

SB2849



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2849

Introduced 1/24/2012, by Sen. William R. Haine

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 "neglected child" to include any child who is subjected to an environment injurious to his or her health and welfare. Effective immediately.

LRB097 16744 KTG 61919 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 "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 subjected to an environment injurious to his or her
3 health and welfare; or who is abandoned by his or her parents
4 or other person responsible for the child's welfare without a
5 proper plan of care; or who has been provided with interim
6 crisis intervention services under Section 3-5 of the Juvenile
7 Court Act of 1987 and whose parent, guardian, or custodian
8 refuses to permit the child to return home and no other living
9 arrangement agreeable to the parent, guardian, or custodian can
10 be made, and the parent, guardian, or custodian has not made
11 any other appropriate living arrangement for the child; or who
12 is a newborn infant whose blood, urine, or meconium contains
13 any amount of a controlled substance as defined in subsection
14 (f) of Section 102 of the Illinois Controlled Substances Act or
15 a metabolite thereof, with the exception of a controlled
16 substance or metabolite thereof whose presence in the newborn
17 infant is the result of medical treatment administered to the
18 mother or the newborn infant. A child shall not be considered
19 neglected for the sole reason that the child's parent or other
20 person responsible for his or her welfare has left the child in
21 the care of an adult relative for any period of time. A child
22 shall not be considered neglected for the sole reason that the
23 child has been relinquished in accordance with the Abandoned
24 Newborn Infant Protection Act. A child shall not be considered
25 neglected or abused for the sole reason that such child's
26 parent or other person responsible for his or her welfare

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

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

11 "Person responsible for the child's welfare" means the
12 child's parent; guardian; foster parent; relative caregiver;
13 any person responsible for the child's welfare in a public or
14 private residential agency or institution; any person
15 responsible for the child's welfare within a public or private
16 profit or not for profit child care facility; or any other
17 person responsible for the child's welfare at the time of the
18 alleged abuse or neglect, or any person who came to know the
19 child through an official capacity or position of trust,
20 including but not limited to health care professionals,
21 educational personnel, recreational supervisors, members of
22 the clergy, and volunteers or support personnel in any setting
23 where children may be subject to abuse or neglect.

24 "Temporary protective custody" means custody within a
25 hospital or other medical facility or a place previously
26 designated for such custody by the Department, subject to

1 review by the Court, including a licensed foster home, group
2 home, or other institution; but such place shall not be a jail
3 or other place for the detention of criminal or juvenile
4 offenders.

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

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

11 "An undetermined report" means any report made under this
12 Act in which it was not possible to initiate or complete an
13 investigation on the basis of information provided to the
14 Department.

15 "Subject of report" means any child reported to the central
16 register of child abuse and neglect established under Section
17 7.7 of this Act as an alleged victim of child abuse or neglect
18 and the parent or guardian of the alleged victim or other
19 person responsible for the alleged victim's welfare who is
20 named in the report or added to the report as an alleged
21 perpetrator of child abuse or neglect.

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

25 "Member of the clergy" means a clergyman or practitioner of
26 any religious denomination accredited by the religious body to

1 which he or she belongs.

2 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;
3 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11.)

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