

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 Abandoned Newborn Infant Protection Act is
5 amended by changing Sections 10, 15, 20, 25, 27, 30, 35, 40,
6 50, 55, and 65 as follows:

7 (325 ILCS 2/10)

8 Sec. 10. Definitions. In this Act:

9 "Abandon" has the same meaning as in the Abused and
10 Neglected Child Reporting Act.

11 "Abused child" has the same meaning as in the Abused and
12 Neglected Child Reporting Act.

13 "Child-placing agency" means a licensed public or private
14 agency that receives a child for the purpose of placing or
15 arranging for the placement of the child in a foster family
16 home or other facility for child care, apart from the custody
17 of the child's parents.

18 "Department" or "DCFS" means the Illinois Department of
19 Children and Family Services.

20 "Emergency medical facility" means a freestanding
21 emergency center or trauma center, as defined in the Emergency
22 Medical Services (EMS) Systems Act.

23 "Emergency medical professional" includes licensed
24 physicians, and any emergency medical technician-basic,
25 emergency medical technician-intermediate, emergency medical
26 technician-paramedic, trauma nurse specialist, and
27 pre-hospital RN, as defined in the Emergency Medical Services
28 (EMS) Systems Act.

29 "Fire station" means a fire station within the State that
30 is staffed with at least one full-time emergency medical
31 professional.

32 "Hospital" has the same meaning as in the Hospital

1 Licensing Act.

2 "House of worship" means a building that is routinely used
3 for religious ceremonies and worship services.

4 "Legal custody" means the relationship created by a court
5 order in the best interest of a newborn infant that imposes on
6 the infant's custodian the responsibility of physical
7 possession of the infant, the duty to protect, train, and
8 discipline the infant, and the duty to provide the infant with
9 food, shelter, education, and medical care, except as these are
10 limited by parental rights and responsibilities.

11 "Neglected child" has the same meaning as in the Abused and
12 Neglected Child Reporting Act.

13 "Newborn infant" means a child who a licensed physician
14 reasonably believes is 72 hours old or less at the time the
15 child is initially relinquished to a house of worship,
16 hospital, police station, fire station, or emergency medical
17 facility, and who is not an abused or a neglected child.

18 "Police station" means a municipal police station or a
19 county sheriff's office.

20 "Relinquish" means to bring a newborn infant, who a
21 licensed physician reasonably believes is 72 hours old or less,
22 to a house of worship, hospital, police station, fire station,
23 or emergency medical facility and to leave the infant with
24 personnel of the facility, if the person leaving the infant
25 does not express an intent to return for the infant or states
26 that he or she will not return for the infant. In the case of a
27 mother who gives birth to an infant in a hospital, the mother's
28 act of leaving that newborn infant at the hospital (i) without
29 expressing an intent to return for the infant or (ii) stating
30 that she will not return for the infant is not a
31 "relinquishment" under this Act.

32 "Temporary protective custody" means the temporary
33 placement of a newborn infant within a hospital or other
34 medical facility out of the custody of the infant's parent.

35 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
36 93-820, eff. 7-27-04.)

1 (325 ILCS 2/15)

2 Sec. 15. Presumptions.

3 (a) There is a presumption that by relinquishing a newborn
4 infant in accordance with this Act, the infant's parent
5 consents to the termination of his or her parental rights with
6 respect to the infant.

7 (b) There is a presumption that a person relinquishing a
8 newborn infant in accordance with this Act:

9 (1) is the newborn infant's biological parent; and

10 (2) either without expressing an intent to return for
11 the infant or expressing an intent not to return for the
12 infant, did intend to relinquish the infant to the house of
13 worship, hospital, police station, fire station, or
14 emergency medical facility to treat, care for, and provide
15 for the infant in accordance with this Act.

16 (c) A parent of a relinquished newborn infant may rebut the
17 presumption set forth in either subsection (a) or subsection
18 (b) pursuant to Section 55, at any time before the termination
19 of the parent's parental rights.

20 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
21 93-820, eff. 7-27-04.)

22 (325 ILCS 2/20)

23 Sec. 20. Procedures with respect to relinquished newborn
24 infants.

25 (a) Hospitals. Every hospital must accept and provide all
26 necessary emergency services and care to a relinquished newborn
27 infant, in accordance with this Act. The hospital shall examine
28 a relinquished newborn infant and perform tests that, based on
29 reasonable medical judgment, are appropriate in evaluating
30 whether the relinquished newborn infant was abused or
31 neglected.

32 The act of relinquishing a newborn infant serves as implied
33 consent for the hospital and its medical personnel and
34 physicians on staff to treat and provide care for the infant.

1 The hospital shall be deemed to have temporary protective
2 custody of a relinquished newborn infant until the infant is
3 discharged to the custody of a child-placing agency or the
4 Department.

5 (b) Fire stations and emergency medical facilities. Every
6 fire station and emergency medical facility must accept and
7 provide all necessary emergency services and care to a
8 relinquished newborn infant, in accordance with this Act.

9 The act of relinquishing a newborn infant serves as implied
10 consent for the fire station or emergency medical facility and
11 its emergency medical professionals to treat and provide care
12 for the infant, to the extent that those emergency medical
13 professionals are trained to provide those services.

14 After the relinquishment of a newborn infant to a fire
15 station or emergency medical facility, the fire station or
16 emergency medical facility's personnel must arrange for the
17 transportation of the infant to the nearest hospital as soon as
18 transportation can be arranged.

19 If the parent of a newborn infant returns to reclaim the
20 child within 72 hours after relinquishing the child to a fire
21 station or emergency medical facility, the fire station or
22 emergency medical facility must inform the parent of the name
23 and location of the hospital to which the infant was
24 transported.

25 (c) Police stations. Every police station must accept a
26 relinquished newborn infant, in accordance with this Act. After
27 the relinquishment of a newborn infant to a police station, the
28 police station must arrange for the transportation of the
29 infant to the nearest hospital as soon as transportation can be
30 arranged. The act of relinquishing a newborn infant serves as
31 implied consent for the hospital to which the infant is
32 transported and that hospital's medical personnel and
33 physicians on staff to treat and provide care for the infant.

34 If the parent of a newborn infant returns to reclaim the
35 infant within 72 hours after relinquishing the infant to a
36 police station, the police station must inform the parent of

1 the name and location of the hospital to which the infant was
2 transported.

3 (d) Houses of worship. A house of worship may accept a
4 relinquished newborn infant only if it has been authorized to
5 do so under this Act by the Department. After the
6 relinquishment of a newborn infant to a house of worship, the
7 house of worship must arrange for the transportation of the
8 infant to the nearest hospital as soon as transportation can be
9 arranged. The act of relinquishing a newborn infant serves as
10 implied consent for the hospital to which the infant is
11 transported and that hospital's medical personnel and
12 physicians on staff to treat and provide care for the infant.
13 If the parent of a newborn infant returns to reclaim the infant
14 within 72 hours after relinquishing the infant to a house of
15 worship, the house of worship must inform the parent of the
16 name and location of the hospital to which the infant was
17 transported.

18 The Department shall adopt rules setting forth the
19 criteria, standards, and procedures for authorizing houses of
20 worship to accept relinquished newborn infants under this Act
21 and for designating or identifying those houses of worship as
22 places where a parent may relinquish a newborn infant under
23 this Act. The rules shall include the following provisions:

24 (1) A house of worship must apply to the Department for
25 authorization to accept relinquished newborn infants.

26 (2) The authorization shall be valid for no longer than
27 one year, and a house of worship must apply for renewed
28 authorization for each succeeding year.

29 (3) A house of worship shall be subject to inspection
30 by the Department at the time of an initial or renewed
31 authorization to verify that it meets the criteria and
32 standards established by the Department for the acceptance
33 of relinquished newborn infants.

34 (4) Only a house of worship that has been authorized by
35 the Department to accept relinquished newborn infants
36 under this Act may conduct a public information campaign to

1 alert the public about the provisions of this subsection.

2 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
3 93-820, eff. 7-27-04.)

4 (325 ILCS 2/25)

5 Sec. 25. Immunity for relinquishing person.

6 (a) The act of relinquishing a newborn infant to a house of
7 worship, hospital, police station, fire station, or emergency
8 medical facility in accordance with this Act does not, by
9 itself, constitute a basis for a finding of abuse, neglect, or
10 abandonment of the infant pursuant to the laws of this State
11 nor does it, by itself, constitute a violation of Section
12 12-21.5 or 12-21.6 of the Criminal Code of 1961.

13 (b) If there is suspected child abuse or neglect that is
14 not based solely on the newborn infant's relinquishment to a
15 house of worship, hospital, police station, fire station, or
16 emergency medical facility, the personnel of the house of
17 worship, hospital, police station, fire station, or emergency
18 medical facility who are mandated reporters under the Abused
19 and Neglected Child Reporting Act must report the abuse or
20 neglect pursuant to that Act.

21 (c) Neither a child protective investigation nor a criminal
22 investigation may be initiated solely because a newborn infant
23 is relinquished pursuant to this Act.

24 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
25 93-820, eff. 7-27-04.)

26 (325 ILCS 2/27)

27 Sec. 27. Immunity of facility and personnel. A house of
28 worship, hospital, police station, fire station, or emergency
29 medical facility, and any personnel of a house of worship,
30 hospital, police station, fire station, or emergency medical
31 facility, are immune from criminal or civil liability for
32 acting in good faith in accordance with this Act. Nothing in
33 this Act limits liability for negligence for care and medical
34 treatment.

1 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
2 93-820, eff. 7-27-04.)

3 (325 ILCS 2/30)

4 Sec. 30. Anonymity of relinquishing person. If there is no
5 evidence of abuse or neglect of a relinquished newborn infant,
6 the relinquishing person has the right to remain anonymous and
7 to leave the house of worship, hospital, police station, fire
8 station, or emergency medical facility at any time and not be
9 pursued or followed. Before the relinquishing person leaves the
10 house of worship, hospital, police station, fire station, or
11 emergency medical facility, the house of worship, hospital,
12 police station, fire station, or emergency medical facility
13 personnel shall (i) verbally inform the relinquishing person
14 that by relinquishing the child anonymously, he or she will
15 have to petition the court if he or she desires to prevent the
16 termination of parental rights and regain custody of the child
17 and (ii) shall offer the relinquishing person the information
18 packet described in Section 35 of this Act. However, nothing in
19 this Act shall be construed as precluding the relinquishing
20 person from providing his or her identity or completing the
21 application forms for the Illinois Adoption Registry and
22 Medical Information Exchange and requesting that the house of
23 worship, hospital, police station, fire station, or emergency
24 medical facility forward those forms to the Illinois Adoption
25 Registry and Medical Information Exchange.

26 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
27 93-820, eff. 7-27-04.)

28 (325 ILCS 2/35)

29 Sec. 35. Information for relinquishing person. A house of
30 worship, hospital, police station, fire station, or emergency
31 medical facility that receives a newborn infant relinquished in
32 accordance with this Act must offer an information packet to
33 the relinquishing person and, if possible, must clearly inform
34 the relinquishing person that his or her acceptance of the

1 information is completely voluntary, that registration with
2 the Illinois Adoption Registry and Medical Information
3 Exchange is voluntary, that the person will remain anonymous if
4 he or she completes a Denial of Information Exchange, and that
5 the person has the option to provide medical information only
6 and still remain anonymous. The information packet must include
7 all of the following:

8 (1) All Illinois Adoption Registry and Medical
9 Information Exchange application forms, including the
10 Medical Information Exchange Questionnaire and the web
11 site address and toll-free phone number of the Registry.

12 (2) Written notice of the following:

13 (A) No sooner than 60 days following the date of
14 the initial relinquishment of the infant to a house of
15 worship, hospital, police station, fire station, or
16 emergency medical facility, the child-placing agency
17 or the Department will commence proceedings for the
18 termination of parental rights and placement of the
19 infant for adoption.

20 (B) Failure of a parent of the infant to contact
21 the Department and petition for the return of custody
22 of the infant before termination of parental rights
23 bars any future action asserting legal rights with
24 respect to the infant.

25 (3) A resource list of providers of counseling services
26 including grief counseling, pregnancy counseling, and
27 counseling regarding adoption and other available options
28 for placement of the infant.

29 Upon request, the Department of Public Health shall provide
30 the application forms for the Illinois Adoption Registry and
31 Medical Information Exchange to houses of worship, hospitals,
32 police stations, fire stations, and emergency medical
33 facilities.

34 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
35 93-820, eff. 7-27-04.)

1 (325 ILCS 2/40)

2 Sec. 40. Reporting requirements.

3 (a) Within 12 hours after accepting a newborn infant from a
4 relinquishing person or from a house of worship, police
5 station, fire station, or emergency medical facility in
6 accordance with this Act, a hospital must report to the
7 Department's State Central Registry for the purpose of
8 transferring physical custody of the infant from the hospital
9 to either a child-placing agency or the Department.

10 (b) Within 24 hours after receiving a report under
11 subsection (a), the Department must request assistance from law
12 enforcement officials to investigate the matter using the
13 National Crime Information Center to ensure that the
14 relinquished newborn infant is not a missing child.

15 (c) Once a hospital has made a report to the Department
16 under subsection (a), the Department must arrange for a
17 licensed child-placing agency to accept physical custody of the
18 relinquished newborn infant.

19 (d) If a relinquished child is not a newborn infant as
20 defined in this Act, the hospital and the Department must
21 proceed as if the child is an abused or neglected child.

22 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
23 93-820, eff. 7-27-04.)

24 (325 ILCS 2/50)

25 Sec. 50. Child-placing agency procedures.

26 (a) The Department's State Central Registry must maintain a
27 list of licensed child-placing agencies willing to take legal
28 custody of newborn infants relinquished in accordance with this
29 Act. The child-placing agencies on the list must be contacted
30 by the Department on a rotating basis upon notice from a
31 hospital that a newborn infant has been relinquished in
32 accordance with this Act.

33 (b) Upon notice from the Department that a newborn infant
34 has been relinquished in accordance with this Act, a
35 child-placing agency must accept the newborn infant if the

1 agency has the accommodations to do so. The child-placing
2 agency must seek an order for legal custody of the infant upon
3 its acceptance of the infant.

4 (c) Within 3 business days after assuming physical custody
5 of the infant, the child-placing agency shall file a petition
6 in the division of the circuit court in which petitions for
7 adoption would normally be heard. The petition shall allege
8 that the newborn infant has been relinquished in accordance
9 with this Act and shall state that the child-placing agency
10 intends to place the infant in an adoptive home.

11 (d) If no licensed child-placing agency is able to accept
12 the relinquished newborn infant, then the Department must
13 assume responsibility for the infant as soon as practicable.

14 (e) A custody order issued under subsection (b) shall
15 remain in effect until a final adoption order based on the
16 relinquished newborn infant's best interests is issued in
17 accordance with this Act and the Adoption Act.

18 (f) When possible, the child-placing agency must place a
19 relinquished newborn infant in a prospective adoptive home.

20 (g) The Department or child-placing agency must initiate
21 proceedings to (i) terminate the parental rights of the
22 relinquished newborn infant's known or unknown parents, (ii)
23 appoint a guardian for the infant, and (iii) obtain consent to
24 the infant's adoption in accordance with this Act no sooner
25 than 60 days following the date of the initial relinquishment
26 of the infant to the house of worship, hospital, police
27 station, fire station, or emergency medical facility.

28 (h) Before filing a petition for termination of parental
29 rights, the Department or child-placing agency must do the
30 following:

31 (1) Search its Putative Father Registry for the purpose
32 of determining the identity and location of the putative
33 father of the relinquished newborn infant who is, or is
34 expected to be, the subject of an adoption proceeding, in
35 order to provide notice of the proceeding to the putative
36 father. At least one search of the Registry must be

1 conducted, at least 30 days after the relinquished newborn
2 infant's estimated date of birth; earlier searches may be
3 conducted, however. Notice to any potential putative
4 father discovered in a search of the Registry according to
5 the estimated age of the relinquished newborn infant must
6 be in accordance with Section 12a of the Adoption Act.

7 (2) Verify with law enforcement officials, using the
8 National Crime Information Center, that the relinquished
9 newborn infant is not a missing child.

10 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
11 93-820, eff. 7-27-04.)

12 (325 ILCS 2/55)

13 Sec. 55. Petition for return of custody.

14 (a) A parent of a newborn infant relinquished in accordance
15 with this Act may petition for the return of custody of the
16 infant before the termination of parental rights with respect
17 to the infant.

18 (b) A parent of a newborn infant relinquished in accordance
19 with this Act may petition for the return of custody of the
20 infant by contacting the Department for the purpose of
21 obtaining the name of the child-placing agency and then filing
22 a petition for return of custody in the circuit court in which
23 the proceeding for the termination of parental rights is
24 pending.

25 (c) If a petition for the termination of parental rights
26 has not been filed by the Department or the child-placing
27 agency, the parent of the relinquished newborn infant must
28 contact the Department, which must notify the parent of the
29 appropriate court in which the petition for return of custody
30 must be filed.

31 (d) The circuit court may hold the proceeding for the
32 termination of parental rights in abeyance for a period not to
33 exceed 60 days from the date that the petition for return of
34 custody was filed without a showing of good cause. During that
35 period:

1 (1) The court shall order genetic testing to establish
2 maternity or paternity, or both.

3 (2) The Department shall conduct a child protective
4 investigation and home study to develop recommendations to
5 the court.

6 (3) When indicated as a result of the Department's
7 investigation and home study, further proceedings under
8 the Juvenile Court Act of 1987 as the court determines
9 appropriate, may be conducted. However, relinquishment of
10 a newborn infant in accordance with this Act does not
11 render the infant abused, neglected, or abandoned solely
12 because the newborn infant was relinquished to a house of
13 worship, hospital, police station, fire station, or
14 emergency medical facility in accordance with this Act.

15 (e) Failure to file a petition for the return of custody of
16 a relinquished newborn infant before the termination of
17 parental rights bars any future action asserting legal rights
18 with respect to the infant unless the parent's act of
19 relinquishment that led to the termination of parental rights
20 involved fraud perpetrated against and not stemming from or
21 involving the parent. No action to void or revoke the
22 termination of parental rights of a parent of a newborn infant
23 relinquished in accordance with this Act, including an action
24 based on fraud, may be commenced after 12 months after the date
25 that the newborn infant was initially relinquished to a house
26 of worship, hospital, police station, fire station, or
27 emergency medical facility.

28 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
29 93-820, eff. 7-27-04.)

30 (325 ILCS 2/65)

31 Sec. 65. Evaluation.

32 (a) The Department shall collect and analyze information
33 regarding the relinquishment of newborn infants and placement
34 of children under this Act. Houses of worship, police ~~Police~~
35 stations, fire stations, emergency medical facilities, and

1 medical professionals accepting and providing services to a
2 newborn infant under this Act shall report to the Department
3 data necessary for the Department to evaluate and determine the
4 effect of this Act in the prevention of injury or death of
5 newborn infants. Child-placing agencies shall report to the
6 Department data necessary to evaluate and determine the
7 effectiveness of these agencies in providing child protective
8 and child welfare services to newborn infants relinquished
9 under this Act.

10 (b) The information collected shall include, but need not
11 be limited to: the number of newborn infants relinquished; the
12 services provided to relinquished newborn infants; the outcome
13 of care for the relinquished newborn infants; the number and
14 disposition of cases of relinquished newborn infants subject to
15 placement; the number of children accepted and served by
16 child-placing agencies; and the services provided by
17 child-placing agencies and the disposition of the cases of the
18 children placed under this Act.

19 (c) The Department shall submit a report by January 1,
20 2002, and on January 1 of each year thereafter, to the Governor
21 and General Assembly regarding the prevention of injury or
22 death of newborn infants and the effect of placements of
23 children under this Act. The report shall include, but need not
24 be limited to, a summary of collected data, an analysis of the
25 data and conclusions regarding the Act's effectiveness, a
26 determination whether the purposes of the Act are being
27 achieved, and recommendations for changes that may be
28 considered necessary to improve the administration and
29 enforcement of this Act.

30 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
31 93-820, eff. 7-27-04.)

32 Section 10. The Abused and Neglected Child Reporting Act is
33 amended by changing Section 4 as follows:

34 (325 ILCS 5/4) (from Ch. 23, par. 2054)

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

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

1 Act shall immediately report or cause a report to be made to
2 the Department.

3 Any personnel of a house of worship that accepts the
4 relinquishment of a newborn infant pursuant to the Abandoned
5 Newborn Infant Protection Act shall immediately report the
6 relinquishment to the Department or cause such a report to be
7 made to the Department. As used in this paragraph, "house of
8 worship" has the meaning ascribed to that term in the Abandoned
9 Newborn Infant Protection Act.

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

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

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

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

36 Any person who enters into employment on and after July 1,

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

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

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

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

32 A child whose parent, guardian or custodian in good faith
33 selects and depends upon spiritual means through prayer alone
34 for the treatment or cure of disease or remedial care may be
35 considered neglected or abused, but not for the sole reason
36 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; revised 12-15-05.)