



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB2093

Introduced 2/22/2011, by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/4

from Ch. 23, par. 2054

Amends the Abused and Neglected Child Reporting Act. Extends the list of persons required to report child abuse or neglect to include any physician, physician's assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, licensed professional counselor, office personnel, or volunteer of any office, clinic, or any other physical location that provides abortions, abortion counseling, abortion referrals, contraceptives, contraceptive counseling, sex education, or gynecological care and services.

LRB097 08383 KTG 48510 b

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 (but only to the extent required in  
21 accordance with other provisions of this Section expressly  
22 concerning the duty of school board members to report suspected  
23 child abuse), truant officers, social worker, social services

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

24 Any member of the clergy having reasonable cause to believe  
25 that a child known to that member of the clergy in his or her  
26 professional capacity may be an abused child as defined in item

1 (c) of the definition of "abused child" in Section 3 of this  
2 Act shall immediately report or cause a report to be made to  
3 the Department.

4 Any physician, physician's assistant, registered nurse,  
5 licensed practical nurse, medical technician, certified  
6 nursing assistant, social worker, licensed professional  
7 counselor, office personnel, or volunteer of any office,  
8 clinic, or any other physical location that provides abortions,  
9 abortion counseling, abortion referrals, contraceptives,  
10 contraceptive counseling, sex education, or gynecological care  
11 and services having reasonable cause to believe a child known  
12 to them in their professional or official capacity may be an  
13 abused child or a neglected child shall immediately report or  
14 cause a report to be made to the Department.

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

1 requirements of this Act concerning the reporting of child  
2 abuse.

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

1 school district that if he or she applies for employment with  
2 another school district, the general superintendent of the  
3 former school district, upon the request of the school district  
4 to which the employee applies, shall notify that requesting  
5 school district that the employee is or was the subject of such  
6 a report.

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

22 The privileged quality of communication between any  
23 professional person required to report and his patient or  
24 client shall not apply to situations involving abused or  
25 neglected children and shall not constitute grounds for failure  
26 to report as required by this Act.

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

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

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

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

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

25           Any person who knowingly and willfully violates any  
26 provision of this Section other than a second or subsequent

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

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

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

22 Nothing in this Act prohibits a mandated reporter who  
23 reasonably believes that an animal is being abused or neglected  
24 in violation of the Humane Care for Animals Act from reporting  
25 animal abuse or neglect to the Department of Agriculture's  
26 Bureau of Animal Health and Welfare.



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

7           For purposes of this Section "child abuse or neglect"  
8 includes abuse or neglect of an adult resident as defined in  
9 this Act.

10          (Source: P.A. 95-10, eff. 6-30-07; 95-461, eff. 8-27-07;  
11 95-876, eff. 8-21-08; 95-908, eff. 8-26-08; 96-494, eff.  
12 8-14-09; 96-1446, eff. 8-20-10.)