

SB1239



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1239

Introduced 2/6/2019, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

325 ILCS 5/7
325 ILCS 5/7.3

from Ch. 23, par. 2057
from Ch. 23, par. 2057.3

Amends the Abused and Neglected Child Reporting Act. Provides that any report received by the Department of Children and Family Services alleging the abuse or neglect of a child by a person who is not the child's parent, a member of the child's immediate family, a person responsible for the child's welfare, an individual residing in the same home as the child, or a paramour of the child's parent shall immediately be referred to the appropriate local enforcement agency and State's Attorney for consideration of criminal investigation or other action.

LRB101 04962 KTG 49971 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 7 and 7.3 as follows:

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

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

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

1 "Any person who knowingly transmits a false report to the
2 Department commits the offense of disorderly conduct under
3 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
4 A violation of this subsection is a Class 4 felony."

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

1 receipt of any report alleging the death of a child, serious
2 injury to a child including, but not limited to, brain damage,
3 skull fractures, subdural hematomas, and, internal injuries,
4 torture of a child, malnutrition of a child, and sexual abuse
5 to a child, including, but not limited to, sexual intercourse,
6 sexual exploitation, sexual molestation, and sexually
7 transmitted disease in a child age twelve and under. All oral
8 reports made by the Department to local law enforcement
9 personnel and the office of the State's Attorney of the
10 involved county shall be confirmed in writing within 24 hours
11 of the oral report. All reports by persons mandated to report
12 under this Act shall be confirmed in writing to the appropriate
13 Child Protective Service Unit, which may be on forms supplied
14 by the Department, within 48 hours of any initial report.

15 Any report received by the Department alleging the abuse or
16 neglect of a child by a person who is not the child's parent, a
17 member of the child's immediate family, a person responsible
18 for the child's welfare, an individual residing in the same
19 home as the child, or a paramour of the child's parent shall
20 immediately be referred to the appropriate local enforcement
21 agency and State's Attorney for consideration of criminal
22 investigation or other action.

23 Written confirmation reports from persons not required to
24 report by this Act may be made to the appropriate Child
25 Protective Service Unit. Written reports from persons required
26 by this Act to report shall be admissible in evidence in any

1 judicial proceeding or administrative hearing relating to
2 child abuse or neglect. Reports involving known or suspected
3 child abuse or neglect in public or private residential
4 agencies or institutions shall be made and received in the same
5 manner as all other reports made under this Act.

6 For purposes of this Section "child" includes an adult
7 resident as defined in this Act.

8 (Source: P.A. 96-1446, eff. 8-20-10; 97-189, eff. 7-22-11;
9 97-387, eff. 8-15-11; 97-813, eff. 7-13-12; 97-1150, eff.
10 1-25-13.)

11 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

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

1 those private social service agencies which have been
2 designated for this purpose by the Department prior to July 1,
3 1980.

4 (b) Notwithstanding any other provision of this Act, the
5 Department shall adopt rules expressly allowing law
6 enforcement personnel to investigate reports of suspected
7 child abuse or neglect concurrently with the Department,
8 without regard to whether the Department determines a report to
9 be "indicated" or "unfounded" or deems a report to be
10 "undetermined".

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

17 (Source: P.A. 99-350, eff. 6-1-16.)