



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0562

Introduced 2/6/2009, by Rep. Susana A Mendoza

#### SYNOPSIS AS INTRODUCED:

510 ILCS 70/18 new

325 ILCS 5/4

325 ILCS 5/11.8 new

30 ILCS 805/8.33 new

from Ch. 23, par. 2054

Amends the Humane Care for Animals Act and the Abused and Neglected Child Reporting Act. Provides that an animal control officer, Department of Agriculture investigator, or humane society investigator with reasonable cause to suspect or believe that a child is being abused or neglected or is in danger of being abused or neglected must immediately make a written or oral report to the Department of Children and Family Services. Provides that Investigation Specialists, Intact Family Specialists, and Placement Specialists employed by the Department of Children and Family Services must immediately report suspected animal abuse or neglect to the Department of Agriculture's Bureau of Animal Welfare. Provides for immunity from liability for persons, institutions, and agencies participating in good faith in the reporting or investigation of animal abuse or neglect. Provides for confidentiality of the identity of persons reporting animal abuse or neglect. Preempts the exercise of home rule powers. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB096 04824 DRJ 14889 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning abuse.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by  
5 adding Section 18 as follows:

6 (510 ILCS 70/18 new)

7 Sec. 18. Cross-reporting.

8 (a) An animal control officer, Department investigator, or  
9 approved humane investigator who has reasonable cause to  
10 suspect or believe that a child is being abused or neglected or  
11 is in danger of being abused or neglected must immediately make  
12 a written or oral report to the Department of Children and  
13 Family Services.

14 (b) Investigation Specialists, Intact Family Specialists,  
15 and Placement Specialists employed by the Department of  
16 Children and Family Services who reasonably believe that an  
17 animal observed by them when in their professional or official  
18 capacity is being abused or neglected in violation of this Act  
19 must immediately make a written or oral report to the  
20 Department of Agriculture's Bureau of Animal Health and  
21 Welfare.

22 (c) Except for willful and wanton misconduct, any person,  
23 institution, or agency described in subsection (a) or (b),

1 participating in good faith in the making of a report or  
2 referral, or in the investigation of such a report or referral,  
3 or in making a disclosure of information concerning reports of  
4 abuse or neglect under this Act, shall have immunity from any  
5 liability, civil, criminal, or otherwise, that might result by  
6 reason of such actions.

7 (d) The identity of any person who reports animal abuse or  
8 neglect under subsection (a) or (b) shall be confidential and  
9 shall not be disclosed except as specifically authorized by  
10 this Act or other applicable law.

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

17 Section 10. The Abused and Neglected Child Reporting Act is  
18 amended by changing Section 4 and by adding Section 11.8 as  
19 follows:

20 (325 ILCS 5/4) (from Ch. 23, par. 2054)

21 Sec. 4. Persons required to report; privileged  
22 communications; transmitting false report. Any physician,  
23 resident, intern, hospital, hospital administrator and  
24 personnel engaged in examination, care and treatment of

1 persons, surgeon, dentist, dentist hygienist, osteopath,  
2 chiropractor, podiatrist, physician assistant, substance abuse  
3 treatment personnel, funeral home director or employee,  
4 coroner, medical examiner, emergency medical technician,  
5 acupuncturist, crisis line or hotline personnel, school  
6 personnel (including administrators and both certified and  
7 non-certified school employees), educational advocate assigned  
8 to a child pursuant to the School Code, member of a school  
9 board or the Chicago Board of Education or the governing body  
10 of a private school (but only to the extent required in  
11 accordance with other provisions of this Section expressly  
12 concerning the duty of school board members to report suspected  
13 child abuse), truant officers, social worker, social services  
14 administrator, domestic violence program personnel, registered  
15 nurse, licensed practical nurse, genetic counselor,  
16 respiratory care practitioner, advanced practice nurse, home  
17 health aide, director or staff assistant of a nursery school or  
18 a child day care center, recreational program or facility  
19 personnel, law enforcement officer, licensed professional  
20 counselor, licensed clinical professional counselor,  
21 registered psychologist and assistants working under the  
22 direct supervision of a psychologist, psychiatrist, or field  
23 personnel of the Department of Healthcare and Family Services,  
24 Juvenile Justice, Public Health, Human Services (acting as  
25 successor to the Department of Mental Health and Developmental  
26 Disabilities, Rehabilitation Services, or Public Aid),

1 Corrections, Human Rights, or Children and Family Services,  
2 supervisor and administrator of general assistance under the  
3 Illinois Public Aid Code, probation officer, animal control  
4 officer or Illinois Department of Agriculture Bureau of Animal  
5 Health and Welfare field investigator, or any other foster  
6 parent, homemaker or child care worker having reasonable cause  
7 to believe a child known to them in their professional or  
8 official capacity may be an abused child or a neglected child  
9 shall immediately report or cause a report to be made to the  
10 Department.

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

17 If an allegation is raised to a school board member during  
18 the course of an open or closed school board meeting that a  
19 child who is enrolled in the school district of which he or she  
20 is a board member is an abused child as defined in Section 3 of  
21 this Act, the member shall direct or cause the school board to  
22 direct the superintendent of the school district or other  
23 equivalent school administrator to comply with the  
24 requirements of this Act concerning the reporting of child  
25 abuse. For purposes of this paragraph, a school board member is  
26 granted the authority in his or her individual capacity to

1 direct the superintendent of the school district or other  
2 equivalent school administrator to comply with the  
3 requirements of this Act concerning the reporting of child  
4 abuse.

5 Notwithstanding any other provision of this Act, if an  
6 employee of a school district has made a report or caused a  
7 report to be made to the Department under this Act involving  
8 the conduct of a current or former employee of the school  
9 district and a request is made by another school district for  
10 the provision of information concerning the job performance or  
11 qualifications of the current or former employee because he or  
12 she is an applicant for employment with the requesting school  
13 district, the general superintendent of the school district to  
14 which the request is being made must disclose to the requesting  
15 school district the fact that an employee of the school  
16 district has made a report involving the conduct of the  
17 applicant or caused a report to be made to the Department, as  
18 required under this Act. Only the fact that an employee of the  
19 school district has made a report involving the conduct of the  
20 applicant or caused a report to be made to the Department may  
21 be disclosed by the general superintendent of the school  
22 district to which the request for information concerning the  
23 applicant is made, and this fact may be disclosed only in cases  
24 where the employee and the general superintendent have not been  
25 informed by the Department that the allegations were unfounded.  
26 An employee of a school district who is or has been the subject

1 of a report made pursuant to this Act during his or her  
2 employment with the school district must be informed by that  
3 school district that if he or she applies for employment with  
4 another school district, the general superintendent of the  
5 former school district, upon the request of the school district  
6 to which the employee applies, shall notify that requesting  
7 school district that the employee is or was the subject of such  
8 a report.

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

24       The privileged quality of communication between any  
25 professional person required to report and his patient or  
26 client shall not apply to situations involving abused or

1 neglected children and shall not constitute grounds for failure  
2 to report as required by this Act.

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

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

9 Any person who enters into employment on and after July 1,  
10 1986 and is mandated by virtue of that employment to report  
11 under this Act, shall sign a statement on a form prescribed by  
12 the Department, to the effect that the employee has knowledge  
13 and understanding of the reporting requirements of this Act.  
14 The statement shall be signed prior to commencement of the  
15 employment. The signed statement shall be retained by the  
16 employer. The cost of printing, distribution, and filing of the  
17 statement shall be borne by the employer.

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

22 Any person who knowingly transmits a false report to the  
23 Department commits the offense of disorderly conduct under  
24 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
25 1961". Any person who violates this provision a second or  
26 subsequent time shall be guilty of a Class 3 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 subsequent  
6 violation; except that if the person acted as part of a plan or  
7 scheme having as its object the prevention of discovery of an  
8 abused or neglected child by lawful authorities for the purpose  
9 of protecting or insulating any person or entity from arrest or  
10 prosecution, the person is guilty of a Class 4 felony for a  
11 first offense and a Class 3 felony for a second or subsequent  
12 offense (regardless of whether the second or subsequent offense  
13 involves any of the same facts or persons as the first or other  
14 prior offense).

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

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

24 Nothing in this Act prohibits a mandated reporter who  
25 reasonably believes that an animal is being abused or neglected  
26 in violation of the Humane Care for Animals Act from reporting

1 animal abuse or neglect to the Department of Agriculture's  
2 Bureau of Animal Health and Welfare.

3 A home rule unit may not regulate the reporting of child  
4 abuse or neglect in a manner inconsistent with the provisions  
5 of this Section. This Section is a limitation under subsection  
6 (i) of Section 6 of Article VII of the Illinois Constitution on  
7 the concurrent exercise by home rule units of powers and  
8 functions exercised by the State.

9 (Source: P.A. 94-888, eff. 6-20-06; 95-10, eff. 6-30-07;  
10 95-461, eff. 8-27-07; 95-876, eff. 8-21-08; 95-908, eff.  
11 8-26-08.)

12 (325 ILCS 5/11.8 new)

13 Sec. 11.8. Cross-reporting.

14 (a) Investigation Specialists, Intact Family Specialists,  
15 and Placement Specialists employed by the Department of  
16 Children and Family Services who reasonably believe that an  
17 animal observed by them when in their professional or official  
18 capacity is being abused or neglected in violation of the  
19 Humane Care for Animals Act must immediately make a written or  
20 oral report to the Department of Agriculture's Bureau of Animal  
21 Health and Welfare.

22 (b) A home rule unit may not regulate the reporting of  
23 child abuse or neglect in a manner inconsistent with the  
24 provisions of this Section. This Section is a limitation under  
25 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by home rule units of  
2 powers and functions exercised by the State.

3 Section 15. The State Mandates Act is amended by adding  
4 Section 8.33 as follows:

5 (30 ILCS 805/8.33 new)

6 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
7 of this Act, no reimbursement by the State is required for the  
8 implementation of any mandate created by this amendatory Act of  
9 the 96th General Assembly.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.