



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4291

Introduced 1/16/2024, by Rep. Dan Caulkins

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4

Amends the Abused and Neglected Child Reporting Act. In a provision permitting 2 or more mandated reporters from the same workplace to designate one reporter to make a single report concerning the group's shared belief that a child may be abused or neglected, provides that the report made by the designated reporter shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect and the source or sources of that information. Provides that the report shall also include, if known, certain information on the child, the child's parents and guardians, and the person or persons who the mandated reporter knows or reasonably suspects to have abused or neglected the child. Requires the designated mandated reporter to make a report even if some of the required information is not known or is uncertain to the reporter. Removes the requirement that the report include the names and contact information for the other mandated reporters. In a provision permitting any other person who is not a mandated reporter to make a child abuse or neglect report, provides that the Department of Children and Family Services shall ask the reporter to provide in the report his or her name, telephone number, information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect, and the source or sources of the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect. Provides that if the reporter refuses to provide his or her name or telephone number, the Department shall make efforts to determine the basis for that refusal and advise the reporter that the identifying information will remain confidential.

LRB103 35141 KTG 65105 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 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; physical therapist; physical
22 therapy assistant; occupational therapist; occupational
23 therapy assistant; acupuncturist; registered nurse;

1 licensed practical nurse; advanced practice registered
2 nurse; genetic counselor; respiratory care practitioner;
3 home health aide; or certified nursing assistant.

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

18 (3) Crisis intervention personnel, including any:
19 crisis line or hotline personnel; or domestic violence
20 program personnel.

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

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

3 (5) Recreation or athletic program or facility
4 personnel; or an athletic trainer.

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

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

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

19 (9) Any member of the clergy.

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

1 referrals, or 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 name,
7 business address, and telephone number of the mandated
8 reporter; the capacity that makes the person a mandated
9 reporter; and the information that gave rise to the knowledge
10 or reasonable suspicion of child abuse or neglect and the
11 source or sources of that information. If a report is made, the
12 following information, if known, shall also be included in the
13 report: the child's name, address, present location, and, if
14 applicable, school, grade, and class; the names, addresses,
15 and telephone numbers of the child's parents or guardians; and
16 the name, address, telephone number, and other relevant
17 personal information about the person or persons who the
18 mandated reporter knows or reasonably suspects to have abused
19 or neglected the child. The mandated reporter shall make a
20 report even if some of this information is not known or is
21 uncertain to him or her ~~the names and contact information for~~
22 ~~the other mandated reporters sharing the reasonable cause to~~
23 ~~believe that a child may be an abused or neglected child.~~ The
24 designated reporter must provide written confirmation of the
25 report to those mandated reporters within 48 hours. If
26 confirmation is not provided, those mandated reporters are

1 individually responsible for immediately ensuring a report is
2 made. Nothing in this Section precludes or may be used to
3 preclude any person from reporting child abuse or child
4 neglect.

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

7 (A) the mandated reporter comes into contact with the
8 child in the course of the reporter's employment or
9 practice of a profession, or through a regularly scheduled
10 program, activity, or service;

11 (B) the mandated reporter is affiliated with an
12 agency, institution, organization, school, school
13 district, regularly established church or religious
14 organization, or other entity that is directly responsible
15 for the care, supervision, guidance, or training of the
16 child; or

17 (C) a person makes a specific disclosure to the
18 mandated reporter that an identifiable child is the victim
19 of child abuse or child neglect, and the disclosure
20 happens while the mandated reporter is engaged in his or
21 her employment or practice of a profession, or in a
22 regularly scheduled program, activity, or service.

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

26 (d) If an allegation is raised to a school board member

1 during the course of an open or closed school board meeting
2 that a child who is enrolled in the school district of which he
3 or she is a board member is an abused child as defined in
4 Section 3 of this Act, the member shall direct or cause the
5 school board to direct the superintendent of the school
6 district or other equivalent school administrator to comply
7 with the requirements of this Act concerning the reporting of
8 child abuse. For purposes of this paragraph, a school board
9 member is granted the authority in his or her individual
10 capacity to direct the superintendent of the school district
11 or other equivalent school administrator to comply with the
12 requirements of this Act concerning the reporting of child
13 abuse.

14 Notwithstanding any other provision of this Act, if an
15 employee of a school district has made a report or caused a
16 report to be made to the Department under this Act involving
17 the conduct of a current or former employee of the school
18 district and a request is made by another school district for
19 the provision of information concerning the job performance or
20 qualifications of the current or former employee because he or
21 she is an applicant for employment with the requesting school
22 district, the general superintendent of the school district to
23 which the request is being made must disclose to the
24 requesting school district the fact that an employee of the
25 school district has made a report involving the conduct of the
26 applicant or caused a report to be made to the Department, as

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

18 (e) Whenever such person is required to report under this
19 Act in his capacity as a member of the staff of a medical or
20 other public or private institution, school, facility or
21 agency, or as a member of the clergy, he shall make report
22 immediately to the Department in accordance with the
23 provisions of this Act and may also notify the person in charge
24 of such institution, school, facility or agency, or church,
25 synagogue, temple, mosque, or other religious institution, or
26 his designated agent that such report has been made. Under no

1 circumstances shall any person in charge of such institution,
2 school, facility or agency, or church, synagogue, temple,
3 mosque, or other religious institution, or his designated
4 agent to whom such notification has been made, exercise any
5 control, restraint, modification or other change in the report
6 or the forwarding of such report to the Department.

7 (f) In addition to the persons required to report
8 suspected cases of child abuse or child neglect under this
9 Section, any other person may make a report if such person has
10 reasonable cause to believe a child may be an abused child or a
11 neglected child. The Department shall ask the reporter to
12 provide in the report his or her name, telephone number,
13 information that gave rise to the knowledge or reasonable
14 suspicion of child abuse or neglect, and the source or sources
15 of the information that gave rise to the knowledge or
16 reasonable suspicion of child abuse or neglect. If the
17 reporter refuses to provide his or her name or telephone
18 number, the Department shall make efforts to determine the
19 basis for that refusal and advise the reporter that the
20 identifying information will remain confidential.

21 (g) The privileged quality of communication between any
22 professional person required to report and his patient or
23 client shall not apply to situations involving abused or
24 neglected children and shall not constitute grounds for
25 failure to report as required by this Act or constitute
26 grounds for failure to share information or documents with the

1 Department during the course of a child abuse or neglect
2 investigation. If requested by the professional, the
3 Department shall confirm in writing that the information or
4 documents disclosed by the professional were gathered in the
5 course of a child abuse or neglect investigation.

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

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

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

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

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

26 The mandated reporter trainings shall be in-person or

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

11 The implicit bias section shall be in-person or web-based,
12 and shall include, at a minimum, information on the following
13 topics: (i) implicit bias and (ii) racial and ethnic
14 sensitivity. As used in this subsection, "implicit bias" means
15 the attitudes or internalized stereotypes that affect people's
16 perceptions, actions, and decisions in an unconscious manner
17 and that exist and often contribute to unequal treatment of
18 people based on race, ethnicity, gender identity, sexual
19 orientation, age, disability, and other characteristics. The
20 implicit bias section shall provide tools to adjust automatic
21 patterns of thinking and ultimately eliminate discriminatory
22 behaviors. During these trainings mandated reporters shall
23 complete the following: (1) a pretest to assess baseline
24 implicit bias levels; (2) an implicit bias training task; and
25 (3) a posttest to reevaluate bias levels after training. The
26 implicit bias curriculum for mandated reporters shall be

1 developed within one year after January 1, 2022 (the effective
2 date of Public Act 102-604) ~~this amendatory Act of the 102nd~~
3 ~~General Assembly~~ and shall be created in consultation with
4 organizations demonstrating expertise and or experience in the
5 areas of implicit bias, youth and adolescent developmental
6 issues, prevention of child abuse, exploitation, and neglect,
7 culturally diverse family systems, and the child welfare
8 system.

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

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

24 Beginning January 1, 2021, if a mandated reporter receives
25 licensure from the Department of Financial and Professional
26 Regulation or the State Board of Education, and his or her

1 profession has continuing education requirements, the training
2 mandated under this Section shall count toward meeting the
3 licensee's required continuing education hours.

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

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

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

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

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

23 (n) A child whose parent, guardian or custodian in good
24 faith selects and depends upon spiritual means through prayer
25 alone for the treatment or cure of disease or remedial care may
26 be considered neglected or abused, but not for the sole reason

1 that his parent, guardian or custodian accepts and practices
2 such beliefs.

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

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

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

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

21 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22;
22 102-861, eff. 1-1-23; 102-953, eff. 5-27-22; revised 2-5-23.)