



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3799

Introduced 2/17/2023, by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

325 ILCS 5/3

from Ch. 23, par. 2053

Amends the Abused and Neglected Child Reporting Act. In the definition of "blatant disregard", provides that "blatant disregard" is not present when an incident involving a failure to provide food, shelter, or clothing that otherwise would be characterized as "blatant disregard" is solely attributable to the financial inability of the child's parent or the other person responsible for the child's welfare. In the definition of "neglected child", adds that "neglected child" means any child who is not receiving care necessary for his or her well-being, including adequate food, clothing, and shelter, even when the parent or person responsible for the child is financially able to do so or has been offered financial or other means to do so. Provides that a child shall not be considered neglected for the sole reason that the parent or other person responsible for the child in need of supportive services is unable to provide the care necessary for his or her well-being based exclusively on the parent's, or other responsible person's, financial inability. Defines "child in need of supportive services". Sets forth certain requirements the Department of Children and Family Services must complete before considering a child to be a neglected child, including evaluating the family's financial circumstances and offering appropriate family preservation services or referring the family for a child welfare services referral.

LRB103 25525 KTG 51874 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 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

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

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

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

20 "Blatant disregard" means an incident where the real,
21 significant, and imminent risk of harm would be so obvious to a
22 reasonable parent or caretaker that it is unlikely that a
23 reasonable parent or caretaker would have exposed the child to

1 the danger without exercising precautionary measures to
2 protect the child from harm. "Blatant disregard" is not
3 present when an incident involving a failure to provide food,
4 shelter, or clothing that otherwise would be characterized as
5 "blatant disregard" is solely attributable to the financial
6 inability of the child's parent or the other person
7 responsible for the child's welfare. With respect to a person
8 working at an agency in his or her professional capacity with a
9 child or adult resident, "blatant disregard" includes a
10 failure by the person to perform job responsibilities intended
11 to protect the child's or adult resident's health, physical
12 well-being, or welfare, and, when viewed in light of the
13 surrounding circumstances, evidence exists that would cause a
14 reasonable person to believe that the child was neglected.
15 With respect to an agency, "blatant disregard" includes a
16 failure to implement practices that ensure the health,
17 physical well-being, or welfare of the children and adult
18 residents residing in the facility.

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

22 "Department" means Department of Children and Family
23 Services.

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

1 Police.

2 "Abused child" means a child whose parent or immediate
3 family member, or any person responsible for the child's
4 welfare, or any individual residing in the same home as the
5 child, or a paramour of the child's parent:

6 (a) inflicts, causes to be inflicted, or allows to be
7 inflicted upon such child physical injury, by other than
8 accidental means, which causes death, disfigurement,
9 impairment of physical or emotional health, or loss or
10 impairment of any bodily function;

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

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

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

23 (e) inflicts excessive corporal punishment or, in the
24 case of a person working for an agency who is prohibited
25 from using corporal punishment, inflicts corporal
26 punishment upon a child or adult resident with whom the

1 person is working in his or her professional capacity;

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

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

15 (h) commits or allows to be committed the offense of
16 involuntary servitude, involuntary sexual servitude of a
17 minor, or trafficking in persons as defined in Section
18 10-9 of the Criminal Code of 2012 against the child; or

19 (i) commits the offense of grooming, as defined in
20 Section 11-25 of the Criminal Code of 2012, against the
21 child.

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

25 "Child in need of supportive services" means a child whose
26 parent or caretaker has been identified by themselves, a

1 member in the household, or a mandated reporter as needing a
2 child welfare services referral to address needs such as, but
3 not limited to, a parent's or caretaker's financial inability
4 to provide adequate food, clothing, and shelter, unless the
5 hotline worker identifies that there is an indication that the
6 child is at imminent risk of harm and requires a formal child
7 abuse or neglect investigation.

8 "Neglected child" means any child who:

9 (1) is not receiving the proper or necessary
10 nourishment or medically indicated treatment including
11 food or care not provided solely on the basis of the
12 present or anticipated mental or physical impairment as
13 determined by a physician acting alone or in consultation
14 with other physicians or otherwise is not receiving the
15 proper or necessary support or medical or other remedial
16 care recognized under State law as necessary for a child's
17 well-being; 7

18 (2) is not receiving care necessary for his or her
19 well-being, including adequate food, clothing, and
20 shelter, even when the parent or person responsible for
21 the child is financially able to do so or has been offered
22 financial or other means to do so; ~~or other care necessary~~
23 ~~for his or her well-being, including adequate food,~~
24 ~~clothing and shelter; or who~~

25 (3) is subjected to an environment which is injurious
26 insofar as (i) the child's environment creates a

1 likelihood of harm to the child's health, physical
2 well-being, or welfare and (ii) the likely harm to the
3 child is the result of a blatant disregard of parent,
4 caretaker, person responsible for the child's welfare, or
5 agency responsibilities;

6 (4) ~~or who~~ is abandoned by his or her parents or other
7 person responsible for the child's welfare without a
8 proper plan of care;

9 (5) ~~or who~~ has been provided with interim crisis
10 intervention services under Section 3-5 of the Juvenile
11 Court Act of 1987 and whose parent, guardian, or custodian
12 refuses to permit the child to return home and no other
13 living arrangement agreeable to the parent, guardian, or
14 custodian can be made, and the parent, guardian, or
15 custodian has not made any other appropriate living
16 arrangement for the child; or

17 (6) ~~who~~ is a newborn infant whose blood, urine, or
18 meconium contains any amount of a controlled substance as
19 defined in subsection (f) of Section 102 of the Illinois
20 Controlled Substances Act or a metabolite thereof, with
21 the exception of a controlled substance or metabolite
22 thereof whose presence in the newborn infant is the result
23 of medical treatment administered to the mother or the
24 newborn infant.

25 A child shall not be considered neglected for:

26 (A) the sole reason that the child's parent or other

1 person responsible for his or her welfare has left the
2 child in the care of an adult relative for any period of
3 time; or -

4 (B) A child shall not be considered neglected for the
5 sole reason that the child has been relinquished in
6 accordance with the Abandoned Newborn Infant Protection
7 Act ; or -

8 (C) A child shall not be considered neglected or
9 abused for the sole reason that such child's parent or
10 other person responsible for his or her welfare depends
11 upon spiritual means through prayer alone for the
12 treatment or cure of disease or remedial care as provided
13 under Section 4 of this Act; or -

14 (D) the sole reason that A child shall not be
15 considered neglected or abused solely because the child is
16 not attending school in accordance with the requirements
17 of Article 26 of The School Code, as amended; or -

18 (E) the sole reason that the parent or other person
19 responsible for the child in need of supportive services
20 is unable to provide the care necessary for his or her
21 well-being based exclusively on the parent's, or other
22 responsible person's, financial inability.

23 A child shall not be considered neglected unless the
24 Department:

25 (i) has evaluated the family's financial
26 circumstances;

1 (ii) has assessed the family's need for services; and
2 (iii) has made demonstrable efforts to assist the
3 family, including, but not limited to, offering
4 appropriate family preservation services or recommending
5 the family for a child welfare services referral, unless
6 the Department has determined that family preservation
7 services would not be appropriate.

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

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

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

22 "Person responsible for the child's welfare" means the
23 child's parent; guardian; foster parent; relative caregiver;
24 any person responsible for the child's welfare in a public or
25 private residential agency or institution; any person
26 responsible for the child's welfare within a public or private

1 profit or not for profit child care facility; or any other
2 person responsible for the child's welfare at the time of the
3 alleged abuse or neglect, including any person who commits or
4 allows to be committed, against the child, the offense of
5 involuntary servitude, involuntary sexual servitude of a
6 minor, or trafficking in persons for forced labor or services,
7 as provided in Section 10-9 of the Criminal Code of 2012,
8 including, but not limited to, the custodian of the minor, or
9 any person who came to know the child through an official
10 capacity or position of trust, including, but not limited to,
11 health care professionals, educational personnel, recreational
12 supervisors, members of the clergy, and volunteers or support
13 personnel in any setting where children may be subject to
14 abuse or neglect.

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

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

25 "An indicated report" means a report made under this Act
26 if an investigation determines that credible evidence of the

1 alleged abuse or neglect exists.

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

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

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

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

19 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
20 102-813, eff. 5-13-22.)