



Rep. Barbara Hernandez

Filed: 3/24/2026

10400HB4539ham002

LRB104 20370 KTG 35865 a

1 AMENDMENT TO HOUSE BILL 4539

2 AMENDMENT NO. _____. Amend House Bill 4539, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Abused and Neglected Child Reporting Act
6 is amended by changing Sections 3 and 7.3 as follows:

7 (325 ILCS 5/3) (from Ch. 23, par. 2053)

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

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

16 "Agency" means a child care facility licensed under

1 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
2 includes a transitional living program that accepts children
3 and adult residents for placement who are in the guardianship
4 of the Department.

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

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

25 "Department" means Department of Children and Family
26 Services.

1 "Local law enforcement agency" means the police of a city,
2 town, village or other incorporated area or the sheriff of an
3 unincorporated area or any sworn officer of the Illinois State
4 Police.

5 "Abused child" means a child with respect to whom: ~~whose~~

6 (1) a parent, or

7 (2) a parent's paramour, or

8 (3) any other person 14 years of age or older who is
9 either responsible for the child's welfare, is an
10 immediate family member, or resides in the same home as
11 the child: ~~any person responsible for the child's welfare,~~
12 ~~or any individual residing in the same home as the child,~~
13 ~~or a paramour of the child's parent:~~

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

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

24 (c) commits or allows to be committed any sex offense
25 against such child, as such sex offenses are defined in
26 the Criminal Code of 2012 or in the Wrongs to Children Act,

1 and extending those definitions of sex offenses to include
2 children under 18 years of age;

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

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

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

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

23 (h) commits or allows to be committed the offense of
24 involuntary servitude, involuntary sexual servitude of a
25 minor, or trafficking in persons as defined in Section
26 10-9 of the Criminal Code of 2012 against the child; or

1 (i) commits the offense of grooming, as defined in
2 Section 11-25 of the Criminal Code of 2012, against the
3 child.

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

7 "Neglected child" means any child who is not receiving the
8 proper or necessary nourishment or medically indicated
9 treatment including food or care not provided solely on the
10 basis of the present or anticipated mental or physical
11 impairment as determined by a physician acting alone or in
12 consultation with other physicians or otherwise is not
13 receiving the proper or necessary support or medical or other
14 remedial care recognized under State law as necessary for a
15 child's well-being, or other care necessary for the child's
16 well-being, including adequate food, clothing and shelter; or
17 who is subjected to an environment which is injurious insofar
18 as (i) the child's environment creates a likelihood of harm to
19 the child's health, physical well-being, or welfare and (ii)
20 the likely harm to the child is the result of a blatant
21 disregard of parent, caretaker, person responsible for the
22 child's welfare, or agency responsibilities; or who is
23 abandoned by the child's parents or other person responsible
24 for the child's welfare without a proper plan of care; or who
25 has been provided with interim crisis intervention services
26 under Section 3-5 of the Juvenile Court Act of 1987 and whose

1 parent, guardian, or custodian refuses to permit the child to
2 return home and no other living arrangement agreeable to the
3 parent, guardian, or custodian can be made, and the parent,
4 guardian, or custodian has not made any other appropriate
5 living arrangement for the child; or who is a newborn infant
6 whose blood, urine, or meconium contains any amount of a
7 controlled substance as defined in subsection (f) of Section
8 102 of the Illinois Controlled Substances Act or a metabolite
9 thereof, with the exception of a controlled substance or
10 metabolite thereof whose presence in the newborn infant is the
11 result of medical treatment administered to the person who
12 gave birth or the newborn infant. A child shall not be
13 considered neglected for the sole reason that the child's
14 parent or other person responsible for the child's welfare has
15 left the child in the care of an adult relative for any period
16 of time. A child shall not be considered neglected for the sole
17 reason that the child has been relinquished in accordance with
18 the Abandoned Newborn Infant Protection Act. A child shall not
19 be considered neglected or abused for the sole reason that
20 such child's parent or other person responsible for the
21 child's welfare depends upon spiritual means through prayer
22 alone for the treatment or cure of disease or remedial care as
23 provided under Section 4 of this Act. A child shall not be
24 considered neglected or abused solely because the child is not
25 attending school in accordance with the requirements of
26 Article 26 of The School Code, as amended.

1 "Child Protective Service Unit" means certain specialized
2 State employees of the Department assigned by the Director to
3 perform the duties and responsibilities as provided under
4 Section 7.2 of this Act.

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

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

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

1 including, but not limited to, the custodian of the minor, or
2 any person who came to know the child through an official
3 capacity or position of trust, including, but not limited to,
4 health care professionals, educational personnel, recreational
5 supervisors, members of the clergy, and volunteers or support
6 personnel in any setting where children may be subject to
7 abuse or neglect.

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

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

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

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

25 "Subject of report" means any child reported to the
26 central register of child abuse and neglect established under

1 Section 7.7 of this Act as an alleged victim of child abuse or
2 neglect and the parent or guardian of the alleged victim or
3 other person responsible for the alleged victim's welfare who
4 is named in the report or added to the report as an alleged
5 perpetrator of child abuse or neglect.

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

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

13 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
14 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

15 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

16 Sec. 7.3. (a) The Department shall be the sole agency
17 responsible for receiving and investigating reports of child
18 abuse or neglect made under this Act, including reports of
19 adult resident abuse or neglect as defined in this Act, except
20 where investigations by other agencies may be required with
21 respect to reports alleging the abuse or neglect of a child by
22 a person who is not the child's parent, a member of the child's
23 immediate family, a person responsible for the child's
24 welfare, an individual residing in the same home as the child,
25 or a paramour of the child's parent, the death of a child,

1 serious injury to a child or sexual abuse to a child made
2 pursuant to Sections 4.1 or 7 of this Act, and except that the
3 Department may delegate the performance of the investigation
4 to the Illinois State Police, a law enforcement agency and to
5 those private social service agencies which have been
6 designated for this purpose by the Department prior to July 1,
7 1980.

8 (a-5) If the Department does not accept a report for
9 investigation on the sole basis that the alleged perpetrator
10 is another person in the household or an immediate family
11 member under the age of 14, then the Department shall consider
12 if there is reasonable cause to suspect that the alleged
13 maltreatment is the result of blatant disregard on the part of
14 a person or agency who is an eligible perpetrator. If so, the
15 Department shall accept a report alleging abuse or neglect
16 identifying the person or agency as the alleged perpetrator.
17 The Department may also consider whether a child welfare
18 service referral would be appropriate.

19 (b) Notwithstanding any other provision of this Act, the
20 Department shall adopt rules expressly allowing law
21 enforcement personnel to investigate reports of suspected
22 child abuse or neglect concurrently with the Department,
23 without regard to whether the Department determines a report
24 to be "indicated" or "unfounded" or deems a report to be
25 "undetermined".

26 (c) By June 1, 2016, the Department shall adopt rules that

1 address and set forth criteria and standards relevant to
2 investigations of reports of abuse or neglect committed by any
3 agency, as defined in Section 3 of this Act, or person working
4 for an agency responsible for the welfare of a child or adult
5 resident.

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