



Rep. Michelle Chavez

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09400HB1320ham001

LRB094 08887 DRJ 44793 a

1 AMENDMENT TO HOUSE BILL 1320

2 AMENDMENT NO. _____. Amend House Bill 1320 by replacing
3 everything after the enacting clause with the following:

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,

1 registered psychologist and assistants working under the
2 direct supervision of a psychologist, psychiatrist, or field
3 personnel of the Illinois Department of Public Aid, Public
4 Health, Human Services (acting as successor to the Department
5 of Mental Health and Developmental Disabilities,
6 Rehabilitation Services, or Public Aid), Corrections, Human
7 Rights, or Children and Family Services, supervisor and
8 administrator of general assistance under the Illinois Public
9 Aid Code, probation officer, or any other foster parent,
10 homemaker or child care worker having reasonable cause to
11 believe a child known to them in their professional or official
12 capacity may be an abused child or a neglected child shall
13 immediately report or cause a report to be made to the
14 Department.

15 Any member of the clergy having reasonable cause to believe
16 that a child known to that member of the clergy in his or her
17 professional capacity may be an abused child as defined in item
18 (c) of the definition of "abused child" in Section 3 of this
19 Act shall immediately report or cause a report to be made to
20 the Department.

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

1 such report to the Department.

2 The privileged quality of communication between any
3 professional person required to report and his patient or
4 client shall not apply to situations involving abused or
5 neglected children and shall not constitute grounds for failure
6 to report as required by this Act.

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

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

13 Any person who enters into employment on and after July 1,
14 1986 and is mandated by virtue of that employment to report
15 under this Act, shall sign a statement on a form prescribed by
16 the Department, to the effect that the employee has knowledge
17 and understanding of the reporting requirements of this Act.
18 The statement shall be signed prior to commencement of the
19 employment. The signed statement shall be retained by the
20 employer. The cost of printing, distribution, and filing of the
21 statement shall be borne by the employer.

22 The Department shall provide copies of this Act, upon
23 request, to all employers employing persons who shall be
24 required under the provisions of this Section to report under
25 this Act.

26 Any school administrator, school principal, school
27 teacher, school board member, or other school personnel having
28 reasonable cause to believe that a child known to that school
29 administrator, school principal, school teacher, school board
30 member, or other school personnel in his or her professional
31 capacity was the victim of a sex offense committed by a person
32 responsible for the child's welfare shall immediately report or
33 cause a report to be made to the Department. "Sex offense"
34 means any violation of Article 11 or Sections 12-13, 12-14,

1 12-14.1, 12-15, 12-16, or 12-16.2 of the Criminal Code of 1961.

2 Notwithstanding any other provision of this Section, a
3 school administrator, school principal, school teacher, school
4 board member, or other school personnel who knowingly and
5 willfully fails to report any suspected cases involving a sex
6 offense against a child committed by a person responsible for
7 the child's welfare as required by this Section is guilty of a
8 Class 4 felony for a first violation and a Class 3 felony for a
9 second or subsequent violation; except that if the school
10 administrator, school principal, school teacher, school board
11 member, or other school personnel acted as part of a plan or
12 scheme having as its object the prevention of discovery of a
13 child that was the victim of a sex offense by lawful
14 authorities for the purpose of protecting or insulating any
15 person or entity from arrest or prosecution, the person is
16 guilty of a Class 3 felony for a first offense and a Class 2
17 felony for a second or subsequent offense (regardless of
18 whether the second or subsequent offense involves any of the
19 same facts or persons as the first or other prior offense).

20 Any person who knowingly transmits a false report to the
21 Department commits the offense of disorderly conduct under
22 subsection (a)(7) of Section 26-1 of the "Criminal Code of
23 1961". Any person who violates this provision a second or
24 subsequent time shall be guilty of a Class 3 felony.

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

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

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

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

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