



Rep. Dwight Kay

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LRB098 09132 KTG 42360 a

1 AMENDMENT TO HOUSE BILL 2771

2 AMENDMENT NO. _____. Amend House Bill 2771 by replacing
3 everything after the enacting clause with the following:

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

1 non-certified school employees), personnel of institutions of
2 higher education, educational advocate assigned to a child
3 pursuant to the School Code, member of a school board or the
4 Chicago Board of Education or the governing body of a private
5 school (but only to the extent required in accordance with
6 other provisions of this Section expressly concerning the duty
7 of school board members to report suspected child abuse),
8 truant officers, social worker, social services administrator,
9 domestic violence program personnel, registered nurse,
10 licensed practical nurse, genetic counselor, respiratory care
11 practitioner, advanced practice nurse, home health aide,
12 director or staff assistant of a nursery school or a child day
13 care center, recreational or athletic program or facility
14 personnel, early intervention provider as defined in the Early
15 Intervention Services System Act, law enforcement officer,
16 licensed professional counselor, licensed clinical
17 professional counselor, registered psychologist and assistants
18 working under the direct supervision of a psychologist,
19 psychiatrist, or field personnel of the Department of
20 Healthcare and Family Services, Juvenile Justice, Public
21 Health, Human Services (acting as successor to the Department
22 of Mental Health and Developmental Disabilities,
23 Rehabilitation Services, or Public Aid), Corrections, Human
24 Rights, or Children and Family Services, supervisor and
25 administrator of general assistance under the Illinois Public
26 Aid Code, probation officer, animal control officer or Illinois

1 Department of Agriculture Bureau of Animal Health and Welfare
2 field investigator, or any other foster parent, homemaker or
3 child care worker having reasonable cause to believe a child
4 known to them in their professional or official capacity may be
5 an abused child or a neglected child shall immediately report
6 or cause a report to be made to the Department.

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

13 Any physician, physician's assistant, registered nurse,
14 licensed practical nurse, medical technician, certified
15 nursing assistant, social worker, or licensed professional
16 counselor of any office, clinic, or any other physical location
17 that provides abortions, abortion referrals, or contraceptives
18 having reasonable cause to believe a child known to him or her
19 in his or her professional or official capacity may be an
20 abused child or a neglected child shall immediately report or
21 cause a report to be made to the Department.

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

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

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

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

1 modification or other change in the report or the forwarding of
2 such report to the Department.

3 The privileged quality of communication between any
4 professional person required to report and his patient or
5 client shall not apply to situations involving abused or
6 neglected children and shall not constitute grounds for failure
7 to report as required by this Act or constitute grounds for
8 failure to share information or documents with the Department
9 during the course of a child abuse or neglect investigation. If
10 requested by the professional, the Department shall confirm in
11 writing that the information or documents disclosed by the
12 professional were gathered in the course of a child abuse or
13 neglect investigation.

14 The reporting requirements of this Act shall not apply to
15 the contents of a privileged communication between an attorney
16 and his or her client or to confidential information within the
17 meaning of Rule 1.6 of the Illinois Rules of Professional
18 Conduct relating to the legal representation of an individual
19 client.

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

22 Any office, clinic, or any other physical location that
23 provides abortions, abortion referrals, or contraceptives
24 shall provide to all office personnel copies of written
25 information and training materials about abuse and neglect and
26 the requirements of this Act that are provided to employees of

1 the office, clinic, or physical location who are required to
2 make reports to the Department under this Act, and instruct
3 such office personnel to bring to the attention of an employee
4 of the office, clinic, or physical location who is required to
5 make reports to the Department under this Act any reasonable
6 suspicion that a child known to him or her in his or her
7 professional or official capacity may be an abused child or a
8 neglected child. In addition to the above persons required to
9 report suspected cases of abused or neglected children, any
10 other person may make a report if such person has reasonable
11 cause to believe a child may be an abused child or a neglected
12 child.

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

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

26 Any person who knowingly transmits a false report to the

1 Department commits the offense of disorderly conduct under
2 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
3 A violation of this provision is a Class 4 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 Nothing in this Act prohibits a mandated reporter who
2 reasonably believes that an animal is being abused or neglected
3 in violation of the Humane Care for Animals Act from reporting
4 animal abuse or neglect to the Department of Agriculture's
5 Bureau of Animal Health and Welfare.

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

12 For purposes of this Section "child abuse or neglect"
13 includes abuse or neglect of an adult resident as defined in
14 this Act.

15 (Source: P.A. 96-494, eff. 8-14-09; 96-1446, eff. 8-20-10;
16 97-189, eff. 7-22-11; 97-254, eff. 1-1-12; 97-387, eff.
17 8-15-11; 97-711, eff. 6-27-12; 97-813, eff. 7-13-12; 97-1150,
18 eff. 1-25-13.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."