Amends the Abused and Neglected Child Reporting Act. Provides that a child shall not be considered neglected solely because the child's parent or other person responsible for his or her welfare has a difference of opinion with a medical professional regarding the safety, efficacy, or advisability of various treatment protocols specific to that child. Provides that a child shall not be considered neglected solely because a child's parent or other person responsible for the child's welfare objects to: (i) a recommended vaccination schedule or the dosing schedule for vaccines; (ii) the administration of ophthalmic antibiotics or silver nitrate in newborns; (iii) the administration of vitamin K in newborns; or other specified medical care. Provides that requests for minimally invasive diagnostic tests for the child and a diagnosis of or treatment of pediatric acute onset neuropsychiatric syndrome or pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections shall not be considered an indication of neglect. Provides that if a medical professional complies with an objection or request set forth in the amendatory Act by a child's parent or other person responsible for the child's welfare, no liability for any such decision may attach to the medical professional. Amends the Medical Patient Rights Act. Provides that a child's parent or other person responsible for the child's welfare has a right to be free from threats by medical professionals to refer a child to protective services, unless the medical professional has a good faith basis to believe that the child otherwise meets the definition of an abused child or a neglected child as defined under the Abused and Neglected Child Reporting Act. Requires the Department of Public Health to adopt rules.
AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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

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

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

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

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

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

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

"Department" means Department of Children and Family Services.

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

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:
(a) inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

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

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

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

(e) inflicts excessive corporal punishment or, in the case of a person working for an agency who is prohibited from using corporal punishment, inflicts corporal punishment upon a child or adult resident with whom the person is working in his or her professional capacity;

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

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

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

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

"Neglected child" means any child who is not receiving the
proper or necessary nourishment or medically indicated
treatment including food or care not provided solely on the
basis of the present or anticipated mental or physical
impairment as determined by a physician acting alone or in
consultation with other physicians or otherwise is not
receiving the proper or necessary support or medical or other
remedial care recognized under State law as necessary for a
child's well-being, or other care necessary for his or her
well-being, including adequate food, clothing and shelter; or
who is subjected to an environment which is injurious insofar
as (i) the child's environment creates a likelihood of harm to
the child's health, physical well-being, or welfare and (ii)
the likely harm to the child is the result of a blatant
disregard of parent, caretaker, or agency responsibilities; or
who is abandoned by his or her parents or other person
responsible for the child's welfare without a proper plan of
care; or who has been provided with interim crisis
intervention services under Section 3-5 of the Juvenile Court
Act of 1987 and whose parent, guardian, or custodian refuses
to permit the child to return home and no other living
arrangement agreeable to the parent, guardian, or custodian
can be made, and the parent, guardian, or custodian has not
made any other appropriate living arrangement for the child;
or who is a newborn infant whose blood, urine, or meconium
contains any amount of a controlled substance as defined in
subsection (f) of Section 102 of the Illinois Controlled
Substances Act or a metabolite thereof, with the exception of
a controlled substance or metabolite thereof whose presence in
the newborn infant is the result of medical treatment
administered to the mother or the newborn infant. A child
shall not be considered neglected for the sole reason that the
child's parent or other person responsible for his or her
welfare has left the child in the care of an adult relative for
any period of time. A child shall not be considered neglected
for the sole reason that the child has been relinquished in
accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

A child shall not be considered neglected solely because the child's parent or other person responsible for his or her welfare has a difference of opinion with a medical professional regarding the safety, efficacy, or advisability of various treatment protocols specific to that child. A child shall not be considered neglected solely because a child's parent or other person responsible for the child's welfare:

(a) objects to:

(i) a recommended vaccination schedule, including, but not limited to, administering to the child: (1) the HPV vaccine; or (2) an influenza vaccine; or (3) a vaccine for COVID-19; or

(ii) the dosing schedule for vaccines, including, but not limited to, objecting to administering multiple vaccines in a single day;

(b) objects to the administration of opioid medications for pain relief if other non-opioid
medications are available;

   (c) objects to the administration of ophthalmic
       antibiotics or silver nitrate in newborns, and the medical
       professional does not have a basis to believe the mother
       has been infected with gonorrhea or chlamydia;

   (d) objects to the administration of, timing of, or
       route of administration for vitamin K in newborns;

   (e) objects to the administration, in non-emergency
       situations, of a medication without review of an
       FDA-approved package insert or instructions for use;

   (f) objects to separation of the child and parent or
       other person responsible for his or her welfare by the
       medical professional during non-emergency medical
       consultations;

   (g) requests minimally invasive diagnostic tests for
       the child; or

   (h) seeks diagnosis of or treatment of symptoms
       associated with pediatric acute onset neuropsychiatric
       syndrome or pediatric autoimmune neuropsychiatric
       disorders associated with streptococcal infections.

If a medical professional complies with an objection or
request set forth in items (a) through (h) by a child's parent
or other person responsible for the child's welfare, no
liability for any such decision may attach to the medical
professional.

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

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

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

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

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

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

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

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

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

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

"Member of the clergy" means a clergyman or practitioner
of any religious denomination accredited by the religious body
to which he or she belongs.

(Source: P.A. 99-350, eff. 6-1-16; 100-733, eff. 1-1-19.)

Section 10. The Medical Patient Rights Act is amended by
adding Section 3.5 as follows:

(410 ILCS 50/3.5 new)

Sec. 3.5. Parental rights.

(a) In addition to any other right provided under this
Act, a child's parent or other person responsible for the
child's welfare has a right to be free from threats by medical
professionals to refer a child to protective services, unless
the medical professional has a good faith basis to believe
that the child otherwise meets the definition of an abused
child or a neglected child as defined in Section 3 of the
Abused and Neglected Child Reporting Act.

(b) The Department of Public Health shall adopt rules to
implement this Section.