

1 AN ACT in relation to 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 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise  
8 requires:

9 "Child" means any person under the age of 18 years, unless  
10 legally emancipated by reason of marriage or entry into a  
11 branch of the United States armed services.

12 "Department" means Department of Children and Family  
13 Services.

14 "Local law enforcement agency" means the police of a city,  
15 town, village or other incorporated area or the sheriff of an  
16 unincorporated area or any sworn officer of the Illinois  
17 Department of State Police.

18 "Abused child" means a child whose parent or immediate  
19 family member, or any person responsible for the child's  
20 welfare, or any individual residing in the same home as the  
21 child, or a paramour of the child's parent:

22 (a) inflicts, causes to be inflicted, or allows to be  
23 inflicted upon such child physical injury, by other than

1 accidental means, which causes death, disfigurement,  
2 impairment of physical or emotional health, or loss or  
3 impairment of any bodily function;

4 (b) creates a substantial risk of physical injury to  
5 such child by other than accidental means which would be  
6 likely to cause death, disfigurement, impairment of  
7 physical or emotional health, or loss or impairment of any  
8 bodily function;

9 (c) commits or allows to be committed any sex offense  
10 against such child, as such sex offenses are defined in the  
11 Criminal Code of 1961, as amended, and extending those  
12 definitions of sex offenses to include children under 18  
13 years of age;

14 (d) commits or allows to be committed an act or acts of  
15 torture upon such child;

16 (e) inflicts excessive corporal punishment;

17 (f) commits or allows to be committed the offense of  
18 female genital mutilation, as defined in Section 12-34 of  
19 the Criminal Code of 1961, against the child; or

20 (g) causes to be sold, transferred, distributed, or  
21 given to such child under 18 years of age, a controlled  
22 substance as defined in Section 102 of the Illinois  
23 Controlled Substances Act in violation of Article IV of the  
24 Illinois Controlled Substances Act or in violation of the  
25 Methamphetamine Control and Community Protection Act,  
26 except for controlled substances that are prescribed in

1           accordance with Article III of the Illinois Controlled  
2           Substances Act and are dispensed to such child in a manner  
3           that substantially complies with the prescription.

4           A child shall not be considered abused for the sole reason  
5           that the child has been relinquished in accordance with the  
6           Abandoned Newborn Infant Protection Act.

7           "Neglected child" means any child who is not receiving the  
8           proper or necessary nourishment or medically indicated  
9           treatment including food or care not provided solely on the  
10          basis of the present or anticipated mental or physical  
11          impairment as determined by a physician acting alone or in  
12          consultation with other physicians or otherwise is not  
13          receiving the proper or necessary support or medical or other  
14          remedial care recognized under State law as necessary for a  
15          child's well-being, or other care necessary for his or her  
16          well-being, including adequate food, clothing and shelter; or  
17          who is abandoned by his or her parents or other person  
18          responsible for the child's welfare without a proper plan of  
19          care; or who has been provided with interim crisis intervention  
20          services under Section 3-5 of the Juvenile Court Act of 1987  
21          and whose parent, guardian, or custodian refuses to permit the  
22          child to return home and no other living arrangement agreeable  
23          to the parent, guardian, or custodian can be made, and the  
24          parent, guardian, or custodian has not made any other  
25          appropriate living arrangement for the child; or who is a  
26          newborn infant whose blood, urine, or meconium contains any

1 amount of a controlled substance as defined in subsection (f)  
2 of Section 102 of the Illinois Controlled Substances Act or a  
3 metabolite thereof, with the exception of a controlled  
4 substance or metabolite thereof whose presence in the newborn  
5 infant is the result of medical treatment administered to the  
6 mother or the newborn infant. A child shall not be considered  
7 neglected for the sole reason that the child's parent or other  
8 person responsible for his or her welfare has left the child in  
9 the care of an adult relative for any period of time. A child  
10 shall not be considered neglected for the sole reason that the  
11 child has been relinquished in accordance with the Abandoned  
12 Newborn Infant Protection Act. A child shall not be considered  
13 neglected or abused for the sole reason that such child's  
14 parent or other person responsible for his or her welfare  
15 depends upon spiritual means through prayer alone for the  
16 treatment or cure of disease or remedial care as provided under  
17 Section 4 of this Act. A child shall not be considered  
18 neglected or abused solely because the child is not attending  
19 school in accordance with the requirements of Article 26 of The  
20 School Code, as amended.

21 "Child Protective Service Unit" means certain specialized  
22 State employees of the Department assigned by the Director to  
23 perform the duties and responsibilities as provided under  
24 Section 7.2 of this Act.

25 "Person responsible for the child's welfare" means the  
26 child's parent; guardian; foster parent; relative caregiver;

1 any person responsible for the child's welfare in a public or  
2 private residential agency or institution; any person  
3 responsible for the child's welfare within a public or private  
4 profit or not for profit child care facility; or any other  
5 person responsible for the child's welfare at the time of the  
6 alleged abuse or neglect, or any person who came to know the  
7 child through an official capacity or position of trust,  
8 including but not limited to health care professionals,  
9 educational personnel, recreational supervisors, members of  
10 the clergy, and volunteers or support personnel in any setting  
11 where children may be subject to abuse or neglect.

12 "Temporary protective custody" means custody within a  
13 hospital or other medical facility or a place previously  
14 designated for such custody by the Department, subject to  
15 review by the Court, including a licensed foster home, group  
16 home, or other institution; but such place shall not be a jail  
17 or other place for the detention of criminal or juvenile  
18 offenders.

19 "An unfounded report" means any report made under this Act  
20 for which it is determined after an investigation that no  
21 credible evidence of abuse or neglect exists.

22 "An indicated report" means a report made under this Act if  
23 an investigation determines that credible evidence of the  
24 alleged abuse or neglect exists.

25 "An undetermined report" means any report made under this  
26 Act in which it was not possible to initiate or complete an

1 investigation on the basis of information provided to the  
2 Department.

3 "Subject of report" means any child reported to the central  
4 register of child abuse and neglect established under Section  
5 7.7 of this Act and his or her parent, guardian or other person  
6 responsible who is also named in the report.

7 "Perpetrator" means a person who, as a result of  
8 investigation, has been determined by the Department to have  
9 caused child abuse or neglect.

10 "Member of the clergy" means a clergyman or practitioner of  
11 any religious denomination accredited by the religious body to  
12 which he or she belongs.

13 (Source: P.A. 94-556, eff. 9-11-05.)

14 Section 10. The Juvenile Court Act of 1987 is amended by  
15 changing Sections 2-3 and 3-5 as follows:

16 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

17 Sec. 2-3. Neglected or abused minor.

18 (1) Those who are neglected include:

19 (a) any minor under 18 years of age who is not  
20 receiving the proper or necessary support, education as  
21 required by law, or medical or other remedial care  
22 recognized under State law as necessary for a minor's  
23 well-being, or other care necessary for his or her  
24 well-being, including adequate food, clothing and shelter,

1 or who is abandoned by his or her parents or other person  
2 responsible for the minor's welfare, except that a minor  
3 shall not be considered neglected for the sole reason that  
4 the minor's parent or other person responsible for the  
5 minor's welfare has left the minor in the care of an adult  
6 relative for any period of time; or

7 (b) any minor under 18 years of age whose environment  
8 is injurious to his or her welfare; or

9 (c) any newborn infant whose blood, urine, or meconium  
10 contains any amount of a controlled substance as defined in  
11 subsection (f) of Section 102 of the Illinois Controlled  
12 Substances Act, as now or hereafter amended, or a  
13 metabolite of a controlled substance, with the exception of  
14 controlled substances or metabolites of such substances,  
15 the presence of which in the newborn infant is the result  
16 of medical treatment administered to the mother or the  
17 newborn infant; or

18 (d) any minor under the age of 14 years whose parent or  
19 other person responsible for the minor's welfare leaves the  
20 minor without supervision for an unreasonable period of  
21 time without regard for the mental or physical health,  
22 safety, or welfare of that minor; or -

23 (e) any minor who has been provided with interim crisis  
24 intervention services under Section 3-5 of this Act and  
25 whose parent, guardian, or custodian refuses to permit the  
26 minor to return home unless the minor is an immediate

1       physical danger to himself, herself, or others living in  
2       the home.

3       Whether the minor was left without regard for the mental or  
4       physical health, safety, or welfare of that minor or the period  
5       of time was unreasonable shall be determined by considering the  
6       following factors, including but not limited to:

7               (1) the age of the minor;

8               (2) the number of minors left at the location;

9               (3) special needs of the minor, including whether the  
10       minor is physically or mentally handicapped, or otherwise  
11       in need of ongoing prescribed medical treatment such as  
12       periodic doses of insulin or other medications;

13              (4) the duration of time in which the minor was left  
14       without supervision;

15              (5) the condition and location of the place where the  
16       minor was left without supervision;

17              (6) the time of day or night when the minor was left  
18       without supervision;

19              (7) the weather conditions, including whether the  
20       minor was left in a location with adequate protection from  
21       the natural elements such as adequate heat or light;

22              (8) the location of the parent or guardian at the time  
23       the minor was left without supervision, the physical  
24       distance the minor was from the parent or guardian at the  
25       time the minor was without supervision;

26              (9) whether the minor's movement was restricted, or the

1 minor was otherwise locked within a room or other  
2 structure;

3 (10) whether the minor was given a phone number of a  
4 person or location to call in the event of an emergency and  
5 whether the minor was capable of making an emergency call;

6 (11) whether there was food and other provision left  
7 for the minor;

8 (12) whether any of the conduct is attributable to  
9 economic hardship or illness and the parent, guardian or  
10 other person having physical custody or control of the  
11 child made a good faith effort to provide for the health  
12 and safety of the minor;

13 (13) the age and physical and mental capabilities of  
14 the person or persons who provided supervision for the  
15 minor;

16 (14) whether the minor was left under the supervision  
17 of another person;

18 (15) any other factor that would endanger the health  
19 and safety of that particular minor.

20 A minor shall not be considered neglected for the sole  
21 reason that the minor has been relinquished in accordance with  
22 the Abandoned Newborn Infant Protection Act.

23 (2) Those who are abused include any minor under 18 years  
24 of age whose parent or immediate family member, or any person  
25 responsible for the minor's welfare, or any person who is in  
26 the same family or household as the minor, or any individual

1 residing in the same home as the minor, or a paramour of the  
2 minor's parent:

3 (i) inflicts, causes to be inflicted, or allows to be  
4 inflicted upon such minor physical injury, by other than  
5 accidental means, which causes death, disfigurement,  
6 impairment of physical or emotional health, or loss or  
7 impairment of any bodily function;

8 (ii) creates a substantial risk of physical injury to  
9 such minor by other than accidental means which would be  
10 likely to cause death, disfigurement, impairment of  
11 emotional health, or loss or impairment of any bodily  
12 function;

13 (iii) commits or allows to be committed any sex offense  
14 against such minor, as such sex offenses are defined in the  
15 Criminal Code of 1961, as amended, and extending those  
16 definitions of sex offenses to include minors under 18  
17 years of age;

18 (iv) commits or allows to be committed an act or acts  
19 of torture upon such minor; or

20 (v) inflicts excessive corporal punishment.

21 A minor shall not be considered abused for the sole reason  
22 that the minor has been relinquished in accordance with the  
23 Abandoned Newborn Infant Protection Act.

24 (3) This Section does not apply to a minor who would be  
25 included herein solely for the purpose of qualifying for  
26 financial assistance for himself, his parents, guardian or

1       custodian.

2       (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

3               (705 ILCS 405/3-5) (from Ch. 37, par. 803-5)

4       Sec. 3-5. Interim crisis intervention services. (a) Any  
5       minor who is taken into limited custody, or who independently  
6       requests or is referred for assistance, may be provided crisis  
7       intervention services by an agency or association, as defined  
8       in this Act, provided the association or agency staff (i)  
9       immediately investigate the circumstances of the minor and the  
10      facts surrounding the minor being taken into custody and  
11      promptly explain these facts and circumstances to the minor,  
12      and (ii) make a reasonable effort to inform the minor's parent,  
13      guardian or custodian of the fact that the minor has been taken  
14      into limited custody and where the minor is being kept, and  
15      (iii) if the minor consents, make a reasonable effort to  
16      transport, arrange for the transportation of, or otherwise  
17      release the minor to the parent, guardian or custodian. Upon  
18      release of the child who is believed to need or benefit from  
19      medical, psychological, psychiatric or social services, the  
20      association or agency may inform the minor and the person to  
21      whom the minor is released of the nature and location of  
22      appropriate services and shall, if requested, assist in  
23      establishing contact between the family and other associations  
24      or agencies providing such services. If the agency or  
25      association is unable by all reasonable efforts to contact a

1 parent, guardian or custodian, or if the person contacted lives  
2 an unreasonable distance away, or if the minor refuses to be  
3 taken to his or her home or other appropriate residence, or if  
4 the agency or association is otherwise unable despite all  
5 reasonable efforts to make arrangements for the safe return of  
6 the minor, the minor may be taken to a temporary living  
7 arrangement which is in compliance with the Child Care Act of  
8 1969 or which is with persons agreed to by the parents and the  
9 agency or association.

10 (b) An agency or association is authorized to permit a  
11 minor to be sheltered in a temporary living arrangement  
12 provided the agency seeks to effect the minor's return home or  
13 alternative living arrangements agreeable to the minor and the  
14 parent, guardian or custodian as soon as practicable. No minor  
15 shall be sheltered in a temporary living arrangement for more  
16 than 48 hours, excluding Saturdays, Sundays, and  
17 court-designated holidays, when the agency has reported the  
18 minor as neglected or abused because the parent, guardian, or  
19 custodian refuses to permit the child to return home, provided  
20 that in all other instances the minor may be sheltered when the  
21 agency obtains the consent of the parent, guardian, or  
22 custodian or documents its unsuccessful efforts to obtain the  
23 consent or authority of the parent, guardian, or custodian,  
24 including recording the date and the staff involved in all  
25 telephone calls, telegrams, letters, and personal contacts to  
26 obtain the consent or authority, in which instances the minor

1 may be so sheltered for not more than 21 days. If the parent,  
2 guardian or custodian refuses to permit the minor to return  
3 home, and no other living arrangement agreeable to ~~the minor~~  
4 ~~and~~ the parent, guardian, or custodian can be made, and the  
5 parent, guardian, or custodian has not made any other  
6 appropriate living arrangement for the child, the agency may  
7 deem the minor to be neglected and report the neglect to the  
8 Department of Children and Family Services as provided in the  
9 Abused and Neglected Child Reporting Act. The Child Protective  
10 Service Unit of the Department of Children and Family Services  
11 shall begin an investigation of the report within 24 hours  
12 after receiving the report and shall determine whether to ~~shall~~  
13 file a petition alleging that the minor is neglected or abused  
14 as described in Section 2-3 of this Act. Subject to  
15 appropriation, the Department may take the minor into temporary  
16 protective custody at any time after receiving the report,  
17 provided that the Department shall take temporary protective  
18 custody within 48 hours of receiving the report if its  
19 investigation is not completed. If the Department of Children  
20 and Family Services determines that the minor is not a  
21 neglected minor because the minor is an immediate physical  
22 danger to himself, herself, or others living in the home, then  
23 the Department shall take immediate steps to either secure the  
24 minor's immediate admission to a mental health facility,  
25 arrange for law enforcement authorities to take temporary  
26 custody of the minor as a delinquent minor, or take other

1 appropriate action to assume protective custody in order to  
2 safeguard the minor or others living in the home from immediate  
3 physical danger. ~~No minor shall be sheltered in a temporary~~  
4 ~~living arrangement for more than 48 hours, excluding Saturdays,~~  
5 ~~Sundays and court designated holidays, without parental~~  
6 ~~consent unless the agency documents its unsuccessful efforts to~~  
7 ~~contact a parent or guardian, including recording the date and~~  
8 ~~time and staff involved in all telephone calls, telegrams,~~  
9 ~~letters, and personal contacts to obtain the consent or~~  
10 ~~authority, in which case the minor may be so sheltered for not~~  
11 ~~more than 21 days.~~

12 (c) Any agency or association or employee thereof acting  
13 reasonably and in good faith in the care of a minor being  
14 provided interim crisis intervention services and shelter care  
15 shall be immune from any civil or criminal liability resulting  
16 from such care.

17 (Source: P.A. 85-601.)