

1 AMENDMENT TO HOUSE BILL 575

2 AMENDMENT NO. _____. Amend House Bill 575 by replacing
3 the title with the following:

4 "AN ACT in relation to children."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Abused and Neglected Child Reporting Act
8 is amended by changing Section 3 as follows:

9 (325 ILCS 5/3) (from Ch. 23, par. 2053)

10 Sec. 3. As used in this Act unless the context otherwise
11 requires:

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

15 "Department" means Department of Children and Family
16 Services.

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

21 "Abused child" means a child whose parent 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, or any other
4 person:

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

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

15 (c) commits or allows to be committed any sex
16 offense against such child, as such sex offenses are
17 defined in the Criminal Code of 1961, as amended, and
18 extending those definitions of sex offenses to include
19 children under 18 years of age;

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

22 (e) inflicts excessive corporal punishment;

23 (f) commits or allows to be committed the offense
24 of female genital mutilation, as defined in Section 12-34
25 of the Criminal Code of 1961, against the child; or

26 (g) causes to be sold, transferred, distributed,
27 or given to such child under 18 years of age, a
28 controlled substance as defined in Section 102 of the
29 Illinois Controlled Substances Act in violation of
30 Article IV of the Illinois Controlled Substances Act,
31 except for controlled substances that are prescribed in
32 accordance with Article III of the Illinois Controlled
33 Substances Act and are dispensed to such child in a
34 manner that substantially complies with the prescription.

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

4 "Neglected child" means any child who is not receiving
5 the proper or necessary nourishment or medically indicated
6 treatment including food or care not provided solely on the
7 basis of the present or anticipated mental or physical
8 impairment as determined by a physician acting alone or in
9 consultation with other physicians or otherwise is not
10 receiving the proper or necessary support or medical or other
11 remedial care recognized under State law as necessary for a
12 child's well-being, or other care necessary for his or her
13 well-being, including adequate food, clothing and shelter; or
14 who is abandoned by his or her parents or other person
15 responsible for the child's welfare without a proper plan of
16 care; or who is a newborn infant whose blood, urine, or
17 meconium contains any amount of a controlled substance as
18 defined in subsection (f) of Section 102 of the Illinois
19 Controlled Substances Act or a metabolite thereof, with the
20 exception of a controlled substance or metabolite thereof
21 whose presence in the newborn infant is the result of medical
22 treatment administered to the mother or the newborn infant. A
23 child shall not be considered neglected for the sole reason
24 that the child's parent or other person responsible for his
25 or her welfare has left the child in the care of an adult
26 relative for any period of time. A child shall not be
27 considered neglected for the sole reason that the child has
28 been relinquished in accordance with the Abandoned Newborn
29 Infant Protection Act. A child shall not be considered
30 neglected or abused for the sole reason that such child's
31 parent or other person responsible for his or her welfare
32 depends upon spiritual means through prayer alone for the
33 treatment or cure of disease or remedial care as provided
34 under Section 4 of this Act. A child shall not be considered

1 neglected or abused solely because the child is not attending
2 school in accordance with the requirements of Article 26 of
3 The School Code, as amended.

4 "Child Protective Service Unit" means certain specialized
5 State employees of the Department assigned by the Director to
6 perform the duties and responsibilities as provided under
7 Section 7.2 of this Act.

8 "Person responsible for the child's welfare" means the
9 child's parent; guardian; foster parent; relative caregiver;
10 any person responsible for the child's welfare in a public or
11 private residential agency or institution; any person
12 responsible for the child's welfare within a public or
13 private profit or not for profit child care facility; or any
14 other person responsible for the child's welfare at the time
15 of the alleged abuse or neglect, or any person who came to
16 know the child through an official capacity or position of
17 trust, including but not limited to health care
18 professionals, educational personnel, recreational
19 supervisors, members of the clergy, and volunteers or support
20 personnel in any setting where children may be subject to
21 abuse or neglect.

22 "Temporary protective custody" means custody within a
23 hospital or other medical facility or a place previously
24 designated for such custody by the Department, subject to
25 review by the Court, including a licensed foster home, group
26 home, or other institution; but such place shall not be a
27 jail or other place for the detention of criminal or juvenile
28 offenders.

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

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

1 "An undetermined report" means any report made under this
2 Act in which it was not possible to initiate or complete an
3 investigation on the basis of information provided to the
4 Department.

5 "Subject of report" means any child reported to the
6 central register of child abuse and neglect established under
7 Section 7.7 of this Act and his or her parent, guardian or
8 other person responsible who is also named in the report.

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

12 "Member of the clergy" means a clergyman or practitioner
13 of any religious denomination accredited by the religious
14 body to which he or she belongs.

15 (Source: P.A. 91-802, eff. 1-1-01; 92-408, eff. 8-17-01;
16 92-432, eff. 8-17-01; 92-801, eff. 8-16-02.)

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