

1 AN ACT concerning abuse.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by
5 adding Section 18 as follows:

6 (510 ILCS 70/18 new)

7 Sec. 18. Cross-reporting.

8 (a) An animal control officer, Department investigator, or
9 approved humane investigator who has reasonable cause to
10 suspect or believe that a child is being abused or neglected or
11 is in danger of being abused or neglected must immediately make
12 a written or oral report to the Department of Children and
13 Family Services.

14 (b) Investigation Specialists, Intact Family Specialists,
15 and Placement Specialists employed by the Department of
16 Children and Family Services who reasonably believe that an
17 animal observed by them when in their professional or official
18 capacity is being abused or neglected in violation of this Act
19 must immediately make a written or oral report to the
20 Department of Agriculture's Bureau of Animal Health and
21 Welfare.

22 (c) Except for willful and wanton misconduct, any person,
23 institution, or agency described in subsection (a) or (b),

1 participating in good faith in the making of a report or
2 referral, or in the investigation of such a report or referral,
3 or in making a disclosure of information concerning reports of
4 abuse or neglect under this Act, shall have immunity from any
5 liability, civil, criminal, or otherwise, that might result by
6 reason of such actions.

7 (d) The identity of any person who reports animal abuse or
8 neglect under subsection (a) or (b) shall be confidential and
9 shall not be disclosed except as specifically authorized by
10 this Act or other applicable law.

11 (e) A home rule unit may not regulate the reporting of
12 child abuse or neglect in a manner inconsistent with the
13 provisions of this Section. This Section is a limitation under
14 subsection (i) of Section 6 of Article VII of the Illinois
15 Constitution on the concurrent exercise by home rule units of
16 powers and functions exercised by the State.

17 Section 10. The Abused and Neglected Child Reporting Act is
18 amended by changing Section 4 and by adding Section 11.8 as
19 follows:

20 (325 ILCS 5/4) (from Ch. 23, par. 2054)

21 Sec. 4. Persons required to report; privileged
22 communications; transmitting false report. Any physician,
23 resident, intern, hospital, hospital administrator and
24 personnel engaged in examination, care and treatment of

1 persons, surgeon, dentist, dentist hygienist, osteopath,
2 chiropractor, podiatrist, physician assistant, substance abuse
3 treatment personnel, funeral home director or employee,
4 coroner, medical examiner, emergency medical technician,
5 acupuncturist, crisis line or hotline personnel, school
6 personnel (including administrators and both certified and
7 non-certified school employees), educational advocate assigned
8 to a child pursuant to the School Code, member of a school
9 board or the Chicago Board of Education or the governing body
10 of a private school (but only to the extent required in
11 accordance with other provisions of this Section expressly
12 concerning the duty of school board members to report suspected
13 child abuse), truant officers, social worker, social services
14 administrator, domestic violence program personnel, registered
15 nurse, licensed practical nurse, genetic counselor,
16 respiratory care practitioner, advanced practice nurse, home
17 health aide, director or staff assistant of a nursery school or
18 a child day care center, recreational program or facility
19 personnel, law enforcement officer, licensed professional
20 counselor, licensed clinical professional counselor,
21 registered psychologist and assistants working under the
22 direct supervision of a psychologist, psychiatrist, or field
23 personnel of the Department of Healthcare and Family Services,
24 Juvenile Justice, Public Health, Human Services (acting as
25 successor to the Department of Mental Health and Developmental
26 Disabilities, Rehabilitation Services, or Public Aid),

1 Corrections, Human Rights, or Children and Family Services,
2 supervisor and administrator of general assistance under the
3 Illinois Public Aid Code, probation officer, animal control
4 officer or Illinois Department of Agriculture Bureau of Animal
5 Health and Welfare field investigator, or any other foster
6 parent, homemaker or child care worker having reasonable cause
7 to believe a child known to them in their professional or
8 official capacity may be an abused child or a neglected child
9 shall immediately report or cause a report to be made to the
10 Department.

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

17 If an allegation is raised to a school board member during
18 the course of an open or closed school board meeting that a
19 child who is enrolled in the school district of which he or she
20 is a board member is an abused child as defined in Section 3 of
21 this Act, the member shall direct or cause the school board to
22 direct the superintendent of the school district or other
23 equivalent school administrator to comply with the
24 requirements of this Act concerning the reporting of child
25 abuse. For purposes of this paragraph, a school board member is
26 granted the authority in his or her individual capacity to

1 direct the superintendent of the school district or other
2 equivalent school administrator to comply with the
3 requirements of this Act concerning the reporting of child
4 abuse.

5 Notwithstanding any other provision of this Act, if an
6 employee of a school district has made a report or caused a
7 report to be made to the Department under this Act involving
8 the conduct of a current or former employee of the school
9 district and a request is made by another school district for
10 the provision of information concerning the job performance or
11 qualifications of the current or former employee because he or
12 she is an applicant for employment with the requesting school
13 district, the general superintendent of the school district to
14 which the request is being made must disclose to the requesting
15 school district the fact that an employee of the school
16 district has made a report involving the conduct of the
17 applicant or caused a report to be made to the Department, as
18 required under this Act. Only the fact that an employee of the
19 school district has made a report involving the conduct of the
20 applicant or caused a report to be made to the Department may
21 be disclosed by the general superintendent of the school
22 district to which the request for information concerning the
23 applicant is made, and this fact may be disclosed only in cases
24 where the employee and the general superintendent have not been
25 informed by the Department that the allegations were unfounded.
26 An employee of a school district who is or has been the subject

1 of a report made pursuant to this Act during his or her
2 employment with the school district must be informed by that
3 school district that if he or she applies for employment with
4 another school district, the general superintendent of the
5 former school district, upon the request of the school district
6 to which the employee applies, shall notify that requesting
7 school district that the employee is or was the subject of such
8 a report.

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

24 The privileged quality of communication between any
25 professional person required to report and his patient or
26 client shall not apply to situations involving abused or

1 neglected children and shall not constitute grounds for failure
2 to report as required by this Act.

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

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

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

18 The Department shall provide copies of this Act, upon
19 request, to all employers employing persons who shall be
20 required under the provisions of this Section to report under
21 this Act.

22 Any person who knowingly transmits a false report to the
23 Department commits the offense of disorderly conduct under
24 subsection (a)(7) of Section 26-1 of the "Criminal Code of
25 1961". Any person who violates this provision a second or
26 subsequent time shall be guilty of a Class 3 felony.

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

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

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

24 Nothing in this Act prohibits a mandated reporter who
25 reasonably believes that an animal is being abused or neglected
26 in violation of the Humane Care for Animals Act from reporting

1 animal abuse or neglect to the Department of Agriculture's
2 Bureau of Animal Health and Welfare.

3 A home rule unit may not regulate the reporting of child
4 abuse or neglect in a manner inconsistent with the provisions
5 of this Section. This Section is a limitation under subsection
6 (i) of Section 6 of Article VII of the Illinois Constitution on
7 the concurrent exercise by home rule units of powers and
8 functions exercised by the State.

9 (Source: P.A. 94-888, eff. 6-20-06; 95-10, eff. 6-30-07;
10 95-461, eff. 8-27-07; 95-876, eff. 8-21-08; 95-908, eff.
11 8-26-08.)

12 (325 ILCS 5/11.8 new)

13 Sec. 11.8. Cross-reporting.

14 (a) Investigation Specialists, Intact Family Specialists,
15 and Placement Specialists employed by the Department of
16 Children and Family Services who reasonably believe that an
17 animal observed by them when in their professional or official
18 capacity is being abused or neglected in violation of the
19 Humane Care for Animals Act must immediately make a written or
20 oral report to the Department of Agriculture's Bureau of Animal
21 Health and Welfare.

22 (b) A home rule unit may not regulate the reporting of
23 child abuse or neglect in a manner inconsistent with the
24 provisions of this Section. This Section is a limitation under
25 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by home rule units of
2 powers and functions exercised by the State.

3 Section 15. The State Mandates Act is amended by adding
4 Section 8.33 as follows:

5 (30 ILCS 805/8.33 new)

6 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
7 of this Act, no reimbursement by the State is required for the
8 implementation of any mandate created by this amendatory Act of
9 the 96th General Assembly.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.