



## 93RD GENERAL ASSEMBLY

### State of Illinois

#### 2003 and 2004

##### SB2181

Introduced 1/14/2004, by Debbie DeFrancesco Halvorson - M.  
Maggie Crotty - Susan Garrett, Christine Radogno

#### SYNOPSIS AS INTRODUCED:

510 ILCS 70/35 new  
325 ILCS 5/4 from Ch. 23, par. 2054  
325 ILCS 5/11.9 new  
30 ILCS 805/8.28 new

Amends the Humane Care for Animals Act and the Abused and Neglected Child Reporting Act. Provides that an animal control officer or a humane society investigator with reasonable cause to suspect or believe that a child is being abused or neglected or is in danger of being abused or neglected must immediately make a written or oral report to the Department of Children and Family Services. Provides that any person required to report suspected child abuse or neglect under the Abused and Neglected Child Reporting Act must also immediately report suspected animal abuse or neglect or danger of animal abuse or neglect to the Department of Agriculture's Bureau of Animal Welfare. Preempts home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB093 15423 RAS 41026 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning abuse.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by  
5 adding Section 35 as follows:

6 (510 ILCS 70/35 new)

7 Sec. 35. Cross-reporting.

8 (a) An animal control officer or humane society  
9 investigator who has reasonable cause to suspect or believe  
10 that a child is being abused or neglected or is in danger of  
11 being abused or neglected must immediately make a written or  
12 oral report to the Department of Children and Family Services.

13 (b) Any person who is required under the Abused and  
14 Neglected Child Reporting Act to make a report of suspected  
15 child abuse or neglect who has reasonable cause to suspect or  
16 believe that an animal is being abused or neglected or is in  
17 danger of being abused or neglected in violation of this Act  
18 must immediately make a written or oral report to the  
19 Department of Agriculture's Bureau of Animal Welfare.

20 (c) A home rule unit may not regulate the reporting of  
21 child abuse or neglect in a manner inconsistent with the  
22 provisions of this Section. This Section is a limitation under  
23 subsection (i) of Section 6 of Article VII of the Illinois  
24 Constitution on the concurrent exercise by home rule units of  
25 powers and functions exercised by the State.

26 Section 10. The Abused and Neglected Child Reporting Act is  
27 amended by changing Section 4 and by adding Section 11.9 as  
28 follows:

29 (325 ILCS 5/4) (from Ch. 23, par. 2054)

30 Sec. 4. Persons required to report; privileged

1 communications; transmitting false report. Any physician,  
2 resident, intern, hospital, hospital administrator and  
3 personnel engaged in examination, care and treatment of  
4 persons, surgeon, dentist, dentist hygienist, osteopath,  
5 chiropractor, podiatrist, physician assistant, substance abuse  
6 treatment personnel, funeral home director or employee,  
7 coroner, medical examiner, emergency medical technician,  
8 acupuncturist, crisis line or hotline personnel, school  
9 personnel, educational advocate assigned to a child pursuant to  
10 the School Code, truant officers, social worker, social  
11 services administrator, domestic violence program personnel,  
12 registered nurse, licensed practical nurse, respiratory care  
13 practitioner, advanced practice nurse, home health aide,  
14 director or staff assistant of a nursery school or a child day  
15 care center, recreational program or facility personnel, law  
16 enforcement officer, licensed professional counselor, licensed  
17 clinical professional counselor, registered psychologist and  
18 assistants working under the direct supervision of a  
19 psychologist, psychiatrist, or field personnel of the Illinois  
20 Department of Public Aid, Public Health, Human Services (acting  
21 as successor to the Department of Mental Health and  
22 Developmental Disabilities, Rehabilitation Services, or Public  
23 Aid), Corrections, Human Rights, or Children and Family  
24 Services, supervisor and administrator of general assistance  
25 under the Illinois Public Aid Code, probation officer, animal  
26 control officer or humane society investigator, or any other  
27 foster parent, homemaker or child care worker having reasonable  
28 cause to believe a child known to them in their professional or  
29 official capacity may be an abused child or a neglected child  
30 shall immediately report or cause a report to be made to the  
31 Department.

32 Any member of the clergy having reasonable cause to believe  
33 that a child known to that member of the clergy in his or her  
34 professional capacity may be an abused child as defined in item  
35 (c) of the definition of "abused child" in Section 3 of this  
36 Act shall immediately report or cause a report to be made to

1 the Department.

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

17 The privileged quality of communication between any  
18 professional person required to report and his patient or  
19 client shall not apply to situations involving abused or  
20 neglected children and shall not constitute grounds for failure  
21 to report as required by this Act.

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

24 In addition to the above persons required to report  
25 suspected cases of abused or neglected children, any other  
26 person may make a report if such person has reasonable cause to  
27 believe a child may be an abused child or a neglected child.

28 Any person who enters into employment on and after July 1,  
29 1986 and is mandated by virtue of that employment to report  
30 under this Act, shall sign a statement on a form prescribed by  
31 the Department, to the effect that the employee has knowledge  
32 and understanding of the reporting requirements of this Act.  
33 The statement shall be signed prior to commencement of the  
34 employment. The signed statement shall be retained by the  
35 employer. The cost of printing, distribution, and filing of the  
36 statement shall be borne by the employer.

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

5 Any person who knowingly transmits a false report to the  
6 Department commits the offense of disorderly conduct under  
7 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
8 1961". Any person who violates this provision a second or  
9 subsequent time shall be guilty of a Class 3 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 purpose  
18 of protecting or insulating any person or entity from arrest or  
19 prosecution, the person is guilty of a Class 4 felony for a  
20 first offense and a Class 3 felony for a second or subsequent  
21 offense (regardless of whether the second or subsequent offense  
22 involves any of the same facts or persons as the first or other  
23 prior offense).

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

30 A child shall not be considered neglected or abused solely  
31 because the child is not attending school in accordance with  
32 the requirements of Article 26 of the School Code, as amended.

33 A home rule unit may not regulate the reporting of child  
34 abuse or neglect in a manner inconsistent with the provisions  
35 of this Section. This Section is a limitation under subsection  
36 (i) of Section 6 of Article VII of the Illinois Constitution on

1 the concurrent exercise by home rule units of powers and  
2 functions exercised by the State.

3 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;  
4 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.  
5 8-5-03; revised 9-12-03.)

6 (325 ILCS 5/11.9 new)

7 Sec. 11.9. Cross-reporting.

8 (a) Any person required by this Act to make a report of  
9 suspected child abuse or neglect who has reasonable cause to  
10 suspect or believe that an animal is being abused or neglected  
11 or is in danger of being abused or neglected in violation of  
12 the Humane Care for Animals Act must immediately make a written  
13 or oral report to the Department of Agriculture's Bureau of  
14 Animal Welfare.

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

21 Section 90. The State Mandates Act is amended by adding  
22 Section 8.28 as follows:

23 (30 ILCS 805/8.28 new)

24 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8  
25 of this Act, no reimbursement by the State is required for the  
26 implementation of any mandate created by this amendatory Act of  
27 the 93rd General Assembly.

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.