

1 AN ACT concerning abuse.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by  
5 adding Section 18 as follows:

6 (510 ILCS 70/18 new)

7 Sec. 18. Cross-reporting.

8 (a) An animal control officer, Department investigator, or  
9 approved humane investigator who has reasonable cause to  
10 suspect or believe that a child is being abused or neglected or  
11 is in danger of being abused or neglected must immediately make  
12 a written or oral report to the Department of Children and  
13 Family Services.

14 (b) Investigation Specialists, Intact Family Specialists,  
15 and Placement Specialists employed by the Department of  
16 Children and Family Services who reasonably believe that an  
17 animal observed by them when in their professional or official  
18 capacity is being abused or neglected in violation of this Act  
19 must immediately make a written or oral report to the  
20 Department of Agriculture's Bureau of Animal Health and  
21 Welfare.

22 (c) Any person, institution, or agency described in  
23 subsection (b), participating in good faith in the making of a

1 report or referral, or in the investigation of such a report or  
2 referral, or in making a disclosure of information concerning  
3 reports of abuse or neglect under this Act, shall have immunity  
4 from any liability, civil, criminal, or otherwise, that might  
5 result by reason of such actions. For the purpose of any  
6 proceedings, civil or criminal, the good faith of any persons  
7 required to report or refer, or permitted to report, cases of  
8 suspected animal abuse or neglect, or permitted to refer  
9 individuals under this Act or required to disclose information  
10 concerning reports of animal abuse and neglect in compliance  
11 with this Act, shall be presumed.

12 (d) The identity of any person who reports animal abuse or  
13 neglect under subsection (b) shall be confidential and shall  
14 not be disclosed except as specifically authorized by this Act  
15 or other applicable law.

16 (e) A home rule unit may not regulate the reporting of  
17 child abuse or neglect in a manner inconsistent with the  
18 provisions of this Section. This Section is a limitation under  
19 subsection (i) of Section 6 of Article VII of the Illinois  
20 Constitution on the concurrent exercise by home rule units of  
21 powers and functions exercised by the State.

22 Section 10. The Abused and Neglected Child Reporting Act is  
23 amended by changing Section 4 and by adding Section 11.8 as  
24 follows:

1 (325 ILCS 5/4) (from Ch. 23, par. 2054)

2 Sec. 4. Persons required to report; privileged  
3 communications; transmitting false report. Any physician,  
4 resident, intern, hospital, hospital administrator and  
5 personnel engaged in examination, care and treatment of  
6 persons, surgeon, dentist, dentist hygienist, osteopath,  
7 chiropractor, podiatrist, physician assistant, substance abuse  
8 treatment personnel, funeral home director or employee,  
9 coroner, medical examiner, emergency medical technician,  
10 acupuncturist, crisis line or hotline personnel, school  
11 personnel (including administrators and both certified and  
12 non-certified school employees), educational advocate assigned  
13 to a child pursuant to the School Code, member of a school  
14 board or the Chicago Board of Education or the governing body  
15 of a private school (but only to the extent required in  
16 accordance with other provisions of this Section expressly  
17 concerning the duty of school board members to report suspected  
18 child abuse), truant officers, social worker, social services  
19 administrator, domestic violence program personnel, registered  
20 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  
25 counselor, licensed clinical professional counselor,  
26 registered psychologist and assistants working under the

1 direct supervision of a psychologist, psychiatrist, or field  
2 personnel of the Department of Healthcare and Family Services,  
3 Juvenile Justice, Public Health, Human Services (acting as  
4 successor to the Department of Mental Health and Developmental  
5 Disabilities, Rehabilitation Services, or Public Aid),  
6 Corrections, Human Rights, or Children and Family Services,  
7 supervisor and administrator of general assistance under the  
8 Illinois Public Aid Code, probation officer, animal control  
9 officer or Illinois Department of Agriculture Bureau of Animal  
10 Health and Welfare field investigator, or any other foster  
11 parent, homemaker or child care worker having reasonable cause  
12 to 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 Any member of the clergy having reasonable cause to believe  
17 that a child known to that member of the clergy in his or her  
18 professional capacity may be an abused child as defined in item  
19 (c) of the definition of "abused child" in Section 3 of this  
20 Act shall immediately report or cause a report to be made to  
21 the Department.

22 If an allegation is raised to a school board member during  
23 the course of an open or closed school board meeting that a  
24 child who is enrolled in the school district of which he or she  
25 is a board member is an abused child as defined in Section 3 of  
26 this Act, the member shall direct or cause the school board to

1 direct the superintendent of the school district or other  
2 equivalent school administrator to comply with the  
3 requirements of this Act concerning the reporting of child  
4 abuse. For purposes of this paragraph, a school board member is  
5 granted the authority in his or her individual capacity to  
6 direct the superintendent of the school district or other  
7 equivalent school administrator to comply with the  
8 requirements of this Act concerning the reporting of child  
9 abuse.

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

25 The privileged quality of communication between any  
26 professional person required to report and his patient or

1 client shall not apply to situations involving abused or  
2 neglected children and shall not constitute grounds for failure  
3 to report as required by this Act.

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

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

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

19 The Department shall provide copies of this Act, upon  
20 request, to all employers employing persons who shall be  
21 required under the provisions of this Section to report under  
22 this Act.

23 Any person who knowingly transmits a false report to the  
24 Department commits the offense of disorderly conduct under  
25 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
26 1961". Any person who violates this provision a second or

1 subsequent time shall be guilty of a Class 3 felony.

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

16 A child whose parent, guardian or custodian in good faith  
17 selects and depends upon spiritual means through prayer alone  
18 for the treatment or cure of disease or remedial care may be  
19 considered neglected or abused, but not for the sole reason  
20 that his parent, guardian or custodian accepts and practices  
21 such beliefs.

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

25 Nothing in this Act prohibits a mandated reporter who  
26 reasonably believes that an animal is being abused or neglected

1 in violation of the Humane Care for Animals Act from reporting  
2 animal abuse or neglect to the Department of Agriculture's  
3 Bureau of Animal Health and Welfare.

4 A home rule unit may not regulate the reporting of child  
5 abuse or neglect in a manner inconsistent with the provisions  
6 of this Section. This Section is a limitation under subsection  
7 (i) of Section 6 of Article VII of the Illinois Constitution on  
8 the concurrent exercise by home rule units of powers and  
9 functions exercised by the State.

10 (Source: P.A. 94-888, eff. 6-20-06; 95-10, eff. 6-30-07;  
11 95-461, eff. 8-27-07; revised 11-15-07.)

12 (325 ILCS 5/11.8 new)

13 Sec. 11.8. Cross-reporting.

14 (a) Investigation Specialists, Intact Family Specialists,  
15 and Placement Specialists employed by the Department of  
16 Children and Family Services who reasonably believe that an  
17 animal observed by them when in their professional or official  
18 capacity is being abused or neglected in violation of the  
19 Humane Care for Animals Act must immediately make a written or  
20 oral report to the Department of Agriculture's Bureau of Animal  
21 Health and Welfare.

22 (b) A home rule unit may not regulate the reporting of  
23 child abuse or neglect in a manner inconsistent with the  
24 provisions of this Section. This Section is a limitation under  
25 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by home rule units of  
2 powers and functions exercised by the State.

3 Section 15. The State Mandates Act is amended by adding  
4 Section 8.32 as follows:

5 (30 ILCS 805/8.32 new)

6 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
7 of this Act, no reimbursement by the State is required for the  
8 implementation of any mandate created by this amendatory Act of  
9 the 95th General Assembly.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.