

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 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 abuse
13 treatment personnel, funeral home director or employee,
14 coroner, medical examiner, emergency medical technician,
15 acupuncturist, crisis line or hotline personnel, school
16 personnel (including administrators and both certified and
17 non-certified school employees), educational advocate assigned
18 to a child pursuant to the School Code, truant officers, social
19 worker, social services administrator, domestic violence
20 program personnel, registered nurse, licensed practical nurse,
21 genetic counselor, respiratory care practitioner, advanced
22 practice nurse, home health aide, director or staff assistant
23 of a nursery school or a child day care center, recreational
24 program or facility personnel, law enforcement officer,
25 licensed professional counselor, licensed clinical
26 professional counselor, registered psychologist and assistants
27 working under the direct supervision of a psychologist,
28 psychiatrist, or field personnel of the ~~Illinois~~ Department of
29 Healthcare and Family Services ~~Public Aid~~, Public Health, Human
30 Services (acting as successor to the Department of Mental
31 Health and Developmental Disabilities, Rehabilitation
32 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 be
6 an abused child or a neglected child shall immediately report
7 or cause a report to be made to the Department.

8 Any member of the clergy having reasonable cause to believe
9 that a child known to that member of the clergy in his or her
10 professional capacity may be an abused child as defined in item
11 (c) of the definition of "abused child" in Section 3 of this
12 Act shall immediately report or cause a report to be made to
13 the Department.

14 If an allegation is raised to a school board member during
15 the course of an open or closed school board meeting that a
16 child who is enrolled in the school district of which he or she
17 is a board member is an abused child as defined in Section 3 of
18 this Act, the member shall direct or cause the school board to
19 direct the superintendent of the school district or other
20 equivalent school administrator to comply with the
21 requirements of this Act concerning the reporting of child
22 abuse. For purposes of this paragraph, a school board member is
23 granted the authority in his or her individual capacity to
24 direct the superintendent of the school district or other
25 equivalent school administrator to comply with the
26 requirements of this Act concerning the reporting of child
27 abuse.

28 Whenever such person is required to report under this Act
29 in his capacity as a member of the staff of a medical or other
30 public or private institution, school, facility or agency, or
31 as a member of the clergy, he shall make report immediately to
32 the Department in accordance with the provisions of this Act
33 and may also notify the person in charge of such institution,
34 school, facility or agency, or church, synagogue, temple,
35 mosque, or other religious institution, or his designated agent
36 that such report has been made. Under no circumstances shall

1 any person in charge of such institution, school, facility or
2 agency, or church, synagogue, temple, mosque, or other
3 religious institution, or his designated agent to whom such
4 notification has been made, exercise any control, restraint,
5 modification or other change in the report or the forwarding of
6 such report to the Department.

7 The privileged quality of communication between any
8 professional person required to report and his patient or
9 client shall not apply to situations involving abused or
10 neglected children and shall not constitute grounds for failure
11 to report as required by this Act.

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

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

18 Any person who enters into employment on and after July 1,
19 1986 and is mandated by virtue of that employment to report
20 under this Act, shall sign a statement on a form prescribed by
21 the Department, to the effect that the employee has knowledge
22 and understanding of the reporting requirements of this Act.
23 The statement shall be signed prior to commencement of the
24 employment. The signed statement shall be retained by the
25 employer. The cost of printing, distribution, and filing of the
26 statement shall be borne by the employer.

27 The Department shall provide copies of this Act, upon
28 request, to all employers employing persons who shall be
29 required under the provisions of this Section to report under
30 this Act.

31 Any person who knowingly transmits a false report to the
32 Department commits the offense of disorderly conduct under
33 subsection (a)(7) of Section 26-1 of the "Criminal Code of
34 1961". Any person who violates this provision a second or
35 subsequent time shall be guilty of a Class 3 felony.

36 Any person who knowingly and willfully violates any

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

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

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

23 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;
24 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
25 8-5-03; 93-1041, eff. 9-29-04; revised 12-15-05.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.