

1 AN ACT in relation to 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  
5 is 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 "Child" means any person under the age of 18 years,  
10 unless legally emancipated by reason of marriage or entry  
11 into a branch of the United States armed services.

12 "Department" means Department of Children and Family  
13 Services.

14 "Local law enforcement agency" means the police of a  
15 city, town, village or other incorporated area or the sheriff  
16 of an unincorporated area or any sworn officer of the  
17 Illinois Department of State Police.

18 "Abused child" means a child whose parent or immediate  
19 family member, or any person responsible for the child's  
20 welfare, or any individual residing in the same home as the  
21 child, or a paramour of the child's parent:

22 a. inflicts, causes to be inflicted, or allows to  
23 be inflicted upon such child physical injury, by other  
24 than accidental means, which causes death, disfigurement,  
25 impairment of physical or emotional health, or loss or  
26 impairment of any bodily function;

27 b. creates a substantial risk of physical injury to  
28 such child by other than accidental means which would be  
29 likely to cause death, disfigurement, impairment of  
30 physical or emotional health, or loss or impairment of  
31 any bodily function;

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

6           d. commits or allows to be committed an act or acts  
 7 of torture upon such child;

8           e. inflicts excessive corporal punishment;

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

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

21 "Neglected child" means any child who is not receiving  
 22 the proper or necessary nourishment or medically indicated  
 23 treatment including food or care not provided solely on the  
 24 basis of the present or anticipated mental or physical  
 25 impairment as determined by a physician acting alone or in  
 26 consultation with other physicians or otherwise is not  
 27 receiving the proper or necessary support or medical or other  
 28 remedial care recognized under State law as necessary for a  
 29 child's well-being, or other care necessary for his or her  
 30 well-being, including adequate food, clothing and shelter; or  
 31 who is abandoned by his or her parents or other person  
 32 responsible for the child's welfare without a proper plan of  
 33 care; or who has been provided with interim crisis  
 34 intervention services under Section 3-5 of the Juvenile Court

1 Act of 1987, whose parent, guardian, or custodian refuses to  
2 permit the child to return home, and for whom no other living  
3 arrangement agreeable to the child and the parent, guardian,  
4 or custodian can be made; or who is a newborn infant whose  
5 blood, urine, or meconium contains any amount of a controlled  
6 substance as defined in subsection (f) of Section 102 of the  
7 Illinois Controlled Substances Act or a metabolite thereof,  
8 with the exception of a controlled substance or metabolite  
9 thereof whose presence in the newborn infant is the result of  
10 medical treatment administered to the mother or the newborn  
11 infant. A child shall not be considered neglected for the  
12 sole reason that the child's parent or other person  
13 responsible for his or her welfare has left the child in the  
14 care of an adult relative for any period of time. A child  
15 shall not be considered neglected or abused for the sole  
16 reason that such child's parent or other person responsible  
17 for his or her welfare depends upon spiritual means through  
18 prayer alone for the treatment or cure of disease or remedial  
19 care as provided under Section 4 of this Act. A child shall  
20 not be considered neglected or abused solely because the  
21 child is not attending school in accordance with the  
22 requirements of Article 26 of The School Code, as amended.

23 "Child Protective Service Unit" means certain specialized  
24 State employees of the Department assigned by the Director to  
25 perform the duties and responsibilities as provided under  
26 Section 7.2 of this Act.

27 "Person responsible for the child's welfare" means the  
28 child's parent; guardian; foster parent; relative caregiver;  
29 any person responsible for the child's welfare in a public or  
30 private residential agency or institution; any person  
31 responsible for the child's welfare within a public or  
32 private profit or not for profit child care facility; or any  
33 other person responsible for the child's welfare at the time  
34 of the alleged abuse or neglect, or any person who came to

1 know the child through an official capacity or position of  
2 trust, including but not limited to health care  
3 professionals, educational personnel, recreational  
4 supervisors, and volunteers or support personnel in any  
5 setting where children may be subject to abuse or neglect.

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

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

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

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

23 "Subject of report" means any child reported to the  
24 central register of child abuse and neglect established under  
25 Section 7.7 of this Act and his or her parent, guardian or  
26 other person responsible who is also named in the report.

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

30 (Source: P.A. 90-239, eff. 7-28-97; 90-684, eff. 7-31-98;  
31 91-802, eff. 1-1-01.)

32 Section 10. The Juvenile Court Act of 1987 is amended by  
33 changing Sections 2-3 and 3-5 as follows:

1 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

2 Sec. 2-3. Neglected or abused minor.

3 (1) Those who are neglected include:

4 (a) any minor under 18 years of age who is not  
5 receiving the proper or necessary support, education as  
6 required by law, or medical or other remedial care  
7 recognized under State law as necessary for a minor's  
8 well-being, or other care necessary for his or her  
9 well-being, including adequate food, clothing and  
10 shelter, or who is abandoned by his or her parents or  
11 other person responsible for the minor's welfare, except  
12 that a minor shall not be considered neglected for the  
13 sole reason that the minor's parent or other person  
14 responsible for the minor's welfare has left the minor in  
15 the care of an adult relative for any period of time; or

16 (b) any minor under 18 years of age whose  
17 environment is injurious to his or her welfare; or

18 (c) any newborn infant whose blood, urine, or  
19 meconium contains any amount of a controlled substance as  
20 defined in subsection (f) of Section 102 of the Illinois  
21 Controlled Substances Act, as now or hereafter amended,  
22 or a metabolite of a controlled substance, with the  
23 exception of controlled substances or metabolites of such  
24 substances, the presence of which in the newborn infant  
25 is the result of medical treatment administered to the  
26 mother or the newborn infant; or

27 (d) any minor under the age of 14 years whose  
28 parent or other person responsible for the minor's  
29 welfare leaves the minor without supervision for an  
30 unreasonable period of time without regard for the mental  
31 or physical health, safety, or welfare of that minor; ~~or-~~

32 (e) any minor who has been provided with interim  
33 crisis intervention services under Section 3-5 of this  
34 Act, whose parent, guardian, or custodian refuses to

1       permit the minor to return home, and for whom no other  
 2       living arrangement agreeable to the minor and the parent,  
 3       guardian, or custodian can be made.

4       Whether the minor was left without regard for the mental  
 5       or physical health, safety, or welfare of that minor or the  
 6       period of time was unreasonable shall be determined by  
 7       considering the following factors, including but not limited  
 8       to:

- 9               (1) the age of the minor;
- 10              (2) the number of minors left at the location;
- 11              (3) special needs of the minor, including whether  
 12              the minor is physically or mentally handicapped, or  
 13              otherwise in need of ongoing prescribed medical treatment  
 14              such as periodic doses of insulin or other medications;
- 15              (4) the duration of time in which the minor was  
 16              left without supervision;
- 17              (5) the condition and location of the place where  
 18              the minor was left without supervision;
- 19              (6) the time of day or night when the minor was  
 20              left without supervision;
- 21              (7) the weather conditions, including whether the  
 22              minor was left in a location with adequate protection  
 23              from the natural elements such as adequate heat or light;
- 24              (8) the location of the parent or guardian at the  
 25              time the minor was left without supervision, the physical  
 26              distance the minor was from the parent or guardian at the  
 27              time the minor was without supervision;
- 28              (9) whether the minor's movement was restricted, or  
 29              the minor was otherwise locked within a room or other  
 30              structure;
- 31              (10) whether the minor was given a phone number of  
 32              a person or location to call in the event of an emergency  
 33              and whether the minor was capable of making an emergency  
 34              call;

1 (11) whether there was food and other provision  
2 left for the minor;

3 (12) whether any of the conduct is attributable to  
4 economic hardship or illness and the parent, guardian or  
5 other person having physical custody or control of the  
6 child made a good faith effort to provide for the health  
7 and safety of the minor;

8 (13) the age and physical and mental capabilities  
9 of the person or persons who provided supervision for the  
10 minor;

11 (14) whether the minor was left under the  
12 supervision of another person;

13 (15) any other factor that would endanger the  
14 health and safety of that particular minor.

15 (2) Those who are abused include any minor under 18  
16 years of age whose parent or immediate family member, or any  
17 person responsible for the minor's welfare, or any person who  
18 is in the same family or household as the minor, or any  
19 individual residing in the same home as the minor, or a  
20 paramour of the minor's parent:

21 (i) inflicts, causes to be inflicted, or allows to  
22 be inflicted upon such minor physical injury, by other  
23 than accidental means, which causes death, disfigurement,  
24 impairment of physical or emotional health, or loss or  
25 impairment of any bodily function;

26 (ii) creates a substantial risk of physical injury  
27 to such minor by other than accidental means which would  
28 be likely to cause death, disfigurement, impairment of  
29 emotional health, or loss or impairment of any bodily  
30 function;

31 (iii) commits or allows to be committed any sex  
32 offense against such minor, as such sex offenses are  
33 defined in the Criminal Code of 1961, as amended, and  
34 extending those definitions of sex offenses to include

1 minors under 18 years of age;

2 (iv) commits or allows to be committed an act or  
3 acts of torture upon such minor; or

4 (v) inflicts excessive corporal punishment.

5 (3) This Section does not apply to a minor who would be  
6 included herein solely for the purpose of qualifying for  
7 financial assistance for himself, his parents, guardian or  
8 custodian.

9 (Source: P.A. 89-21, eff. 7-1-95; 90-239, eff. 7-28-97.)

10 (705 ILCS 405/3-5) (from Ch. 37, par. 803-5)

11 Sec. 3-5. Interim crisis intervention services. (a)  
12 Any minor who is taken into limited custody, or who  
13 independently requests or is referred for assistance, may be  
14 provided crisis intervention services by an agency or  
15 association, as defined in this Act, provided the association  
16 or agency staff (i) immediately investigate the circumstances  
17 of the minor and the facts surrounding the minor being taken  
18 into custody and promptly explain these facts and  
19 circumstances to the minor, and (ii) make a reasonable effort  
20 to inform the minor's parent, guardian or custodian of the  
21 fact that the minor has been taken into limited custody and  
22 where the minor is being kept, and (iii) if the minor  
23 consents, make a reasonable effort to transport, arrange for  
24 the transportation of, or otherwise release the minor to the  
25 parent, guardian or custodian. Upon release of the child who  
26 is believed to need or benefit from medical, psychological,  
27 psychiatric or social services, the association or agency may  
28 inform the minor and the person to whom the minor is released  
29 of the nature and location of appropriate services and shall,  
30 if requested, assist in establishing contact between the  
31 family and other associations or agencies providing such  
32 services. If the agency or association is unable by all  
33 reasonable efforts to contact a parent, guardian or



1     custodian, or if the person contacted lives an unreasonable  
 2     distance away, or if the minor refuses to be taken to his or  
 3     her home or other appropriate residence, or if the agency or  
 4     association is otherwise unable despite all reasonable  
 5     efforts to make arrangements for the safe return of the  
 6     minor, the minor may be taken to a temporary living  
 7     arrangement which is in compliance with the Child Care Act of  
 8     1969 or which is with persons agreed to by the parents and  
 9     the agency or association.

10       (b) An agency or association is authorized to permit a  
 11     minor to be sheltered in a temporary living arrangement  
 12     provided the agency seeks to effect the minor's return home  
 13     or alternative living arrangements agreeable to the minor and  
 14     the parent, guardian or custodian as soon as practicable. If  
 15     the parent, guardian or custodian refuses to permit the minor  
 16     to return home, and no other living arrangement agreeable to  
 17     the minor and the parent, guardian, or custodian can be made,  
 18     the agency may deem the minor to be neglected and report the  
 19     neglect to the Department of Children and Family Services as  
 20     provided in the Abused and Neglected Child Reporting Act.  
 21     The Child Protective Service Unit of the Department of  
 22     Children and Family Services shall begin an investigation of  
 23     the report within 24 hours after receiving the report and  
 24     shall determine whether to take the minor into temporary  
 25     protective custody and whether to shall file a petition  
 26     alleging that the minor is neglected or abused as described  
 27     in Section 2-3 of this Act. In any case other than one  
 28     described in the preceding sentence, no minor shall be  
 29     sheltered in a temporary living arrangement for more than 48  
 30     hours, excluding Saturdays, Sundays and court-designated  
 31     holidays, without parental consent unless the agency  
 32     documents its unsuccessful efforts to contact a parent or  
 33     guardian, including recording the date and time and staff  
 34     involved in all telephone calls, telegrams, letters, and

1 personal contacts to obtain the consent or authority, in  
2 which case the minor may be so sheltered for not more than 21  
3 days.

4 (c) Any agency or association or employee thereof acting  
5 reasonably and in good faith in the care of a minor being  
6 provided interim crisis intervention services and shelter  
7 care shall be immune from any civil or criminal liability  
8 resulting from such care.

9 (Source: P.A. 85-601.)