



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4876

Introduced 2/7/2024, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

325 ILCS 5/3
410 ILCS 210/1.5

from Ch. 23, par. 2053

Amends the Abused and Neglected Child Reporting Act. Provides that "abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent denies the child access to necessary medical care, including, but not limited to, primary care services, abortion services, or gender-affirming services. Amends the Consent by Minors to Health Care Services Act. Specifies that consent to the performance of abortion services and gender-affirming services executed by a minor is not voidable because of such minority. Provides that a health care professional rendering abortion services and gender-affirming services shall not incur civil or criminal liability for failure to obtain valid consent or professional discipline for failure to obtain valid consent if the health care professional relied in good faith on representations made by the minor.

LRB103 37486 CES 67609 b

1 AN ACT concerning health.

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 immediate
24 family member, or any person responsible for the child's
25 welfare, or any individual residing in the same home as the
26 child, or a paramour of the child's parent:

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

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

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

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

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

23 (f) commits or allows to be committed the offense of
24 female genital mutilation, as defined in Section 12-34 of
25 the Criminal Code of 2012, against the child;

26 (g) causes to be sold, transferred, distributed, or

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

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

14 (i) commits the offense of grooming, as defined in
15 Section 11-25 of the Criminal Code of 2012, against the
16 child; or -

17 (j) denies the child access to necessary medical care,
18 including, but not limited to:

19 (1) primary care services, as defined in Section
20 1.5 of the Consent by Minors to Health Care Services
21 Act;

22 (2) abortion services, as defined in Section 1-10
23 of the Reproductive Health Act; or

24 (3) gender-affirming services, as defined in
25 Section 1-10 of the Reproductive Health Act.

26 A child shall not be considered abused for the sole reason

1 that the child has been relinquished in accordance with the
2 Abandoned Newborn Infant Protection Act.

3 "Neglected child" means any child who is not receiving the
4 proper or necessary nourishment or medically indicated
5 treatment including food or care not provided solely on the
6 basis of the present or anticipated mental or physical
7 impairment as determined by a physician acting alone or in
8 consultation with other physicians or otherwise is not
9 receiving the proper or necessary support or medical or other
10 remedial care recognized under State law as necessary for a
11 child's well-being, or other care necessary for the child's
12 well-being, including adequate food, clothing and shelter; or
13 who is subjected to an environment which is injurious insofar
14 as (i) the child's environment creates a likelihood of harm to
15 the child's health, physical well-being, or welfare and (ii)
16 the likely harm to the child is the result of a blatant
17 disregard of parent, caretaker, person responsible for the
18 child's welfare, or agency responsibilities; or who is
19 abandoned by the child's parents or other person responsible
20 for the child's welfare without a proper plan of care; or who
21 has been provided with interim crisis intervention services
22 under Section 3-5 of the Juvenile Court Act of 1987 and whose
23 parent, guardian, or custodian refuses to permit the child to
24 return home and no other living arrangement agreeable to the
25 parent, guardian, or custodian can be made, and the parent,
26 guardian, or custodian has not made any other appropriate

1 living arrangement for the child; or who is a newborn infant
2 whose blood, urine, or meconium contains any amount of a
3 controlled substance as defined in subsection (f) of Section
4 102 of the Illinois Controlled Substances Act or a metabolite
5 thereof, with the exception of a controlled substance or
6 metabolite thereof whose presence in the newborn infant is the
7 result of medical treatment administered to the person who
8 gave birth or the newborn infant. A child shall not be
9 considered neglected for the sole reason that the child's
10 parent or other person responsible for the child's welfare has
11 left the child in the care of an adult relative for any period
12 of time. A child shall not be considered neglected for the sole
13 reason that the child has been relinquished in accordance with
14 the Abandoned Newborn Infant Protection Act. A child shall not
15 be considered neglected or abused for the sole reason that
16 such child's parent or other person responsible for the
17 child's welfare depends upon spiritual means through prayer
18 alone for the treatment or cure of disease or remedial care as
19 provided under Section 4 of this Act. A child shall not be
20 considered neglected or abused solely because the child is not
21 attending school in accordance with the requirements of
22 Article 26 of The School Code, as amended.

23 "Child Protective Service Unit" means certain specialized
24 State employees of the Department assigned by the Director to
25 perform the duties and responsibilities as provided under
26 Section 7.2 of this Act.

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

6 "Great bodily harm" includes bodily injury which creates a
7 high probability of death, or which causes serious permanent
8 disfigurement, or which causes a permanent or protracted loss
9 or impairment of the function of any bodily member or organ, or
10 other serious bodily harm.

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

1 supervisors, members of the clergy, and volunteers or support
2 personnel in any setting where children may be subject to
3 abuse or neglect.

4 "Temporary protective custody" means custody within a
5 hospital or other medical facility or a place previously
6 designated for such custody by the Department, subject to
7 review by the Court, including a licensed foster home, group
8 home, or other institution; but such place shall not be a jail
9 or other place for the detention of criminal or juvenile
10 offenders.

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

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

17 "An undetermined report" means any report made under this
18 Act in which it was not possible to initiate or complete an
19 investigation on the basis of information provided to the
20 Department.

21 "Subject of report" means any child reported to the
22 central register of child abuse and neglect established under
23 Section 7.7 of this Act as an alleged victim of child abuse or
24 neglect and the parent or guardian of the alleged victim or
25 other person responsible for the alleged victim's welfare who
26 is named in the report or added to the report as an alleged

1 perpetrator of child abuse or neglect.

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

5 "Member of the clergy" means a clergyperson or
6 practitioner of any religious denomination accredited by the
7 religious body to which the clergyperson or practitioner
8 belongs.

9 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
10 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

11 Section 10. The Consent by Minors to Health Care Services
12 Act is amended by changing Section 1.5 as follows:

13 (410 ILCS 210/1.5)

14 Sec. 1.5. Consent by minor seeking care for limited
15 primary care services.

16 (a) The consent to the performance of primary care
17 services, abortion services, and gender-affirming services by
18 a physician licensed to practice medicine in all its branches,
19 a licensed advanced practice registered nurse, a licensed
20 physician assistant, a chiropractic physician, or a licensed
21 optometrist executed by a minor seeking care is not voidable
22 because of such minority, and for such purpose, a minor
23 seeking care is deemed to have the same legal capacity to act
24 and has the same powers and obligations as has a person of

1 legal age if ~~under the following circumstances:~~ (1) the health
2 care professional reasonably believes that the minor seeking
3 care understands the benefits and risks of any proposed
4 primary care or services. ; ~~and~~

5 ~~(2) the minor seeking care is identified in writing as~~
6 ~~a minor seeking care by:~~

7 ~~(A) an adult relative;~~

8 ~~(B) a representative of a homeless service agency~~
9 ~~that receives federal, State, county, or municipal~~
10 ~~funding to provide those services or that is otherwise~~
11 ~~sanctioned by a local continuum of care;~~

12 ~~(C) an attorney licensed to practice law in this~~
13 ~~State;~~

14 ~~(D) a public school homeless liaison or school~~
15 ~~social worker;~~

16 ~~(E) a social service agency providing services to~~
17 ~~at risk, homeless, or runaway youth; or~~

18 ~~(F) a representative of a religious organization.~~

19 (b) A health care professional rendering primary care
20 services, abortion services, and gender-affirming services,
21 under this Section shall not incur civil or criminal liability
22 for failure to obtain valid consent or professional discipline
23 for failure to obtain valid consent if he or she relied in good
24 faith on the representations made by the minor ~~or the~~
25 ~~information provided under paragraph (2) of subsection (a) of~~
26 ~~this Section.~~ Under such circumstances, good faith shall be

1 presumed.

2 (c) The confidential nature of any communication between a
3 health care professional described in Section 1 of this Act
4 and a minor seeking care is not waived (1) by the presence, at
5 the time of communication, of any additional persons present
6 at the request of the minor seeking care, (2) by the health
7 care professional's disclosure of confidential information to
8 the additional person with the consent of the minor seeking
9 care, when reasonably necessary to accomplish the purpose for
10 which the additional person is consulted, or (3) by the health
11 care professional billing a health benefit insurance or plan
12 under which the minor seeking care is insured, is enrolled, or
13 has coverage for the services provided.

14 (d) Nothing in this Section shall be construed to limit or
15 expand a minor's existing powers and obligations under any
16 federal, State, or local law. Nothing in this Section affects
17 the right or authority of a parent or legal guardian to
18 verbally, in writing, or otherwise authorize health care
19 services to be provided for a minor in their absence.

20 (e) For the purposes of this Section:

21 "Abortion services" has the meaning given in Section 1-10
22 of the Reproductive Health Act.

23 "Gender-affirming services" has the meaning given in
24 Section 1-10 of the Reproductive Health Act.

25 "Minor seeking care" means a person at least 14 years of
26 age but less than 18 years of age who is living separate and

1 apart from his or her parents or legal guardian, whether with
2 or without the consent of a parent or legal guardian who is
3 unable or unwilling to return to the residence of a parent, and
4 managing his or her own personal affairs. "Minor seeking care"
5 does not include minors who are under the protective custody,
6 temporary custody, or guardianship of the Department of
7 Children and Family Services.

8 "Primary care services" means health care services that
9 include screening, counseling, immunizations, medication, and
10 treatment of illness and conditions customarily provided by
11 licensed health care professionals in an out-patient setting,
12 eye care services, excluding advanced optometric procedures,
13 provided by optometrists, and services provided by
14 chiropractic physicians according to the scope of practice of
15 chiropractic physicians under the Medical Practice Act of
16 1987. "Primary care services" does not include invasive care,
17 beyond standard injections, laceration care, or non-surgical
18 fracture care.

19 (Source: P.A. 102-1117, eff. 1-13-23.)