

# HB3433



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3433

by Rep. Ron Sandack

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/3

from Ch. 23, par. 2053

Amends the Abused and Neglected Child Reporting Act. In a provision under the definition of "abused child" that concerns abused children who are the victims of certain sex offenses, extends the definitions of those sex offenses as defined in the Criminal Code of 2012 and the Wrongs to Children Act to include persons between 18 and 22 years of age who reside in any facility licensed by the Department of Children and Family Services under the Child Care Act of 1969.

LRB099 09192 KTG 29395 b

FISCAL NOTE ACT  
MAY APPLY

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 "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 and adult residents as  
26 defined in this Act;

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

3 (e) inflicts excessive corporal punishment;

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

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

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

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

24 "Neglected child" means any child who is not receiving the  
25 proper or necessary nourishment or medically indicated  
26 treatment including food or care not provided solely on the

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

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

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

21 "Person responsible for the child's welfare" means the  
22 child's parent; guardian; foster parent; relative caregiver;  
23 any person responsible for the child's welfare in a public or  
24 private residential agency or institution; any person  
25 responsible for the child's welfare within a public or private  
26 profit or not for profit child care facility; or any other

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

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

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

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

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

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

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

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

18           (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;  
19 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11; 97-803, eff.  
20 7-13-12; 97-897, eff. 1-1-13; 97-1063, eff. 8-24-12; 97-1150,  
21 eff. 1-25-13.)