



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4071

Introduced 4/23/2021, by Rep. Tom Weber - Mary E. Flowers, Blaine Wilhour, Chris Bos, Dan Ugaste, et al.

#### 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 the Act may be referred to as the AJ Freund 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 shared with (rather than referred to) the appropriate local law enforcement agency for consideration of criminal investigation or other action. Provides that the Department of Children and Family Services shall be the primary agency (rather than sole agency) responsible for receiving and investigating reports of child abuse or neglect made under the Act, except where investigations by other agencies may be required. In a provision requiring the Department to allow law enforcement personnel to concurrently investigate with the Department reports of suspected child abuse or neglect, provides that the Department's completed investigative report shall be shared with the office of the State's Attorney of the involved county.

LRB102 18195 KTG 25799 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 1. Reference to Act. This Act may be referred to as  
5 the AJ Freund Act.

6 Section 5. The Abused and Neglected Child Reporting Act is  
7 amended by changing Sections 7 and 7.3 as follows:

8 (325 ILCS 5/7) (from Ch. 23, par. 2057)

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

1 7.6, including methods of making a report under this Act.

2 Wherever the Statewide number is posted, there shall also  
3 be posted the following notice:

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

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

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

19 Any report received by the Department alleging the abuse  
20 or neglect of a child by a person who is not the child's  
21 parent, a member of the child's immediate family, a person  
22 responsible for the child's welfare, an individual residing in  
23 the same home as the child, or a paramour of the child's parent  
24 shall immediately be shared with ~~referred to~~ the appropriate  
25 local law enforcement agency for consideration of criminal  
26 investigation or other action.

1           Written confirmation reports from persons not required to  
2 report by this Act may be made to the appropriate Child  
3 Protective Service Unit. Written reports from persons required  
4 by this Act to report shall be admissible in evidence in any  
5 judicial proceeding or administrative hearing relating to  
6 child abuse or neglect. Reports involving known or suspected  
7 child abuse or neglect in public or private residential  
8 agencies or institutions shall be made and received in the  
9 same manner as all other reports made under this Act.

10           For purposes of this Section, l "child" includes an adult  
11 resident as defined in this Act.

12           (Source: P.A. 101-583, eff. 1-1-20; revised 11-21-19.)

13           (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

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

1 the Department may delegate the performance of the  
2 investigation to the Department of State Police, a law  
3 enforcement agency and to those private social service  
4 agencies which have been designated for this purpose by the  
5 Department prior to July 1, 1980.

6 (b) Notwithstanding any other provision of this Act, the  
7 Department shall adopt rules expressly allowing law  
8 enforcement personnel to investigate reports of suspected  
9 child abuse or neglect concurrently with the Department,  
10 without regard to whether the Department determines a report  
11 to be "indicated" or "unfounded" or deems a report to be  
12 "undetermined". Upon any determination, the complete  
13 investigative report shall be shared with the office of the  
14 State's Attorney of the involved county.

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

21 (Source: P.A. 101-583, eff. 1-1-20.)