other person responsible for the alleged victim's welfare who
22 is named in the report or added to the report as an alleged
23 perpetrator of child abuse or neglect.

24 "Perpetrator" means a person who, as a result of
25 investigation, has been determined by the Department to have
26 caused child abuse or neglect.

1 "Member of the clergy" means a clergyman or practitioner
2 of any religious denomination accredited by the religious body
3 to which he or she belongs.

4 (Source: P.A. 99-350, eff. 6-1-16; 100-733, eff. 1-1-19.);
5 and

6 on page 1, line 4, by replacing "5" with "10".