



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4144

by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5	from Ch. 23, par. 5005
325 ILCS 5/3	from Ch. 23, par. 2053
325 ILCS 5/4	
325 ILCS 5/5.1 new	

Amends the Children and Family Services Act and the Abused and Neglected Child Reporting Act. Provides that the Department of Children and Family Services may not remove a child from the child's home and take custody of that child solely on the basis that the child's parent, guardian, or custodian is or has been a victim of domestic violence. Provides that a child shall not be considered neglected or abused for the sole reason that the child's parent, guardian, or custodian is or has been a victim of domestic violence.

LRB100 14901 KTG 29726 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 1. The Children and Family Services Act is amended
5 by changing Section 5 as follows:

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of
8 Children and Family Services. To provide direct child welfare
9 services when not available through other public or private
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who
13 are under the age of 18 years. The term also includes
14 persons under age 21 who:

15 (A) were committed to the Department pursuant to
16 the Juvenile Court Act or the Juvenile Court Act of
17 1987, as amended, prior to the age of 18 and who
18 continue under the jurisdiction of the court; or

19 (B) were accepted for care, service and training by
20 the Department prior to the age of 18 and whose best
21 interest in the discretion of the Department would be
22 served by continuing that care, service and training
23 because of severe emotional disturbances, physical

1 disability, social adjustment or any combination
2 thereof, or because of the need to complete an
3 educational or vocational training program.

4 (2) "Homeless youth" means persons found within the
5 State who are under the age of 19, are not in a safe and
6 stable living situation and cannot be reunited with their
7 families.

8 (3) "Child welfare services" means public social
9 services which are directed toward the accomplishment of
10 the following purposes:

11 (A) protecting and promoting the health, safety
12 and welfare of children, including homeless, dependent
13 or neglected children;

14 (B) remedying, or assisting in the solution of
15 problems which may result in, the neglect, abuse,
16 exploitation or delinquency of children;

17 (C) preventing the unnecessary separation of
18 children from their families by identifying family
19 problems, assisting families in resolving their
20 problems, and preventing the breakup of the family
21 where the prevention of child removal is desirable and
22 possible when the child can be cared for at home
23 without endangering the child's health and safety;

24 (D) restoring to their families children who have
25 been removed, by the provision of services to the child
26 and the families when the child can be cared for at

1 home without endangering the child's health and
2 safety;

3 (E) placing children in suitable adoptive homes,
4 in cases where restoration to the biological family is
5 not safe, possible or appropriate;

6 (F) assuring safe and adequate care of children
7 away from their homes, in cases where the child cannot
8 be returned home or cannot be placed for adoption. At
9 the time of placement, the Department shall consider
10 concurrent planning, as described in subsection (1-1)
11 of this Section so that permanency may occur at the
12 earliest opportunity. Consideration should be given so
13 that if reunification fails or is delayed, the
14 placement made is the best available placement to
15 provide permanency for the child;

16 (G) (blank);

17 (H) (blank); and

18 (I) placing and maintaining children in facilities
19 that provide separate living quarters for children
20 under the age of 18 and for children 18 years of age
21 and older, unless a child 18 years of age is in the
22 last year of high school education or vocational
23 training, in an approved individual or group treatment
24 program, in a licensed shelter facility, or secure
25 child care facility. The Department is not required to
26 place or maintain children:

- 1 (i) who are in a foster home, or
2 (ii) who are persons with a developmental
3 disability, as defined in the Mental Health and
4 Developmental Disabilities Code, or
5 (iii) who are female children who are
6 pregnant, pregnant and parenting or parenting, or
7 (iv) who are siblings, in facilities that
8 provide separate living quarters for children 18
9 years of age and older and for children under 18
10 years of age.

11 (b) Nothing in this Section shall be construed to authorize
12 the expenditure of public funds for the purpose of performing
13 abortions.

14 (c) The Department shall establish and maintain
15 tax-supported child welfare services and extend and seek to
16 improve voluntary services throughout the State, to the end
17 that services and care shall be available on an equal basis
18 throughout the State to children requiring such services.

19 (d) The Director may authorize advance disbursements for
20 any new program initiative to any agency contracting with the
21 Department. As a prerequisite for an advance disbursement, the
22 contractor must post a surety bond in the amount of the advance
23 disbursement and have a purchase of service contract approved
24 by the Department. The Department may pay up to 2 months
25 operational expenses in advance. The amount of the advance
26 disbursement shall be prorated over the life of the contract or

1 the remaining months of the fiscal year, whichever is less, and
2 the installment amount shall then be deducted from future
3 bills. Advance disbursement authorizations for new initiatives
4 shall not be made to any agency after that agency has operated
5 during 2 consecutive fiscal years. The requirements of this
6 Section concerning advance disbursements shall not apply with
7 respect to the following: payments to local public agencies for
8 child day care services as authorized by Section 5a of this
9 Act; and youth service programs receiving grant funds under
10 Section 17a-4.

11 (e) (Blank).

12 (f) (Blank).

13 (g) The Department shall establish rules and regulations
14 concerning its operation of programs designed to meet the goals
15 of child safety and protection, family preservation, family
16 reunification, and adoption, including but not limited to:

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court
26 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

4 Rules and regulations established by the Department shall
5 include provisions for training Department staff and the staff
6 of Department grantees, through contracts with other agencies
7 or resources, in alcohol and drug abuse screening techniques
8 approved by the Department of Human Services, as a successor to
9 the Department of Alcoholism and Substance Abuse, for the
10 purpose of identifying children and adults who should be
11 referred to an alcohol and drug abuse treatment program for
12 professional evaluation.

13 (h) If the Department finds that there is no appropriate
14 program or facility within or available to the Department for a
15 ward and that no licensed private facility has an adequate and
16 appropriate program or none agrees to accept the ward, the
17 Department shall create an appropriate individualized,
18 program-oriented plan for such ward. The plan may be developed
19 within the Department or through purchase of services by the
20 Department to the extent that it is within its statutory
21 authority to do.

22 (i) Service programs shall be available throughout the
23 State and shall include but not be limited to the following
24 services:

25 (1) case management;

26 (2) homemakers;

- 1 (3) counseling;
- 2 (4) parent education;
- 3 (5) day care; and
- 4 (6) emergency assistance and advocacy.

5 In addition, the following services may be made available
6 to assess and meet the needs of children and families:

- 7 (1) comprehensive family-based services;
- 8 (2) assessments;
- 9 (3) respite care; and
- 10 (4) in-home health services.

11 The Department shall provide transportation for any of the
12 services it makes available to children or families or for
13 which it refers children or families.

14 (j) The Department may provide categories of financial
15 assistance and education assistance grants, and shall
16 establish rules and regulations concerning the assistance and
17 grants, to persons who adopt children with physical or mental
18 disabilities, children who are older, or other hard-to-place
19 children who (i) immediately prior to their adoption were legal
20 wards of the Department or (ii) were determined eligible for
21 financial assistance with respect to a prior adoption and who
22 become available for adoption because the prior adoption has
23 been dissolved and the parental rights of the adoptive parents
24 have been terminated or because the child's adoptive parents
25 have died. The Department may continue to provide financial
26 assistance and education assistance grants for a child who was

1 determined eligible for financial assistance under this
2 subsection (j) in the interim period beginning when the child's
3 adoptive parents died and ending with the finalization of the
4 new adoption of the child by another adoptive parent or
5 parents. The Department may also provide categories of
6 financial assistance and education assistance grants, and
7 shall establish rules and regulations for the assistance and
8 grants, to persons appointed guardian of the person under
9 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
10 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
11 who were wards of the Department for 12 months immediately
12 prior to the appointment of the guardian.

13 The amount of assistance may vary, depending upon the needs
14 of the child and the adoptive parents, as set forth in the
15 annual assistance agreement. Special purpose grants are
16 allowed where the child requires special service but such costs
17 may not exceed the amounts which similar services would cost
18 the Department if it were to provide or secure them as guardian
19 of the child.

20 Any financial assistance provided under this subsection is
21 inalienable by assignment, sale, execution, attachment,
22 garnishment, or any other remedy for recovery or collection of
23 a judgment or debt.

24 (j-5) The Department shall not deny or delay the placement
25 of a child for adoption if an approved family is available
26 either outside of the Department region handling the case, or

1 outside of the State of Illinois.

2 (k) The Department shall accept for care and training any
3 child who has been adjudicated neglected or abused, or
4 dependent committed to it pursuant to the Juvenile Court Act or
5 the Juvenile Court Act of 1987.

6 (l) The Department shall offer family preservation
7 services, as defined in Section 8.2 of the Abused and Neglected
8 Child Reporting Act, to help families, including adoptive and
9 extended families. Family preservation services shall be
10 offered (i) to prevent the placement of children in substitute
11 care when the children can be cared for at home or in the
12 custody of the person responsible for the children's welfare,
13 (ii) to reunite children with their families, or (iii) to
14 maintain an adoptive placement. Family preservation services
15 shall only be offered when doing so will not endanger the
16 children's health or safety. With respect to children who are
17 in substitute care pursuant to the Juvenile Court Act of 1987,
18 family preservation services shall not be offered if a goal
19 other than those of subdivisions (A), (B), or (B-1) of
20 subsection (2) of Section 2-28 of that Act has been set.
21 Nothing in this paragraph shall be construed to create a
22 private right of action or claim on the part of any individual
23 or child welfare agency, except that when a child is the
24 subject of an action under Article II of the Juvenile Court Act
25 of 1987 and the child's service plan calls for services to
26 facilitate achievement of the permanency goal, the court

1 hearing the action under Article II of the Juvenile Court Act
2 of 1987 may order the Department to provide the services set
3 out in the plan, if those services are not provided with
4 reasonable promptness and if those services are available.

5 The Department shall notify the child and his family of the
6 Department's responsibility to offer and provide family
7 preservation services as identified in the service plan. The
8 child and his family shall be eligible for services as soon as
9 the report is determined to be "indicated". The Department may
10 offer services to any child or family with respect to whom a
11 report of suspected child abuse or neglect has been filed,
12 prior to concluding its investigation under Section 7.12 of the
13 Abused and Neglected Child Reporting Act. However, the child's
14 or family's willingness to accept services shall not be
15 considered in the investigation. The Department may also
16 provide services to any child or family who is the subject of
17 any report of suspected child abuse or neglect or may refer
18 such child or family to services available from other agencies
19 in the community, even if the report is determined to be
20 unfounded, if the conditions in the child's or family's home
21 are reasonably likely to subject the child or family to future
22 reports of suspected child abuse or neglect. Acceptance of such
23 services shall be voluntary. The Department may also provide
24 services to any child or family after completion of a family
25 assessment, as an alternative to an investigation, as provided
26 under the "differential response program" provided for in

1 subsection (a-5) of Section 7.4 of the Abused and Neglected
2 Child Reporting Act.

3 The Department may, at its discretion except for those
4 children also adjudicated neglected or dependent, accept for
5 care and training any child who has been adjudicated addicted,
6 as a truant minor in need of supervision or as a minor
7 requiring authoritative intervention, under the Juvenile Court
8 Act or the Juvenile Court Act of 1987, but no such child shall
9 be committed to the Department by any court without the
10 approval of the Department. On and after the effective date of
11 this amendatory Act of the 98th General Assembly and before
12 January 1, 2017, a minor charged with a criminal offense under
13 the Criminal Code of 1961 or the Criminal Code of 2012 or
14 adjudicated delinquent shall not be placed in the custody of or
15 committed to the Department by any court, except (i) a minor
16 less than 16 years of age committed to the Department under
17 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
18 for whom an independent basis of abuse, neglect, or dependency
19 exists, which must be defined by departmental rule, or (iii) a
20 minor for whom the court has granted a supplemental petition to
21 reinstate wardship pursuant to subsection (2) of Section 2-33
22 of the Juvenile Court Act of 1987. On and after January 1,
23 2017, a minor charged with a criminal offense under the
24 Criminal Code of 1961 or the Criminal Code of 2012 or
25 adjudicated delinquent shall not be placed in the custody of or
26 committed to the Department by any court, except (i) a minor

1 less than 15 years of age committed to the Department under
2 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
3 for whom an independent basis of abuse, neglect, or dependency
4 exists, which must be defined by departmental rule, or (iii) a
5 minor for whom the court has granted a supplemental petition to
6 reinstate wardship pursuant to subsection (2) of Section 2-33
7 of the Juvenile Court Act of 1987. An independent basis exists
8 when the allegations or adjudication of abuse, neglect, or
9 dependency do not arise from the same facts, incident, or
10 circumstances which give rise to a charge or adjudication of
11 delinquency.

12 As soon as is possible after August 7, 2009 (the effective
13 date of Public Act 96-134), the Department shall develop and
14 implement a special program of family preservation services to
15 support intact, foster, and adoptive families who are
16 experiencing extreme hardships due to the difficulty and stress
17 of caring for a child who has been diagnosed with a pervasive
18 developmental disorder if the Department determines that those
19 services are necessary to ensure the health and safety of the
20 child. The Department may offer services to any family whether
21 or not a report has been filed under the Abused and Neglected
22 Child Reporting Act. The Department may refer the child or
23 family to services available from other agencies in the
24 community if the conditions in the child's or family's home are
25 reasonably likely to subject the child or family to future
26 reports of suspected child abuse or neglect. Acceptance of

1 these services shall be voluntary. The Department shall develop
2 and implement a public information campaign to alert health and
3 social service providers and the general public about these
4 special family preservation services. The nature and scope of
5 the services offered and the number of families served under
6 the special program implemented under this paragraph shall be
7 determined by the level of funding that the Department annually
8 allocates for this purpose. The term "pervasive developmental
9 disorder" under this paragraph means a neurological condition,
10 including but not limited to, Asperger's Syndrome and autism,
11 as defined in the most recent edition of the Diagnostic and
12 Statistical Manual of Mental Disorders of the American
13 Psychiatric Association.

14 (1-1) The legislature recognizes that the best interests of
15 the child require that the child be placed in the most
16 permanent living arrangement as soon as is practically
17 possible. To achieve this goal, the legislature directs the
18 Department of Children and Family Services to conduct
19 concurrent planning so that permanency may occur at the
20 earliest opportunity. Permanent living arrangements may
21 include prevention of placement of a child outside the home of
22 the family when the child can be cared for at home without
23 endangering the child's health or safety; reunification with
24 the family, when safe and appropriate, if temporary placement
25 is necessary; or movement of the child toward the most
26 permanent living arrangement and permanent legal status.

1 When determining reasonable efforts to be made with respect
2 to a child, as described in this subsection, and in making such
3 reasonable efforts, the child's health and safety shall be the
4 paramount concern.

5 When a child is placed in foster care, the Department shall
6 ensure and document that reasonable efforts were made to
7 prevent or eliminate the need to remove the child from the
8 child's home. The Department must make reasonable efforts to
9 reunify the family when temporary placement of the child occurs
10 unless otherwise required, pursuant to the Juvenile Court Act
11 of 1987. At any time after the dispositional hearing where the
12 Department believes that further reunification services would
13 be ineffective, it may request a finding from the court that
14 reasonable efforts are no longer appropriate. The Department is
15 not required to provide further reunification services after
16 such a finding.

17 A decision to place a child in substitute care shall be
18 made with considerations of the child's health, safety, and
19 best interests. At the time of placement, consideration should
20 also be given so that if reunification fails or is delayed, the
21 placement made is the best available placement to provide
22 permanency for the child.

23 The Department shall adopt rules addressing concurrent
24 planning for reunification and permanency. The Department
25 shall consider the following factors when determining
26 appropriateness of concurrent planning:

- 1 (1) the likelihood of prompt reunification;
- 2 (2) the past history of the family;
- 3 (3) the barriers to reunification being addressed by
- 4 the family;
- 5 (4) the level of cooperation of the family;
- 6 (5) the foster parents' willingness to work with the
- 7 family to reunite;
- 8 (6) the willingness and ability of the foster family to
- 9 provide an adoptive home or long-term placement;
- 10 (7) the age of the child;
- 11 (8) placement of siblings.

12 (m) The Department may assume temporary custody of any
13 child if:

14 (1) it has received a written consent to such temporary
15 custody signed by the parents of the child or by the parent
16 having custody of the child if the parents are not living
17 together or by the guardian or custodian of the child if
18 the child is not in the custody of either parent, or

19 (2) the child is found in the State and neither a
20 parent, guardian nor custodian of the child can be located.

21 If the child is found in his or her residence without a parent,
22 guardian, custodian or responsible caretaker, the Department
23 may, instead of removing the child and assuming temporary
24 custody, place an authorized representative of the Department
25 in that residence until such time as a parent, guardian or
26 custodian enters the home and expresses a willingness and

1 apparent ability to ensure the child's health and safety and
2 resume permanent charge of the child, or until a relative
3 enters the home and is willing and able to ensure the child's
4 health and safety and assume charge of the child until a
5 parent, guardian or custodian enters the home and expresses
6 such willingness and ability to ensure the child's safety and
7 resume permanent charge. After a caretaker has remained in the
8 home for a period not to exceed 12 hours, the Department must
9 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
10 5-415 of the Juvenile Court Act of 1987.

11 The Department shall have the authority, responsibilities
12 and duties that a legal custodian of the child would have
13 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
14 Act of 1987. Whenever a child is taken into temporary custody
15 pursuant to an investigation under the Abused and Neglected
16 Child Reporting Act, or pursuant to a referral and acceptance
17 under the Juvenile Court Act of 1987 of a minor in limited
18 custody, the Department, during the period of temporary custody
19 and before the child is brought before a judicial officer as
20 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
21 Court Act of 1987, shall have the authority, responsibilities
22 and duties that a legal custodian of the child would have under
23 subsection (9) of Section 1-3 of the Juvenile Court Act of
24 1987.

25 The Department shall ensure that any child taken into
26 custody is scheduled for an appointment for a medical

1 examination.

2 A parent, guardian or custodian of a child in the temporary
3 custody of the Department who would have custody of the child
4 if he were not in the temporary custody of the Department may
5 deliver to the Department a signed request that the Department
6 surrender the temporary custody of the child. The Department
7 may retain temporary custody of the child for 10 days after the
8 receipt of the request, during which period the Department may
9 cause to be filed a petition pursuant to the Juvenile Court Act
10 of 1987. If a petition is so filed, the Department shall retain
11 temporary custody of the child until the court orders
12 otherwise. If a petition is not filed within the 10 day period,
13 the child shall be surrendered to the custody of the requesting
14 parent, guardian or custodian not later than the expiration of
15 the 10 day period, at which time the authority and duties of
16 the Department with respect to the temporary custody of the
17 child shall terminate.

18 (m-1) The Department may place children under 18 years of
19 age in a secure child care facility licensed by the Department
20 that cares for children who are in need of secure living
21 arrangements for their health, safety, and well-being after a
22 determination is made by the facility director and the Director
23 or the Director's designate prior to admission to the facility
24 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
25 This subsection (m-1) does not apply to a child who is subject
26 to placement in a correctional facility operated pursuant to

1 Section 3-15-2 of the Unified Code of Corrections, unless the
2 child is a ward who was placed under the care of the Department
3 before being subject to placement in a correctional facility
4 and a court of competent jurisdiction has ordered placement of
5 the child in a secure care facility.

6 (n) The Department may place children under 18 years of age
7 in licensed child care facilities when in the opinion of the
8 Department, appropriate services aimed at family preservation
9 have been unsuccessful and cannot ensure the child's health and
10 safety or are unavailable and such placement would be for their
11 best interest. Payment for board, clothing, care, training and
12 supervision of any child placed in a licensed child care
13 facility may be made by the Department, by the parents or
14 guardians of the estates of those children, or by both the
15 Department and the parents or guardians, except that no
16 payments shall be made by the Department for any child placed
17 in a licensed child care facility for board, clothing, care,
18 training and supervision of such a child that exceed the
19 average per capita cost of maintaining and of caring for a
20 child in institutions for dependent or neglected children
21 operated by the Department. However, such restriction on
22 payments does not apply in cases where children require
23 specialized care and treatment for problems of severe emotional
24 disturbance, physical disability, social adjustment, or any
25 combination thereof and suitable facilities for the placement
26 of such children are not available at payment rates within the

1 limitations set forth in this Section. All reimbursements for
2 services delivered shall be absolutely inalienable by
3 assignment, sale, attachment, garnishment or otherwise.

4 (n-1) The Department shall provide or authorize child
5 welfare services, aimed at assisting minors to achieve
6 sustainable self-sufficiency as independent adults, for any
7 minor eligible for the reinstatement of wardship pursuant to
8 subsection (2) of Section 2-33 of the Juvenile Court Act of
9 1987, whether or not such reinstatement is sought or allowed,
10 provided that the minor consents to such services and has not
11 yet attained the age of 21. The Department shall have
12 responsibility for the development and delivery of services
13 under this Section. An eligible youth may access services under
14 this Section through the Department of Children and Family
15 Services or by referral from the Department of Human Services.
16 Youth participating in services under this Section shall
17 cooperate with the assigned case manager in developing an
18 agreement identifying the services to be provided and how the
19 youth will increase skills to achieve self-sufficiency. A
20 homeless shelter is not considered appropriate housing for any
21 youth receiving child welfare services under this Section. The
22 Department shall continue child welfare services under this
23 Section to any eligible minor until the minor becomes 21 years
24 of age, no longer consents to participate, or achieves
25 self-sufficiency as identified in the minor's service plan. The
26 Department of Children and Family Services shall create clear,

1 readable notice of the rights of former foster youth to child
2 welfare services under this Section and how such services may
3 be obtained. The Department of Children and Family Services and
4 the Department of Human Services shall disseminate this
5 information statewide. The Department shall adopt regulations
6 describing services intended to assist minors in achieving
7 sustainable self-sufficiency as independent adults.

8 (o) The Department shall establish an administrative
9 review and appeal process for children and families who request
10 or receive child welfare services from the Department. Children
11 who are wards of the Department and are placed by private child
12 welfare agencies, and foster families with whom those children
13 are placed, shall be afforded the same procedural and appeal
14 rights as children and families in the case of placement by the
15 Department, including the right to an initial review of a
16 private agency decision by that agency. The Department shall
17 insure that any private child welfare agency, which accepts
18 wards of the Department for placement, affords those rights to
19 children and foster families. The Department shall accept for
20 administrative review and an appeal hearing a complaint made by
21 (i) a child or foster family concerning a decision following an
22 initial review by a private child welfare agency or (ii) a
23 prospective adoptive parent who alleges a violation of
24 subsection (j-5) of this Section. An appeal of a decision
25 concerning a change in the placement of a child shall be
26 conducted in an expedited manner. A court determination that a

1 current foster home placement is necessary and appropriate
2 under Section 2-28 of the Juvenile Court Act of 1987 does not
3 constitute a judicial determination on the merits of an
4 administrative appeal, filed by a former foster parent,
5 involving a change of placement decision.

6 (p) (Blank).

7 (q) The Department may receive and use, in their entirety,
8 for the benefit of children any gift, donation or bequest of
9 money or other property which is received on behalf of such
10 children, or any financial benefits to which such children are
11 or may become entitled while under the jurisdiction or care of
12 the Department.

13 The Department shall set up and administer no-cost,
14 interest-bearing accounts in appropriate financial
15 institutions for children for whom the Department is legally
16 responsible and who have been determined eligible for Veterans'
17 Benefits, Social Security benefits, assistance allotments from
18 the armed forces, court ordered payments, parental voluntary
19 payments, Supplemental Security Income, Railroad Retirement
20 payments, Black Lung benefits, or other miscellaneous
21 payments. Interest earned by each account shall be credited to
22 the account, unless disbursed in accordance with this
23 subsection.

24 In disbursing funds from children's accounts, the
25 Department shall:

26 (1) Establish standards in accordance with State and

1 federal laws for disbursing money from children's
2 accounts. In all circumstances, the Department's
3 "Guardianship Administrator" or his or her designee must
4 approve disbursements from children's accounts. The
5 Department shall be responsible for keeping complete
6 records of all disbursements for each account for any
7 purpose.

8 (2) Calculate on a monthly basis the amounts paid from
9 State funds for the child's board and care, medical care
10 not covered under Medicaid, and social services; and
11 utilize funds from the child's account, as covered by
12 regulation, to reimburse those costs. Monthly,
13 disbursements from all children's accounts, up to 1/12 of
14 \$13,000,000, shall be deposited by the Department into the
15 General Revenue Fund and the balance over 1/12 of
16 \$13,000,000 into the DCFS Children's Services Fund.

17 (3) Maintain any balance remaining after reimbursing
18 for the child's costs of care, as specified in item (2).
19 The balance shall accumulate in accordance with relevant
20 State and federal laws and shall be disbursed to the child
21 or his or her guardian, or to the issuing agency.

22 (r) The Department shall promulgate regulations
23 encouraging all adoption agencies to voluntarily forward to the
24 Department or its agent names and addresses of all persons who
25 have applied for and have been approved for adoption of a
26 hard-to-place child or child with a disability and the names of

1 such children who have not been placed for adoption. A list of
2 such names and addresses shall be maintained by the Department
3 or its agent, and coded lists which maintain the
4 confidentiality of the person seeking to adopt the child and of
5 the child shall be made available, without charge, to every
6 adoption agency in the State to assist the agencies in placing
7 such children for adoption. The Department may delegate to an
8 agent its duty to maintain and make available such lists. The
9 Department shall ensure that such agent maintains the
10 confidentiality of the person seeking to adopt the child and of
11 the child.

12 (s) The Department of Children and Family Services may
13 establish and implement a program to reimburse Department and
14 private child welfare agency foster parents licensed by the
15 Department of Children and Family Services for damages
16 sustained by the foster parents as a result of the malicious or
17 negligent acts of foster children, as well as providing third
18 party coverage for such foster parents with regard to actions
19 of foster children to other individuals. Such coverage will be
20 secondary to the foster parent liability insurance policy, if
21 applicable. The program shall be funded through appropriations
22 from the General Revenue Fund, specifically designated for such
23 purposes.

24 (t) The Department shall perform home studies and
25 investigations and shall exercise supervision over visitation
26 as ordered by a court pursuant to the Illinois Marriage and

1 Dissolution of Marriage Act or the Adoption Act only if:

2 (1) an order entered by an Illinois court specifically
3 directs the Department to perform such services; and

4 (2) the court has ordered one or both of the parties to
5 the proceeding to reimburse the Department for its
6 reasonable costs for providing such services in accordance
7 with Department rules, or has determined that neither party
8 is financially able to pay.

9 The Department shall provide written notification to the
10 court of the specific arrangements for supervised visitation
11 and projected monthly costs within 60 days of the court order.
12 The Department shall send to the court information related to
13 the costs incurred except in cases where the court has
14 determined the parties are financially unable to pay. The court
15 may order additional periodic reports as appropriate.

16 (u) In addition to other information that must be provided,
17 whenever the Department places a child with a prospective
18 adoptive parent or parents or in a licensed foster home, group
19 home, child care institution, or in a relative home, the
20 Department shall provide to the prospective adoptive parent or
21 parents or other caretaker:

22 (1) available detailed information concerning the
23 child's educational and health history, copies of
24 immunization records (including insurance and medical card
25 information), a history of the child's previous
26 placements, if any, and reasons for placement changes

1 excluding any information that identifies or reveals the
2 location of any previous caretaker;

3 (2) a copy of the child's portion of the client service
4 plan, including any visitation arrangement, and all
5 amendments or revisions to it as related to the child; and

6 (3) information containing details of the child's
7 individualized educational plan when the child is
8 receiving special education services.

9 The caretaker shall be informed of any known social or
10 behavioral information (including, but not limited to,
11 criminal background, fire setting, perpetuation of sexual
12 abuse, destructive behavior, and substance abuse) necessary to
13 care for and safeguard the children to be placed or currently
14 in the home. The Department may prepare a written summary of
15 the information required by this paragraph, which may be
16 provided to the foster or prospective adoptive parent in
17 advance of a placement. The foster or prospective adoptive
18 parent may review the supporting documents in the child's file
19 in the presence of casework staff. In the case of an emergency
20 placement, casework staff shall at least provide known
21 information verbally, if necessary, and must subsequently
22 provide the information in writing as required by this
23 subsection.

24 The information described in this subsection shall be
25 provided in writing. In the case of emergency placements when
26 time does not allow prior review, preparation, and collection

1 of written information, the Department shall provide such
2 information as it becomes available. Within 10 business days
3 after placement, the Department shall obtain from the
4 prospective adoptive parent or parents or other caretaker a
5 signed verification of receipt of the information provided.
6 Within 10 business days after placement, the Department shall
7 provide to the child's guardian ad litem a copy of the
8 information provided to the prospective adoptive parent or
9 parents or other caretaker. The information provided to the
10 prospective adoptive parent or parents or other caretaker shall
11 be reviewed and approved regarding accuracy at the supervisory
12 level.

13 (u-5) Effective July 1, 1995, only foster care placements
14 licensed as foster family homes pursuant to the Child Care Act
15 of 1969 shall be eligible to receive foster care payments from
16 the Department. Relative caregivers who, as of July 1, 1995,
17 were approved pursuant to approved relative placement rules
18 previously promulgated by the Department at 89 Ill. Adm. Code
19 335 and had submitted an application for licensure as a foster
20 family home may continue to receive foster care payments only
21 until the Department determines that they may be licensed as a
22 foster family home or that their application for licensure is
23 denied or until September 30, 1995, whichever occurs first.

24 (v) The Department shall access criminal history record
25 information as defined in the Illinois Uniform Conviction
26 Information Act and information maintained in the adjudicatory

1 and dispositional record system as defined in Section 2605-355
2 of the Department of State Police Law (20 ILCS 2605/2605-355)
3 if the Department determines the information is necessary to
4 perform its duties under the Abused and Neglected Child
5 Reporting Act, the Child Care Act of 1969, and the Children and
6 Family Services Act. The Department shall provide for
7 interactive computerized communication and processing
8 equipment that permits direct on-line communication with the
9 Department of State Police's central criminal history data
10 repository. The Department shall comply with all certification
11 requirements and provide certified operators who have been
12 trained by personnel from the Department of State Police. In
13 addition, one Office of the Inspector General investigator
14 shall have training in the use of the criminal history
15 information access system and have access to the terminal. The
16 Department of Children and Family Services and its employees
17 shall abide by rules and regulations established by the
18 Department of State Police relating to the access and
19 dissemination of this information.

20 (v-1) Prior to final approval for placement of a child, the
21 Department shall conduct a criminal records background check of
22 the prospective foster or adoptive parent, including
23 fingerprint-based checks of national crime information
24 databases. Final approval for placement shall not be granted if
25 the record check reveals a felony conviction for child abuse or
26 neglect, for spousal abuse, for a crime against children, or

1 for a crime involving violence, including rape, sexual assault,
2 or homicide, but not including other physical assault or
3 battery, or if there is a felony conviction for physical
4 assault, battery, or a drug-related offense committed within
5 the past 5 years.

6 (v-2) Prior to final approval for placement of a child, the
7 Department shall check its child abuse and neglect registry for
8 information concerning prospective foster and adoptive
9 parents, and any adult living in the home. If any prospective
10 foster or adoptive parent or other adult living in the home has
11 resided in another state in the preceding 5 years, the
12 Department shall request a check of that other state's child
13 abuse and neglect registry.

14 (w) Within 120 days of August 20, 1995 (the effective date
15 of Public Act 89-392), the Department shall prepare and submit
16 to the Governor and the General Assembly, a written plan for
17 the development of in-state licensed secure child care
18 facilities that care for children who are in need of secure
19 living arrangements for their health, safety, and well-being.
20 For purposes of this subsection, secure care facility shall
21 mean a facility that is designed and operated to ensure that
22 all entrances and exits from the facility, a building or a
23 distinct part of the building, are under the exclusive control
24 of the staff of the facility, whether or not the child has the
25 freedom of movement within the perimeter of the facility,
26 building, or distinct part of the building. The plan shall

1 include descriptions of the types of facilities that are needed
2 in Illinois; the cost of developing these secure care
3 facilities; the estimated number of placements; the potential
4 cost savings resulting from the movement of children currently
5 out-of-state who are projected to be returned to Illinois; the
6 necessary geographic distribution of these facilities in
7 Illinois; and a proposed timetable for development of such
8 facilities.

9 (x) The Department shall conduct annual credit history
10 checks to determine the financial history of children placed
11 under its guardianship pursuant to the Juvenile Court Act of
12 1987. The Department shall conduct such credit checks starting
13 when a ward turns 12 years old and each year thereafter for the
14 duration of the guardianship as terminated pursuant to the
15 Juvenile Court Act of 1987. The Department shall determine if
16 financial exploitation of the child's personal information has
17 occurred. If financial exploitation appears to have taken place
18 or is presently ongoing, the Department shall notify the proper
19 law enforcement agency, the proper State's Attorney, or the
20 Attorney General.

21 (y) Beginning on the effective date of this amendatory Act
22 of the 96th General Assembly, a child with a disability who
23 receives residential and educational services from the
24 Department shall be eligible to receive transition services in
25 accordance with Article 14 of the School Code from the age of
26 14.5 through age 21, inclusive, notwithstanding the child's

1 residential services arrangement. For purposes of this
2 subsection, "child with a disability" means a child with a
3 disability as defined by the federal Individuals with
4 Disabilities Education Improvement Act of 2004.

5 (y-5) Notwithstanding any other provision of this Act to
6 the contrary, the Department may not remove a child from the
7 child's home and take custody of that child solely on the basis
8 that the child's parent, guardian, or custodian is or has been
9 a victim of domestic violence.

10 (z) The Department shall access criminal history record
11 information as defined as "background information" in this
12 subsection and criminal history record information as defined
13 in the Illinois Uniform Conviction Information Act for each
14 Department employee or Department applicant. Each Department
15 employee or Department applicant shall submit his or her
16 fingerprints to the Department of State Police in the form and
17 manner prescribed by the Department of State Police. These
18 fingerprints shall be checked against the fingerprint records
19 now and hereafter filed in the Department of State Police and
20 the Federal Bureau of Investigation criminal history records
21 databases. The Department of State Police shall charge a fee
22 for conducting the criminal history record check, which shall
23 be deposited into the State Police Services Fund and shall not
24 exceed the actual cost of the record check. The Department of
25 State Police shall furnish, pursuant to positive
26 identification, all Illinois conviction information to the

1 Department of Children and Family Services.

2 For purposes of this subsection:

3 "Background information" means all of the following:

4 (i) Upon the request of the Department of Children and
5 Family Services, conviction information obtained from the
6 Department of State Police as a result of a
7 fingerprint-based criminal history records check of the
8 Illinois criminal history records database and the Federal
9 Bureau of Investigation criminal history records database
10 concerning a Department employee or Department applicant.

11 (ii) Information obtained by the Department of
12 Children and Family Services after performing a check of
13 the Department of State Police's Sex Offender Database, as
14 authorized by Section 120 of the Sex Offender Community
15 Notification Law, concerning a Department employee or
16 Department applicant.

17 (iii) Information obtained by the Department of
18 Children and Family Services after performing a check of
19 the Child Abuse and Neglect Tracking System (CANTS)
20 operated and maintained by the Department.

21 "Department employee" means a full-time or temporary
22 employee coded or certified within the State of Illinois
23 Personnel System.

24 "Department applicant" means an individual who has
25 conditional Department full-time or part-time work, a
26 contractor, an individual used to replace or supplement staff,

1 an academic intern, a volunteer in Department offices or on
2 Department contracts, a work-study student, an individual or
3 entity licensed by the Department, or an unlicensed service
4 provider who works as a condition of a contract or an agreement
5 and whose work may bring the unlicensed service provider into
6 contact with Department clients or client records.

7 (Source: P.A. 98-249, eff. 1-1-14; 98-570, eff. 8-27-13;
8 98-756, eff. 7-16-14; 98-803, eff. 1-1-15; 99-143, eff.
9 7-27-15; 99-933, eff. 1-27-17.)

10 Section 5. The Abused and Neglected Child Reporting Act is
11 amended by changing Sections 3 and 4 and by adding Section 5.1
12 as follows:

13 (325 ILCS 5/3) (from Ch. 23, par. 2053)

14 Sec. 3. As used in this Act unless the context otherwise
15 requires:

16 "Adult resident" means any person between 18 and 22 years
17 of age who resides in any facility licensed by the Department
18 under the Child Care Act of 1969. For purposes of this Act, the
19 criteria set forth in the definitions of "abused child" and
20 "neglected child" shall be used in determining whether an adult
21 resident is abused or neglected.

22 "Agency" means a child care facility licensed under Section
23 2.05 or Section 2.06 of the Child Care Act of 1969 and includes
24 a transitional living program that accepts children and adult

1 residents for placement who are in the guardianship of the
2 Department.

3 "Blatant disregard" means an incident where the real,
4 significant, and imminent risk of harm would be so obvious to a
5 reasonable parent or caretaker that it is unlikely that a
6 reasonable parent or caretaker would have exposed the child to
7 the danger without exercising precautionary measures to
8 protect the child from harm. With respect to a person working
9 at an agency in his or her professional capacity with a child
10 or adult resident, "blatant disregard" includes a failure by
11 the person to perform job responsibilities intended to protect
12 the child's or adult resident's health, physical well-being, or
13 welfare, and, when viewed in light of the surrounding
14 circumstances, evidence exists that would cause a reasonable
15 person to believe that the child was neglected. With respect to
16 an agency, "blatant disregard" includes a failure to implement
17 practices that ensure the health, physical well-being, or
18 welfare of the children and adult residents residing in the
19 facility.

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

23 "Department" means Department of Children and Family
24 Services.

25 "Local law enforcement agency" means the police of a city,
26 town, village or other incorporated area or the sheriff of an

1 unincorporated area or any sworn officer of the Illinois
2 Department of State Police.

3 "Abused child" means a child whose parent or immediate
4 family member, or any person responsible for the child's
5 welfare, or any individual residing in the same home as the
6 child, or a paramour of the child's parent:

7 (a) inflicts, causes to be inflicted, or allows to be
8 inflicted upon such child physical injury, by other than
9 accidental means, which causes death, disfigurement,
10 impairment of physical or emotional health, or loss or
11 impairment of any bodily function;

12 (b) creates a substantial risk of physical injury to
13 such child by other than accidental means which would be
14 likely to cause death, disfigurement, impairment of
15 physical or emotional health, or loss or impairment of any
16 bodily function;

17 (c) commits or allows to be committed any sex offense
18 against such child, as such sex offenses are defined in the
19 Criminal Code of 2012 or in the Wrongs to Children Act, and
20 extending those definitions of sex offenses to include
21 children under 18 years of age;

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

24 (e) inflicts excessive corporal punishment or, in the
25 case of a person working for an agency who is prohibited
26 from using corporal punishment, inflicts corporal

1 punishment upon a child or adult resident with whom the
2 person is working in his or her professional capacity;

3 (f) commits or allows to be committed the offense of
4 female genital mutilation, as defined in Section 12-34 of
5 the Criminal Code of 2012, against the child;

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

16 (h) commits or allows to be committed the offense of
17 involuntary servitude, involuntary sexual servitude of a
18 minor, or trafficking in persons as defined in Section 10-9
19 of the Criminal Code of 2012 against the child.

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

23 A child shall not be considered abused for the sole reason
24 that the child's parent, guardian, or custodian is or has been
25 a victim of domestic violence.

26 "Neglected child" means any child who is not receiving the

1 proper or necessary nourishment or medically indicated
2 treatment including food or care not provided solely on the
3 basis of the present or anticipated mental or physical
4 impairment as determined by a physician acting alone or in
5 consultation with other physicians or otherwise is not
6 receiving the proper or necessary support or medical or other
7 remedial care recognized under State law as necessary for a
8 child's well-being, or other care necessary for his or her
9 well-being, including adequate food, clothing and shelter; or
10 who is subjected to an environment which is injurious insofar
11 as (i) the child's environment creates a likelihood of harm to
12 the child's health, physical well-being, or welfare and (ii)
13 the likely harm to the child is the result of a blatant
14 disregard of parent, caretaker, or agency responsibilities; or
15 who is abandoned by his or her parents or other person
16 responsible for the child's welfare without a proper plan of
17 care; or who has been provided with interim crisis intervention
18 services under Section 3-5 of the Juvenile Court Act of 1987
19 and whose parent, guardian, or custodian refuses to permit the
20 child to return home and no other living arrangement agreeable
21 to the parent, guardian, or custodian can be made, and the
22 parent, guardian, or custodian has not made any other
23 appropriate living arrangement for the child; or who is a
24 newborn infant whose blood, urine, or meconium contains any
25 amount of a controlled substance as defined in subsection (f)
26 of Section 102 of the Illinois Controlled Substances Act or a

1 metabolite thereof, with the exception of a controlled
2 substance or metabolite thereof whose presence in the newborn
3 infant is the result of medical treatment administered to the
4 mother or the newborn infant. A child shall not be considered
5 neglected for the sole reason that the child's parent or other
6 person responsible for his or her welfare has left the child in
7 the care of an adult relative for any period of time. A child
8 shall not be considered neglected for the sole reason that the
9 child has been relinquished in accordance with the Abandoned
10 Newborn Infant Protection Act. A child shall not be considered
11 neglected or abused for the sole reason that such child's
12 parent or other person responsible for his or her welfare
13 depends upon spiritual means through prayer alone for the
14 treatment or cure of disease or remedial care as provided under
15 Section 4 of this Act. A child shall not be considered
16 neglected or abused solely because the child is not attending
17 school in accordance with the requirements of Article 26 of The
18 School Code, as amended. A child shall not be considered
19 neglected for the sole reason that the child's parent,
20 guardian, or custodian is or has been a victim of domestic
21 violence.

22 "Child Protective Service Unit" means certain specialized
23 State employees of the Department assigned by the Director to
24 perform the duties and responsibilities as provided under
25 Section 7.2 of this Act.

26 "Person responsible for the child's welfare" means the

1 child's parent; guardian; foster parent; relative caregiver;
2 any person responsible for the child's welfare in a public or
3 private residential agency or institution; any person
4 responsible for the child's welfare within a public or private
5 profit or not for profit child care facility; or any other
6 person responsible for the child's welfare at the time of the
7 alleged abuse or neglect, including any person that is the
8 custodian of a child under 18 years of age who commits or
9 allows to be committed, against the child, the offense of
10 involuntary servitude, involuntary sexual servitude of a
11 minor, or trafficking in persons for forced labor or services,
12 as provided in Section 10-9 of the Criminal Code of 2012, or
13 any person who came to know the child through an official
14 capacity or position of trust, including but not limited to
15 health care professionals, educational personnel, recreational
16 supervisors, members of the clergy, and volunteers or support
17 personnel in any setting where children may be subject to abuse
18 or neglect.

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

26 "An unfounded report" means any report made under this Act

1 for which it is determined after an investigation that no
2 credible evidence of abuse or neglect exists.

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

6 "An undetermined report" means any report made under this
7 Act in which it was not possible to initiate or complete an
8 investigation on the basis of information provided to the
9 Department.

10 "Subject of report" means any child reported to the central
11 register of child abuse and neglect established under Section
12 7.7 of this Act as an alleged victim of child abuse or neglect
13 and the parent or guardian of the alleged victim or other
14 person responsible for the alleged victim's welfare who is
15 named in the report or added to the report as an alleged
16 perpetrator of child abuse or neglect.

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

20 "Member of the clergy" means a clergyman or practitioner of
21 any religious denomination accredited by the religious body to
22 which he or she belongs.

23 (Source: P.A. 99-350, eff. 6-1-16.)

24 (325 ILCS 5/4)

25 (Text of Section before amendment by P.A. 100-513)

1 Sec. 4. Persons required to report; privileged
2 communications; transmitting false report. Any physician,
3 resident, intern, hospital, hospital administrator and
4 personnel engaged in examination, care and treatment of
5 persons, surgeon, dentist, dentist hygienist, osteopath,
6 chiropractor, podiatric physician, physician assistant,
7 substance abuse treatment personnel, funeral home director or
8 employee, coroner, medical examiner, emergency medical
9 technician, acupuncturist, crisis line or hotline personnel,
10 school personnel (including administrators and both certified
11 and non-certified school employees), personnel of institutions
12 of higher education, educational advocate assigned to a child
13 pursuant to the School Code, member of a school board or the
14 Chicago Board of Education or the governing body of a private
15 school (but only to the extent required in accordance with
16 other provisions of this Section expressly concerning the duty
17 of school board members to report suspected child abuse),
18 truant officers, social worker, social services administrator,
19 domestic violence program personnel, registered nurse,
20 licensed practical nurse, genetic counselor, respiratory care
21 practitioner, advanced practice nurse, home health aide,
22 director or staff assistant of a nursery school or a child day
23 care center, recreational or athletic program or facility
24 personnel, early intervention provider as defined in the Early
25 Intervention Services System Act, law enforcement officer,
26 licensed professional counselor, licensed clinical

1 professional counselor, registered psychologist and assistants
2 working under the direct supervision of a psychologist,
3 psychiatrist, or field personnel of the Department of
4 Healthcare and Family Services, Juvenile Justice, Public
5 Health, Human Services (acting as successor to the Department
6 of Mental Health and Developmental Disabilities,
7 Rehabilitation Services, or Public Aid), Corrections, Human
8 Rights, or Children and Family Services, supervisor and
9 administrator of general assistance under the Illinois Public
10 Aid Code, probation officer, animal control officer or Illinois
11 Department of Agriculture Bureau of Animal Health and Welfare
12 field investigator, or any other foster parent, homemaker or
13 child care worker having reasonable cause to believe a child
14 known to them in their professional or official capacity may be
15 an abused child or a neglected child shall immediately report
16 or cause a report to be made to the Department.

17 Any member of the clergy having reasonable cause to believe
18 that a child known to that member of the clergy in his or her
19 professional capacity may be an abused child as defined in item
20 (c) of the definition of "abused child" in Section 3 of this
21 Act shall immediately report or cause a report to be made to
22 the Department.

23 Any physician, physician's assistant, registered nurse,
24 licensed practical nurse, medical technician, certified
25 nursing assistant, social worker, or licensed professional
26 counselor of any office, clinic, or any other physical location

1 that provides abortions, abortion referrals, or contraceptives
2 having reasonable cause to believe a child known to him or her
3 in his or her professional or official capacity may be an
4 abused child or a neglected child shall immediately report or
5 cause a report to be made to the Department.

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

20 Notwithstanding any other provision of this Act, if an
21 employee of a school district has made a report or caused a
22 report to be made to the Department under this Act involving
23 the conduct of a current or former employee of the school
24 district and a request is made by another school district for
25 the provision of information concerning the job performance or
26 qualifications of the current or former employee because he or

1 she is an applicant for employment with the requesting school
2 district, the general superintendent of the school district to
3 which the request is being made must disclose to the requesting
4 school district the fact that an employee of the school
5 district has made a report involving the conduct of the
6 applicant or caused a report to be made to the Department, as
7 required under this Act. Only the fact that an employee of the
8 school district has made a report involving the conduct of the
9 applicant or caused a report to be made to the Department may
10 be disclosed by the general superintendent of the school
11 district to which the request for information concerning the
12 applicant is made, and this fact may be disclosed only in cases
13 where the employee and the general superintendent have not been
14 informed by the Department that the allegations were unfounded.
15 An employee of a school district who is or has been the subject
16 of a report made pursuant to this Act during his or her
17 employment with the school district must be informed by that
18 school district that if he or she applies for employment with
19 another school district, the general superintendent of the
20 former school district, upon the request of the school district
21 to which the employee applies, shall notify that requesting
22 school district that the employee is or was the subject of such
23 a report.

24 Whenever such person is required to report under this Act
25 in his capacity as a member of the staff of a medical or other
26 public or private institution, school, facility or agency, or

1 as a member of the clergy, he shall make report immediately to
2 the Department in accordance with the provisions of this Act
3 and may also notify the person in charge of such institution,
4 school, facility or agency, or church, synagogue, temple,
5 mosque, or other religious institution, or his designated agent
6 that such report has been made. Under no circumstances shall
7 any person in charge of such institution, school, facility or
8 agency, or church, synagogue, temple, mosque, or other
9 religious institution, or his designated agent to whom such
10 notification has been made, exercise any control, restraint,
11 modification or other change in the report or the forwarding of
12 such report to the Department.

13 The privileged quality of communication between any
14 professional person required to report and his patient or
15 client shall not apply to situations involving abused or
16 neglected children and shall not constitute grounds for failure
17 to report as required by this Act or constitute grounds for
18 failure to share information or documents with the Department
19 during the course of a child abuse or neglect investigation. If
20 requested by the professional, the Department shall confirm in
21 writing that the information or documents disclosed by the
22 professional were gathered in the course of a child abuse or
23 neglect investigation.

24 The reporting requirements of this Act shall not apply to
25 the contents of a privileged communication between an attorney
26 and his or her client or to confidential information within the

1 meaning of Rule 1.6 of the Illinois Rules of Professional
2 Conduct relating to the legal representation of an individual
3 client.

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

6 Any office, clinic, or any other physical location that
7 provides abortions, abortion referrals, or contraceptives
8 shall provide to all office personnel copies of written
9 information and training materials about abuse and neglect and
10 the requirements of this Act that are provided to employees of
11 the office, clinic, or physical location who are required to
12 make reports to the Department under this Act, and instruct
13 such office personnel to bring to the attention of an employee
14 of the office, clinic, or physical location who is required to
15 make reports to the Department under this Act any reasonable
16 suspicion that a child known to him or her in his or her
17 professional or official capacity may be an abused child or a
18 neglected child. In addition to the above persons required to
19 report suspected cases of abused or neglected children, any
20 other person may make a report if such person has reasonable
21 cause to believe a child may be an abused child or a neglected
22 child.

23 Any person who enters into employment on and after July 1,
24 1986 and is mandated by virtue of that employment to report
25 under this Act, shall sign a statement on a form prescribed by
26 the Department, to the effect that the employee has knowledge

1 and understanding of the reporting requirements of this Act.
2 The statement shall be signed prior to commencement of the
3 employment. The signed statement shall be retained by the
4 employer. The cost of printing, distribution, and filing of the
5 statement shall be borne by the employer.

6 Within one year of initial employment and at least every 5
7 years thereafter, school personnel required to report child
8 abuse as provided under this Section must complete mandated
9 reporter training by a provider or agency with expertise in
10 recognizing and reporting child abuse.

11 The Department shall provide copies of this Act, upon
12 request, to all employers employing persons who shall be
13 required under the provisions of this Section to report under
14 this Act.

15 Any person who knowingly transmits a false report to the
16 Department commits the offense of disorderly conduct under
17 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
18 A violation of this provision is a Class 4 felony.

19 Any person who knowingly and willfully violates any
20 provision of this Section other than a second or subsequent
21 violation of transmitting a false report as described in the
22 preceding paragraph, is guilty of a Class A misdemeanor for a
23 first violation and a Class 4 felony for a second or subsequent
24 violation; except that if the person acted as part of a plan or
25 scheme having as its object the prevention of discovery of an
26 abused or neglected child by lawful authorities for the purpose

1 of protecting or insulating any person or entity from arrest or
2 prosecution, the person is guilty of a Class 4 felony for a
3 first offense and a Class 3 felony for a second or subsequent
4 offense (regardless of whether the second or subsequent offense
5 involves any of the same facts or persons as the first or other
6 prior offense).

7 A child whose parent, guardian or custodian in good faith
8 selects and depends upon spiritual means through prayer alone
9 for the treatment or cure of disease or remedial care may be
10 considered neglected or abused, but not for the sole reason
11 that his parent, guardian or custodian accepts and practices
12 such beliefs.

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

16 A child shall not be considered neglected or abused for the
17 sole reason that the child's parent, guardian, or custodian is
18 or has been a victim of domestic violence.

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

24 A home rule unit may not regulate the reporting of child
25 abuse or neglect in a manner inconsistent with the provisions
26 of this Section. This Section is a limitation under subsection

1 (i) of Section 6 of Article VII of the Illinois Constitution on
2 the concurrent exercise by home rule units of powers and
3 functions exercised by the State.

4 For purposes of this Section "child abuse or neglect"
5 includes abuse or neglect of an adult resident as defined in
6 this Act.

7 (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;
8 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.
9 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,
10 eff. 8-9-13; 98-408, eff. 7-1-14; 98-756, eff. 7-16-14.)

11 (Text of Section after amendment by P.A. 100-513)

12 Sec. 4. Persons required to report; privileged
13 communications; transmitting false report. Any physician,
14 resident, intern, hospital, hospital administrator and
15 personnel engaged in examination, care and treatment of
16 persons, surgeon, dentist, dentist hygienist, osteopath,
17 chiropractor, podiatric physician, physician assistant,
18 substance abuse treatment personnel, funeral home director or
19 employee, coroner, medical examiner, emergency medical
20 technician, acupuncturist, crisis line or hotline personnel,
21 school personnel (including administrators and both certified
22 and non-certified school employees), personnel of institutions
23 of higher education, educational advocate assigned to a child
24 pursuant to the School Code, member of a school board or the
25 Chicago Board of Education or the governing body of a private

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

1 an abused child or a neglected child shall immediately report
2 or cause a report to be made to the Department.

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

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

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

1 granted the authority in his or her individual capacity to
2 direct the superintendent of the school district or other
3 equivalent school administrator to comply with the
4 requirements of this Act concerning the reporting of child
5 abuse.

6 Notwithstanding any other provision of this Act, if an
7 employee of a school district has made a report or caused a
8 report to be made to the Department under this Act involving
9 the conduct of a current or former employee of the school
10 district and a request is made by another school district for
11 the provision of information concerning the job performance or
12 qualifications of the current or former employee because he or
13 she is an applicant for employment with the requesting school
14 district, the general superintendent of the school district to
15 which the request is being made must disclose to the requesting
16 school district the fact that an employee of the school
17 district has made a report involving the conduct of the
18 applicant or caused a report to be made to the Department, as
19 required under this Act. Only the fact that an employee of the
20 school district has made a report involving the conduct of the
21 applicant or caused a report to be made to the Department may
22 be disclosed by the general superintendent of the school
23 district to which the request for information concerning the
24 applicant is made, and this fact may be disclosed only in cases
25 where the employee and the general superintendent have not been
26 informed by the Department that the allegations were unfounded.

1 An employee of a school district who is or has been the subject
2 of a report made pursuant to this Act during his or her
3 employment with the school district must be informed by that
4 school district that if he or she applies for employment with
5 another school district, the general superintendent of the
6 former school district, upon the request of the school district
7 to which the employee applies, shall notify that requesting
8 school district that the employee is or was the subject of such
9 a report.

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

25 The privileged quality of communication between any
26 professional person required to report and his patient or

1 client shall not apply to situations involving abused or
2 neglected children and shall not constitute grounds for failure
3 to report as required by this Act or constitute grounds for
4 failure to share information or documents with the Department
5 during the course of a child abuse or neglect investigation. If
6 requested by the professional, the Department shall confirm in
7 writing that the information or documents disclosed by the
8 professional were gathered in the course of a child abuse or
9 neglect investigation.

10 The reporting requirements of this Act shall not apply to
11 the contents of a privileged communication between an attorney
12 and his or her client or to confidential information within the
13 meaning of Rule 1.6 of the Illinois Rules of Professional
14 Conduct relating to the legal representation of an individual
15 client.

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

18 Any office, clinic, or any other physical location that
19 provides abortions, abortion referrals, or contraceptives
20 shall provide to all office personnel copies of written
21 information and training materials about abuse and neglect and
22 the requirements of this Act that are provided to employees of
23 the office, clinic, or physical location who are required to
24 make reports to the Department under this Act, and instruct
25 such office personnel to bring to the attention of an employee
26 of the office, clinic, or physical location who is required to

1 make reports to the Department under this Act any reasonable
2 suspicion that a child known to him or her in his or her
3 professional or official capacity may be an abused child or a
4 neglected child. In addition to the above persons required to
5 report suspected cases of abused or neglected children, any
6 other person may make a report if such person has reasonable
7 cause to believe a child may be an abused child or a neglected
8 child.

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

18 Within one year of initial employment and at least every 5
19 years thereafter, school personnel required to report child
20 abuse as provided under this Section must complete mandated
21 reporter training by a provider or agency with expertise in
22 recognizing and reporting child abuse.

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

1 Any person who knowingly transmits a false report to the
2 Department commits the offense of disorderly conduct under
3 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
4 A violation of this provision is a Class 4 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 A child shall not be considered neglected or abused for the
3 sole reason that the child's parent, guardian, or custodian is
4 or has been a victim of domestic violence.

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

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

16 For purposes of this Section "child abuse or neglect"
17 includes abuse or neglect of an adult resident as defined in
18 this Act.

19 (Source: P.A. 100-513, eff. 1-1-18.)

20 (325 ILCS 5/5.1 new)

21 Sec. 5.1. Domestic violence; prohibited custody.
22 Notwithstanding any other provision of this Act to the
23 contrary, the Department may not remove a child from the
24 child's home and take custody of that child solely on the basis
25 that the child's parent, guardian, or custodian is or has been

1 a victim of domestic violence.

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.