

# HB3748



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB3748**

Introduced 2/22/2021, by Rep. Debbie Meyers-Martin

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/4

Amends the Abused and Neglected Child Reporting Act. Expands the list of crisis intervention personnel required to report under the Act to include the staff of any homeless shelter, domestic violence shelter, or any other shelter or halfway house. Effective immediately.

LRB102 14767 KTG 20120 b

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 Section 4 as follows:

6 (325 ILCS 5/4)

7 Sec. 4. Persons required to report; privileged  
8 communications; transmitting false report.

9 (a) The following persons are required to immediately  
10 report to the Department when they have reasonable cause to  
11 believe that a child known to them in their professional or  
12 official capacities may be an abused child or a neglected  
13 child:

14 (1) Medical personnel, including any: physician  
15 licensed to practice medicine in any of its branches  
16 (medical doctor or doctor of osteopathy); resident;  
17 intern; medical administrator or personnel engaged in the  
18 examination, care, and treatment of persons; psychiatrist;  
19 surgeon; dentist; dental hygienist; chiropractic  
20 physician; podiatric physician; physician assistant;  
21 emergency medical technician; acupuncturist; registered  
22 nurse; licensed practical nurse; advanced practice  
23 registered nurse; genetic counselor; respiratory care

1 practitioner; home health aide; or certified nursing  
2 assistant.

3 (2) Social services and mental health personnel,  
4 including any: licensed professional counselor; licensed  
5 clinical professional counselor; licensed social worker;  
6 licensed clinical social worker; licensed psychologist or  
7 assistant working under the direct supervision of a  
8 psychologist; associate licensed marriage and family  
9 therapist; licensed marriage and family therapist; field  
10 personnel of the Departments of Healthcare and Family  
11 Services, Public Health, Human Services, Human Rights, or  
12 Children and Family Services; supervisor or administrator  
13 of the General Assistance program established under  
14 Article VI of the Illinois Public Aid Code; social  
15 services administrator; or substance abuse treatment  
16 personnel.

17 (3) Crisis intervention personnel, including any:  
18 crisis line or hotline personnel; ~~or~~ domestic violence  
19 program personnel; or staff of any homeless shelter,  
20 domestic violence shelter, or any other shelter or halfway  
21 house.

22 (4) Education personnel, including any: school  
23 personnel (including administrators and certified and  
24 non-certified school employees); personnel of institutions  
25 of higher education; educational advocate assigned to a  
26 child in accordance with the School Code; member of a

1 school board or the Chicago Board of Education or the  
2 governing body of a private school (but only to the extent  
3 required under subsection (d)); or truant officer.

4 (5) Recreation or athletic program or facility  
5 personnel.

6 (6) Child care personnel, including any: early  
7 intervention provider as defined in the Early Intervention  
8 Services System Act; director or staff assistant of a  
9 nursery school or a child day care center; or foster  
10 parent, homemaker, or child care worker.

11 (7) Law enforcement personnel, including any: law  
12 enforcement officer; field personnel of the Department of  
13 Juvenile Justice; field personnel of the Department of  
14 Corrections; probation officer; or animal control officer  
15 or field investigator of the Department of Agriculture's  
16 Bureau of Animal Health and Welfare.

17 (8) Any funeral home director; funeral home director  
18 and embalmer; funeral home employee; coroner; or medical  
19 examiner.

20 (9) Any member of the clergy.

21 (10) Any physician, physician assistant, registered  
22 nurse, licensed practical nurse, medical technician,  
23 certified nursing assistant, licensed social worker,  
24 licensed clinical social worker, or licensed professional  
25 counselor of any office, clinic, or any other physical  
26 location that provides abortions, abortion referrals, or

1           contraceptives.

2           (b) When 2 or more persons who work within the same  
3 workplace and are required to report under this Act share a  
4 reasonable cause to believe that a child may be an abused or  
5 neglected child, one of those reporters may be designated to  
6 make a single report. The report shall include the names and  
7 contact information for the other mandated reporters sharing  
8 the reasonable cause to believe that a child may be an abused  
9 or neglected child. The designated reporter must provide  
10 written confirmation of the report to those mandated reporters  
11 within 48 hours. If confirmation is not provided, those  
12 mandated reporters are individually responsible for  
13 immediately ensuring a report is made. Nothing in this Section  
14 precludes or may be used to preclude any person from reporting  
15 child abuse or child neglect.

16           (c) (1) As used in this Section, "a child known to them in  
17 their professional or official capacities" means:

18           (A) the mandated reporter comes into contact with the  
19 child in the course of the reporter's employment or  
20 practice of a profession, or through a regularly scheduled  
21 program, activity, or service;

22           (B) the mandated reporter is affiliated with an  
23 agency, institution, organization, school, school  
24 district, regularly established church or religious  
25 organization, or other entity that is directly responsible  
26 for the care, supervision, guidance, or training of the

1 child; or

2 (C) a person makes a specific disclosure to the  
3 mandated reporter that an identifiable child is the victim  
4 of child abuse or child neglect, and the disclosure  
5 happens while the mandated reporter is engaged in his or  
6 her employment or practice of a profession, or in a  
7 regularly scheduled program, activity, or service.

8 (2) Nothing in this Section requires a child to come  
9 before the mandated reporter in order for the reporter to make  
10 a report of suspected child abuse or child neglect.

11 (d) If an allegation is raised to a school board member  
12 during the course of an open or closed school board meeting  
13 that a child who is enrolled in the school district of which he  
14 or she is a board member is an abused child as defined in  
15 Section 3 of this Act, the member shall direct or cause the  
16 school board to direct the superintendent of the school  
17 district or other equivalent school administrator to comply  
18 with the requirements of this Act concerning the reporting of  
19 child abuse. For purposes of this paragraph, a school board  
20 member is granted the authority in his or her individual  
21 capacity to direct the superintendent of the school district  
22 or other equivalent school administrator to comply with the  
23 requirements of this Act concerning the reporting of child  
24 abuse.

25 Notwithstanding any other provision of this Act, if an  
26 employee of a school district has made a report or caused a

1 report to be made to the Department under this Act involving  
2 the conduct of a current or former employee of the school  
3 district and a request is made by another school district for  
4 the provision of information concerning the job performance or  
5 qualifications of the current or former employee because he or  
6 she is an applicant for employment with the requesting school  
7 district, the general superintendent of the school district to  
8 which the request is being made must disclose to the  
9 requesting school district the fact that an employee of the  
10 school district has made a report involving the conduct of the  
11 applicant or caused a report to be made to the Department, as  
12 required under this Act. Only the fact that an employee of the  
13 school district has made a report involving the conduct of the  
14 applicant or caused a report to be made to the Department may  
15 be disclosed by the general superintendent of the school  
16 district to which the request for information concerning the  
17 applicant is made, and this fact may be disclosed only in cases  
18 where the employee and the general superintendent have not  
19 been informed by the Department that the allegations were  
20 unfounded. An employee of a school district who is or has been  
21 the subject of a report made pursuant to this Act during his or  
22 her employment with the school district must be informed by  
23 that school district that if he or she applies for employment  
24 with another school district, the general superintendent of  
25 the former school district, upon the request of the school  
26 district to which the employee applies, shall notify that

1 requesting school district that the employee is or was the  
2 subject of such a report.

3 (e) Whenever such person is required to report under this  
4 Act in his capacity as a member of the staff of a medical or  
5 other public or private institution, school, facility or  
6 agency, or as a member of the clergy, he shall make report  
7 immediately to the Department in accordance with the  
8 provisions of this Act and may also notify the person in charge  
9 of such institution, school, facility or agency, or church,  
10 synagogue, temple, mosque, or other religious institution, or  
11 his designated agent that such report has been made. Under no  
12 circumstances shall any person in charge of such institution,  
13 school, facility or agency, or church, synagogue, temple,  
14 mosque, or other religious institution, or his designated  
15 agent to whom such notification has been made, exercise any  
16 control, restraint, modification or other change in the report  
17 or the forwarding of such report to the Department.

18 (f) In addition to the persons required to report  
19 suspected cases of child abuse or child neglect under this  
20 Section, any other person may make a report if such person has  
21 reasonable cause to believe a child may be an abused child or a  
22 neglected child.

23 (g) The privileged quality of communication between any  
24 professional person required to report and his patient or  
25 client shall not apply to situations involving abused or  
26 neglected children and shall not constitute grounds for



1 failure to report as required by this Act or constitute  
2 grounds for failure to share information or documents with the  
3 Department during the course of a child abuse or neglect  
4 investigation. If requested by the professional, the  
5 Department shall confirm in writing that the information or  
6 documents disclosed by the professional were gathered in the  
7 course of a child abuse or neglect investigation.

8 The reporting requirements of this Act shall not apply to  
9 the contents of a privileged communication between an attorney  
10 and his or her client or to confidential information within  
11 the meaning of Rule 1.6 of the Illinois Rules of Professional  
12 Conduct relating to the legal representation of an individual  
13 client.

14 A member of the clergy may claim the privilege under  
15 Section 8-803 of the Code of Civil Procedure.

16 (h) Any office, clinic, or any other physical location  
17 that provides abortions, abortion referrals, or contraceptives  
18 shall provide to all office personnel copies of written  
19 information and training materials about abuse and neglect and  
20 the requirements of this Act that are provided to employees of  
21 the office, clinic, or physical location who are required to  
22 make reports to the Department under this Act, and instruct  
23 such office personnel to bring to the attention of an employee  
24 of the office, clinic, or physical location who is required to  
25 make reports to the Department under this Act any reasonable  
26 suspicion that a child known to him or her in his or her

1 professional or official capacity may be an abused child or a  
2 neglected child.

3 (i) Any person who enters into employment on and after  
4 July 1, 1986 and is mandated by virtue of that employment to  
5 report under this Act, shall sign a statement on a form  
6 prescribed by the Department, to the effect that the employee  
7 has knowledge and understanding of the reporting requirements  
8 of this Act. On and after January 1, 2019, the statement shall  
9 also include information about available mandated reporter  
10 training provided by the Department. The statement shall be  
11 signed prior to commencement of the employment. The signed  
12 statement shall be retained by the employer. The cost of  
13 printing, distribution, and filing of the statement shall be  
14 borne by the employer.

15 (j) Persons required to report child abuse or child  
16 neglect as provided under this Section must complete an  
17 initial mandated reporter training within 3 months of their  
18 date of engagement in a professional or official capacity as a  
19 mandated reporter, or within the time frame of any other  
20 applicable State law that governs training requirements for a  
21 specific profession, and at least every 3 years thereafter.  
22 The initial requirement only applies to the first time they  
23 engage in their professional or official capacity. In lieu of  
24 training every 3 years, medical personnel, as listed in  
25 paragraph (1) of subsection (a), must meet the requirements  
26 described in subsection (k).

1           The trainings shall be in-person or web-based, and shall  
2 include, at a minimum, information on the following topics:  
3 (i) indicators for recognizing child abuse and child neglect,  
4 as defined under this Act; (ii) the process for reporting  
5 suspected child abuse and child neglect in Illinois as  
6 required by this Act and the required documentation; (iii)  
7 responding to a child in a trauma-informed manner; and (iv)  
8 understanding the response of child protective services and  
9 the role of the reporter after a call has been made.  
10 Child-serving organizations are encouraged to provide  
11 in-person annual trainings.

12           The mandated reporter training shall be provided through  
13 the Department, through an entity authorized to provide  
14 continuing education for professionals licensed through the  
15 Department of Financial and Professional Regulation, the State  
16 Board of Education, the Illinois Law Enforcement Training  
17 Standards Board, or the Department of State Police, or through  
18 an organization approved by the Department to provide mandated  
19 reporter training. The Department must make available a free  
20 web-based training for reporters.

21           Each mandated reporter shall report to his or her employer  
22 and, when applicable, to his or her licensing or certification  
23 board that he or she received the mandated reporter training.  
24 The mandated reporter shall maintain records of completion.

25           Beginning January 1, 2021, if a mandated reporter receives  
26 licensure from the Department of Financial and Professional

1 Regulation or the State Board of Education, and his or her  
2 profession has continuing education requirements, the training  
3 mandated under this Section shall count toward meeting the  
4 licensee's required continuing education hours.

5 (k)(1) Medical personnel, as listed in paragraph (1) of  
6 subsection (a), who work with children in their professional  
7 or official capacity, must complete mandated reporter training  
8 at least every 6 years. Such medical personnel, if licensed,  
9 must attest at each time of licensure renewal on their renewal  
10 form that they understand they are a mandated reporter of  
11 child abuse and neglect, that they are aware of the process for  
12 making a report, that they know how to respond to a child in a  
13 trauma-informed manner, and that they are aware of the role of  
14 child protective services and the role of a reporter after a  
15 call has been made.

16 (2) In lieu of repeated training, medical personnel, as  
17 listed in paragraph (1) of subsection (a), who do not work with  
18 children in their professional or official capacity, may  
19 instead attest each time at licensure renewal on their renewal  
20 form that they understand they are a mandated reporter of  
21 child abuse and neglect, that they are aware of the process for  
22 making a report, that they know how to respond to a child in a  
23 trauma-informed manner, and that they are aware of the role of  
24 child protective services and the role of a reporter after a  
25 call has been made. Nothing in this paragraph precludes  
26 medical personnel from completing mandated reporter training

1 and receiving continuing education credits for that training.

2 (l) The Department shall provide copies of this Act, upon  
3 request, to all employers employing persons who shall be  
4 required under the provisions of this Section to report under  
5 this Act.

6 (m) Any person who knowingly transmits a false report to  
7 the Department commits the offense of disorderly conduct under  
8 subsection (a)(7) of Section 26-1 of the Criminal Code of  
9 2012. A violation of this provision is a Class 4 felony.

10 Any person who knowingly and willfully violates any  
11 provision of this Section other than a second or subsequent  
12 violation of transmitting a false report as described in the  
13 preceding paragraph, is guilty of a Class A misdemeanor for a  
14 first violation and a Class 4 felony for a second or subsequent  
15 violation; except that if the person acted as part of a plan or  
16 scheme having as its object the prevention of discovery of an  
17 abused or neglected child by lawful authorities for the  
18 purpose of protecting or insulating any person or entity from  
19 arrest or prosecution, the person is guilty of a Class 4 felony  
20 for a first offense and a Class 3 felony for a second or  
21 subsequent offense (regardless of whether the second or  
22 subsequent offense involves any of the same facts or persons  
23 as the first or other prior offense).

24 (n) A child whose parent, guardian or custodian in good  
25 faith selects and depends upon spiritual means through prayer  
26 alone for the treatment or cure of disease or remedial care may

1 be considered neglected or abused, but not for the sole reason  
2 that his parent, guardian or custodian accepts and practices  
3 such beliefs.

4 (o) A child shall not be considered neglected or abused  
5 solely because the child is not attending school in accordance  
6 with the requirements of Article 26 of the School Code, as  
7 amended.

8 (p) Nothing in this Act prohibits a mandated reporter who  
9 reasonably believes that an animal is being abused or  
10 neglected in violation of the Humane Care for Animals Act from  
11 reporting animal abuse or neglect to the Department of  
12 Agriculture's Bureau of Animal Health and Welfare.

13 (q) A home rule unit may not regulate the reporting of  
14 child abuse or neglect in a manner inconsistent with the  
15 provisions of this Section. This Section is a limitation under  
16 subsection (i) of Section 6 of Article VII of the Illinois  
17 Constitution on the concurrent exercise by home rule units of  
18 powers and functions exercised by the State.

19 (r) For purposes of this Section "child abuse or neglect"  
20 includes abuse or neglect of an adult resident as defined in  
21 this Act.

22 (Source: P.A. 100-513, eff. 1-1-18; 100-1071, eff. 1-1-19;  
23 101-564, eff. 1-1-20.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.