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09400HB5219ham001

LRB094 19234 DRJ 55912 a

1 AMENDMENT TO HOUSE BILL 5219

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5219 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is  
5 amended by changing Sections 7 and 7.3 as follows:

6 (325 ILCS 5/7) (from Ch. 23, par. 2057)

7 Sec. 7. Time and manner of making reports. All reports of  
8 suspected child abuse or neglect made under this Act shall be  
9 made immediately by telephone to the central register  
10 established under Section 7.7 on the single, State-wide,  
11 toll-free telephone number established in Section 7.6, or in  
12 person or by telephone through the nearest Department office.  
13 The Department shall, in cooperation with school officials,  
14 distribute appropriate materials in school buildings listing  
15 the toll-free telephone number established in Section 7.6,  
16 including methods of making a report under this Act. The  
17 Department may, in cooperation with appropriate members of the  
18 clergy, distribute appropriate materials in churches,  
19 synagogues, temples, mosques, or other religious buildings  
20 listing the toll-free telephone number established in Section  
21 7.6, including methods of making a report under this Act.

22 Wherever the Statewide number is posted, there shall also  
23 be posted the following notice:

24 "Any person who knowingly transmits a false report to the

1 Department commits the offense of disorderly conduct under  
2 subsection (a) (7) of Section 26-1 of the Criminal Code of 1961.  
3 A first violation of this subsection is a Class A misdemeanor,  
4 punishable by a term of imprisonment for up to one year, or by  
5 a fine not to exceed \$1,000, or by both such term and fine. A  
6 second or subsequent violation is a Class 4 felony."

7 The report required by this Act shall include, if known,  
8 the name and address of the child and his parents or other  
9 persons having his custody; the child's age; the nature of the  
10 child's condition including any evidence of previous injuries  
11 or disabilities; and any other information that the person  
12 filing the report believes might be helpful in establishing the  
13 cause of such abuse or neglect and the identity of the person  
14 believed to have caused such abuse or neglect. Reports made to  
15 the central register through the State-wide, toll-free  
16 telephone number shall be immediately transmitted by the  
17 Department to the appropriate Child Protective Service Unit and  
18 to the appropriate local law enforcement agency. The Department  
19 shall within 24 hours orally notify local law enforcement  
20 personnel and the office of the State's Attorney of the  
21 involved county of the receipt of any report alleging the death  
22 of a child, serious injury to a child including, but not  
23 limited to, brain damage, skull fractures, subdural hematomas,  
24 and, internal injuries, torture of a child, malnutrition of a  
25 child, and sexual abuse to a child, including, but not limited  
26 to, sexual intercourse, sexual exploitation, sexual  
27 molestation, and sexually transmitted disease in a child age  
28 twelve and under. All oral reports made by the Department to  
29 local law enforcement personnel and the office of the State's  
30 Attorney of the involved county shall be confirmed in writing  
31 within 24 ~~48~~ hours of the oral report. All reports by persons  
32 mandated to report under this Act shall be confirmed in writing  
33 to the appropriate Child Protective Service Unit, which may be  
34 on forms supplied by the Department, within 48 hours of any

1 initial report.

2 Written confirmation reports from persons not required to  
3 report by this Act may be made to the appropriate Child  
4 Protective Service Unit. Written reports from persons required  
5 by this Act to report shall be admissible in evidence in any  
6 judicial proceeding relating to child abuse or neglect. Reports  
7 involving known or suspected child abuse or neglect in public  
8 or private residential agencies or institutions shall be made  
9 and received in the same manner as all other reports made under  
10 this Act.

11 (Source: P.A. 92-801, eff. 8-16-02.)

12 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

13 Sec. 7.3.

14 (a) The Department shall be the sole agency responsible for  
15 receiving and investigating reports of child abuse or neglect  
16 made under this Act, except where investigations by other  
17 agencies may be required with respect to reports alleging the  
18 death of a child, serious injury to a child or sexual abuse to  
19 a child made pursuant to Sections 4.1 or 7 of this Act, and  
20 except that the Department may delegate the performance of the  
21 investigation to the Department of State Police, a law  
22 enforcement agency and to those private social service agencies  
23 which have been designated for this purpose by the Department  
24 prior to July 1, 1980.

25 (b) Notwithstanding any other provision of this Act, the  
26 Department may adopt rules expressly allowing law enforcement  
27 personnel to investigate reports of suspected child abuse or  
28 neglect concurrently with the Department, without regard to  
29 whether the Department determines a report to be "indicated" or  
30 "unfounded" or deems a report to be "undetermined".

31 (Source: P.A. 85-1440.)

32 Section 99. Effective date. This Act takes effect upon

1 becoming law.".