



Rep. Michelle Mussman

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LRB104 16801 KTG 35664 a

1 AMENDMENT TO HOUSE BILL 4534

2 AMENDMENT NO. _____. Amend House Bill 4534 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 22-85.5, 22-94, and 27-215 as follows:

6 (105 ILCS 5/22-85.5)

7 Sec. 22-85.5. Sexual misconduct in schools.

8 (a) This Section applies beginning on July 1, 2022.

9 (b) The General Assembly finds that:

10 (1) the success of students in school relies on safe
11 learning environments and healthy relationships with
12 school personnel;

13 (2) it is important for staff to maintain a
14 professional relationship with students at all times and
15 to define staff-student boundaries to protect students
16 from sexual misconduct by staff and staff from the

1 appearance of impropriety;

2 (3) many breaches of staff-student boundaries do not
3 rise to the level of criminal behavior but do pose a
4 potential risk to student safety;

5 (4) repeated violations of staff-student boundaries
6 can indicate the grooming of a student for sexual abuse;

7 (5) it is necessary to uphold the State Board of
8 Education's Code of Ethics for Illinois Educators and for
9 each school district, charter school, or nonpublic school
10 to have an employee code of professional conduct policy;

11 (6) each school district, charter school, or nonpublic
12 school must have the ability to discipline educators for
13 breaches of its employee code of professional conduct
14 policy;

15 (7) each school district, charter school, or nonpublic
16 school must have the ability to know if any of its
17 educators have violated professional staff-student
18 boundaries in previous employment; and

19 (8) as bystanders, educators may have knowledge of
20 concerning behaviors that no one else is aware of, so they
21 need adequate training on sexual abuse, the employee code
22 of professional conduct policy, and federal and State
23 reporting requirements.

24 (c) In this Section, "sexual misconduct" means any act,
25 including, but not limited to, any verbal, nonverbal, written,
26 or electronic communication or physical activity, by an

1 employee or agent of the school district, charter school, or
2 nonpublic school with direct contact with a student that is
3 directed toward or with a student to establish a romantic or
4 sexual relationship with the student. Such an act includes,
5 but is not limited to, any of the following:

6 (1) A sexual or romantic invitation.

7 (2) Dating or soliciting a date.

8 (3) Engaging in sexualized or romantic dialog.

9 (4) Making sexually suggestive comments that are
10 directed toward or with a student.

11 (5) Self-disclosure or physical exposure of a sexual,
12 romantic, or erotic nature.

13 (6) A sexual, indecent, romantic, or erotic contact
14 with the student.

15 (d) To prevent sexual misconduct with students, each
16 school district, charter school, or nonpublic school shall
17 develop an employee code of professional conduct policy that
18 addresses all of the following:

19 (1) Incorporates the Code of Ethics for Illinois
20 Educators.

21 (2) Incorporates the definition of "sexual misconduct"
22 in this Section.

23 (3) Identifies the expectations for employees and
24 agents of the school district, charter school, or
25 nonpublic school regarding how to maintain a professional
26 relationship with students, including the expectations for

1 staff-student boundaries, recognizing the age and
2 developmental level of the students served, and
3 establishes guidelines for all of the following
4 situations:

5 (A) Transporting a student.

6 (B) Taking or possessing a photo or a video of a
7 student.

8 (C) Meeting with a student or contacting a student
9 outside of the employee's or agent's professional
10 role.

11 (4) References the employee reporting requirements
12 required under the Abused and Neglected Child Reporting
13 Act and under Title IX of the federal Education Amendments
14 of 1972.

15 (5) References required employee training that is
16 related to child abuse and educator ethics that are
17 applicable under State and federal law.

18 (e) The employee code of professional conduct policy,
19 guidelines established for all of the situations identified in
20 paragraph (3) of subsection (d), and all available methods for
21 how to report staff-student boundary violations within a
22 school and to external agencies must be posted on the website,
23 if any, of each school district, charter school, or nonpublic
24 school and must be included in any staff, student, and ~~or~~
25 parent handbook provided by the school district, charter
26 school, or nonpublic, ~~nonsectarian elementary or secondary~~

1 school.

2 (f) A violation of the employee code of professional
3 conduct policy may subject an employee to disciplinary action
4 up to and including dismissal from employment. Failure to
5 report a violation of the employee code of professional
6 conduct policy may subject an employee to disciplinary action
7 up to and including dismissal from employment.

8 (Source: P.A. 102-676, eff. 12-3-21.)

9 (105 ILCS 5/22-94)

10 Sec. 22-94. Employment history review.

11 (a) This Section applies to all permanent and temporary
12 positions for employment with a school or a contractor of a
13 school involving direct contact with children or students.

14 (b) In this Section:

15 "Contractor" means firms holding contracts with any
16 school, including, but not limited to, food service workers,
17 school bus drivers, and other transportation employees, who
18 have direct contact with children or students.

19 "Direct contact with children or students" means the
20 possibility of care, supervision, guidance, or control of
21 children or students or routine interaction with children or
22 students.

23 "School" means a public or nonpublic elementary or
24 secondary school.

25 "Sexual misconduct" has the meaning ascribed to it in

1 subsection (c) of Section 22-85.5 of this Code.

2 (c) Prior to hiring an applicant to work directly with
3 children or students, a school or contractor must ensure that
4 the following criteria are met:

5 (1) the school or contractor has no knowledge or
6 information pertaining to the applicant that would
7 disqualify the applicant from employment;

8 (2) the applicant swears or affirms that the applicant
9 is not disqualified from employment;

10 (3) using the template developed by the State Board of
11 Education, the applicant provides all of the following:

12 (A) a list, including the name, address, telephone
13 number, and other relevant contact information of the
14 following:

15 (i) the applicant's current employer if the
16 applicant has direct contact with children or
17 students at the applicant's current employer;

18 (ii) all former employers of the applicant
19 that were schools or school contractors, as well
20 as all former employers at which the applicant had
21 direct contact with children or students;

22 (B) A written authorization that consents to and
23 authorizes disclosure by the applicant's current and
24 former employers under subparagraph (A) of this
25 paragraph (3) of the information requested under
26 paragraph (4) of this subsection (c) and the release

1 of related records and that releases those employers
2 from any liability that may arise from such disclosure
3 or release of records pursuant to subsection (e).

4 (C) A written statement of whether the applicant:

5 (i) has been the subject of a sexual
6 misconduct allegation, unless a subsequent
7 investigation resulted in a finding that the
8 allegation was false, unfounded, or
9 unsubstantiated;

10 (ii) has ever been discharged from, been asked
11 to resign from, resigned from, or otherwise been
12 separated from any employment, has ever been
13 disciplined by an employer, or has ever had an
14 employment contract not renewed due to an
15 adjudication or finding of sexual misconduct or
16 while an allegation of sexual misconduct was
17 pending or under investigation, unless the
18 investigation resulted in a finding that the
19 allegation was false, unfounded, or
20 unsubstantiated; or

21 (iii) has ever had a license or certificate
22 suspended, surrendered, or revoked or had an
23 application for licensure, approval, or
24 endorsement denied due to an adjudication or
25 finding of sexual misconduct or while an
26 allegation of sexual misconduct was pending or

1 under investigation, unless the investigation
2 resulted in a finding that the allegation was
3 false, unfounded, or unsubstantiated.

4 (4) The school, ~~or~~ contractor, or regional office of
5 education or intermediate service center on behalf of a
6 school district, pursuant to paragraph (1.5) of subsection
7 (i), shall initiate a review of the employment history of
8 the applicant by contacting those employers listed by the
9 applicant under subparagraph (A) of paragraph (3) of this
10 subsection (c) and, using the template developed by the
11 State Board of Education, request all of the following
12 information:

13 (A) the dates of employment of the applicant;

14 (B) a statement as to whether the applicant:

15 (i) has been the subject of a sexual
16 misconduct allegation, unless a subsequent
17 investigation resulted in a finding that the
18 allegation was false, unfounded, or
19 unsubstantiated;

20 (ii) was discharged from, was asked to resign
21 from, resigned from, or was otherwise separated
22 from any employment, was disciplined by the
23 employer, or had an employment contract not
24 renewed due to an adjudication or finding of
25 sexual misconduct or while an allegation of sexual
26 misconduct was pending or under investigation,

1 unless the investigation resulted in a finding
2 that the allegation was false, unfounded, or
3 unsubstantiated; or

4 (iii) has ever had a license or certificate
5 suspended, surrendered, or revoked due to an
6 adjudication or finding of sexual misconduct or
7 while an allegation of sexual misconduct was
8 pending or under investigation, unless the
9 investigation resulted in a finding that the
10 allegation was false, unfounded, or
11 unsubstantiated.

12 (C) The template shall include the following
13 option: if the employer does not have records or
14 evidence regarding the questions in items (i) through
15 (iii) of subparagraph (B) of paragraph (4) of this
16 subsection (c), the employer may state that there is
17 no knowledge of information pertaining to the
18 applicant that would disqualify the applicant from
19 employment.

20 (5) For applicants licensed by the State Board of
21 Education, the school district, charter school, or
22 nonpublic school shall verify the applicant's reported
23 previous employers with previous employers in the State
24 Board of Education's educator licensure database to ensure
25 accuracy.

26 (d) An applicant who provides false information or

1 willfully fails to disclose information required in subsection
2 (c) shall be subject to discipline, up to and including
3 termination or denial of employment.

4 (e) No later than 20 days after receiving a request for
5 information required under paragraph (4) of subsection (c), an
6 employer who has or had an employment relationship with the
7 applicant shall disclose the information requested. If the
8 employer has an office of human resources or a central office,
9 information shall be provided by that office. The employer who
10 has or had an employment relationship with the applicant shall
11 disclose the information on the template developed by the
12 State Board of Education. For any affirmative response to
13 items (i) through (iii) of subparagraph (B) of paragraph (4)
14 of ~~or~~ subsection (c), the employer who has or had an employment
15 relationship with the applicant shall provide additional
16 information about the matters disclosed and all related
17 records.

18 A school shall complete the template at time of separation
19 from employment, or at the request of the employee, and
20 maintain it as part of the employee's personnel file. If the
21 school completes an investigation after an employee's
22 separation from employment, the school shall update the
23 information accordingly.

24 Information received under this Section shall not be
25 deemed a public record.

26 A school or contractor who receives information under this

1 subsection (e) may use the information for the purpose of
2 evaluating an applicant's fitness to be hired or for continued
3 employment and may report the information, as appropriate, to
4 the State Board of Education, a State licensing agency, a law
5 enforcement agency, a child protective services agency,
6 another school or contractor, or a prospective employer.

7 An employer, school, school administrator, regional office
8 of education or intermediate service center, or contractor who
9 provides information or records about a current or former
10 employee or applicant under this Section is immune from
11 criminal and civil liability for the disclosure of the
12 information or records, unless the information or records
13 provided were knowingly false. This immunity shall be in
14 addition to and not a limitation on any other immunity
15 provided by law or any absolute or conditional privileges
16 applicable to the disclosure by virtue of the circumstances or
17 the applicant's consent to the disclosure and shall extend
18 ~~extent~~ to any circumstances in which ~~when~~ the employer,
19 school, school administrator, regional office of education or
20 intermediate service center, or contractor in good faith
21 shares findings of sexual misconduct with another employer.

22 Unless the laws of another state prevent the release of
23 the information or records requested or disclosure is
24 restricted by the terms of a contract entered into prior to
25 July 1, 2023 (the effective date of Public Act 102-702) and
26 notwithstanding any other provisions of law to the contrary,

1 an employer, school, school administrator, contractor, or
2 applicant shall report and disclose, in accordance with this
3 Section, all relevant information, records, and documentation
4 that may otherwise be confidential.

5 (f) A school or contractor may not hire an applicant who
6 does not provide the information required under subsection (c)
7 for a position involving direct contact with children or
8 students.

9 (g) Beginning on July 1, 2023 (the effective date of
10 Public Act 102-702), a school or contractor may not enter into
11 a collective bargaining agreement, an employment contract, an
12 agreement for resignation or termination, a severance
13 agreement, or any other contract or agreement or take any
14 action that:

15 (1) has the effect of suppressing information
16 concerning a pending investigation or a completed
17 investigation in which an allegation was substantiated
18 related to a report of suspected sexual misconduct by a
19 current or former employee;

20 (2) affects the ability of the school or contractor to
21 report suspected sexual misconduct to the appropriate
22 authorities; or

23 (3) requires the school or contractor to expunge
24 information about allegations or findings of suspected
25 sexual misconduct from any documents maintained by the
26 school or contractor, unless, after an investigation, an

1 allegation is found to be false, unfounded, or
2 unsubstantiated.

3 (h) Any provision of an employment contract or agreement
4 for resignation or termination or a severance agreement that
5 is executed, amended, or entered into on or after July 1, 2023
6 (the effective date of Public Act 102-702) and that is
7 contrary to this Section is void and unenforceable.

8 (i) For substitute employees, all of the following apply:

9 (1) Except as otherwise provided in paragraph (1.5) of
10 this subsection (i), the ~~The~~ employment history review
11 required by this Section is required only prior to the
12 initial hiring of a substitute employee or placement on a
13 school's approved substitute list and shall remain valid
14 as long as the substitute employee continues to be
15 employed by the same school or remains on the school's
16 approved substitute list.

17 (1.5) For a substitute teacher licensed under Section
18 21B-20 and seeking employment in more than one school
19 district, a school district's regional office of education
20 or intermediate service center shall collect and, at the
21 request of the substitute teacher, share the information
22 and records under paragraphs (2), (3), and (4) of
23 subsection (c). A regional office of education's or
24 intermediate service center's participation in the
25 employment history review shall be limited to collecting
26 such information and records and sharing the information

1 and records with the school district, school districts or
2 other regional offices of education or intermediate
3 service centers. A regional office of education or
4 intermediate service center may not use the information
5 and records collected for the purpose of evaluating a
6 substitute teacher applicant's fitness to be hired, and
7 the school district shall complete all aspects of the
8 employment history review process, unless otherwise agreed
9 to with the regional office of education or intermediate
10 service center. The regional office of education or
11 intermediate service center is not responsible for the
12 content or completeness of the information or records
13 shared by any former employer or with the school district.
14 A regional office of education's or intermediate service
15 center's participation in the employment history review
16 process shall occur only prior to the initial hiring of a
17 substitute teacher by one of its member school districts
18 or prior to the initial placement of a substitute teacher
19 on the regional office of education's or intermediate
20 service center's approved substitute list. The employment
21 history review shall remain valid as long as the
22 substitute teacher continues to be employed by a school
23 district within the regional office of education's or
24 intermediate service center's jurisdiction or remains on
25 the regional office of education's or intermediate service
26 center's approved substitute list. A regional office of

1 education or intermediate service center participating in
2 the employment history review process shall promptly
3 provide the school district in which the substitute
4 teacher is seeking employment with the collected
5 information and records. If the regional office of
6 education or intermediate service center receives updated
7 employment history review information or records, the
8 information or records shall be shared with the applicable
9 school districts by the regional office of education or
10 intermediate service center as provided in this Section.
11 If, at any time, a school district has information or
12 records that the school district would have immunity from
13 liability to share as part of an employment history
14 review, then the school district and its employees are
15 immune from liability on the same terms as provided in
16 subsection (e) if sharing such information or records with
17 the regional office of education or intermediate service
18 center that maintains the applicable approved substitute
19 list.

20 (2) Except as otherwise provided in paragraph (1.5) of
21 this subsection (i), a ~~A~~ substitute employee seeking to be
22 added to another school's substitute list shall undergo an
23 additional employment history review under this Section.
24 Except as otherwise provided in paragraph (1.5) or
25 ~~paragraph~~ (3) of this subsection (i) or in subsection (k),
26 the appearance of a substitute employee on one school's

1 substitute list does not relieve another school from
2 compliance with this Section.

3 (3) An employment history review conducted upon
4 initial hiring of a substitute employee by a contractor or
5 any other entity that furnishes substitute staffing
6 services to schools shall satisfy the requirements of this
7 Section for all schools using the services of that
8 contractor or other entity.

9 (4) A contractor or any other entity furnishing
10 substitute staffing services to schools shall comply with
11 paragraphs (3) and (4) of subsection (j).

12 (j) For employees of contractors, all of the following
13 apply:

14 (1) The employment history review required by this
15 Section shall be performed, either at the time of the
16 initial hiring of an employee or prior to the assignment
17 of an existing employee to perform work for a school in a
18 position involving direct contact with children or
19 students. The review shall remain valid as long as the
20 employee remains employed by the same contractor, even if
21 assigned to perform work for other schools.

22 (2) A contractor shall maintain records documenting
23 employment history reviews for all employees as required
24 by this Section and, upon request, shall provide a school
25 for whom an employee is assigned to perform work access to
26 the records pertaining to that employee.

1 (3) Prior to assigning an employee to perform work for
2 a school in a position involving direct contact with
3 children or students, the contractor shall inform the
4 school of any instance known to the contractor in which
5 the employee:

6 (A) has been the subject of a sexual misconduct
7 allegation unless a subsequent investigation resulted
8 in a finding that the allegation was false, unfounded,
9 or unsubstantiated;

10 (B) has ever been discharged, been asked to resign
11 from, resigned from, or otherwise been separated from
12 any employment, been removed from a substitute list,
13 been disciplined by an employer, or had an employment
14 contract not renewed due to an adjudication or finding
15 of sexual misconduct or while an allegation of sexual
16 misconduct was pending or under investigation, unless
17 the investigation resulted in a finding that the
18 allegation was false, unfounded, or unsubstantiated;
19 or

20 (C) has ever had a license or certificate
21 suspended, surrendered, or revoked due to an
22 adjudication or finding of sexual misconduct or while
23 an allegation of sexual misconduct was pending or
24 under investigation, unless the investigation resulted
25 in a finding that the allegation was false, unfounded,
26 or unsubstantiated.

1 (4) The contractor may not assign an employee to
2 perform work for a school in a position involving direct
3 contact with children or students if the school objects to
4 the assignment after being informed of an instance listed
5 in paragraph (3).

6 (k) An applicant who has undergone an employment history
7 review under this Section and seeks to transfer to or provide
8 services to another school in the same school district,
9 diocese, or religious jurisdiction, or to another school
10 established and supervised by the same organization is not
11 required to obtain additional reports under this Section
12 before transferring.

13 (1) Nothing in this Section shall be construed:

14 (1) to prevent a prospective employer from conducting
15 further investigations of prospective employees or from
16 requiring applicants to provide additional background
17 information or authorizations beyond what is required
18 under this Section, nor to prevent a current or former
19 employer from disclosing more information than what is
20 required under this Section;

21 (2) to relieve a school, school employee, contractor
22 of the school, or agent of the school from any legal
23 responsibility to report sexual misconduct in accordance
24 with State and federal reporting requirements;

25 (3) to relieve a school, school employee, contractor
26 of the school, or agent of the school from any legal

1 responsibility to implement the provisions of Section 7926
2 of Chapter 20 of the United States Code; or

3 (4) to prohibit the right of the exclusive bargaining
4 representative under a collective bargaining agreement to
5 grieve and arbitrate the validity of an employee's
6 termination or discipline for just cause.

7 (m) The State Board of Education shall develop the
8 templates required under paragraphs (3) and (4) of subsection
9 (c).

10 (Source: P.A. 104-417, eff. 8-15-25.)

11 (105 ILCS 5/27-215)

12 Sec. 27-215. Comprehensive health education program.

13 (a) In this subsection (a):

14 "Age and developmentally appropriate" means suitable to
15 particular ages or age groups of children or adolescents,
16 based on the developing cognitive, emotional, and behavioral
17 capacity typical for the age or age group.

18 "Consent" means an affirmative, knowing, conscious,
19 ongoing, and voluntary agreement to engage in interpersonal,
20 physical, or sexual activity, which can be revoked at any
21 point, including during the course of interpersonal, physical,
22 or sexual activity.

23 The program established under this Act shall include, but
24 not be limited to, the following major educational areas as a
25 basis for curricula in all elementary and secondary schools in

1 this State, with applicable Illinois Learning Standards
2 adopted by the State Board of Education guiding the
3 instruction in the program:

4 (1) human ecology, health, growth, development,
5 personal health habits, and nutrition, consistent with the
6 Illinois Learning Standards adopted by the State Board of
7 Education;

8 (2) the emotional, psychological, physiological,
9 hygienic, and social responsibilities of family life,
10 including evidence-based and medically accurate
11 information regarding sexual abstinence;

12 (3) the prevention and control of disease, including
13 instruction in grades 6 through 12 on the prevention,
14 transmission, and spread of AIDS;

15 (4) age and developmentally appropriate sexual abuse,
16 consistent with Section 10-23.13 of this Code, abuse
17 during pregnancy, and assault awareness and prevention
18 education in grades prekindergarten through 12;

19 (5) public health, environmental health, disaster
20 preparedness education, and safety education;

21 (6) mental health and illness;

22 (7) dental health;

23 (8) cancer education that includes the types of
24 cancer, signs and symptoms, risk factors, the importance
25 of early prevention and detection, and information on
26 where to get help and treatment for cancer; and

1 (9) age and developmentally appropriate consent
2 education.

3 The instruction on mental health and illness must evaluate
4 the multiple dimensions of health by reviewing the
5 relationship between physical and mental health to enhance
6 student understanding, attitudes, and behaviors that promote
7 health, well-being, and human dignity and must include how and
8 where to find mental health resources and specialized
9 treatment in the State. The program shall also provide course
10 material and instruction to advise pupils of the Abandoned
11 Newborn Infant Protection Act.

12 Consent education must be age and developmentally
13 appropriate, and the instruction on age and developmentally
14 appropriate consent shall require only instruction aligning
15 with consent as defined in this Section.

16 (b) Notwithstanding the educational areas under subsection
17 (a), the following areas may also be included as a basis for
18 curricula in all elementary and secondary schools in this
19 State: basic first aid (including, but not limited to,
20 cardiopulmonary resuscitation and the Heimlich maneuver),
21 heart disease, diabetes, stroke, the prevention of child
22 abuse, neglect, and suicide, and teen dating violence in
23 grades 7 through 12.

24 (c) The State Superintendent of Education, in cooperation
25 with the Department of Children and Family Services, shall
26 prepare and disseminate to all public schools and nonpublic

1 schools information on instructional materials and programs
2 about child sexual abuse, which may be used by such schools for
3 their own or community programs. Such information may also be
4 disseminated by such schools to parents.

5 (d) No pupil shall be required to take or participate in
6 any class or course on AIDS or family life instruction or to
7 receive training on how to properly administer cardiopulmonary
8 resuscitation or how to use an automated external
9 defibrillator if his or her parent or guardian submits written
10 objection thereto, and refusal to take or participate in the
11 course or program or the training shall not be reason for
12 suspension or expulsion of the pupil.

13 (e) No student in pre-K through 8th grade shall be
14 required to take or participate in any class or course
15 providing instruction in recognizing and avoiding sexual abuse
16 as provided under Section 10-23.13 of this Code if the parent
17 or guardian of the student submits written objection thereto;
18 and refusal to take or participate in such class or course
19 shall not negatively impact a student's academic standing.
20 Each school shall give not less than 5 days' written notice to
21 the parents or guardians of such students before commencing
22 the class or course.

23 (Source: P.A. 104-391, eff. 8-15-25.)

24 Section 10. The Abused and Neglected Child Reporting Act
25 is amended by changing Section 3 as follows:

1 (325 ILCS 5/3) (from Ch. 23, par. 2053)

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

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

10 "Agency" means a child care facility licensed under
11 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
12 includes a transitional living program that accepts children
13 and adult residents for placement who are in the guardianship
14 of the Department.

15 "Blatant disregard" means an incident where the real,
16 significant, and imminent risk of harm would be so obvious to a
17 reasonable parent or caretaker that it is unlikely that a
18 reasonable parent or caretaker would have exposed the child to
19 the danger without exercising precautionary measures to
20 protect the child from harm. With respect to a person working
21 at an agency in the person's professional capacity with a
22 child or adult resident, "blatant disregard" includes a
23 failure by the person to perform job responsibilities intended
24 to protect the child's or adult resident's health, physical
25 well-being, or welfare, and, when viewed in light of the

1 surrounding circumstances, evidence exists that would cause a
2 reasonable person to believe that the child was neglected.
3 With respect to an agency, "blatant disregard" includes a
4 failure to implement practices that ensure the health,
5 physical well-being, or welfare of the children and adult
6 residents residing in the facility.

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

10 "Department" means Department of Children and Family
11 Services.

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

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

20 (a-1) engages in a pattern of conduct or
21 communications directed toward such child, meaning 2 or
22 more instances of conduct or communication, that a
23 reasonable person would understand as intended to groom,
24 seduce, solicit, lure, or entice the child for the purpose
25 of committing any sex offense or engaging in sexual
26 misconduct against such child. As used in this subsection,

1 "sexual misconduct" means, but is not limited to, any
2 verbal, nonverbal, written, or electronic communication or
3 physical activity, by a person responsible for the child's
4 welfare to establish a romantic or sexual relationship
5 with the child. Such conduct or communications may
6 include, but is not limited to, the following:

7 (1) A sexual or romantic invitation.

8 (2) Dating or soliciting a date.

9 (3) Engaging in sexualized or romantic dialog.

10 (4) Making sexually suggestive comments that are
11 directed toward or with the child;

12 (a-5) ~~(a)~~ inflicts, causes to be inflicted, or allows
13 to be inflicted upon such child physical injury, by other
14 than accidental means, which causes death, disfigurement,
15 impairment of physical or emotional health, or loss or
16 impairment of any bodily function;

17 (b) creates a substantial risk of physical injury to
18 such child by other than accidental means which would be
19 likely to cause death, disfigurement, impairment of
20 physical or emotional health, or loss or impairment of any
21 bodily function;

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

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

3 (e) inflicts excessive corporal punishment or, in the
4 case of a person working for an agency who is prohibited
5 from using corporal punishment, inflicts corporal
6 punishment upon a child or adult resident with whom the
7 person is working in the person's professional capacity;

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

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

21 (h) commits or allows to be committed the offense of
22 involuntary servitude, involuntary sexual servitude of a
23 minor, or trafficking in persons as defined in Section
24 10-9 of the Criminal Code of 2012 against the child; or

25 (i) commits the offense of grooming, as defined in
26 Section 11-25 of the Criminal Code of 2012, against the

1 child.

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

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

1 parent, guardian, or custodian can be made, and the parent,
2 guardian, or custodian has not made any other appropriate
3 living arrangement for the child; or who is a newborn infant
4 whose blood, urine, or meconium contains any amount of a
5 controlled substance as defined in subsection (f) of Section
6 102 of the Illinois Controlled Substances Act or a metabolite
7 thereof, with the exception of a controlled substance or
8 metabolite thereof whose presence in the newborn infant is the
9 result of medical treatment administered to the person who
10 gave birth or the newborn infant. A child shall not be
11 considered neglected for the sole reason that the child's
12 parent or other person responsible for the child's welfare has
13 left the child in the care of an adult relative for any period
14 of time. A child shall not be considered neglected for the sole
15 reason that the child has been relinquished in accordance with
16 the Abandoned Newborn Infant Protection Act. A child shall not
17 be considered neglected or abused for the sole reason that
18 such child's parent or other person responsible for the
19 child's welfare depends upon spiritual means through prayer
20 alone for the treatment or cure of disease or remedial care as
21 provided under Section 4 of this Act. A child shall not be
22 considered neglected or abused solely because the child is not
23 attending school in accordance with the requirements of
24 Article 26 of The School Code, as amended.

25 "Child Protective Service Unit" means certain specialized
26 State employees of the Department assigned by the Director to

1 perform the duties and responsibilities as provided under
2 Section 7.2 of this Act.

3 "Near fatality" means an act that, as certified by a
4 physician, places the child in serious or critical condition,
5 including acts of great bodily harm inflicted upon children
6 under 13 years of age, and as otherwise defined by Department
7 rule.

8 "Great bodily harm" includes bodily injury which creates a
9 high probability of death, or which causes serious permanent
10 disfigurement, or which causes a permanent or protracted loss
11 or impairment of the function of any bodily member or organ, or
12 other serious bodily harm.

13 "Person responsible for the child's welfare" means the
14 child's parent; guardian; foster parent; relative caregiver;
15 any person responsible for the child's welfare in a public or
16 private residential agency or institution; any person
17 responsible for the child's welfare within a public or private
18 profit or not for profit child care facility; or any other
19 person responsible for the child's welfare at the time of the
20 alleged abuse or neglect, including any person who commits or
21 allows to be committed, against the child, the offense of
22 involuntary servitude, involuntary sexual servitude of a
23 minor, or trafficking in persons for forced labor or services,
24 as provided in Section 10-9 of the Criminal Code of 2012,
25 including, but not limited to, the custodian of the minor, or
26 any person who came to know the child through an official

1 capacity or position of trust, including, but not limited to,
2 health care professionals, educational personnel, recreational
3 supervisors, members of the clergy, and volunteers or support
4 personnel in any setting where children may be subject to
5 abuse or neglect.

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

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

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

19 "An undetermined report" means any report made under this
20 Act in which it was not possible to initiate or complete an
21 investigation on the basis of information provided to the
22 Department.

23 "Subject of report" means any child reported to the
24 central register of child abuse and neglect established under
25 Section 7.7 of this Act as an alleged victim of child abuse or
26 neglect and the parent or guardian of the alleged victim or

1 other person responsible for the alleged victim's welfare who
2 is named in the report or added to the report as an alleged
3 perpetrator of child abuse or neglect.

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

7 "Member of the clergy" means a clergyperson or
8 practitioner of any religious denomination accredited by the
9 religious body to which the clergyperson or practitioner
10 belongs.

11 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
12 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)".