



Rep. Monique D. Davis

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LRB094 17347 DRJ 56020 a

1 AMENDMENT TO HOUSE BILL 4544

2 AMENDMENT NO. _____. Amend House Bill 4544 by replacing
3 everything after the enacting clause with the following:

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,

1 emergency medical technician-intermediate, emergency medical
2 technician-paramedic, trauma nurse specialist, and
3 pre-hospital RN, as defined in the Emergency Medical Services
4 (EMS) Systems Act.

5 "Fire station" means a fire station within the State that
6 is staffed with at least one full-time emergency medical
7 professional.

8 "Hospital" has the same meaning as in the Hospital
9 Licensing Act.

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

12 "Legal custody" means the relationship created by a court
13 order in the best interest of a newborn infant that imposes on
14 the infant's custodian the responsibility of physical
15 possession of the infant, the duty to protect, train, and
16 discipline the infant, and the duty to provide the infant with
17 food, shelter, education, and medical care, except as these are
18 limited by parental rights and responsibilities.

19 "Neglected child" has the same meaning as in the Abused and
20 Neglected Child Reporting Act.

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

26 "Police station" means a municipal police station or a
27 county sheriff's office.

28 "Relinquish" means to bring a newborn infant, who a
29 licensed physician reasonably believes is 72 hours old or less,
30 to a house of worship, hospital, police station, fire station,
31 or emergency medical facility and to leave the infant with
32 personnel of the facility, if the person leaving the infant
33 does not express an intent to return for the infant or states
34 that he or she will not return for the infant. In the case of a

1 mother who gives birth to an infant in a hospital, the mother's
2 act of leaving that newborn infant at the hospital (i) without
3 expressing an intent to return for the infant or (ii) stating
4 that she will not return for the infant is not a
5 "relinquishment" under this Act.

6 "Temporary protective custody" means the temporary
7 placement of a newborn infant within a hospital or other
8 medical facility out of the custody of the infant's parent.

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

11 (325 ILCS 2/15)

12 Sec. 15. Presumptions.

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

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

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

20 (2) either without expressing an intent to return for
21 the infant or expressing an intent not to return for the
22 infant, did intend to relinquish the infant to the house of
23 worship, hospital, police station, fire station, or
24 emergency medical facility to treat, care for, and provide
25 for the infant in accordance with this Act.

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

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

32 (325 ILCS 2/20)

1 Sec. 20. Procedures with respect to relinquished newborn
2 infants.

3 (a) Hospitals. Every hospital must accept and provide all
4 necessary emergency services and care to a relinquished newborn
5 infant, in accordance with this Act. The hospital shall examine
6 a relinquished newborn infant and perform tests that, based on
7 reasonable medical judgment, are appropriate in evaluating
8 whether the relinquished newborn infant was abused or
9 neglected.

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

13 The hospital shall be deemed to have temporary protective
14 custody of a relinquished newborn infant until the infant is
15 discharged to the custody of a child-placing agency or the
16 Department.

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

21 The act of relinquishing a newborn infant serves as implied
22 consent for the fire station or emergency medical facility and
23 its emergency medical professionals to treat and provide care
24 for the infant, to the extent that those emergency medical
25 professionals are trained to provide those services.

26 After the relinquishment of a newborn infant to a fire
27 station or emergency medical facility, the fire station or
28 emergency medical facility's personnel must arrange for the
29 transportation of the infant to the nearest hospital as soon as
30 transportation can be arranged.

31 If the parent of a newborn infant returns to reclaim the
32 child within 72 hours after relinquishing the child to a fire
33 station or emergency medical facility, the fire station or
34 emergency medical facility must inform the parent of the name

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

3 (c) Police stations. Every police station must accept a
4 relinquished newborn infant, in accordance with this Act. After
5 the relinquishment of a newborn infant to a police station, the
6 police station must arrange for the transportation of the
7 infant to the nearest hospital as soon as transportation can be
8 arranged. The act of relinquishing a newborn infant serves as
9 implied consent for the hospital to which the infant is
10 transported and that hospital's medical personnel and
11 physicians on staff to treat and provide care for the infant.

12 If the parent of a newborn infant returns to reclaim the
13 infant within 72 hours after relinquishing the infant to a
14 police station, the police station must inform the parent of
15 the name and location of the hospital to which the infant was
16 transported.

17 (d) Houses of worship. A house of worship may accept a
18 relinquished newborn infant only if it has been authorized to
19 do so under this Act by the Department. After the
20 relinquishment of a newborn infant to a house of worship, the
21 house of worship must arrange for the transportation of the
22 infant to the nearest hospital as soon as transportation can be
23 arranged. The act of relinquishing a newborn infant serves as
24 implied consent for the hospital to which the infant is
25 transported and that hospital's medical personnel and
26 physicians on staff to treat and provide care for the infant.
27 If the parent of a newborn infant returns to reclaim the infant
28 within 72 hours after relinquishing the infant to a house of
29 worship, the house of worship must inform the parent of the
30 name and location of the hospital to which the infant was
31 transported.

32 The Department shall adopt rules setting forth the
33 criteria, standards, and procedures for authorizing houses of
34 worship to accept relinquished newborn infants under this Act

1 and for designating or identifying those houses of worship as
2 places where a parent may relinquish a newborn infant under
3 this Act. The rules shall include the following provisions:

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

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

9 (3) A house of worship shall be subject to inspection
10 by the Department at the time of an initial or renewed
11 authorization to verify that it meets the criteria and
12 standards established by the Department for the acceptance
13 of relinquished newborn infants.

14 (4) Only a house of worship that has been authorized by
15 the Department to accept relinquished newborn infants
16 under this Act may conduct a public information campaign to
17 alert the public about the provisions of this subsection.

18 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
19 93-820, eff. 7-27-04.)

20 (325 ILCS 2/25)

21 Sec. 25. Immunity for relinquishing person.

22 (a) The act of relinquishing a newborn infant to a house of
23 worship, hospital, police station, fire station, or emergency
24 medical facility in accordance with this Act does not, by
25 itself, constitute a basis for a finding of abuse, neglect, or
26 abandonment of the infant pursuant to the laws of this State
27 nor does it, by itself, constitute a violation of Section
28 12-21.5 or 12-21.6 of the Criminal Code of 1961.

29 (b) If there is suspected child abuse or neglect that is
30 not based solely on the newborn infant's relinquishment to a
31 house of worship, hospital, police station, fire station, or
32 emergency medical facility, the personnel of the house of
33 worship, hospital, police station, fire station, or emergency

1 medical facility who are mandated reporters under the Abused
2 and Neglected Child Reporting Act must report the abuse or
3 neglect pursuant to that Act.

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

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

9 (325 ILCS 2/27)

10 Sec. 27. Immunity of facility and personnel. A house of
11 worship, hospital, police station, fire station, or emergency
12 medical facility, and any personnel of a house of worship,
13 hospital, police station, fire station, or emergency medical
14 facility, are immune from criminal or civil liability for
15 acting in good faith in accordance with this Act. Nothing in
16 this Act limits liability for negligence for care and medical
17 treatment.

18 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
19 93-820, eff. 7-27-04.)

20 (325 ILCS 2/30)

21 Sec. 30. Anonymity of relinquishing person. If there is no
22 evidence of abuse or neglect of a relinquished newborn infant,
23 the relinquishing person has the right to remain anonymous and
24 to leave the house of worship, hospital, police station, fire
25 station, or emergency medical facility at any time and not be
26 pursued or followed. Before the relinquishing person leaves the
27 house of worship, hospital, police station, fire station, or
28 emergency medical facility, the house of worship, hospital,
29 police station, fire station, or emergency medical facility
30 personnel shall (i) verbally inform the relinquishing person
31 that by relinquishing the child anonymously, he or she will
32 have to petition the court if he or she desires to prevent the

1 termination of parental rights and regain custody of the child
2 and (ii) shall offer the relinquishing person the information
3 packet described in Section 35 of this Act. However, nothing in
4 this Act shall be construed as precluding the relinquishing
5 person from providing his or her identity or completing the
6 application forms for the Illinois Adoption Registry and
7 Medical Information Exchange and requesting that the house of
8 worship, hospital, police station, fire station, or emergency
9 medical facility forward those forms to the Illinois Adoption
10 Registry and Medical Information Exchange.

11 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
12 93-820, eff. 7-27-04.)

13 (325 ILCS 2/35)

14 Sec. 35. Information for relinquishing person. A house of
15 worship, hospital, police station, fire station, or emergency
16 medical facility that receives a newborn infant relinquished in
17 accordance with this Act must offer an information packet to
18 the relinquishing person and, if possible, must clearly inform
19 the relinquishing person that his or her acceptance of the
20 information is completely voluntary, that registration with
21 the Illinois Adoption Registry and Medical Information
22 Exchange is voluntary, that the person will remain anonymous if
23 he or she completes a Denial of Information Exchange, and that
24 the person has the option to provide medical information only
25 and still remain anonymous. The information packet must include
26 all of the following:

27 (1) All Illinois Adoption Registry and Medical
28 Information Exchange application forms, including the
29 Medical Information Exchange Questionnaire and the web
30 site address and toll-free phone number of the Registry.

31 (2) Written notice of the following:

32 (A) No sooner than 60 days following the date of
33 the initial relinquishment of the infant to a house of

1 worship, hospital, police station, fire station, or
2 emergency medical facility, the child-placing agency
3 or the Department will commence proceedings for the
4 termination of parental rights and placement of the
5 infant for adoption.

6 (B) Failure of a parent of the infant to contact
7 the Department and petition for the return of custody
8 of the infant before termination of parental rights
9 bars any future action asserting legal rights with
10 respect to the infant.

11 (3) A resource list of providers of counseling services
12 including grief counseling, pregnancy counseling, and
13 counseling regarding adoption and other available options
14 for placement of the infant.

15 Upon request, the Department of Public Health shall provide
16 the application forms for the Illinois Adoption Registry and
17 Medical Information Exchange to houses of worship, hospitals,
18 police stations, fire stations, and emergency medical
19 facilities.

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 2/40)

23 Sec. 40. Reporting requirements.

24 (a) Within 12 hours after accepting a newborn infant from a
25 relinquishing person or from a house of worship, police
26 station, fire station, or emergency medical facility in
27 accordance with this Act, a hospital must report to the
28 Department's State Central Registry for the purpose of
29 transferring physical custody of the infant from the hospital
30 to either a child-placing agency or the Department.

31 (b) Within 24 hours after receiving a report under
32 subsection (a), the Department must request assistance from law
33 enforcement officials to investigate the matter using the

1 National Crime Information Center to ensure that the
2 relinquished newborn infant is not a missing child.

3 (c) Once a hospital has made a report to the Department
4 under subsection (a), the Department must arrange for a
5 licensed child-placing agency to accept physical custody of the
6 relinquished newborn infant.

7 (d) If a relinquished child is not a newborn infant as
8 defined in this Act, the hospital and the Department must
9 proceed as if the child is an abused or neglected 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 2/50)

13 Sec. 50. Child-placing agency procedures.

14 (a) The Department's State Central Registry must maintain a
15 list of licensed child-placing agencies willing to take legal
16 custody of newborn infants relinquished in accordance with this
17 Act. The child-placing agencies on the list must be contacted
18 by the Department on a rotating basis upon notice from a
19 hospital that a newborn infant has been relinquished in
20 accordance with this Act.

21 (b) Upon notice from the Department that a newborn infant
22 has been relinquished in accordance with this Act, a
23 child-placing agency must accept the newborn infant if the
24 agency has the accommodations to do so. The child-placing
25 agency must seek an order for legal custody of the infant upon
26 its acceptance of the infant.

27 (c) Within 3 business days after assuming physical custody
28 of the infant, the child-placing agency shall file a petition
29 in the division of the circuit court in which petitions for
30 adoption would normally be heard. The petition shall allege
31 that the newborn infant has been relinquished in accordance
32 with this Act and shall state that the child-placing agency
33 intends to place the infant in an adoptive home.

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

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

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

10 (g) The Department or child-placing agency must initiate
11 proceedings to (i) terminate the parental rights of the
12 relinquished newborn infant's known or unknown parents, (ii)
13 appoint a guardian for the infant, and (iii) obtain consent to
14 the infant's adoption in accordance with this Act no sooner
15 than 60 days following the date of the initial relinquishment
16 of the infant to the house of worship, hospital, police
17 station, fire station, or emergency medical facility.

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

21 (1) Search its Putative Father Registry for the purpose
22 of determining the identity and location of the putative
23 father of the relinquished newborn infant who is, or is
24 expected to be, the subject of an adoption proceeding, in
25 order to provide notice of the proceeding to the putative
26 father. At least one search of the Registry must be
27 conducted, at least 30 days after the relinquished newborn
28 infant's estimated date of birth; earlier searches may be
29 conducted, however. Notice to any potential putative
30 father discovered in a search of the Registry according to
31 the estimated age of the relinquished newborn infant must
32 be in accordance with Section 12a of the Adoption Act.

33 (2) Verify with law enforcement officials, using the
34 National Crime Information Center, that the relinquished

1 newborn infant is not a missing child.

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 2/55)

5 Sec. 55. Petition for return of custody.

6 (a) A parent of a newborn infant relinquished in accordance
7 with this Act may petition for the return of custody of the
8 infant before the termination of parental rights with respect
9 to the infant.

10 (b) A parent of a newborn infant relinquished in accordance
11 with this Act may petition for the return of custody of the
12 infant by contacting the Department for the purpose of
13 obtaining the name of the child-placing agency and then filing
14 a petition for return of custody in the circuit court in which
15 the proceeding for the termination of parental rights is
16 pending.

17 (c) If a petition for the termination of parental rights
18 has not been filed by the Department or the child-placing
19 agency, the parent of the relinquished newborn infant must
20 contact the Department, which must notify the parent of the
21 appropriate court in which the petition for return of custody
22 must be filed.

23 (d) The circuit court may hold the proceeding for the
24 termination of parental rights in abeyance for a period not to
25 exceed 60 days from the date that the petition for return of
26 custody was filed without a showing of good cause. During that
27 period:

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

30 (2) The Department shall conduct a child protective
31 investigation and home study to develop recommendations to
32 the court.

33 (3) When indicated as a result of the Department's

1 investigation and home study, further proceedings under
2 the Juvenile Court Act of 1987 as the court determines
3 appropriate, may be conducted. However, relinquishment of
4 a newborn infant in accordance with this Act does not
5 render the infant abused, neglected, or abandoned solely
6 because the newborn infant was relinquished to a house of
7 worship, hospital, police station, fire station, or
8 emergency medical facility in accordance with this Act.

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

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 2/65)

25 Sec. 65. Evaluation.

26 (a) The Department shall collect and analyze information
27 regarding the relinquishment of newborn infants and placement
28 of children under this Act. Houses of worship, police ~~Police~~
29 stations, fire stations, emergency medical facilities, and
30 medical professionals accepting and providing services to a
31 newborn infant under this Act shall report to the Department
32 data necessary for the Department to evaluate and determine the
33 effect of this Act in the prevention of injury or death of

1 newborn infants. Child-placing agencies shall report to the
2 Department data necessary to evaluate and determine the
3 effectiveness of these agencies in providing child protective
4 and child welfare services to newborn infants relinquished
5 under this Act.

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

15 (c) The Department shall submit a report by January 1,
16 2002, and on January 1 of each year thereafter, to the Governor
17 and General Assembly regarding the prevention of injury or
18 death of newborn infants and the effect of placements of
19 children under this Act. The report shall include, but need not
20 be limited to, a summary of collected data, an analysis of the
21 data and conclusions regarding the Act's effectiveness, a
22 determination whether the purposes of the Act are being
23 achieved, and recommendations for changes that may be
24 considered necessary to improve the administration and
25 enforcement of this Act.

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

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

30 (325 ILCS 5/4) (from Ch. 23, par. 2054)

31 Sec. 4. Persons required to report; privileged
32 communications; transmitting false report. Any physician,

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

31 Any member of the clergy having reasonable cause to believe
32 that a child known to that member of the clergy in his or her
33 professional capacity may be an abused child as defined in item
34 (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

1 believe a child may be an abused child or a neglected child.

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

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

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

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

34 A child whose parent, guardian or custodian in good faith

1 selects and depends upon spiritual means through prayer alone
2 for the treatment or cure of disease or remedial care may be
3 considered neglected or abused, but not for the sole reason
4 that his parent, guardian or custodian accepts and practices
5 such beliefs.

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

9 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;
10 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
11 8-5-03; 93-1041, eff. 9-29-04; revised 12-15-05.)".