

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 school administrator, school principal, school
17 teacher, school board member, or other school personnel having
18 reasonable cause to believe that a child known to that school
19 administrator, school principal, school teacher, school board
20 member, or other school personnel in his or her professional
21 capacity was the victim of a sex offense committed by a person
22 responsible for the child's welfare shall immediately report or
23 cause a report to be made to the Department. "Sex offense"
24 means any violation of Article 11 or Sections 12-13, 12-14,
25 12-14.1, 12-15, 12-16, or 12-16.2 of the Criminal Code of 1961.

26 Notwithstanding any other provision of this Section, a
27 school administrator, school principal, school teacher, school
28 board member, or other school personnel who knowingly and
29 willfully fails to report any suspected cases involving a sex
30 offense against a child committed by a person responsible for
31 the child's welfare as required by this Section is guilty of a
32 Class 4 felony for a first violation and a Class 3 felony for a
33 second or subsequent violation; except that if the school
34 administrator, school principal, school teacher, school board
35 member, or other school personnel acted as part of a plan or
36 scheme having as its object the prevention of discovery of a

1 child that was the victim of a sex offense by lawful
2 authorities for the purpose of protecting or insulating any
3 person or entity from arrest or prosecution, the person is
4 guilty of a Class 3 felony for a first offense and a Class 2
5 felony for a second or subsequent offense (regardless of
6 whether the second or subsequent offense involves any of the
7 same facts or persons as the first or other prior offense).

8 Any person who knowingly transmits a false report to the
9 Department commits the offense of disorderly conduct under
10 subsection (a)(7) of Section 26-1 of the "Criminal Code of
11 1961". Any person who violates this provision a second or
12 subsequent time shall be guilty of a Class 3 felony.

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

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

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

36 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;

1 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
2 8-5-03; 93-1041, eff. 9-29-04.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.