

SB2050



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2050

Introduced 2/20/2009, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

325 ILCS 5/3

from Ch. 23, par. 2053

Amends the Abused and Neglected Child Reporting Act. Provides that "abused child" means a child with respect to whom any person inflicts injury or commits other specified acts (instead of meaning a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent, commits any of those acts).

LRB096 11291 DRJ 21720 b

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 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 with respect to whom any
19 person ~~whose parent or immediate family member, or any person~~
20 ~~responsible for the child's welfare, or any individual residing~~
21 ~~in the same home as the child, or a paramour of the child's~~
22 ~~parent:~~

23 (a) inflicts, causes to be inflicted, or allows to be

1 inflicted upon such child physical injury, by other than
2 accidental means, which causes death, disfigurement,
3 impairment of physical or emotional health, or loss or
4 impairment of any bodily function;

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

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

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

17 (e) inflicts excessive corporal punishment;

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

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

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

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

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

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

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

26 "Person responsible for the child's welfare" means the

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

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

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

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

26 "An undetermined report" means any report made under this

1 Act in which it was not possible to initiate or complete an
2 investigation on the basis of information provided to the
3 Department.

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

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

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

14 (Source: P.A. 94-556, eff. 9-11-05; 95-443, eff. 1-1-08.)