



Rep. Michelle Chavez

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LRB094 08003 DRJ 47329 a

1 AMENDMENT TO SENATE BILL 208

2 AMENDMENT NO. _____. Amend Senate Bill 208, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Abused and Neglected Child Reporting Act is
6 amended by changing Section 4 as follows:

7 (325 ILCS 5/4) (from Ch. 23, par. 2054)

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

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

16 A board member performing duties under Article 10 or
17 Article 34 of the School Code, or a member of the governing
18 body of a private school, while acting in his or her official
19 capacity, who acquires actual knowledge that a child who is
20 known to the member in the member's official capacity and who
21 is enrolled in a school that is subject to the board or
22 governing body of which he or she is a member is an abused
23 child as defined in Section 3 of this Act shall immediately
24 report that knowledge to the Department or cause such a report
25 to be made to the Department. For purposes of this paragraph,
26 "while acting in his or her official capacity" means while
27 performing the duties enumerated under Article 10 or Article 34
28 of the School Code.

29 Within one year after the effective date of this amendatory
30 Act of the 94th General Assembly or within one year after
31 becoming a mandated reporter, whichever is later, a person
32 mandated to report suspected abuse or neglect under this
33 Section must do one of the following:

34 (1) read the requirements of this Act concerning

1 mandated reporters, or read a document prepared by or
2 approved by the Department concerning child abuse and
3 neglect and the making of reports under this Section; or
4 (2) sign a statement, on a form prescribed by or
5 approved by the Department, to the effect that the person
6 understands his or her responsibilities under this
7 Section.

8 Any member of the clergy having reasonable cause to believe
9 that a child known to that member of the clergy in his or her
10 professional capacity may be an abused child as defined in item
11 (c) of the definition of "abused child" in Section 3 of this
12 Act shall immediately report or cause a report to be made to
13 the Department.

14 Whenever such person is required to report under this Act
15 in his capacity as a member of the staff of a medical or other
16 public or private institution, school, facility or agency, or
17 as a member of the clergy, he shall make report immediately to
18 the Department in accordance with the provisions of this Act
19 and may also notify the person in charge of such institution,
20 school, facility or agency, or church, synagogue, temple,
21 mosque, or other religious institution, or his designated agent
22 that such report has been made. Under no circumstances shall
23 any person in charge of such institution, school, facility or
24 agency, or church, synagogue, temple, mosque, or other
25 religious institution, or his designated agent to whom such
26 notification has been made, exercise any control, restraint,
27 modification or other change in the report or the forwarding of
28 such report to the Department.

29 The privileged quality of communication between any
30 professional person required to report and his patient or
31 client shall not apply to situations involving abused or
32 neglected children and shall not constitute grounds for failure
33 to report as required by this Act.

34 A member of the clergy may claim the privilege under

1 Section 8-803 of the Code of Civil Procedure.

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

6 Any person who enters into employment on and after July 1,
7 1986 and is mandated by virtue of that employment to report
8 under this Act, shall sign a statement on a form prescribed by
9 the Department, to the effect that the employee has knowledge
10 and understanding of the reporting requirements of this Act.
11 The statement shall be signed prior to commencement of the
12 employment. The signed statement shall be retained by the
13 employer. The cost of printing, distribution, and filing of the
14 statement shall be borne by the employer.

15 The Department shall provide copies of this Act, upon
16 request, to all employers employing persons who shall be
17 required under the provisions of this Section to report under
18 this Act.

19 Any person who knowingly transmits a false report to the
20 Department commits the offense of disorderly conduct under
21 subsection (a)(7) of Section 26-1 of the "Criminal Code of
22 1961". Any person who violates this provision a second or
23 subsequent time shall be guilty of a Class 3 felony.

24 Any person who knowingly and willfully violates any
25 provision of this Section other than a second or subsequent
26 violation of transmitting a false report as described in the
27 preceding paragraph, is guilty of a Class A misdemeanor for a
28 first violation and a Class 4 felony for a second or subsequent
29 violation; except that if the person acted as part of a plan or
30 scheme having as its object the prevention of discovery of an
31 abused or neglected child by lawful authorities for the purpose
32 of protecting or insulating any person or entity from arrest or
33 prosecution, the person is guilty of a Class 4 felony for a
34 first offense and a Class 3 felony for a second or subsequent

1 offense (regardless of whether the second or subsequent offense
2 involves any of the same facts or persons as the first or other
3 prior offense).

4 A child whose parent, guardian or custodian in good faith
5 selects and depends upon spiritual means through prayer alone
6 for the treatment or cure of disease or remedial care may be
7 considered neglected or abused, but not for the sole reason
8 that his parent, guardian or custodian accepts and practices
9 such beliefs.

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

13 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;
14 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
15 8-5-03; 93-1041, eff. 9-29-04.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."