



Rep. David Reis

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LRB097 08383 KTG 51996 a

1 AMENDMENT TO HOUSE BILL 2093

2 AMENDMENT NO. _____. Amend House Bill 2093 by replacing
3 everything after the enacting clause with the following:

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

1 non-certified school employees), educational advocate assigned
2 to a child pursuant to the School Code, member of a school
3 board or the Chicago Board of Education or the governing body
4 of a private school (but only to the extent required in
5 accordance with other provisions of this Section expressly
6 concerning the duty of school board members to report suspected
7 child abuse), truant officers, social worker, social services
8 administrator, domestic violence program personnel, registered
9 nurse, licensed practical nurse, genetic counselor,
10 respiratory care practitioner, advanced practice nurse, home
11 health aide, director or staff assistant of a nursery school or
12 a child day care center, recreational program or facility
13 personnel, law enforcement officer, licensed professional
14 counselor, licensed clinical professional counselor,
15 registered psychologist and assistants working under the
16 direct supervision of a psychologist, psychiatrist, or field
17 personnel of the Department of Healthcare and Family Services,
18 Juvenile Justice, Public Health, Human Services (acting as
19 successor to the Department of Mental Health and Developmental
20 Disabilities, Rehabilitation Services, or Public Aid),
21 Corrections, Human Rights, or Children and Family Services,
22 supervisor and administrator of general assistance under the
23 Illinois Public Aid Code, probation officer, animal control
24 officer or Illinois Department of Agriculture Bureau of Animal
25 Health and Welfare field investigator, or any other foster
26 parent, homemaker or child care worker having reasonable cause

1 to believe a child known to them in their professional or
2 official capacity may be an abused child or a neglected child
3 shall immediately report or cause a report to be made to the
4 Department.

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

11 Any physician, physician's assistant, registered nurse,
12 licensed practical nurse, medical technician, certified
13 nursing assistant, social worker, licensed professional
14 counselor, or office personnel of any office, clinic, or any
15 other physical location that provides abortions, abortion
16 referrals, or contraceptives having reasonable cause to
17 believe a child known to them in their professional or official
18 capacity may be an abused child or a neglected child shall
19 immediately report or cause a report to be made to the
20 Department.

21 If an allegation is raised to a school board member during
22 the course of an open or closed school board meeting that a
23 child who is enrolled in the school district of which he or she
24 is a board member is an abused child as defined in Section 3 of
25 this Act, the member shall direct or cause the school board to
26 direct the superintendent of the school district or other

1 equivalent school administrator to comply with the
2 requirements of this Act concerning the reporting of child
3 abuse. For purposes of this paragraph, a school board member is
4 granted the authority in his or her individual capacity to
5 direct the superintendent of the school district or other
6 equivalent school administrator to comply with the
7 requirements of this Act concerning the reporting of child
8 abuse.

9 Notwithstanding any other provision of this Act, if an
10 employee of a school district has made a report or caused a
11 report to be made to the Department under this Act involving
12 the conduct of a current or former employee of the school
13 district and a request is made by another school district for
14 the provision of information concerning the job performance or
15 qualifications of the current or former employee because he or
16 she is an applicant for employment with the requesting school
17 district, the general superintendent of the school district to
18 which the request is being made must disclose to the requesting
19 school district the fact that an employee of the school
20 district has made a report involving the conduct of the
21 applicant or caused a report to be made to the Department, as
22 required under this Act. Only the fact that an employee of the
23 school district has made a report involving the conduct of the
24 applicant or caused a report to be made to the Department may
25 be disclosed by the general superintendent of the school
26 district to which the request for information concerning the

1 applicant is made, and this fact may be disclosed only in cases
2 where the employee and the general superintendent have not been
3 informed by the Department that the allegations were unfounded.
4 An employee of a school district who is or has been the subject
5 of a report made pursuant to this Act during his or her
6 employment with the school district must be informed by that
7 school district that if he or she applies for employment with
8 another school district, the general superintendent of the
9 former school district, upon the request of the school district
10 to which the employee applies, shall notify that requesting
11 school district that the employee is or was the subject of such
12 a report.

13 Whenever such person is required to report under this Act
14 in his capacity as a member of the staff of a medical or other
15 public or private institution, school, facility or agency, or
16 as a member of the clergy, he shall make report immediately to
17 the Department in accordance with the provisions of this Act
18 and may also notify the person in charge of such institution,
19 school, facility or agency, or church, synagogue, temple,
20 mosque, or other religious institution, or his designated agent
21 that such report has been made. Under no circumstances shall
22 any person in charge of such institution, school, facility or
23 agency, or church, synagogue, temple, mosque, or other
24 religious institution, or his designated agent to whom such
25 notification has been made, exercise any control, restraint,
26 modification or other change in the report or the forwarding of

1 such report to the Department.

2 The privileged quality of communication between any
3 professional person required to report and his patient or
4 client shall not apply to situations involving abused or
5 neglected children and shall not constitute grounds for failure
6 to report as required by this Act.

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

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

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

22 The Department shall provide copies of this Act, upon
23 request, to all employers employing persons who shall be
24 required under the provisions of this Section to report under
25 this Act.

26 Any person who knowingly transmits a false report to the

1 Department commits the offense of disorderly conduct under
2 subsection (a)(7) of Section 26-1 of the "Criminal Code of
3 1961". Any person who violates this provision a second or
4 subsequent time shall be guilty of a Class 3 felony.

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

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

25 A child shall not be considered neglected or abused solely
26 because the child is not attending school in accordance with

1 the requirements of Article 26 of the School Code, as amended.

2 Nothing in this Act prohibits a mandated reporter who
3 reasonably believes that an animal is being abused or neglected
4 in violation of the Humane Care for Animals Act from reporting
5 animal abuse or neglect to the Department of Agriculture's
6 Bureau of Animal Health and Welfare.

7 A home rule unit may not regulate the reporting of child
8 abuse or neglect in a manner inconsistent with the provisions
9 of this Section. This Section is a limitation under subsection
10 (i) of Section 6 of Article VII of the Illinois Constitution on
11 the concurrent exercise by home rule units of powers and
12 functions exercised by the State.

13 For purposes of this Section "child abuse or neglect"
14 includes abuse or neglect of an adult resident as defined in
15 this Act.

16 (Source: P.A. 95-10, eff. 6-30-07; 95-461, eff. 8-27-07;
17 95-876, eff. 8-21-08; 95-908, eff. 8-26-08; 96-494, eff.
18 8-14-09; 96-1446, eff. 8-20-10.)".