



Rep. Tom Weber

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10200HB4071ham001

LRB102 18195 KTG 36104 a

1 AMENDMENT TO HOUSE BILL 4071

2 AMENDMENT NO. _____. Amend House Bill 4071 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Reference to Act. This Act may be referred to
5 as 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,

1 distribute appropriate materials in school buildings listing
2 the toll-free telephone number established in Section 7.6,
3 including methods of making a report under this Act. The
4 Department may, in cooperation with appropriate members of the
5 clergy, distribute appropriate materials in churches,
6 synagogues, temples, mosques, or other religious buildings
7 listing the toll-free telephone number established in Section
8 7.6, including methods of making a report under this Act.

9 Wherever the Statewide number is posted, there shall also
10 be posted the following notice:

11 "Any person who knowingly transmits a false report to the
12 Department commits the offense of disorderly conduct under
13 subsection (a)(7) of Section 26-1 of the Criminal Code of
14 2012. A violation of this subsection is a Class 4 felony."

15 The report required by this Act shall include, if known,
16 the name and address of the child and his parents or other
17 persons having his custody; the child's age; the nature of the
18 child's condition, including any evidence of previous injuries
19 or disabilities; and any other information that the person
20 filing the report believes might be helpful in establishing
21 the cause of such abuse or neglect and the identity of the
22 person believed to have caused such abuse or neglect. Reports
23 made to the central register through the State-wide, toll-free
24 telephone number shall be immediately transmitted by the
25 Department to the appropriate Child Protective Service Unit.
26 All such reports alleging the death of a child, serious injury

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

26 Any report received by the Department alleging the abuse

1 or neglect of a child by a person who is not the child's
2 parent, a member of the child's immediate family, a person
3 responsible for the child's welfare, an individual residing in
4 the same home as the child, or a paramour of the child's parent
5 shall immediately be shared with ~~referred to~~ the appropriate
6 local law enforcement agency for consideration of criminal
7 investigation or other action.

8 Written confirmation reports from persons not required to
9 report by this Act may be made to the appropriate Child
10 Protective Service Unit. Written reports from persons required
11 by this Act to report shall be admissible in evidence in any
12 judicial proceeding or administrative hearing relating to
13 child abuse or neglect. Reports involving known or suspected
14 child abuse or neglect in public or private residential
15 agencies or institutions shall be made and received in the
16 same manner as all other reports made under this Act.

17 For purposes of this Section, "child" includes an adult
18 resident as defined in this Act.

19 (Source: P.A. 101-583, eff. 1-1-20; 102-558, eff. 8-20-21.)

20 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

21 Sec. 7.3. (a) The Department shall be the sole agency
22 responsible for receiving and investigating reports of child
23 abuse or neglect made under this Act, including reports of
24 adult resident abuse or neglect as defined in this Act, except
25 where investigations by other agencies may be required with

1 respect to reports alleging the abuse or neglect of a child by
2 a person who is not the child's parent, a member of the child's
3 immediate family, a person responsible for the child's
4 welfare, an individual residing in the same home as the child,
5 or a paramour of the child's parent, the death of a child,
6 serious injury to a child or sexual abuse to a child made
7 pursuant to Sections 4.1 or 7 of this Act, and except that the
8 Department may delegate the performance of the investigation
9 to the Illinois State Police, a law enforcement agency and to
10 those private social service agencies which have been
11 designated for this purpose by the Department prior to July 1,
12 1980.

13 (b) Notwithstanding any other provision of this Act, the
14 Department shall adopt rules expressly allowing law
15 enforcement personnel to investigate reports of suspected
16 child abuse or neglect concurrently with the Department,
17 without regard to whether the Department determines a report
18 to be "indicated" or "unfounded" or deems a report to be
19 "undetermined". Upon any determination, the complete
20 investigative report shall be shared with the office of the
21 State's Attorney of the involved county. Nothing shall
22 prohibit the office of the State's Attorney of the involved
23 county from concurrently conducting an additional, independent
24 investigation of the same incidents and allegations
25 investigated by the Department. At the commencement of the
26 State's Attorney's independent investigation, the State's

1 Attorney, in his or her official capacity as a mandated
2 reporter, shall notify the Department of the independent
3 investigation by making a report by telephone to the central
4 register established under Section 7.7 on the single,
5 State-wide, toll-free telephone number established in Section
6 7.6. Upon completion of the independent investigation, the
7 State's Attorney shall share his or her findings and
8 determinations with the Department.

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

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