



Sen. William R. Haine

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LRB097 16744 KTG 66896 a

1 AMENDMENT TO SENATE BILL 2849

2 AMENDMENT NO. _____. Amend Senate Bill 2849 by replacing
3 everything after the enacting clause with the following:

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 "Blatant disregard" means an incident where the real,
16 significant, and imminent risk of harm would be so obvious to a

1 reasonable parent or caretaker that it is unlikely that a
2 reasonable parent or caretaker would have exposed the child to
3 the danger without exercising precautionary measures to
4 protect the child from harm.

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

8 "Department" means Department of Children and Family
9 Services.

10 "Local law enforcement agency" means the police of a city,
11 town, village or other incorporated area or the sheriff of an
12 unincorporated area or any sworn officer of the Illinois
13 Department of State Police.

14 "Abused child" means a child whose parent or immediate
15 family member, or any person responsible for the child's
16 welfare, or any individual residing in the same home as the
17 child, or a paramour of the child's parent:

18 (a) inflicts, causes to be inflicted, or allows to be
19 inflicted upon such child physical injury, by other than
20 accidental means, which causes death, disfigurement,
21 impairment of physical or emotional health, or loss or
22 impairment of any bodily function;

23 (b) creates a substantial risk of physical injury to
24 such child by other than accidental means which would be
25 likely to cause death, disfigurement, impairment of
26 physical or emotional health, or loss or impairment of any

1 bodily function;

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

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

9 (e) inflicts excessive corporal punishment;

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

13 (g) causes to be sold, transferred, distributed, or
14 given to such child under 18 years of age, a controlled
15 substance as defined in Section 102 of the Illinois
16 Controlled Substances Act in violation of Article IV of the
17 Illinois Controlled Substances Act or in violation of the
18 Methamphetamine Control and Community Protection Act,
19 except for controlled substances that are prescribed in
20 accordance with Article III of the Illinois Controlled
21 Substances Act and are dispensed to such child in a manner
22 that substantially complies with the prescription; or

23 (h) commits or allows to be committed the offense of
24 involuntary servitude, involuntary sexual servitude of a
25 minor, or trafficking in persons for forced labor or
26 services as defined in Section 10-9 of the Criminal Code of

1 1961 against the child.

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

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

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

24 "Child Protective Service Unit" means certain specialized
25 State employees of the Department assigned by the Director to
26 perform the duties and responsibilities as provided under

1 Section 7.2 of this Act.

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

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

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

25 "An indicated report" means a report made under this Act if
26 an investigation determines that credible evidence of the

1 alleged abuse or neglect exists.

2 "An undetermined report" means any report made under this
3 Act in which it was not possible to initiate or complete an
4 investigation on the basis of information provided to the
5 Department.

6 "Subject of report" means any child reported to the central
7 register of child abuse and neglect established under Section
8 7.7 of this Act as an alleged victim of child abuse or neglect
9 and the parent or guardian of the alleged victim or other
10 person responsible for the alleged victim's welfare who is
11 named in the report or added to the report as an alleged
12 perpetrator of child abuse or neglect.

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

16 "Member of the clergy" means a clergyman or practitioner of
17 any religious denomination accredited by the religious body to
18 which he or she belongs.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."