

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

12 "Department" means Department of Children and Family
13 Services.

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

18 "Abused child" means a child whose parent or immediate
19 family member, or any person responsible for the child's
20 welfare, or any individual residing in the same home as the
21 child, or a paramour of the child's parent:

22 a. inflicts, causes to be inflicted, or allows to
23 be inflicted upon such child physical injury, by other
24 than accidental means, which causes death, disfigurement,
25 impairment of physical or emotional health, or loss or
26 impairment of any bodily function;

27 b. creates a substantial risk of physical injury to
28 such child by other than accidental means which would be
29 likely to cause death, disfigurement, impairment of
30 physical or emotional health, or loss or impairment of
31 any bodily function;

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

6 d. commits or allows to be committed an act or acts
7 of 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; or

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
16 the Illinois Controlled Substances Act, except for
17 controlled substances that are prescribed in accordance
18 with Article III of the Illinois Controlled Substances
19 Act and are dispensed to such child in a manner that
20 substantially complies with the prescription.

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

24 "Neglected child" means any child who is not receiving
25 the proper or necessary nourishment or medically indicated
26 treatment including food or care not provided solely on the
27 basis of the present or anticipated mental or physical
28 impairment as determined by a physician acting alone or in
29 consultation with other physicians or otherwise is not
30 receiving the proper or necessary support or medical or other
31 remedial care recognized under State law as necessary for a
32 child's well-being, or other care necessary for his or her
33 well-being, including adequate food, clothing and shelter; or
34 who is abandoned by his or her parents or other person

1 responsible for the child's welfare without a proper plan of
2 care; or who is a newborn infant whose blood, urine, or
3 meconium contains any amount of a controlled substance as
4 defined in subsection (f) of Section 102 of the Illinois
5 Controlled Substances Act or a metabolite thereof, with the
6 exception of a controlled substance or metabolite thereof
7 whose presence in the newborn infant is the result of medical
8 treatment administered to the mother or the newborn infant.
9 The refusal of a parent or legal guardian of a child to
10 administer or consent to the administration of a psychotropic
11 drug to the child is not a failure to provide adequate
12 medical care for the child. A child shall not be considered
13 neglected for the sole reason that the child's parent or
14 other person responsible for his or her welfare has left the
15 child in the care of an adult relative for any period of
16 time. A child shall not be considered neglected for the sole
17 reason that the child has been relinquished in accordance
18 with the Abandoned Newborn Infant Protection Act. A child
19 shall not be considered neglected or abused for the sole
20 reason that such child's parent or other person responsible
21 for his or her welfare depends upon spiritual means through
22 prayer alone for the treatment or cure of disease or remedial
23 care as provided under Section 4 of this Act. A child shall
24 not be considered neglected or abused solely because the
25 child is not attending school in accordance with the
26 requirements of Article 26 of The School Code, as amended.

27 "Child Protective Service Unit" means certain specialized
28 State employees of the Department assigned by the Director to
29 perform the duties and responsibilities as provided under
30 Section 7.2 of this Act.

31 "Person responsible for the child's welfare" means the
32 child's parent; guardian; foster parent; relative caregiver;
33 any person responsible for the child's welfare in a public or
34 private residential agency or institution; any person

1 responsible for the child's welfare within a public or
2 private profit or not for profit child care facility; or any
3 other person responsible for the child's welfare at the time
4 of the alleged abuse or neglect, or any person who came to
5 know the child through an official capacity or position of
6 trust, including but not limited to health care
7 professionals, educational personnel, recreational
8 supervisors, and volunteers or support personnel in any
9 setting where children may be subject to abuse or neglect.

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

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

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

23 "An undetermined report" means any report made under this
24 Act in which it was not possible to initiate or complete an
25 investigation on the basis of information provided to the
26 Department.

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

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

34 (Source: P.A. 91-802, eff. 1-1-01; 92-408, eff. 8-17-01;

1 92-432, eff. 8-17-01.)