

1 AN ACT in relation to 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
5 is amended by changing Section 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any physician,
9 resident, intern, hospital, hospital administrator and
10 personnel engaged in examination, care and treatment of
11 persons, surgeon, dentist, dentist hygienist, osteopath,
12 chiropractor, podiatrist, physician assistant, substance
13 abuse treatment personnel, Christian Science practitioner,
14 funeral home director or employee, coroner, medical examiner,
15 emergency medical technician, acupuncturist, crisis line or
16 hotline personnel, school personnel, educational advocate
17 assigned to a child pursuant to the School Code, truant
18 officers, social worker, social services administrator,
19 domestic violence program personnel, registered nurse,
20 licensed practical nurse, respiratory care practitioner,
21 advanced practice nurse, home health aide, director or staff
22 assistant of a nursery school or a child day care center,
23 recreational program or facility personnel, law enforcement
24 officer, registered psychologist and assistants working
25 under the direct supervision of a psychologist, psychiatrist,
26 or field personnel of the Illinois Department of Public Aid,
27 Public Health, Human Services (acting as successor to the
28 Department of Mental Health and Developmental Disabilities,
29 Rehabilitation Services, or Public Aid), Corrections, Human
30 Rights, or Children and Family Services, supervisor and
31 administrator of general assistance under the Illinois Public

1 Aid Code, probation officer, or any other foster parent,
2 homemaker or child care worker having reasonable cause to
3 believe a child known to them in their professional or
4 official capacity may be an abused child or a neglected child
5 shall immediately report or cause a report to be made to the
6 Department.

7 Any member of the clergy having reasonable cause to
8 believe that a child known to that member of the clergy in
9 his or her professional capacity may be an abused child as
10 defined in item (c) of the definition of "abused child" in
11 Section 3 of this Act shall immediately report or cause a
12 report to be made to the Department.

13 Whenever such person is required to report under this Act
14 in his capacity as a member of the staff of a medical or
15 other public or private institution, school, facility or
16 agency, or as a member of the clergy, he shall make report
17 immediately to the Department in accordance with the
18 provisions of this Act and may also notify the person in
19 charge of such institution, school, facility or agency, or
20 church, synagogue, temple, mosque, or other religious
21 institution, or his designated agent that such report has
22 been made. Under no circumstances shall any person in charge
23 of such institution, school, facility or agency, or church,
24 synagogue, temple, mosque, or other religious institution, or
25 his designated agent to whom such notification has been made,
26 exercise any control, restraint, modification or other change
27 in the report or the forwarding of such report to the
28 Department.

29 The privileged quality of communication between any
30 professional person required to report and his patient or
31 client shall not apply to situations involving abused or
32 neglected children and shall not constitute grounds for
33 failure to report as required by this Act.

34 A member of the clergy may claim the privilege under

1 Section 8-803 of the Code of Civil Procedure.

2 In addition to the above persons required to report
3 suspected cases of abused or neglected children, any other
4 person may make a report if such person has reasonable cause
5 to believe a child may be an abused child or a neglected
6 child. To ensure that the investigation of a report of a
7 suspected case of an abused or neglected child made under
8 this paragraph is complete and accurate, and to prevent the
9 filing of false reports, the Department shall request and
10 obtain information that identifies the person making the
11 report. This identifying information shall be confidential,
12 unless the Department determines that the report is false and
13 refers the person filing the report to the State's Attorney
14 for prosecution for filing a false report, as provided in
15 this Section.

16 Any person who enters into employment on and after July
17 1, 1986 and is mandated by virtue of that employment to
18 report under this Act, shall sign a statement on a form
19 prescribed by the Department, to the effect that the employee
20 has knowledge and understanding of the reporting requirements
21 of this Act. The statement shall be signed prior to
22 commencement of the employment. The signed statement shall
23 be retained by the employer. The cost of printing,
24 distribution, and filing of the statement shall be borne by
25 the employer.

26 The Department shall provide copies of this Act, upon
27 request, to all employers employing persons who shall be
28 required under the provisions of this Section to report under
29 this Act.

30 Any person who knowingly transmits a false report to the
31 Department commits the offense of disorderly conduct under
32 subsection (a)(7) of Section 26-1 of the "Criminal Code of
33 1961". Any person who violates this provision a second or
34 subsequent time shall be guilty of a Class 4 felony.

1 Any person who knowingly and willfully violates any
2 provision of this Section other than a second or subsequent
3 violation of transmitting a false report as described in the
4 preceding paragraph, is guilty of a Class A misdemeanor for a
5 first violation and a Class 4 felony for a second or
6 subsequent violation.

7 A child whose parent, guardian or custodian in good faith
8 selects and depends upon spiritual means through prayer
9 alone for the treatment or cure of disease or remedial care
10 may be considered neglected or abused, but not for the sole
11 reason that his parent, guardian or custodian accepts and
12 practices such beliefs.

13 A child shall not be considered neglected or abused
14 solely because the child is not attending school in
15 accordance with the requirements of Article 26 of the School
16 Code, as amended.

17 (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99;
18 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)