

**SB3833**



**102ND GENERAL ASSEMBLY**

**State of Illinois**

**2021 and 2022**

**SB3833**

Introduced 1/21/2022, by Sen. Rachelle Crowe

**SYNOPSIS AS INTRODUCED:**

325 ILCS 5/4

Amends the Abused and Neglected Child Reporting Act. Expands the list of mandated reporters under the Act to include physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, and athletic trainers.

LRB102 25746 KTG 35064 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; physical therapist; physical  
22 therapy assistant; occupational therapist; occupational  
23 therapy assistant; acupuncturist; registered nurse;

1 licensed practical nurse; advanced practice registered  
2 nurse; genetic counselor; respiratory care practitioner;  
3 home health aide; or certified nursing assistant.

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

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

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

1 governing body of a private school (but only to the extent  
2 required under subsection (d)); or truant officer.

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

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

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

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

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

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

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

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

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

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

1 subject of such a report.

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

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

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



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

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

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

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

1 neglected child.

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

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

1           The mandated reporter trainings shall be in-person or  
2 web-based, and shall include, at a minimum, information on the  
3 following topics: (i) indicators for recognizing child abuse  
4 and child neglect, as defined under this Act; (ii) the process  
5 for reporting suspected child abuse and child neglect in  
6 Illinois as required by this Act and the required  
7 documentation; (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 implicit bias section shall be in-person or web-based,  
13 and shall include, at a minimum, information on the following  
14 topics: (i) implicit bias and (ii) racial and ethnic  
15 sensitivity. As used in this subsection, "implicit bias" means  
16 the attitudes or internalized stereotypes that affect people's  
17 perceptions, actions, and decisions in an unconscious manner  
18 and that exist and often contribute to unequal treatment of  
19 people based on race, ethnicity, gender identity, sexual  
20 orientation, age, disability, and other characteristics. The  
21 implicit bias section shall provide tools to adjust automatic  
22 patterns of thinking and ultimately eliminate discriminatory  
23 behaviors. During these trainings mandated reporters shall  
24 complete the following: (1) a pretest to assess baseline  
25 implicit bias levels; (2) an implicit bias training task; and  
26 (3) a posttest to reevaluate bias levels after training. The

1 implicit bias curriculum for mandated reporters shall be  
2 developed within one year after the effective date of this  
3 amendatory Act of the 102nd General Assembly and shall be  
4 created in consultation with organizations demonstrating  
5 expertise and or experience in the areas of implicit bias,  
6 youth and adolescent developmental issues, prevention of child  
7 abuse, exploitation, and neglect, culturally diverse family  
8 systems, and the child welfare system.

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

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

23 Beginning January 1, 2021, if a mandated reporter receives  
24 licensure from the Department of Financial and Professional  
25 Regulation or the State Board of Education, and his or her  
26 profession has continuing education requirements, the training

1 mandated under this Section shall count toward meeting the  
2 licensee's required continuing education hours.

3 (k)(1) Medical personnel, as listed in paragraph (1) of  
4 subsection (a), who work with children in their professional  
5 or official capacity, must complete mandated reporter training  
6 at least every 6 years. Such medical personnel, if licensed,  
7 must attest at each time of 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.

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

26 (1) The Department shall provide copies of this Act, upon

1 request, to all employers employing persons who shall be  
2 required under the provisions of this Section to report under  
3 this Act.

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

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

22 (n) A child whose parent, guardian or custodian in good  
23 faith selects and depends upon spiritual means through prayer  
24 alone for the treatment or cure of disease or remedial care may  
25 be considered neglected or abused, but not for the sole reason  
26 that his parent, guardian or custodian accepts and practices

1 such beliefs.

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

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

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

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

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