



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4147

Introduced 1/30/2012, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4

from Ch. 23, par. 2054

Amends the Abused and Neglected Child Reporting Act. Adds any State employee or employee of any organization that receives State funding to the list of mandated reporters under the Act. Effective immediately.

LRB097 17515 KTG 62719 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) (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, member of a school
19 board or the Chicago Board of Education or the governing body
20 of a private school (but only to the extent required in
21 accordance with other provisions of this Section expressly
22 concerning the duty of school board members to report suspected
23 child abuse), truant officers, social worker, social services

1 administrator, domestic violence program personnel, registered
2 nurse, licensed practical nurse, genetic counselor,
3 respiratory care practitioner, advanced practice nurse, home
4 health aide, director or staff assistant of a nursery school or
5 a child day care center, recreational program or facility
6 personnel, law enforcement officer, licensed professional
7 counselor, licensed clinical professional counselor,
8 registered psychologist and assistants working under the
9 direct supervision of a psychologist, psychiatrist, or field
10 personnel of the Department of Healthcare and Family Services,
11 Juvenile Justice, Public Health, Human Services (acting as
12 successor to the Department of Mental Health and Developmental
13 Disabilities, Rehabilitation Services, or Public Aid),
14 Corrections, Human Rights, or Children and Family Services,
15 supervisor and administrator of general assistance under the
16 Illinois Public Aid Code, probation officer, animal control
17 officer or Illinois Department of Agriculture Bureau of Animal
18 Health and Welfare field investigator, State employee or
19 employee of any organization that receives State funding, or
20 any other foster parent, homemaker or child care worker having
21 reasonable cause to believe a child known to them in their
22 professional or official capacity may be an abused child or a
23 neglected child shall immediately report or cause a report to
24 be made to the Department.

25 Any member of the clergy having reasonable cause to believe
26 that a child known to that member of the clergy in his or her

1 professional capacity may be an abused child as defined in item
2 (c) of the definition of "abused child" in Section 3 of this
3 Act shall immediately report or cause a report to be made to
4 the Department.

5 Any physician, physician's assistant, registered nurse,
6 licensed practical nurse, medical technician, certified
7 nursing assistant, social worker, or licensed professional
8 counselor of any office, clinic, or any other physical location
9 that provides abortions, abortion referrals, or contraceptives
10 having reasonable cause to believe a child known to him or her
11 in his or her professional or official capacity may be an
12 abused child or a neglected child shall immediately report or
13 cause a report to be made to the Department.

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

1 abuse.

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

1 another school district, the general superintendent of the
2 former school district, upon the request of the school district
3 to which the employee applies, shall notify that requesting
4 school district that the employee is or was the subject of such
5 a report.

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

21 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 failure
25 to report as required by this Act or constitute grounds for
26 failure to share information or documents with the Department

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

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

8 Any office, clinic, or any other physical location that
9 provides abortions, abortion referrals, or contraceptives
10 shall provide to all office personnel copies of written
11 information and training materials about abuse and neglect and
12 the requirements of this Act that are provided to employees of
13 the office, clinic, or physical location who are required to
14 make reports to the Department under this Act, and instruct
15 such office personnel to bring to the attention of an employee
16 of the office, clinic, or physical location who is required to
17 make reports to the Department under this Act any reasonable
18 suspicion that a child known to him or her in his or her
19 professional or official capacity may be an abused child or a
20 neglected child. In addition to the above persons required to
21 report suspected cases of abused or neglected children, any
22 other person may make a report if such person has reasonable
23 cause to believe a child may be an abused child or a neglected
24 child.

25 Any person who enters into employment on and after July 1,
26 1986 and is mandated by virtue of that employment to report

1 under this Act, shall sign a statement on a form prescribed by
2 the Department, to the effect that the employee has knowledge
3 and understanding of the reporting requirements of this Act.
4 The statement shall be signed prior to commencement of the
5 employment. The signed statement shall be retained by the
6 employer. The cost of printing, distribution, and filing of the
7 statement shall be borne by the employer.

8 The Department shall provide copies of this Act, upon
9 request, to all employers employing persons who shall be
10 required under the provisions of this Section to report under
11 this Act.

12 Any person who knowingly transmits a false report to the
13 Department commits the offense of disorderly conduct under
14 subsection (a)(7) of Section 26-1 of the "Criminal Code of
15 1961". A violation of this provision is a Class 4 felony.

16 Any person who knowingly and willfully violates any
17 provision of this Section other than a second or subsequent
18 violation of transmitting a false report as described in the
19 preceding paragraph, is guilty of a Class A misdemeanor for a
20 first violation and a Class 4 felony for a second or subsequent
21 violation; except that if the person acted as part of a plan or
22 scheme having as its object the prevention of discovery of an
23 abused or neglected child by lawful authorities for the purpose
24 of protecting or insulating any person or entity from arrest or
25 prosecution, the person is guilty of a Class 4 felony for a
26 first offense and a Class 3 felony for a second or subsequent

1 offense (regardless of whether the second or subsequent offense
2 involves any of the same facts or persons as the first or other
3 prior offense).

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

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

13 Nothing in this Act prohibits a mandated reporter who
14 reasonably believes that an animal is being abused or neglected
15 in violation of the Humane Care for Animals Act from reporting
16 animal abuse or neglect to the Department of Agriculture's
17 Bureau of Animal Health and Welfare.

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

24 For purposes of this Section "child abuse or neglect"
25 includes abuse or neglect of an adult resident as defined in
26 this Act.

1 (Source: P.A. 96-494, eff. 8-14-09; 96-1446, eff. 8-20-10;
2 97-189, eff. 7-22-11; 97-254, eff. 1-1-12; 97-387, eff.
3 8-15-11; revised 10-4-11.)

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