



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4539

Introduced 1/30/2026, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

325 ILCS 5/3
325 ILCS 5/7.3

from Ch. 23, par. 2053
from Ch. 23, par. 2057.3

Amends the Abused and Neglected Child Reporting Act. In the definition of "abused child", changes the list of persons who may be considered a perpetrator of abuse to include a child's parent, a parent's paramour, or any other person 14 years of age or older who is either responsible for the child's welfare, is an immediate family member, or resides in the same home as the child. Provides that, if the Department of Children and Family Services does not accept an abuse or neglect report for investigation on the sole basis that the alleged perpetrator is another person in the household under the age of 14, then the Department shall consider if there is reasonable cause to suspect that the alleged maltreatment is the result of blatant disregard on the part of an adult or agency who is an eligible perpetrator. Provides that, if so, the Department shall accept a report alleging abuse or neglect identifying the adult or agency as the alleged perpetrator. Permits the Department to also consider whether a child welfare service referral would be appropriate.

LRB104 20370 KTG 33825 b

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 Abused and Neglected Child Reporting Act is
5 amended by changing Sections 3 and 7.3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

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

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

15 "Agency" means a child care facility licensed under
16 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
17 includes a transitional living program that accepts children
18 and adult residents for placement who are in the guardianship
19 of the Department.

20 "Blatant disregard" means an incident where the real,
21 significant, and imminent risk of harm would be so obvious to a
22 reasonable parent or caretaker that it is unlikely that a
23 reasonable parent or caretaker would have exposed the child to

1 the danger without exercising precautionary measures to
2 protect the child from harm. With respect to a person working
3 at an agency in the person's professional capacity with a
4 child or adult resident, "blatant disregard" includes a
5 failure by the person to perform job responsibilities intended
6 to protect the child's or adult resident's health, physical
7 well-being, or welfare, and, when viewed in light of the
8 surrounding circumstances, evidence exists that would cause a
9 reasonable person to believe that the child was neglected.
10 With respect to an agency, "blatant disregard" includes a
11 failure to implement practices that ensure the health,
12 physical well-being, or welfare of the children and adult
13 residents residing in the facility.

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

17 "Department" means Department of Children and Family
18 Services.

19 "Local law enforcement agency" means the police of a city,
20 town, village or other incorporated area or the sheriff of an
21 unincorporated area or any sworn officer of the Illinois State
22 Police.

23 "Abused child" means a child with respect to whom: whose

24 (1) a parent, or

25 (2) a parent's paramour, or

26 (3) any other person 14 years of age or older who is

1 either responsible for the child's welfare, is an
2 immediate family member, or resides in the same home as
3 the child; any person responsible for the child's welfare,
4 or any individual residing in the same home as the child,
5 or a paramour of the child's parent.

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

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

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

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

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

1 person is working in the person's professional capacity;

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

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

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

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

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

25 "Neglected child" means any child who is not receiving the
26 proper or necessary nourishment or medically indicated

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

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

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

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

1 rule.

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

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

26 "Temporary protective custody" means custody within a

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

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

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

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

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

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

1 "Member of the clergy" means a clergyperson or
2 practitioner of any religious denomination accredited by the
3 religious body to which the clergyperson or practitioner
4 belongs.

5 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
6 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

7 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

8 Sec. 7.3. (a) The Department shall be the sole agency
9 responsible for receiving and investigating reports of child
10 abuse or neglect made under this Act, including reports of
11 adult resident abuse or neglect as defined in this Act, except
12 where investigations by other agencies may be required with
13 respect to reports alleging the abuse or neglect of a child by
14 a person who is not the child's parent, a member of the child's
15 immediate family, a person responsible for the child's
16 welfare, an individual residing in the same home as the child,
17 or a paramour of the child's parent, the death of a child,
18 serious injury to a child or sexual abuse to a child made
19 pursuant to Sections 4.1 or 7 of this Act, and except that the
20 Department may delegate the performance of the investigation
21 to the Illinois State Police, a law enforcement agency and to
22 those private social service agencies which have been
23 designated for this purpose by the Department prior to July 1,
24 1980.

25 (a-5) If the Department does not accept a report for

1 investigation on the sole basis that the alleged perpetrator
2 is another person in the household under the age of 14, then
3 the Department shall consider if there is reasonable cause to
4 suspect that the alleged maltreatment is the result of blatant
5 disregard on the part of an adult or agency who is an eligible
6 perpetrator. If so, the Department shall accept a report
7 alleging abuse or neglect identifying the adult or agency as
8 the alleged perpetrator. The Department may also consider
9 whether a child welfare service referral would be appropriate.

10 (b) Notwithstanding any other provision of this Act, the
11 Department shall adopt rules expressly allowing law
12 enforcement personnel to investigate reports of suspected
13 child abuse or neglect concurrently with the Department,
14 without regard to whether the Department determines a report
15 to be "indicated" or "unfounded" or deems a report to be
16 "undetermined".

17 (c) By June 1, 2016, the Department shall adopt rules that
18 address and set forth criteria and standards relevant to
19 investigations of reports of abuse or neglect committed by any
20 agency, as defined in Section 3 of this Act, or person working
21 for an agency responsible for the welfare of a child or adult
22 resident.

23 (Source: P.A. 101-583, eff. 1-1-20; 102-538, eff. 8-20-21.)