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LRB094 08003 DRJ 47174 a

1 AMENDMENT TO SENATE BILL 208

2 AMENDMENT NO. _____. Amend Senate Bill 208 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 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any physician,
9 resident, intern, hospital, hospital administrator and
10 personnel engaged in examination, care and treatment of
11 persons, surgeon, dentist, dentist hygienist, osteopath,
12 chiropractor, podiatrist, physician assistant, substance abuse
13 treatment personnel, funeral home director or employee,
14 coroner, medical examiner, emergency medical technician,
15 acupuncturist, crisis line or hotline personnel, school
16 personnel, educational advocate assigned to a child pursuant to
17 the School Code, truant officers, social worker, social
18 services administrator, domestic violence program personnel,
19 registered nurse, licensed practical nurse, genetic counselor,
20 respiratory care practitioner, advanced practice nurse, home
21 health aide, director or staff assistant of a nursery school or
22 a child day care center, recreational program or facility
23 personnel, law enforcement officer, licensed professional
24 counselor, licensed clinical professional counselor,

1 registered psychologist and assistants working under the
2 direct supervision of a psychologist, psychiatrist, or field
3 personnel of the Illinois Department of Public Aid, Public
4 Health, Human Services (acting as successor to the Department
5 of Mental Health and Developmental Disabilities,
6 Rehabilitation Services, or Public Aid), Corrections, Human
7 Rights, or Children and Family Services, supervisor and
8 administrator of general assistance under the Illinois Public
9 Aid Code, probation officer, or any other foster parent,
10 homemaker or child care worker having reasonable cause to
11 believe a child known to them in their professional or official
12 capacity may be an abused child or a neglected child shall
13 immediately report or cause a report to be made to the
14 Department.

15 A member of a school board, a local school council (as
16 defined by Article 34 of the School Code), the Chicago Board of
17 Education, or the governing body of a private school, while
18 acting in his or her official capacity, who acquires actual
19 knowledge that a child who is enrolled in the school or school
20 district that is subject to the board or body of which he or
21 she is a member is an abused child as defined in Section 3 of
22 this Act shall immediately report that knowledge to the
23 Department or cause such a report to be made to the Department.
24 If any board or body specified in this paragraph has directed
25 one of its members or employees to make a report to the
26 Department, the members of that board or body (other than the
27 member directed to report) shall be deemed to have fulfilled
28 their duty to report under this Section.

29 Any member of the clergy having reasonable cause to believe
30 that a child known to that member of the clergy in his or her
31 professional capacity may be an abused child as defined in item
32 (c) of the definition of "abused child" in Section 3 of this
33 Act shall immediately report or cause a report to be made to
34 the Department.

1 Whenever such person is required to report under this Act
2 in his capacity as a member of the staff of a medical or other
3 public or private institution, school, facility or agency, or
4 as a member of the clergy, he shall make report immediately to
5 the Department in accordance with the provisions of this Act
6 and may also notify the person in charge of such institution,
7 school, facility or agency, or church, synagogue, temple,
8 mosque, or other religious institution, or his designated agent
9 that such report has been made. Under no circumstances shall
10 any person in charge of such institution, school, facility or
11 agency, or church, synagogue, temple, mosque, or other
12 religious institution, or his designated agent to whom such
13 notification has been made, exercise any control, restraint,
14 modification or other change in the report or the forwarding of
15 such report to the Department.

16 The privileged quality of communication between any
17 professional person required to report and his patient or
18 client shall not apply to situations involving abused or
19 neglected children and shall not constitute grounds for failure
20 to report as required by this Act.

21 A member of the clergy may claim the privilege under
22 Section 8-803 of the Code of Civil Procedure.

23 In addition to the above persons required to report
24 suspected cases of abused or neglected children, any other
25 person may make a report if such person has reasonable cause to
26 believe a child may be an abused child or a neglected child.

27 Any person who enters into employment on and after July 1,
28 1986 and is mandated by virtue of that employment to report
29 under this Act, shall sign a statement on a form prescribed by
30 the Department, to the effect that the employee has knowledge
31 and understanding of the reporting requirements of this Act.
32 The statement shall be signed prior to commencement of the
33 employment. The signed statement shall be retained by the
34 employer. The cost of printing, distribution, and filing of the

1 statement shall be borne by the employer.

2 The Department shall provide copies of this Act, upon
3 request, to all employers employing persons who shall be
4 required under the provisions of this Section to report under
5 this Act.

6 Any person who knowingly transmits a false report to the
7 Department commits the offense of disorderly conduct under
8 subsection (a)(7) of Section 26-1 of the "Criminal Code of
9 1961". Any person who violates this provision a second or
10 subsequent time shall be guilty of a Class 3 felony.

11 Any person who knowingly and willfully violates any
12 provision of this Section other than a second or subsequent
13 violation of transmitting a false report as described in the
14 preceding paragraph, is guilty of a Class A misdemeanor for a
15 first violation and a Class 4 felony for a second or subsequent
16 violation; except that if the person acted as part of a plan or
17 scheme having as its object the prevention of discovery of an
18 abused or neglected child by lawful authorities for the purpose
19 of protecting or insulating any person or entity from arrest or
20 prosecution, the person is guilty of a Class 4 felony for a
21 first offense and a Class 3 felony for a second or subsequent
22 offense (regardless of whether the second or subsequent offense
23 involves any of the same facts or persons as the first or other
24 prior offense).

25 A child whose parent, guardian or custodian in good faith
26 selects and depends upon spiritual means through prayer alone
27 for the treatment or cure of disease or remedial care may be
28 considered neglected or abused, but not for the sole reason
29 that his parent, guardian or custodian accepts and practices
30 such beliefs.

31 A child shall not be considered neglected or abused solely
32 because the child is not attending school in accordance with
33 the requirements of Article 26 of the School Code, as amended.

34 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;

1 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
2 8-5-03; 93-1041, eff. 9-29-04.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".