



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2588

by Rep. Silvana Tabares

SYNOPSIS AS INTRODUCED:

325 ILCS 5/3

from Ch. 23, par. 2053

Amends the Abused and Neglected Child Reporting Act. In the definition of "neglected child", provides that a child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended, "unless the school district has made efforts to bring about the child's attendance and those efforts have been unsuccessful because the parent or guardian has refused to cooperate" (rather than a child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended). Effective immediately.

LRB099 08102 KTG 28248 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 "Blatant disregard" means an incident where the real,
16 significant, and imminent risk of harm would be so obvious to a
17 reasonable parent or caretaker that it is unlikely that a
18 reasonable parent or caretaker would have exposed the child to
19 the danger without exercising precautionary measures to
20 protect the child from harm.

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

1 "Department" means Department of Children and Family
2 Services.

3 "Local law enforcement agency" means the police of a city,
4 town, village or other incorporated area or the sheriff of an
5 unincorporated area or any sworn officer of the Illinois
6 Department of State Police.

7 "Abused child" means a child whose parent or immediate
8 family member, or any person responsible for the child's
9 welfare, or any individual residing in the same home as the
10 child, or a paramour of the child's parent:

11 (a) inflicts, causes to be inflicted, or allows to be
12 inflicted upon such child physical injury, by other than
13 accidental means, which causes death, disfigurement,
14 impairment of physical or emotional health, or loss or
15 impairment of any bodily function;

16 (b) creates a substantial risk of physical injury to
17 such child by other than accidental means which would be
18 likely to cause death, disfigurement, impairment of
19 physical or emotional health, or loss or impairment of any
20 bodily function;

21 (c) commits or allows to be committed any sex offense
22 against such child, as such sex offenses are defined in the
23 Criminal Code of 2012 or in the Wrongs to Children Act, and
24 extending those definitions of sex offenses to include
25 children under 18 years of age;

26 (d) commits or allows to be committed an act or acts of

1 torture upon such child;

2 (e) inflicts excessive corporal punishment;

3 (f) commits or allows to be committed the offense of
4 female genital mutilation, as defined in Section 12-34 of
5 the Criminal Code of 2012, against the child;

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

16 (h) commits or allows to be committed the offense of
17 involuntary servitude, involuntary sexual servitude of a
18 minor, or trafficking in persons as defined in Section 10-9
19 of the Criminal Code of 2012 against the child.

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

23 "Neglected child" means any child who is not receiving the
24 proper or necessary nourishment or medically indicated
25 treatment including food or care not provided solely on the
26 basis of the present or anticipated mental or physical

1 impairment as determined by a physician acting alone or in
2 consultation with other physicians or otherwise is not
3 receiving the proper or necessary support or medical or other
4 remedial care recognized under State law as necessary for a
5 child's well-being, or other care necessary for his or her
6 well-being, including adequate food, clothing and shelter; or
7 who is subjected to an environment which is injurious insofar
8 as (i) the child's environment creates a likelihood of harm to
9 the child's health, physical well-being, or welfare and (ii)
10 the likely harm to the child is the result of a blatant
11 disregard of parent or caretaker responsibilities; or who is
12 abandoned by his or her parents or other person responsible for
13 the child's welfare without a proper plan of care; or who has
14 been provided with interim crisis intervention services under
15 Section 3-5 of the Juvenile Court Act of 1987 and whose parent,
16 guardian, or custodian refuses to permit the child to return
17 home and no other living arrangement agreeable to the parent,
18 guardian, or custodian can be made, and the parent, guardian,
19 or custodian has not made any other appropriate living
20 arrangement for the child; or who is a newborn infant whose
21 blood, urine, or meconium contains any amount of a controlled
22 substance as defined in subsection (f) of Section 102 of the
23 Illinois Controlled Substances Act or a metabolite thereof,
24 with the exception of a controlled substance or metabolite
25 thereof whose presence in the newborn infant is the result of
26 medical treatment administered to the mother or the newborn

1 infant. A child shall not be considered neglected for the sole
2 reason that the child's parent or other person responsible for
3 his or her welfare has left the child in the care of an adult
4 relative for any period of time. A child shall not be
5 considered neglected for the sole reason that the child has
6 been relinquished in accordance with the Abandoned Newborn
7 Infant Protection Act. A child shall not be considered
8 neglected or abused for the sole reason that such child's
9 parent or other person responsible for his or her welfare
10 depends upon spiritual means through prayer alone for the
11 treatment or cure of disease or remedial care as provided under
12 Section 4 of this Act. A child shall not be considered
13 neglected or abused solely because the child is not attending
14 school in accordance with the requirements of Article 26 of The
15 School Code, as amended, unless the school district has made
16 efforts to bring about the child's attendance and those efforts
17 have been unsuccessful because the parent or guardian has
18 refused to cooperate.

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

23 "Person responsible for the child's welfare" means the
24 child's parent; guardian; foster parent; relative caregiver;
25 any person responsible for the child's welfare in a public or
26 private residential agency or institution; any person

1 responsible for the child's welfare within a public or private
2 profit or not for profit child care facility; or any other
3 person responsible for the child's welfare at the time of the
4 alleged abuse or neglect, including any person that is the
5 custodian of a child under 18 years of age who commits or
6 allows to be committed, against the child, the offense of
7 involuntary servitude, involuntary sexual servitude of a
8 minor, or trafficking in persons for forced labor or services,
9 as provided in Section 10-9 of the Criminal Code of 2012, or
10 any person who came to know the child through an official
11 capacity or position of trust, including but not limited to
12 health care professionals, educational personnel, recreational
13 supervisors, members of the clergy, and volunteers or support
14 personnel in any setting where children may be subject to abuse
15 or neglect.

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

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

26 "An indicated report" means a report made under this Act if

1 an investigation determines that credible evidence of the
2 alleged abuse or neglect exists.

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

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

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

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

20 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;
21 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11; 97-803, eff.
22 7-13-12; 97-897, eff. 1-1-13; 97-1063, eff. 8-24-12; 97-1150,
23 eff. 1-25-13.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.