

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 5. The School Code is amended by changing Sections  
5 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  
17 appearance of impropriety;

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

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

23 (5) it is necessary to uphold the State Board of

1 Education's Code of Ethics for Illinois Educators and for  
2 each school district, charter school, or nonpublic school  
3 to have an employee code of professional conduct policy;

4 (6) each school district, charter school, or nonpublic  
5 school must have the ability to discipline educators for  
6 breaches of its employee code of professional conduct  
7 policy;

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

12 (8) as bystanders, educators may have knowledge of  
13 concerning behaviors that no one else is aware of, so they  
14 need adequate training on sexual abuse, the employee code  
15 of professional conduct policy, and federal and State  
16 reporting requirements.

17 (c) In this Section, "sexual misconduct" means any act,  
18 including, but not limited to, any verbal, nonverbal, written,  
19 or electronic communication or physical activity, by an  
20 employee or agent of the school district, charter school, or  
21 nonpublic school with direct contact with a student that is  
22 directed toward or with a student to establish a romantic or  
23 sexual relationship with the student. Such an act includes,  
24 but is not limited to, any of the following:

25 (1) A sexual or romantic invitation.

26 (2) Dating or soliciting a date.

1 (3) Engaging in sexualized or romantic dialog.

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

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

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

8 (d) To prevent sexual misconduct with students, each  
9 school district, charter school, or nonpublic school shall  
10 develop an employee code of professional conduct policy that  
11 addresses all of the following:

12 (1) Incorporates the Code of Ethics for Illinois  
13 Educators.

14 (2) Incorporates the definition of "sexual misconduct"  
15 in this Section.

16 (3) Identifies the expectations for employees and  
17 agents of the school district, charter school, or  
18 nonpublic school regarding how to maintain a professional  
19 relationship with students, including the expectations for  
20 staff-student boundaries, recognizing the age and  
21 developmental level of the students served, and  
22 establishes guidelines for all of the following  
23 situations:

24 (A) Transporting a student.

25 (B) Taking or possessing a photo or a video of a  
26 student.

1 (C) Meeting with a student or contacting a student  
2 outside of the employee's or agent's professional  
3 role.

4 (4) References the employee reporting requirements  
5 required under the Abused and Neglected Child Reporting  
6 Act and under Title IX of the federal Education Amendments  
7 of 1972.

8 (5) References required employee training that is  
9 related to child abuse and educator ethics that are  
10 applicable under State and federal law.

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

21 (f) A violation of the employee code of professional  
22 conduct policy may subject an employee to disciplinary action  
23 up to and including dismissal from employment. Failure to  
24 report a violation of the employee code of professional  
25 conduct policy may subject an employee to disciplinary action  
26 up to and including dismissal from employment.

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

2 (105 ILCS 5/22-94)

3 Sec. 22-94. Employment history review.

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

7 (b) In this Section:

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

12 "Direct contact with children or students" means the  
13 possibility of care, supervision, guidance, or control of  
14 children or students or routine interaction with children or  
15 students.

16 "School" means a public or nonpublic elementary or  
17 secondary school.

18 "Sexual misconduct" has the meaning ascribed to it in  
19 subsection (c) of Section 22-85.5 of this Code.

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

23 (1) the school or contractor has no knowledge or  
24 information pertaining to the applicant that would  
25 disqualify the applicant from employment;

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

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

5           (A) a list, including the name, address, telephone  
6 number, and other relevant contact information of the  
7 following:

8           (i) the applicant's current employer if the  
9 applicant has direct contact with children or  
10 students at the applicant's current employer;

11           (ii) all former employers of the applicant  
12 that were schools or school contractors, as well  
13 as all former employers at which the applicant had  
14 direct contact with children or students;

15           (B) A written authorization that consents to and  
16 authorizes disclosure by the applicant's current and  
17 former employers under subparagraph (A) of this  
18 paragraph (3) of the information requested under  
19 paragraph (4) of this subsection (c) and the release  
20 of related records and that releases those employers  
21 from any liability that may arise from such disclosure  
22 or release of records pursuant to subsection (e).

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

24           (i) has been the subject of a sexual  
25 misconduct allegation, unless a subsequent  
26 investigation resulted in a finding that the

1 allegation was false, unfounded, or  
2 unsubstantiated;

3 (ii) has ever been discharged from, been asked  
4 to resign from, resigned from, or otherwise been  
5 separated from any employment, has ever been  
6 disciplined by an employer, or has ever had an  
7 employment contract not renewed due to an  
8 adjudication or finding of sexual misconduct or  
9 while an allegation of sexual misconduct was  
10 pending or under investigation, unless the  
11 investigation resulted in a finding that the  
12 allegation was false, unfounded, or  
13 unsubstantiated; or

14 (iii) has ever had a license or certificate  
15 suspended, surrendered, or revoked or had an  
16 application for licensure, approval, or  
17 endorsement denied due to an adjudication or  
18 finding of sexual misconduct or while an  
19 allegation of sexual misconduct was pending or  
20 under investigation, unless the investigation  
21 resulted in a finding that the allegation was  
22 false, unfounded, or unsubstantiated.

23 (4) The school, ~~or~~ contractor, or regional office of  
24 education or intermediate service center on behalf of a  
25 school district, pursuant to paragraph (1.5) of subsection  
26 (i), shall initiate a review of the employment history of

1 the applicant by contacting those employers listed by the  
2 applicant under subparagraph (A) of paragraph (3) of this  
3 subsection (c) and, using the template developed by the  
4 State Board of Education, request all of the following  
5 information:

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

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

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

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

23 (iii) has ever had a license or certificate  
24 suspended, surrendered, or revoked due to an  
25 adjudication or finding of sexual misconduct or  
26 while an allegation of sexual misconduct was

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

5 (C) The template shall include the following  
6 option: if the employer does not have records or  
7 evidence regarding the questions in items (i) through  
8 (iii) of subparagraph (B) of paragraph (4) of this  
9 subsection (c), the employer may state that there is  
10 no knowledge of information pertaining to the  
11 applicant that would disqualify the applicant from  
12 employment.

13 (5) For applicants licensed by the State Board of  
14 Education, the school district, charter school, or  
15 nonpublic school shall verify the applicant's reported  
16 previous employers with previous employers in the State  
17 Board of Education's educator licensure database to ensure  
18 accuracy.

19 (d) An applicant who provides false information or  
20 willfully fails to disclose information required in subsection  
21 (c) shall be subject to discipline, up to and including  
22 termination or denial of employment.

23 (e) No later than 20 days after receiving a request for  
24 information required under paragraph (4) of subsection (c), an  
25 employer who has or had an employment relationship with the  
26 applicant shall disclose the information requested. If the

1 employer has an office of human resources or a central office,  
2 information shall be provided by that office. The employer who  
3 has or had an employment relationship with the applicant shall  
4 disclose the information on the template developed by the  
5 State Board of Education. For any affirmative response to  
6 items (i) through (iii) of subparagraph (B) of paragraph (4)  
7 of ~~or~~ subsection (c), the employer who has or had an employment  
8 relationship with the applicant shall provide additional  
9 information about the matters disclosed and all related  
10 records.

11 A school shall complete the template at time of separation  
12 from employment, or at the request of the employee, and  
13 maintain it as part of the employee's personnel file. If the  
14 school completes an investigation after an employee's  
15 separation from employment, the school shall update the  
16 information accordingly.

17 Information received under this Section shall not be  
18 deemed a public record.

19 A school or contractor who receives information under this  
20 subsection (e) may use the information for the purpose of  
21 evaluating an applicant's fitness to be hired or for continued  
22 employment and may report the information, as appropriate, to  
23 the State Board of Education, a State licensing agency, a law  
24 enforcement agency, a child protective services agency,  
25 another school or contractor, or a prospective employer.

26 An employer, school, school administrator, regional office

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

15 Unless the laws of another state prevent the release of  
16 the information or records requested or disclosure is  
17 restricted by the terms of a contract entered into prior to  
18 July 1, 2023 (the effective date of Public Act 102-702) and  
19 notwithstanding any other provisions of law to the contrary,  
20 an employer, school, school administrator, contractor, or  
21 applicant shall report and disclose, in accordance with this  
22 Section, all relevant information, records, and documentation  
23 that may otherwise be confidential.

24 (f) A school or contractor may not hire an applicant who  
25 does not provide the information required under subsection (c)  
26 for a position involving direct contact with children or

1 students.

2 (g) Beginning on July 1, 2023 (the effective date of  
3 Public Act 102-702), a school or contractor may not enter into  
4 a collective bargaining agreement, an employment contract, an  
5 agreement for resignation or termination, a severance  
6 agreement, or any other contract or agreement or take any  
7 action that:

8 (1) has the effect of suppressing information  
9 concerning a pending investigation or a completed  
10 investigation in which an allegation was substantiated  
11 related to a report of suspected sexual misconduct by a  
12 current or former employee;

13 (2) affects the ability of the school or contractor to  
14 report suspected sexual misconduct to the appropriate  
15 authorities; or

16 (3) requires the school or contractor to expunge  
17 information about allegations or findings of suspected  
18 sexual misconduct from any documents maintained by the  
19 school or contractor, unless, after an investigation, an  
20 allegation is found to be false, unfounded, or  
21 unsubstantiated.

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

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

2 (1) Except as otherwise provided in paragraph (1.5) of  
3 this subsection (i), the ~~The~~ employment history review  
4 required by this Section is required only prior to the  
5 initial hiring of a substitute employee or placement on a  
6 school's approved substitute list and shall remain valid  
7 as long as the substitute employee continues to be  
8 employed by the same school or remains on the school's  
9 approved substitute list.

10 (1.5) For a substitute teacher licensed under Section  
11 21B-20 and seeking employment in more than one school  
12 district, a school district's regional office of education  
13 or intermediate service center may collect and, at the  
14 request of the substitute teacher, share the information  
15 and records under paragraphs (2), (3), and (4) of  
16 subsection (c). A regional office of education's or  
17 intermediate service center's participation in the  
18 employment history review shall be limited to collecting  
19 such information and records and sharing the information  
20 and records with the school district, school districts or  
21 other regional offices of education or intermediate  
22 service centers. A regional office of education or  
23 intermediate service center may not use the information  
24 and records collected for the purpose of evaluating a  
25 substitute teacher applicant's fitness to be hired, and  
26 the school district shall complete all aspects of the

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

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

13 (2) Except as otherwise provided in paragraph (1.5) of  
14 this subsection (i), a A substitute employee seeking to be  
15 added to another school's substitute list shall undergo an  
16 additional employment history review under this Section.  
17 Except as otherwise provided in paragraph (1.5) or  
18 ~~paragraph~~ (3) of this subsection (i) or in subsection (k),  
19 the appearance of a substitute employee on one school's  
20 substitute list does not relieve another school from  
21 compliance with this Section.

22 (3) An employment history review conducted upon  
23 initial hiring of a substitute employee by a contractor or  
24 any other entity that furnishes substitute staffing  
25 services to schools shall satisfy the requirements of this  
26 Section for all schools using the services of that

1 contractor or other entity.

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

5 (j) For employees of contractors, all of the following  
6 apply:

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

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

20 (3) Prior to assigning an employee to perform work for  
21 a school in a position involving direct contact with  
22 children or students, the contractor shall inform the  
23 school of any instance known to the contractor in which  
24 the employee:

25 (A) has been the subject of a sexual misconduct  
26 allegation unless a subsequent investigation resulted

1 in a finding that the allegation was false, unfounded,  
2 or unsubstantiated;

3 (B) has ever been discharged, been asked to resign  
4 from, resigned from, or otherwise been separated from  
5 any employment, been removed from a substitute list,  
6 been disciplined by an employer, or had an employment  
7 contract not renewed due to an adjudication or finding  
8 of sexual misconduct or while an allegation of sexual  
9 misconduct was pending or under investigation, unless  
10 the investigation resulted in a finding that the  
11 allegation was false, unfounded, or unsubstantiated;  
12 or

13 (C) has ever had a license or certificate  
14 suspended, surrendered, or revoked due to an  
15 adjudication or finding of sexual misconduct or while  
16 an allegation of sexual misconduct was pending or  
17 under investigation, unless the investigation resulted  
18 in a finding that the allegation was false, unfounded,  
19 or unsubstantiated.

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

25 (k) An applicant who has undergone an employment history  
26 review under this Section and seeks to transfer to or provide

1 services to another school in the same school district,  
2 diocese, or religious jurisdiction, or to another school  
3 established and supervised by the same organization is not  
4 required to obtain additional reports under this Section  
5 before transferring.

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

7 (1) to prevent a prospective employer from conducting  
8 further investigations of prospective employees or from  
9 requiring applicants to provide additional background  
10 information or authorizations beyond what is required  
11 under this Section, nor to prevent a current or former  
12 employer from disclosing more information than what is  
13 required under this Section;

14 (2) to relieve a school, school employee, contractor  
15 of the school, or agent of the school from any legal  
16 responsibility to report sexual misconduct in accordance  
17 with State and federal reporting requirements;

18 (3) to relieve a school, school employee, contractor  
19 of the school, or agent of the school from any legal  
20 responsibility to implement the provisions of Section 7926  
21 of Chapter 20 of the United States Code; or

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

26 (m) The State Board of Education shall develop the

1 templates required under paragraphs (3) and (4) of subsection  
2 (c).

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

4 (105 ILCS 5/27-215)

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

6 (a) In this subsection (a):

7 "Age and developmentally appropriate" means suitable to  
8 particular ages or age groups of children or adolescents,  
9 based on the developing cognitive, emotional, and behavioral  
10 capacity typical for the age or age group.

11 "Consent" means an affirmative, knowing, conscious,  
12 ongoing, and voluntary agreement to engage in interpersonal,  
13 physical, or sexual activity, which can be revoked at any  
14 point, including during the course of interpersonal, physical,  
15 or sexual activity.

16 The program established under this Act shall include, but  
17 not be limited to, the following major educational areas as a  
18 basis for curricula in all elementary and secondary schools in  
19 this State, with applicable Illinois Learning Standards  
20 adopted by the State Board of Education guiding the  
21 instruction in the program:

22 (1) human ecology, health, growth, development,  
23 personal health habits, and nutrition, consistent with the  
24 Illinois Learning Standards adopted by the State Board of  
25 Education;

1           (2) the emotional, psychological, physiological,  
2           hygienic, and social responsibilities of family life,  
3           including evidence-based and medically accurate  
4           information regarding sexual abstinence;

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

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

12          (5) public health, environmental health, disaster  
13          preparedness education, and safety education;

14          (6) mental health and illness;

15          (7) dental health;

16          (8) cancer education that includes the types of  
17          cancer, signs and symptoms, risk factors, the importance  
18          of early prevention and detection, and information on  
19          where to get help and treatment for cancer; and

20          (9) age and developmentally appropriate consent  
21          education.

22          The instruction on mental health and illness must evaluate  
23          the multiple dimensions of health by reviewing the  
24          relationship between physical and mental health to enhance  
25          student understanding, attitudes, and behaviors that promote  
26          health, well-being, and human dignity and must include how and

1 where to find mental health resources and specialized  
2 treatment in the State. The program shall also provide course  
3 material and instruction to advise pupils of the Abandoned  
4 Newborn Infant Protection Act.

5 Consent education must be age and developmentally  
6 appropriate, and the instruction on age and developmentally  
7 appropriate consent shall require only instruction aligning  
8 with consent as defined in this Section.

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

17 (c) The State Superintendent of Education, in cooperation  
18 with the Department of Children and Family Services, shall  
19 prepare and disseminate to all public schools and nonpublic  
20 schools information on instructional materials and programs  
21 about child sexual abuse, which may be used by such schools for  
22 their own or community programs. Such information may also be  
23 disseminated by such schools to parents.

24 (d) No pupil shall be required to take or participate in  
25 any class or course on AIDS or family life instruction or to  
26 receive training on how to properly administer cardiopulmonary

1 resuscitation or how to use an automated external  
2 defibrillator if his or her parent or guardian submits written  
3 objection thereto, and refusal to take or participate in the  
4 course or program or the training shall not be reason for  
5 suspension or expulsion of the pupil.

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

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

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

19 (325 ILCS 5/3) (from Ch. 23, par. 2053)

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

22 "Adult resident" means any person between 18 and 22 years  
23 of age who resides in any facility licensed by the Department  
24 under the Child Care Act of 1969. For purposes of this Act, the

1 criteria set forth in the definitions of "abused child" and  
2 "neglected child" shall be used in determining whether an  
3 adult resident is abused or neglected.

4 "Agency" means a child care facility licensed under  
5 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and  
6 includes a transitional living program that accepts children  
7 and adult residents for placement who are in the guardianship  
8 of the Department.

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

26 "Child" means any person under the age of 18 years, unless

1 legally emancipated by reason of marriage or entry into a  
2 branch of the United States armed services.

3 "Department" means Department of Children and Family  
4 Services.

5 "Local law enforcement agency" means the police of a city,  
6 town, village or other incorporated area or the sheriff of an  
7 unincorporated area or any sworn officer of the Illinois State  
8 Police.

9 "Abused child" means a child whose parent or immediate  
10 family member, or any person responsible for the child's  
11 welfare, or any individual residing in the same home as the  
12 child, or a paramour of the child's parent:

13 (a-1) engages in a pattern of conduct or  
14 communications directed toward such child, meaning 2 or  
15 more instances of conduct or communication, that a  
16 reasonable person would understand as intended to groom,  
17 seduce, solicit, lure, or entice the child for the purpose  
18 of committing any sex offense or engaging in sexual  
19 misconduct against such child. As used in this subsection,  
20 "sexual misconduct" means, but is not limited to, any  
21 verbal, nonverbal, written, or electronic communication or  
22 physical activity by a person responsible for the child's  
23 welfare to establish a romantic or sexual relationship  
24 with the child. Such conduct or communications may  
25 include, but is not limited to, the following:

26 (1) A sexual or romantic invitation.

1                   (2) Dating or soliciting a date.

2                   (3) Engaging in sexualized or romantic dialog.

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

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

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

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

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

22                  (e) inflicts excessive corporal punishment or, in the  
23                  case of a person working for an agency who is prohibited  
24                  from using corporal punishment, inflicts corporal  
25                  punishment upon a child or adult resident with whom the  
26                  person is working in the person's professional capacity;

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

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

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

18 (i) (blank). ~~commits the offense of grooming, as~~  
19 ~~defined in Section 11-25 of the Criminal Code of 2012,~~  
20 ~~against the child.~~

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

24 "Neglected child" means any child who is not receiving the  
25 proper or necessary nourishment or medically indicated  
26 treatment including food or care not provided solely on the

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

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

18 "Child Protective Service Unit" means certain specialized  
19 State employees of the Department assigned by the Director to  
20 perform the duties and responsibilities as provided under  
21 Section 7.2 of this Act.

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

1 "Great bodily harm" includes bodily injury which creates a  
2 high probability of death, or which causes serious permanent  
3 disfigurement, or which causes a permanent or protracted loss  
4 or impairment of the function of any bodily member or organ, or  
5 other serious bodily harm.

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

25 "Temporary protective custody" means custody within a  
26 hospital or other medical facility or a place previously

1 designated for such custody by the Department, subject to  
2 review by the Court, including a licensed foster home, group  
3 home, or other institution; but such place shall not be a jail  
4 or other place for the detention of criminal or juvenile  
5 offenders.

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

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

12 "An undetermined report" means any report made under this  
13 Act in which it was not possible to initiate or complete an  
14 investigation on the basis of information provided to the  
15 Department.

16 "Subject of report" means any child reported to the  
17 central register of child abuse and neglect established under  
18 Section 7.7 of this Act as an alleged victim of child abuse or  
19 neglect and the parent or guardian of the alleged victim or  
20 other person responsible for the alleged victim's welfare who  
21 is named in the report or added to the report as an alleged  
22 perpetrator of child abuse or neglect.

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

26 "Member of the clergy" means a clergyperson or

1 practitioner of any religious denomination accredited by the  
2 religious body to which the clergyperson or practitioner  
3 belongs.

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