



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB4006

Introduced 1/18/2012, by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/3

from Ch. 23, par. 2053

Amends the Abused and Neglected Child Reporting Act. Expands the definition of the term "person responsible for the child's welfare" to include any person that is the custodian of a child under 18 years of age who commits or allows to be committed, against the child, the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as provided in the Criminal Code of 1961. Effective immediately.

LRB097 14104 KTG 58774 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 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 "Adult resident" means any person between 18 and 22 years  
10 of age who resides in any facility licensed by the Department  
11 under the Child Care Act of 1969. For purposes of this Act, the  
12 criteria set forth in the definitions of "abused child" and  
13 "neglected child" shall be used in determining whether an adult  
14 resident is abused or neglected.

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

18 "Department" means Department of Children and Family  
19 Services.

20 "Local law enforcement agency" means the police of a city,  
21 town, village or other incorporated area or the sheriff of an  
22 unincorporated area or any sworn officer of the Illinois  
23 Department of State Police.

1 "Abused child" means a child whose parent or immediate  
2 family member, or any person responsible for the child's  
3 welfare, or any individual residing in the same home as the  
4 child, or a paramour of the child's parent:

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

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

15 (c) commits or allows to be committed any sex offense  
16 against such child, as such sex offenses are defined in the  
17 Criminal Code of 1961, as amended, or in the Wrongs to  
18 Children Act, and extending those definitions of sex  
19 offenses to include children under 18 years of age;

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

22 (e) inflicts excessive corporal punishment;

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

26 (g) causes to be sold, transferred, distributed, or

1 given to such child under 18 years of age, a controlled  
2 substance as defined in Section 102 of the Illinois  
3 Controlled Substances Act in violation of Article IV of the  
4 Illinois Controlled Substances Act or in violation of the  
5 Methamphetamine Control and Community Protection Act,  
6 except for controlled substances that are prescribed in  
7 accordance with Article III of the Illinois Controlled  
8 Substances Act and are dispensed to such child in a manner  
9 that substantially complies with the prescription; or

10 (h) commits or allows to be committed the offense of  
11 involuntary servitude, involuntary sexual servitude of a  
12 minor, or trafficking in persons for forced labor or  
13 services as defined in Section 10-9 of the Criminal Code of  
14 1961 against the child.

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

18 "Neglected child" means any child who is not receiving the  
19 proper or necessary nourishment or medically indicated  
20 treatment including food or care not provided solely on the  
21 basis of the present or anticipated mental or physical  
22 impairment as determined by a physician acting alone or in  
23 consultation with other physicians or otherwise is not  
24 receiving the proper or necessary support or medical or other  
25 remedial care recognized under State law as necessary for a  
26 child's well-being, or other care necessary for his or her

1 well-being, including adequate food, clothing and shelter; or  
2 who is abandoned by his or her parents or other person  
3 responsible for the child's welfare without a proper plan of  
4 care; or who has been provided with interim crisis intervention  
5 services under Section 3-5 of the Juvenile Court Act of 1987  
6 and whose parent, guardian, or custodian refuses to permit the  
7 child to return home and no other living arrangement agreeable  
8 to the parent, guardian, or custodian can be made, and the  
9 parent, guardian, or custodian has not made any other  
10 appropriate living arrangement for the child; or who is a  
11 newborn infant whose blood, urine, or meconium contains any  
12 amount of a controlled substance as defined in subsection (f)  
13 of Section 102 of the Illinois Controlled Substances Act or a  
14 metabolite thereof, with the exception of a controlled  
15 substance or metabolite thereof whose presence in the newborn  
16 infant is the result of medical treatment administered to the  
17 mother or the newborn infant. A child shall not be considered  
18 neglected for the sole reason that the child's parent or other  
19 person responsible for his or her welfare has left the child in  
20 the care of an adult relative for any period of time. A child  
21 shall not be considered neglected for the sole reason that the  
22 child has been relinquished in accordance with the Abandoned  
23 Newborn Infant Protection Act. A child shall not be considered  
24 neglected or abused for the sole reason that such child's  
25 parent or other person responsible for his or her welfare  
26 depends upon spiritual means through prayer alone for the

1 treatment or cure of disease or remedial care as provided under  
2 Section 4 of this Act. A child shall not be considered  
3 neglected or abused solely because the child is not attending  
4 school in accordance with the requirements of Article 26 of The  
5 School Code, as amended.

6 "Child Protective Service Unit" means certain specialized  
7 State employees of the Department assigned by the Director to  
8 perform the duties and responsibilities as provided under  
9 Section 7.2 of this Act.

10 "Person responsible for the child's welfare" means the  
11 child's parent; guardian; foster parent; relative caregiver;  
12 any person responsible for the child's welfare in a public or  
13 private residential agency or institution; any person  
14 responsible for the child's welfare within a public or private  
15 profit or not for profit child care facility; or any other  
16 person responsible for the child's welfare at the time of the  
17 alleged abuse or neglect, including any person that is the  
18 custodian of a child under 18 years of age who commits or  
19 allows to be committed, against the child, the offense of  
20 involuntary servitude, involuntary sexual servitude of a  
21 minor, or trafficking in persons for forced labor or services,  
22 as provided in Section 10-9 of the Criminal Code of 1961, or  
23 any person who came to know the child through an official  
24 capacity or position of trust, including but not limited to  
25 health care professionals, educational personnel, recreational  
26 supervisors, members of the clergy, and volunteers or support

1 personnel in any setting where children may be subject to abuse  
2 or neglect.

3 "Temporary protective custody" means custody within a  
4 hospital or other medical facility or a place previously  
5 designated for such custody by the Department, subject to  
6 review by the Court, including a licensed foster home, group  
7 home, or other institution; but such place shall not be a jail  
8 or other place for the detention of criminal or juvenile  
9 offenders.

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

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

16 "An undetermined report" means any report made under this  
17 Act in which it was not possible to initiate or complete an  
18 investigation on the basis of information provided to the  
19 Department.

20 "Subject of report" means any child reported to the central  
21 register of child abuse and neglect established under Section  
22 7.7 of this Act as an alleged victim of child abuse or neglect  
23 and the parent or guardian of the alleged victim or other  
24 person responsible for the alleged victim's welfare who is  
25 named in the report or added to the report as an alleged  
26 perpetrator of child abuse or neglect.

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

4 "Member of the clergy" means a clergyman or practitioner of  
5 any religious denomination accredited by the religious body to  
6 which he or she belongs.

7 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;  
8 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11.)

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