

SB1379



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1379

Introduced 2/9/2007, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4

from Ch. 23, par. 2054

Amends the Abused and Neglected Child Reporting Act. Provides that mandated reporters under the Act include field personnel of the Department of Juvenile Justice. Effective immediately.

LRB095 08575 DRJ 28758 b

A BILL FOR

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) (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 abuse
13 treatment personnel, funeral home director or employee,
14 coroner, medical examiner, emergency medical technician,
15 acupuncturist, crisis line or hotline personnel, school
16 personnel (including administrators and both certified and
17 non-certified school employees), educational advocate assigned
18 to a child pursuant to the School Code, truant officers, social
19 worker, social services administrator, domestic violence
20 program personnel, registered nurse, licensed practical nurse,
21 genetic counselor, respiratory care practitioner, advanced
22 practice nurse, home health aide, director or staff assistant
23 of a nursery school or a child day care center, recreational

1 program or facility personnel, law enforcement officer,
2 licensed professional counselor, licensed clinical
3 professional counselor, registered psychologist and assistants
4 working under the direct supervision of a psychologist,
5 psychiatrist, or field personnel of the Department of
6 Healthcare and Family Services, Juvenile Justice, Public
7 Health, Human Services (acting as successor to the Department
8 of Mental Health and Developmental Disabilities,
9 Rehabilitation Services, or Public Aid), Corrections, Human
10 Rights, or Children and Family Services, supervisor and
11 administrator of general assistance under the Illinois Public
12 Aid Code, probation officer, or any other foster parent,
13 homemaker or child care worker having reasonable cause to
14 believe a child known to them in their professional or official
15 capacity may be an abused child or a neglected child shall
16 immediately report or cause a report to be made to the
17 Department.

18 Any member of the clergy having reasonable cause to believe
19 that a child known to that member of the clergy in his or her
20 professional capacity may be an abused child as defined in item
21 (c) of the definition of "abused child" in Section 3 of this
22 Act shall immediately report or cause a report to be made to
23 the Department.

24 If an allegation is raised to a school board member during
25 the course of an open or closed school board meeting that a
26 child who is enrolled in the school district of which he or she

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

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

1 The privileged quality of communication between any
2 professional person required to report and his patient or
3 client shall not apply to situations involving abused or
4 neglected children and shall not constitute grounds for failure
5 to report as required by this Act.

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

8 In addition to the above persons required to report
9 suspected cases of abused or neglected children, any other
10 person may make a report if such person has reasonable cause to
11 believe a child may be an abused child or a neglected child.

12 Any person who enters into employment on and after July 1,
13 1986 and is mandated by virtue of that employment to report
14 under this Act, shall sign a statement on a form prescribed by
15 the Department, to the effect that the employee has knowledge
16 and understanding of the reporting requirements of this Act.
17 The statement shall be signed prior to commencement of the
18 employment. The signed statement shall be retained by the
19 employer. The cost of printing, distribution, and filing of the
20 statement shall be borne by the employer.

21 The Department shall provide copies of this Act, upon
22 request, to all employers employing persons who shall be
23 required under the provisions of this Section to report under
24 this Act.

25 Any person who knowingly transmits a false report to the
26 Department commits the offense of disorderly conduct under

1 subsection (a)(7) of Section 26-1 of the "Criminal Code of
2 1961". Any person who violates this provision a second or
3 subsequent time shall be guilty of a Class 3 felony.

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

18 A child whose parent, guardian or custodian in good faith
19 selects and depends upon spiritual means through prayer alone
20 for the treatment or cure of disease or remedial care may be
21 considered neglected or abused, but not for the sole reason
22 that his parent, guardian or custodian accepts and practices
23 such beliefs.

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

1 (Source: P.A. 93-137, eff. 7-10-03; 93-356, eff. 7-24-03;
2 93-431, eff. 8-5-03; 93-1041, eff. 9-29-04; 94-888, eff.
3 6-20-06.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.