



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1428

Introduced 2/9/2007, 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.

LRB095 11074 DRJ 31400 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 (including administrators and both certified and  
17 non-certified school employees), educational advocate assigned  
18 to a child pursuant to the School Code, member of a school  
19 board or the Chicago Board of Education or the governing body  
20 of a private school, truant officers, social worker, social  
21 services administrator, domestic violence program personnel,  
22 registered nurse, licensed practical nurse, genetic counselor,  
23 respiratory care practitioner, advanced practice nurse, home

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

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

25 If an allegation is raised to a school board member during  
26 the course of an open or closed school board meeting that a

1 child who is enrolled in the school district of which he or she  
2 is a board member is an abused child as defined in Section 3 of  
3 this Act, the member shall direct or cause the school board to  
4 direct the superintendent of the school district or other  
5 equivalent school administrator to comply with the  
6 requirements of this Act concerning the reporting of child  
7 abuse. For purposes of this paragraph, a school board member is  
8 granted the authority in his or her individual capacity to  
9 direct the superintendent of the school district or other  
10 equivalent school administrator to comply with the  
11 requirements of this Act concerning the reporting of child  
12 abuse.

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

1 such report to the Department.

2 The privileged quality of communication between any  
3 professional person required to report and his patient or  
4 client shall not apply to situations involving abused or  
5 neglected children and shall not constitute grounds for failure  
6 to report as required by this Act.

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

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

13 Any person who enters into employment on and after July 1,  
14 1986 and is mandated by virtue of that employment to report  
15 under this Act, shall sign a statement on a form prescribed by  
16 the Department, to the effect that the employee has knowledge  
17 and understanding of the reporting requirements of this Act.  
18 The statement shall be signed prior to commencement of the  
19 employment. The signed statement shall be retained by the  
20 employer. The cost of printing, distribution, and filing of the  
21 statement shall be borne by the employer.

22 The Department shall provide copies of this Act, upon  
23 request, to all employers employing persons who shall be  
24 required under the provisions of this Section to report under  
25 this Act.

26 Any person who knowingly transmits a false report to the

1 Department commits the offense of disorderly conduct under  
2 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
3 1961". Any person who violates this provision a second or  
4 subsequent time shall be guilty of a Class 3 felony.

5 Any person who knowingly and willfully violates any  
6 provision of this Section other than a second or subsequent  
7 violation of transmitting a false report as described in the  
8 preceding paragraph, is guilty of a Class 4 felony ~~Class A~~  
9 ~~misdemeanor~~ for a first violation and a Class 3 4 felony for a  
10 second or subsequent violation. If  ~~, except that if~~ the person  
11 acted as part of a plan or scheme having as its object the  
12 prevention of discovery of an abused or neglected child by  
13 lawful authorities for the purpose of protecting or insulating  
14 any person or entity from arrest or prosecution, the person is  
15 guilty of a Class 4 felony for a first offense and a Class 3  
16 felony for a second or subsequent offense (regardless of  
17 whether the second or subsequent offense involves any of the  
18 same facts or persons as the first or other prior offense).

19 A child whose parent, guardian or custodian in good faith  
20 selects and depends upon spiritual means through prayer alone  
21 for the treatment or cure of disease or remedial care may be  
22 considered neglected or abused, but not for the sole reason  
23 that his parent, guardian or custodian accepts and practices  
24 such beliefs.

25 A child shall not be considered neglected or abused solely  
26 because the child is not attending school in accordance with

1 the requirements of Article 26 of the School Code, as amended.  
2 (Source: P.A. 93-137, eff. 7-10-03; 93-356, eff. 7-24-03;  
3 93-431, eff. 8-5-03; 93-1041, eff. 9-29-04; 94-888, eff.  
4 6-20-06.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.