

1 AN ACT in relation to 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
5 is amended by changing Section 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any physician,
9 resident, intern, hospital, hospital administrator and
10 personnel engaged in examination, care and treatment of
11 persons, surgeon, dentist, dentist hygienist, osteopath,
12 chiropractor, podiatrist, physician assistant, substance
13 abuse treatment personnel, Christian Science practitioner,
14 funeral home director or employee, coroner, medical examiner,
15 emergency medical technician, acupuncturist, crisis line or
16 hotline personnel, school personnel, educational advocate
17 assigned to a child pursuant to the School Code, truant
18 officers, social worker, social services administrator,
19 domestic violence program personnel, registered nurse,
20 licensed practical nurse, respiratory care practitioner,
21 advanced practice nurse, home health aide, director or staff
22 assistant of a nursery school or a child day care center,
23 recreational program or facility personnel, law enforcement
24 officer, licensed professional counselor, licensed clinical
25 professional counselor, registered psychologist and
26 assistants working under the direct supervision of a
27 psychologist, psychiatrist, or field personnel of the
28 Illinois Department of Public Aid, Public Health, Human
29 Services (acting as successor to the Department of Mental
30 Health and Developmental Disabilities, Rehabilitation
31 Services, or Public Aid), Corrections, Human Rights, or

1 Children and Family Services, supervisor and administrator of
2 general assistance under the Illinois Public Aid Code,
3 probation officer, or any other foster parent, homemaker or
4 child care worker having reasonable cause to believe a child
5 known to them in their professional or official capacity may
6 be an abused child or a neglected child shall immediately
7 report or cause a report to be made to the Department.

8 Any member of the clergy having reasonable cause to
9 believe that a child known to that member of the clergy in
10 his or her professional capacity may be an abused child as
11 defined in item (c) of the definition of "abused child" in
12 Section 3 of this Act shall immediately report or cause a
13 report to be made to 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
16 other public or private institution, school, facility or
17 agency, or as a member of the clergy, he shall make report
18 immediately to the Department in accordance with the
19 provisions of this Act and may also notify the person in
20 charge of such institution, school, facility or agency, or
21 church, synagogue, temple, mosque, or other religious
22 institution, or his designated agent that such report has
23 been made. Under no circumstances shall any person in charge
24 of such institution, school, facility or agency, or church,
25 synagogue, temple, mosque, or other religious institution, or
26 his designated agent to whom such notification has been made,
27 exercise any control, restraint, modification or other change
28 in the report or the forwarding of such report to the
29 Department.

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

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

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

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

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

22 Any person who knowingly transmits a false report to the
23 Department commits the offense of disorderly conduct under
24 subsection (a)(7) of Section 26-1 of the "Criminal Code of
25 1961". Any person who violates this provision a second or
26 subsequent time shall be guilty of a Class 4 felony.

27 Any person who knowingly and willfully violates any
28 provision of this Section other than a second or subsequent
29 violation of transmitting a false report as described in the
30 preceding paragraph, is guilty of a Class A misdemeanor for a
31 first violation and a Class 4 felony for a second or
32 subsequent violation.

33 A child whose parent, guardian or custodian in good faith
34 selects and depends upon spiritual means through prayer

1 alone for the treatment or cure of disease or remedial care
2 may be considered neglected or abused, but not for the sole
3 reason that his parent, guardian or custodian accepts and
4 practices such beliefs.

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

9 (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99;
10 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)

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