

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 Sections 5, 6, and 7.5 as follows:

6 (325 ILCS 5/5) (from Ch. 23, par. 2055)

7 Sec. 5. An officer of a local law enforcement agency,
8 designated employee of the Department, or a physician
9 treating a child may take or retain temporary protective
10 custody of the child without the consent of the person
11 responsible for the child's welfare, if ~~(1)~~ he has reason to
12 believe that the child is in imminent danger of injury or
13 death if left ~~cannot be cared for~~ at home or in the custody
14 of the person responsible for the child's welfare ~~without~~
15 ~~endangering--the--child's--health--or--safety;-and-(2)-there-is~~
16 ~~not-time-to-apply-for-a-court-order-under-the-Juvenile--Court~~
17 ~~Act--of--1987--for-temporary-custody-of-the-child.~~ The person
18 taking or retaining a child in temporary protective custody
19 shall immediately make every reasonable effort to notify the
20 person responsible for the child's welfare and shall
21 immediately notify the Department. If the officer, employee,
22 or physician does not have the consent of the person
23 responsible for the child's welfare and does not have reason
24 to believe that the child is in imminent danger of injury or
25 death if left at home or in the custody of the person
26 responsible for the child's welfare, then the officer,
27 employee, or physician may take or retain temporary
28 protective custody of the child only if (i) a court issues a
29 warrant to take the child into custody based on the
30 officer's, employee's, or physician's belief and evidence
31 that the child cannot be cared for at home or in the custody

1 of the person responsible for the child's welfare without
2 endangering the child's health or safety and (ii) there is
3 not time to apply for a court order for temporary custody of
4 the child under the Juvenile Court Act of 1987.

5 The Department shall provide to the temporary caretaker
6 of a child any information in the Department's possession
7 concerning the positive results of a test performed on the
8 child to determine the presence of the antibody or antigen to
9 Human Immunodeficiency Virus (HIV), or of HIV infection, as
10 well as any communicable diseases or communicable infections
11 that the child has. The temporary caretaker of a child shall
12 not disclose to another person any information received by
13 the temporary caretaker from the Department concerning the
14 results of a test performed on the child to determine the
15 presence of the antibody or antigen to HIV, or of HIV
16 infection, except pursuant to Section 9 of the AIDS
17 Confidentiality Act, as now or hereafter amended. The
18 Department shall promptly initiate proceedings under the
19 Juvenile Court Act of 1987 for the continued temporary
20 custody of the child.

21 Where the physician keeping a child in his custody does
22 so in his capacity as a member of the staff of a hospital or
23 similar institution, he shall notify the person in charge of
24 the institution or his designated agent, who shall then
25 become responsible for the further care of such child in the
26 hospital or similar institution under the direction of the
27 Department.

28 Said care includes, but is not limited to the granting of
29 permission to perform emergency medical treatment to a minor
30 where the treatment itself does not involve a substantial
31 risk of harm to the minor and the failure to render such
32 treatment will likely result in death or permanent harm to
33 the minor, and there is not time to apply for a court order
34 under the Juvenile Court Act of 1987.

1 Any person authorized and acting in good faith in the
2 removal of a child under this Section shall have immunity
3 from any liability, civil or criminal that might otherwise be
4 incurred or imposed as a result of such removal. Any
5 physician authorized and acting in good faith and in
6 accordance with acceptable medical practice in the treatment
7 of a child under this Section shall have immunity from any
8 liability, civil or criminal, that might otherwise be
9 incurred or imposed as a result of granting permission for
10 emergency treatment.

11 With respect to any child taken into temporary protective
12 custody pursuant to this Section, the Department of Children
13 and Family Services Guardianship Administrator or his
14 designee shall be deemed the child's legally authorized
15 representative for purposes of consenting to an HIV test if
16 deemed necessary and appropriate by the Department's
17 Guardianship Administrator or designee and obtaining and
18 disclosing information concerning such test pursuant to the
19 AIDS Confidentiality Act if deemed necessary and appropriate
20 by the Department's Guardianship Administrator or designee
21 and for purposes of consenting to the release of information
22 pursuant to the Illinois Sexually Transmissible Disease
23 Control Act if deemed necessary and appropriate by the
24 Department's Guardianship Administrator or designee. The
25 Guardianship Administrator has no such authority to consent
26 to an HIV test or obtain and disclose information if the
27 child has not been taken into temporary protective custody as
28 provided in this Section.

29 Any person who administers an HIV test upon the consent
30 of the Department of Children and Family Services
31 Guardianship Administrator or his designee, or who discloses
32 the results of such tests to the Department's Guardianship
33 Administrator or his designee, shall have immunity from any
34 liability, civil, criminal or otherwise, that might result by

1 reason of such actions. For the purpose of any proceedings,
2 civil or criminal, the good faith of any persons required to
3 administer or disclose the results of tests, or permitted to
4 take such actions, shall be presumed.

5 (Source: P.A. 90-28, eff. 1-1-98.)

6 (325 ILCS 5/6) (from Ch. 23, par. 2056)

7 Sec. 6. Any person required to investigate cases of
8 suspected child abuse or neglect may take or cause to be
9 taken, at Department expense, color photographs and x-rays of
10 the child who is the subject of a report, and color
11 photographs of the physical environment in which the alleged
12 abuse or neglect has taken place. The person seeking to take
13 such photographs or x-rays must first obtain the consent of
14 the parent, guardian, or other person responsible for the
15 child's welfare, unless the person has reason to believe that
16 the child is in imminent danger of injury or death. If the
17 person has such a reasonable belief, the person must shall
18 make every reasonable effort to notify the person responsible
19 for the child's welfare.

20 (Source: P.A. 84-611.) changing

21 (325 ILCS 5/7.5) (from Ch. 23, par. 2057.5)

22 Sec. 7.5. If the Child Protective Service Unit is denied
23 reasonable access to a child by the parents or other persons
24 and it deems that the health, safety, and best interests of
25 the child so require, it shall request the intervention of a
26 local law enforcement agency for the purpose of examining
27 and interviewing the child if it has reason to believe that
28 the child is in imminent danger of injury or death. If the
29 Child Protective Service Unit does not have reason to believe
30 that the child is in imminent danger of injury or death, it
31 must or seek an appropriate court order to examine and
32 interview the child.

1 (Source: P.A. 90-28, eff. 1-1-98.)

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

4 (705 ILCS 405/2-5) (from Ch. 37, par. 802-5)

5 Sec. 2-5. Taking into custody. (1) A law enforcement
6 officer may, without a warrant, take into temporary custody a
7 minor (a) whom the officer with reasonable cause believes to
8 be a person described in Section 2-3 or 2-4, but only if the
9 officer also has reasonable cause to believe that the minor
10 is in imminent danger of injury or death; (b) who has been
11 adjudged a ward of the court and has escaped from any
12 commitment ordered by the court under this Act; or (c) who is
13 found in any street or public place suffering from any
14 sickness or injury which requires care, medical treatment or
15 hospitalization.

16 (2) Whenever a petition has been filed under Section
17 2-13 and the court finds that the conduct and behavior of the
18 minor may endanger the health, person, welfare, or property
19 of himself or others or that the circumstances of his home
20 environment may endanger his health, person, welfare or
21 property, a warrant may be issued immediately to take the
22 minor into custody.

23 (3) The taking of a minor into temporary custody under
24 this Section is not an arrest nor does it constitute a police
25 record.

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