



Rep. Robert S. Molaro

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09400HB2369ham001

LRB094 10422 DRJ 44993 a

1 AMENDMENT TO HOUSE BILL 2369

2 AMENDMENT NO. _____. Amend House Bill 2369 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 (including administrators and both certified and
17 non-certified school employees), educational advocate assigned
18 to a child pursuant to the School Code, truant officers, social
19 worker, social services administrator, domestic violence
20 program personnel, registered nurse, licensed practical nurse,
21 genetic counselor, respiratory care practitioner, advanced
22 practice nurse, home health aide, director or staff assistant
23 of a nursery school or a child day care center, recreational
24 program or facility personnel, law enforcement officer,

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

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

22 Any school board member who has actual knowledge that a
23 child who is enrolled in the school district of which he or she
24 is a board member is an abused child as defined in Section 3 of
25 this Act shall immediately report that knowledge to the
26 Department or cause such a report to be made to the Department.

27 Whenever such person is required to report under this Act
28 in his capacity as a member of the staff of a medical or other
29 public or private institution, school, facility or agency, or
30 as a member of the clergy, he shall make report immediately to
31 the Department in accordance with the provisions of this Act
32 and may also notify the person in charge of such institution,
33 school, facility or agency, or church, synagogue, temple,
34 mosque, or other religious institution, or his designated agent

1 that such report has been made. Under no circumstances shall
2 any person in charge of such institution, school, facility or
3 agency, or church, synagogue, temple, mosque, or other
4 religious institution, or his designated agent to whom such
5 notification has been made, exercise any control, restraint,
6 modification or other change in the report or the forwarding of
7 such report to the Department.

8 The privileged quality of communication between any
9 professional person required to report and his patient or
10 client shall not apply to situations involving abused or
11 neglected children and shall not constitute grounds for failure
12 to report as required by this Act.

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

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

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

28 Within one year after the effective date of this amendatory
29 Act of the 94th General Assembly or within one year after
30 becoming a mandated reporter, whichever is later, a person
31 mandated to report suspected abuse or neglect under this
32 Section must do one of the following:

33 (1) read the requirements of this Act concerning
34 mandated reporters, or read a document prepared by or

1 approved by the Department concerning child abuse and
2 neglect and the making of reports under this Section; or
3 (2) sign a statement, on a form prescribed by or
4 approved by the Department, to the effect that the person
5 understands his or her responsibilities under this
6 Section.

7 The Department shall provide copies of this Act, upon
8 request, to all employers employing persons who shall be
9 required under the provisions of this Section to report under
10 this Act.

11 Any person who knowingly transmits a false report to the
12 Department commits the offense of disorderly conduct under
13 subsection (a)(7) of Section 26-1 of the "Criminal Code of
14 1961". Any person who violates this provision a second or
15 subsequent time shall be guilty of a Class 3 felony.

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

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

1 such beliefs.

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

5 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;
6 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
7 8-5-03; 93-1041, eff. 9-29-04.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."