



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0208**

Introduced 2/2/2005, by Sen. Martin A. Sandoval

**SYNOPSIS AS INTRODUCED:**

325 ILCS 5/4

from Ch. 23, par. 2054

Amends the Abused and Neglected Child Reporting Act. Adds members of a school board, the Chicago Board of Education, or the governing body of a private school as mandated reporters. Provides that any person who knowingly and willfully violates any mandated-reporter provision of the Act other than a second or subsequent violation of transmitting a false report is guilty of a Class 4 felony (instead of a Class A misdemeanor) for a first violation and a Class 3 (instead of Class 4) felony for a second or subsequent violation. Effective immediately.

LRB094 08003 DRJ 38489 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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, member of a school board or the Chicago Board  
18 of Education or the governing body of a private school, truant  
19 officers, social worker, social services administrator,  
20 domestic violence program personnel, registered nurse,  
21 licensed practical nurse, genetic counselor, respiratory care  
22 practitioner, advanced practice nurse, home health aide,  
23 director or staff assistant of a nursery school or a child day  
24 care center, recreational program or facility personnel, law  
25 enforcement officer, licensed professional counselor, licensed  
26 clinical professional counselor, registered psychologist and  
27 assistants working under the direct supervision of a  
28 psychologist, psychiatrist, or field personnel of the Illinois  
29 Department of Public Aid, Public Health, Human Services (acting  
30 as successor to the Department of Mental Health and  
31 Developmental Disabilities, Rehabilitation Services, or Public  
32 Aid), Corrections, Human Rights, or Children and Family

1 Services, supervisor and administrator of general assistance  
2 under the Illinois Public Aid Code, probation officer, or any  
3 other foster parent, homemaker or child care worker having  
4 reasonable cause to believe a child known to them in their  
5 professional or official capacity may be an abused child or a  
6 neglected child shall immediately report or cause a report to  
7 be made to the Department.

8 Any member of the clergy having reasonable cause to believe  
9 that a child known to that member of the clergy in his or her  
10 professional capacity may be an abused child as defined in item  
11 (c) of the definition of "abused child" in Section 3 of this  
12 Act shall immediately report or cause a report to be made to  
13 the Department.

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

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

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

36 In addition to the above persons required to report

1 suspected cases of abused or neglected children, any other  
2 person may make a report if such person has reasonable cause to  
3 believe a child may be an abused child or a neglected child.

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

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

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

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

36 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.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.