



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1320**

Introduced 2/9/2005, by Rep. Karen A. Yarbrough

**SYNOPSIS AS INTRODUCED:**

325 ILCS 5/4

from Ch. 23, par. 2054

Amends the Abused and Neglected Child Reporting Act. Provides that a school administrator who has reasonable cause to believe that a child known to him or her in his or her official capacity may be an abused child or a neglected child and who fails to immediately report or cause a report to be made to the Department of Children and Family Services is guilty of a Class 4 felony (instead of a Class A misdemeanor) for a first offense and a Class 3 felony (instead of a Class 4 felony) for a second or subsequent offense. Effective immediately.

LRB094 08887 DRJ 39106 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged  
8 communications; transmitting false report. Any physician,  
9 resident, intern, hospital, hospital administrator and  
10 personnel engaged in examination, care and treatment of  
11 persons, surgeon, dentist, dentist hygienist, osteopath,  
12 chiropractor, podiatrist, physician assistant, substance abuse  
13 treatment personnel, funeral home director or employee,  
14 coroner, medical examiner, emergency medical technician,  
15 acupuncturist, crisis line or hotline personnel, school  
16 personnel, educational advocate assigned to a child pursuant to  
17 the School Code, truant officers, social worker, social  
18 services administrator, domestic violence program personnel,  
19 registered nurse, licensed practical nurse, genetic counselor,  
20 respiratory care practitioner, advanced practice nurse, home  
21 health aide, director or staff assistant of a nursery school or  
22 a child day care center, recreational program or facility  
23 personnel, law enforcement officer, licensed professional  
24 counselor, licensed clinical professional counselor,  
25 registered psychologist and assistants working under the  
26 direct supervision of a psychologist, psychiatrist, or field  
27 personnel of the Illinois Department of Public Aid, Public  
28 Health, Human Services (acting as successor to the Department  
29 of Mental Health and Developmental Disabilities,  
30 Rehabilitation Services, or Public Aid), Corrections, Human  
31 Rights, or Children and Family Services, supervisor and  
32 administrator of general assistance under the Illinois Public

1 Aid Code, probation officer, or any other foster parent,  
2 homemaker or child care worker having reasonable cause to  
3 believe a child known to them in their professional or official  
4 capacity may be an abused child or a neglected child shall  
5 immediately report or cause a report to be made to the  
6 Department.

7 Any member of the clergy having reasonable cause to believe  
8 that a child known to that member of the clergy in his or her  
9 professional capacity may be an abused child as defined in item  
10 (c) of the definition of "abused child" in Section 3 of this  
11 Act shall immediately report or cause a report to be made to  
12 the Department.

13 Whenever such person is required to report under this Act  
14 in his capacity as a member of the staff of a medical or other  
15 public or private institution, school, facility or agency, or  
16 as a member of the clergy, he shall make report immediately to  
17 the Department in accordance with the provisions of this Act  
18 and may also notify the person in charge of such institution,  
19 school, facility or agency, or church, synagogue, temple,  
20 mosque, or other religious institution, or his designated agent  
21 that such report has been made. Under no circumstances shall  
22 any person in charge of such institution, school, facility or  
23 agency, or church, synagogue, temple, mosque, or other  
24 religious institution, or his designated agent to whom such  
25 notification has been made, exercise any control, restraint,  
26 modification or other change in the report or the forwarding of  
27 such report to the Department.

28 The privileged quality of communication between any  
29 professional person required to report and his patient or  
30 client shall not apply to situations involving abused or  
31 neglected children and shall not constitute grounds for failure  
32 to report as required by this Act.

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

35 In addition to the above persons required to report  
36 suspected cases of abused or neglected children, any other

1 person may make a report if such person has reasonable cause to  
2 believe a child may be an abused child or a neglected child.

3 Any person who enters into employment on and after July 1,  
4 1986 and is mandated by virtue of that employment to report  
5 under this Act, shall sign a statement on a form prescribed by  
6 the Department, to the effect that the employee has knowledge  
7 and understanding of the reporting requirements of this Act.  
8 The statement shall be signed prior to commencement of the  
9 employment. The signed statement shall be retained by the  
10 employer. The cost of printing, distribution, and filing of the  
11 statement shall be borne by the employer.

12 The Department shall provide copies of this Act, upon  
13 request, to all employers employing persons who shall be  
14 required under the provisions of this Section to report under  
15 this Act.

16 Any person who knowingly transmits a false report to the  
17 Department commits the offense of disorderly conduct under  
18 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
19 1961". Any person who violates this provision a second or  
20 subsequent time shall be guilty of a Class 3 felony.

21 A school administrator who has reasonable cause to believe  
22 that a child known to him or her in his or her official  
23 capacity may be an abused child or a neglected child and who  
24 fails to immediately report or cause a report to be made to the  
25 Department as required by this Section is guilty of a Class 4  
26 felony for a first offense and a Class 3 felony for a second or  
27 subsequent offense.

28 Any person who knowingly and willfully violates any  
29 provision of this Section other than a second or subsequent  
30 violation of transmitting a false report as described in the  
31 preceding paragraph, is guilty of a Class A misdemeanor for a  
32 first violation and a Class 4 felony for a second or subsequent  
33 violation; except that if the person acted as part of a plan or  
34 scheme having as its object the prevention of discovery of an  
35 abused or neglected child by lawful authorities for the purpose  
36 of protecting or insulating any person or entity from arrest or

1 prosecution, the person is guilty of a Class 4 felony for a  
2 first offense and a Class 3 felony for a second or subsequent  
3 offense (regardless of whether the second or subsequent offense  
4 involves any of the same facts or persons as the first or other  
5 prior offense).

6 A child whose parent, guardian or custodian in good faith  
7 selects and depends upon spiritual means through prayer alone  
8 for the treatment or cure of disease or remedial care may be  
9 considered neglected or abused, but not for the sole reason  
10 that his parent, guardian or custodian accepts and practices  
11 such beliefs.

12 A child shall not be considered neglected or abused solely  
13 because the child is not attending school in accordance with  
14 the requirements of Article 26 of the School Code, as amended.  
15 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;  
16 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.  
17 8-5-03; 93-1041, eff. 9-29-04.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.