

SB2032



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2032

Introduced 2/6/2025, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

325 ILCS 5/3

from Ch. 23, par. 2053

Amends the Abused and Neglected Child Reporting Act. In the definition of "abused child", changes the list of persons who may be consider a perpetrator of abuse to include a child's parent, a parent's paramour, or any other person 14 years of age or older who is responsible for the child's welfare, is an immediate family member, or resides in the same home as the child.

LRB104 12123 KTG 22222 b

A BILL FOR

1 AN ACT concerning 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 is
5 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 "Adult resident" means any person between 18 and 22 years
10 of age who resides in any facility licensed by the Department
11 under the Child Care Act of 1969. For purposes of this Act, the
12 criteria set forth in the definitions of "abused child" and
13 "neglected child" shall be used in determining whether an
14 adult resident is abused or neglected.

15 "Agency" means a child care facility licensed under
16 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
17 includes a transitional living program that accepts children
18 and adult residents for placement who are in the guardianship
19 of the Department.

20 "Blatant disregard" means an incident where the real,
21 significant, and imminent risk of harm would be so obvious to a
22 reasonable parent or caretaker that it is unlikely that a
23 reasonable parent or caretaker would have exposed the child to

1 the danger without exercising precautionary measures to
2 protect the child from harm. With respect to a person working
3 at an agency in the person's professional capacity with a
4 child or adult resident, "blatant disregard" includes a
5 failure by the person to perform job responsibilities intended
6 to protect the child's or adult resident's health, physical
7 well-being, or welfare, and, when viewed in light of the
8 surrounding circumstances, evidence exists that would cause a
9 reasonable person to believe that the child was neglected.
10 With respect to an agency, "blatant disregard" includes a
11 failure to implement practices that ensure the health,
12 physical well-being, or welfare of the children and adult
13 residents residing in the facility.

14 "Child" means any person under the age of 18 years, unless
15 legally emancipated by reason of marriage or entry into a
16 branch of the United States armed services.

17 "Department" means Department of Children and Family
18 Services.

19 "Local law enforcement agency" means the police of a city,
20 town, village or other incorporated area or the sheriff of an
21 unincorporated area or any sworn officer of the Illinois State
22 Police.

23 "Abused child" means a child whose parent or parent's
24 paramour or any other person 14 years of age or older who is
25 responsible for the child's welfare, is an immediate family
26 member, or resides in the same home as the child ~~or immediate~~

1 ~~family member, or any person responsible for the child's~~
2 ~~welfare, or any individual residing in the same home as the~~
3 ~~child, or a paramour of the child's parent:~~

4 (a) inflicts, causes to be inflicted, or allows to be
5 inflicted upon such child physical injury, by other than
6 accidental means, which causes death, disfigurement,
7 impairment of physical or emotional health, or loss or
8 impairment of any bodily function;

9 (b) creates a substantial risk of physical injury to
10 such child by other than accidental means which would be
11 likely to cause death, disfigurement, impairment of
12 physical or emotional health, or loss or impairment of any
13 bodily function;

14 (c) commits or allows to be committed any sex offense
15 against such child, as such sex offenses are defined in
16 the Criminal Code of 2012 or in the Wrongs to Children Act,
17 and extending those definitions of sex offenses to include
18 children under 18 years of age;

19 (d) commits or allows to be committed an act or acts of
20 torture upon such child;

21 (e) inflicts excessive corporal punishment or, in the
22 case of a person working for an agency who is prohibited
23 from using corporal punishment, inflicts corporal
24 punishment upon a child or adult resident with whom the
25 person is working in the person's professional capacity;

26 (f) commits or allows to be committed the offense of

1 female genital mutilation, as defined in Section 12-34 of
2 the Criminal Code of 2012, against the child;

3 (g) causes to be sold, transferred, distributed, or
4 given to such child under 18 years of age, a controlled
5 substance as defined in Section 102 of the Illinois
6 Controlled Substances Act in violation of Article IV of
7 the Illinois Controlled Substances Act or in violation of
8 the Methamphetamine Control and Community Protection Act,
9 except for controlled substances that are prescribed in
10 accordance with Article III of the Illinois Controlled
11 Substances Act and are dispensed to such child in a manner
12 that substantially complies with the prescription;

13 (h) commits or allows to be committed the offense of
14 involuntary servitude, involuntary sexual servitude of a
15 minor, or trafficking in persons as defined in Section
16 10-9 of the Criminal Code of 2012 against the child; or

17 (i) commits the offense of grooming, as defined in
18 Section 11-25 of the Criminal Code of 2012, against the
19 child.

20 A child shall not be considered abused for the sole reason
21 that the child has been relinquished in accordance with the
22 Abandoned Newborn Infant Protection Act.

23 "Neglected child" means any child who is not receiving the
24 proper or necessary nourishment or medically indicated
25 treatment including food or care not provided solely on the
26 basis of the present or anticipated mental or physical

1 impairment as determined by a physician acting alone or in
2 consultation with other physicians or otherwise is not
3 receiving the proper or necessary support or medical or other
4 remedial care recognized under State law as necessary for a
5 child's well-being, or other care necessary for the child's
6 well-being, including adequate food, clothing and shelter; or
7 who is subjected to an environment which is injurious insofar
8 as (i) the child's environment creates a likelihood of harm to
9 the child's health, physical well-being, or welfare and (ii)
10 the likely harm to the child is the result of a blatant
11 disregard of parent, caretaker, person responsible for the
12 child's welfare, or agency responsibilities; or who is
13 abandoned by the child's parents or other person responsible
14 for the child's welfare without a proper plan of care; or who
15 has been provided with interim crisis intervention services
16 under Section 3-5 of the Juvenile Court Act of 1987 and whose
17 parent, guardian, or custodian refuses to permit the child to
18 return home and no other living arrangement agreeable to the
19 parent, guardian, or custodian can be made, and the parent,
20 guardian, or custodian has not made any other appropriate
21 living arrangement for the child; or who is a newborn infant
22 whose blood, urine, or meconium contains any amount of a
23 controlled substance as defined in subsection (f) of Section
24 102 of the Illinois Controlled Substances Act or a metabolite
25 thereof, with the exception of a controlled substance or
26 metabolite thereof whose presence in the newborn infant is the

1 result of medical treatment administered to the person who
2 gave birth or the newborn infant. A child shall not be
3 considered neglected for the sole reason that the child's
4 parent or other person responsible for the child's welfare has
5 left the child in the care of an adult relative for any period
6 of time. A child shall not be considered neglected for the sole
7 reason that the child has been relinquished in accordance with
8 the Abandoned Newborn Infant Protection Act. A child shall not
9 be considered neglected or abused for the sole reason that
10 such child's parent or other person responsible for the
11 child's welfare depends upon spiritual means through prayer
12 alone for the treatment or cure of disease or remedial care as
13 provided under Section 4 of this Act. A child shall not be
14 considered neglected or abused solely because the child is not
15 attending school in accordance with the requirements of
16 Article 26 of The School Code, as amended.

17 "Child Protective Service Unit" means certain specialized
18 State employees of the Department assigned by the Director to
19 perform the duties and responsibilities as provided under
20 Section 7.2 of this Act.

21 "Near fatality" means an act that, as certified by a
22 physician, places the child in serious or critical condition,
23 including acts of great bodily harm inflicted upon children
24 under 13 years of age, and as otherwise defined by Department
25 rule.

26 "Great bodily harm" includes bodily injury which creates a

1 high probability of death, or which causes serious permanent
2 disfigurement, or which causes a permanent or protracted loss
3 or impairment of the function of any bodily member or organ, or
4 other serious bodily harm.

5 "Person responsible for the child's welfare" means the
6 child's parent; guardian; foster parent; relative caregiver;
7 any person responsible for the child's welfare in a public or
8 private residential agency or institution; any person
9 responsible for the child's welfare within a public or private
10 profit or not for profit child care facility; or any other
11 person responsible for the child's welfare at the time of the
12 alleged abuse or neglect, including any person who commits or
13 allows to be committed, against the child, the offense of
14 involuntary servitude, involuntary sexual servitude of a
15 minor, or trafficking in persons for forced labor or services,
16 as provided in Section 10-9 of the Criminal Code of 2012,
17 including, but not limited to, the custodian of the minor, or
18 any person who came to know the child through an official
19 capacity or position of trust, including, but not limited to,
20 health care professionals, educational personnel, recreational
21 supervisors, members of the clergy, and volunteers or support
22 personnel in any setting where children may be subject to
23 abuse or neglect.

24 "Temporary protective custody" means custody within a
25 hospital or other medical facility or a place previously
26 designated for such custody by the Department, subject to

1 review by the Court, including a licensed foster home, group
2 home, or other institution; but such place shall not be a jail
3 or other place for the detention of criminal or juvenile
4 offenders.

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

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

11 "An undetermined report" means any report made under this
12 Act in which it was not possible to initiate or complete an
13 investigation on the basis of information provided to the
14 Department.

15 "Subject of report" means any child reported to the
16 central register of child abuse and neglect established under
17 Section 7.7 of this Act as an alleged victim of child abuse or
18 neglect and the parent or guardian of the alleged victim or
19 other person responsible for the alleged victim's welfare who
20 is named in the report or added to the report as an alleged
21 perpetrator of child abuse or neglect.

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

25 "Member of the clergy" means a clergyperson or
26 practitioner of any religious denomination accredited by the

1 religious body to which the clergyperson or practitioner
2 belongs.

3 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
4 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)