



Sen. William R. Haine

Filed: 2/24/2012

09700SB2849sam001

LRB097 16744 KTG 66536 a

1 AMENDMENT TO SENATE BILL 2849

2 AMENDMENT NO. _____. Amend Senate Bill 2849 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 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 adult
14 resident is abused or neglected.

15 "Blatant disregard" means incidents where the risk of harm
16 to the child was so imminent and apparent that it is unlikely

1 that a parent or caretaker would have exposed the child to such
2 obvious danger without exercising precautionary measures to
3 protect the child from harm.

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

7 "Department" means Department of Children and Family
8 Services.

9 "Local law enforcement agency" means the police of a city,
10 town, village or other incorporated area or the sheriff of an
11 unincorporated area or any sworn officer of the Illinois
12 Department of State Police.

13 "Abused child" means a child whose parent or immediate
14 family member, or any person responsible for the child's
15 welfare, or any individual residing in the same home as the
16 child, or a paramour of the child's parent:

17 (a) inflicts, causes to be inflicted, or allows to be
18 inflicted upon such child physical injury, by other than
19 accidental means, which causes death, disfigurement,
20 impairment of physical or emotional health, or loss or
21 impairment of any bodily function;

22 (b) creates a substantial risk of physical injury to
23 such child by other than accidental means which would be
24 likely to cause death, disfigurement, impairment of
25 physical or emotional health, or loss or impairment of any
26 bodily function;

1 (c) commits or allows to be committed any sex offense
2 against such child, as such sex offenses are defined in the
3 Criminal Code of 1961, as amended, or in the Wrongs to
4 Children Act, and extending those definitions of sex
5 offenses to include children under 18 years of age;

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

8 (e) inflicts excessive corporal punishment;

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

12 (g) causes to be sold, transferred, distributed, or
13 given to such child under 18 years of age, a controlled
14 substance as defined in Section 102 of the Illinois
15 Controlled Substances Act in violation of Article IV of the
16 Illinois Controlled Substances Act or in violation of the
17 Methamphetamine Control and Community Protection Act,
18 except for controlled substances that are prescribed in
19 accordance with Article III of the Illinois Controlled
20 Substances Act and are dispensed to such child in a manner
21 that substantially complies with the prescription; or

22 (h) commits or allows to be committed the offense of
23 involuntary servitude, involuntary sexual servitude of a
24 minor, or trafficking in persons for forced labor or
25 services as defined in Section 10-9 of the Criminal Code of
26 1961 against the child.

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

4 "Neglected child" means any child who is not receiving the
5 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 subjected to an environment injurious to his or her
15 health and welfare insofar as (i) the environment creates a
16 reasonable likelihood of harm to the health or physical
17 well-being of the child and (ii) the likely harm to the child
18 is the result of a blatant disregard of parental or caretaker
19 responsibilities; or who is abandoned by his or her parents or
20 other person responsible for the child's welfare without a
21 proper plan of care; or who has been provided with interim
22 crisis intervention services under Section 3-5 of the Juvenile
23 Court Act of 1987 and whose parent, guardian, or custodian
24 refuses to permit the child to return home and no other living
25 arrangement agreeable to the parent, guardian, or custodian can
26 be made, and the parent, guardian, or custodian has not made

1 any other appropriate living arrangement for the child; or who
2 is a newborn infant whose blood, urine, or meconium contains
3 any amount of a controlled substance as defined in subsection
4 (f) of Section 102 of the Illinois Controlled Substances Act or
5 a metabolite thereof, with the exception of a controlled
6 substance or metabolite thereof whose presence in the newborn
7 infant is the result of medical treatment administered to the
8 mother or the newborn infant. A child shall not be considered
9 neglected for the sole reason that the child's parent or other
10 person responsible for his or her welfare has left the child in
11 the care of an adult relative for any period of time. A child
12 shall not be considered neglected for the sole reason that the
13 child has been relinquished in accordance with the Abandoned
14 Newborn Infant Protection Act. A child shall not be considered
15 neglected or abused for the sole reason that such child's
16 parent or other person responsible for his or her welfare
17 depends upon spiritual means through prayer alone for the
18 treatment or cure of disease or remedial care as provided under
19 Section 4 of this Act. A child shall not be considered
20 neglected or abused solely because the child is not attending
21 school in accordance with the requirements of Article 26 of The
22 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 "Person responsible for the child's welfare" means the
2 child's parent; guardian; foster parent; relative caregiver;
3 any person responsible for the child's welfare in a public or
4 private residential agency or institution; any person
5 responsible for the child's welfare within a public or private
6 profit or not for profit child care facility; or any other
7 person responsible for the child's welfare at the time of the
8 alleged abuse or neglect, or any person who came to know the
9 child through an official capacity or position of trust,
10 including but not limited to health care professionals,
11 educational personnel, recreational supervisors, members of
12 the clergy, and volunteers or support personnel in any setting
13 where children may be subject to abuse or neglect.

14 "Temporary protective custody" means custody within a
15 hospital or other medical facility or a place previously
16 designated for such custody by the Department, subject to
17 review by the Court, including a licensed foster home, group
18 home, or other institution; but such place shall not be a jail
19 or other place for the detention of criminal or juvenile
20 offenders.

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

24 "An indicated report" means a report made under this Act if
25 an investigation determines that credible evidence of the
26 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 central
6 register of child abuse and neglect established under Section
7 7.7 of this Act as an alleged victim of child abuse or neglect
8 and the parent or guardian of the alleged victim or other
9 person responsible for the alleged victim's welfare who is
10 named in the report or added to the report as an alleged
11 perpetrator of child abuse or neglect.

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

15 "Member of the clergy" means a clergyman or practitioner of
16 any religious denomination accredited by the religious body to
17 which he or she belongs.

18 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;
19 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."