

AN ACT concerning children.

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

Section 5. The School Code is amended by changing Sections 22-85.5, 22-94, and 27-215 as follows:

(105 ILCS 5/22-85.5)

Sec. 22-85.5. Sexual misconduct in schools.

(a) This Section applies beginning on July 1, 2022.

(b) The General Assembly finds that:

(1) the success of students in school relies on safe learning environments and healthy relationships with school personnel;

(2) it is important for staff to maintain a professional relationship with students at all times and to define staff-student boundaries to protect students from sexual misconduct by staff and staff from the appearance of impropriety;

(3) many breaches of staff-student boundaries do not rise to the level of criminal behavior but do pose a potential risk to student safety;

(4) repeated violations of staff-student boundaries can indicate the grooming of a student for sexual abuse;

(5) it is necessary to uphold the State Board of

Education's Code of Ethics for Illinois Educators and for each school district, charter school, or nonpublic school to have an employee code of professional conduct policy;

(6) each school district, charter school, or nonpublic school must have the ability to discipline educators for breaches of its employee code of professional conduct policy;

(7) each school district, charter school, or nonpublic school must have the ability to know if any of its educators have violated professional staff-student boundaries in previous employment; and

(8) as bystanders, educators may have knowledge of concerning behaviors that no one else is aware of, so they need adequate training on sexual abuse, the employee code of professional conduct policy, and federal and State reporting requirements.

(c) In this Section, "sexual misconduct" means any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee or agent of the school district, charter school, or nonpublic school with direct contact with a student that is directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to, any of the following:

(1) A sexual or romantic invitation.

(2) Dating or soliciting a date.

(3) Engaging in sexualized or romantic dialog.

(4) Making sexually suggestive comments that are directed toward or with a student.

(5) Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.

(6) A sexual, indecent, romantic, or erotic contact with the student.

(d) To prevent sexual misconduct with students, each school district, charter school, or nonpublic school shall develop an employee code of professional conduct policy that addresses all of the following:

(1) Incorporates the Code of Ethics for Illinois Educators.

(2) Incorporates the definition of "sexual misconduct" in this Section.

(3) Identifies the expectations for employees and agents of the school district, charter school, or nonpublic school regarding how to maintain a professional relationship with students, including the expectations for staff-student boundaries, recognizing the age and developmental level of the students served, and establishes guidelines for all of the following situations:

(A) Transporting a student.

(B) Taking or possessing a photo or a video of a student.

(C) Meeting with a student or contacting a student outside of the employee's or agent's professional role.

(4) References the employee reporting requirements required under the Abused and Neglected Child Reporting Act and under Title IX of the federal Education Amendments of 1972.

(5) References required employee training that is related to child abuse and educator ethics that are applicable under State and federal law.

(e) The employee code of professional conduct policy, guidelines established for all of the situations identified in paragraph (3) of subsection (d), and all available methods for how to report staff-student boundary violations within a school and to external agencies must be posted on the website, if any, of each school district, charter school, or nonpublic school and must be included in any staff, student, and ~~or~~ parent handbook provided by the school district, charter school, or nonpublic, ~~nonsectarian elementary or secondary~~ school.

(f) A violation of the employee code of professional conduct policy may subject an employee to disciplinary action up to and including dismissal from employment. Failure to report a violation of the employee code of professional conduct policy may subject an employee to disciplinary action up to and including dismissal from employment.

(Source: P.A. 102-676, eff. 12-3-21.)

(105 ILCS 5/22-94)

Sec. 22-94. Employment history review.

(a) This Section applies to all permanent and temporary positions for employment with a school or a contractor of a school involving direct contact with children or students.

(b) In this Section:

"Contractor" means firms holding contracts with any school, including, but not limited to, food service workers, school bus drivers, and other transportation employees, who have direct contact with children or students.

"Direct contact with children or students" means the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students.

"School" means a public or nonpublic elementary or secondary school.

"Sexual misconduct" has the meaning ascribed to it in subsection (c) of Section 22-85.5 of this Code.

(c) Prior to hiring an applicant to work directly with children or students, a school or contractor must ensure that the following criteria are met:

(1) the school or contractor has no knowledge or information pertaining to the applicant that would disqualify the applicant from employment;

(2) the applicant swears or affirms that the applicant is not disqualified from employment;

(3) using the template developed by the State Board of Education, the applicant provides all of the following:

(A) a list, including the name, address, telephone number, and other relevant contact information of the following:

(i) the applicant's current employer if the applicant has direct contact with children or students at the applicant's current employer;

(ii) all former employers of the applicant that were schools or school contractors, as well as all former employers at which the applicant had direct contact with children or students;

(B) A written authorization that consents to and authorizes disclosure by the applicant's current and former employers under subparagraph (A) of this paragraph (3) of the information requested under paragraph (4) of this subsection (c) and the release of related records and that releases those employers from any liability that may arise from such disclosure or release of records pursuant to subsection (e).

(C) A written statement of whether the applicant:

(i) has been the subject of a sexual misconduct allegation, unless a subsequent investigation resulted in a finding that the

allegation was false, unfounded, or unsubstantiated;

(ii) has ever been discharged from, been asked to resign from, resigned from, or otherwise been separated from any employment, has ever been disciplined by an employer, or has ever had an employment contract not renewed due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated; or

(iii) has ever had a license or certificate suspended, surrendered, or revoked or had an application for licensure, approval, or endorsement denied due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.

(4) The school, ~~or~~ contractor, or regional office of education or intermediate service center on behalf of a school district, pursuant to paragraph (1.5) of subsection (i), shall initiate a review of the employment history of

the applicant by contacting those employers listed by the applicant under subparagraph (A) of paragraph (3) of this subsection (c) and, using the template developed by the State Board of Education, request all of the following information:

(A) the dates of employment of the applicant;

(B) a statement as to whether the applicant:

(i) has been the subject of a sexual misconduct allegation, unless a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated;

(ii) was discharged from, was asked to resign from, resigned from, or was otherwise separated from any employment, was disciplined by the employer, or had an employment contract not renewed due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated; or

(iii) has ever had a license or certificate suspended, surrendered, or revoked due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was

pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.

(C) The template shall include the following option: if the employer does not have records or evidence regarding the questions in items (i) through (iii) of subparagraph (B) of paragraph (4) of this subsection (c), the employer may state that there is no knowledge of information pertaining to the applicant that would disqualify the applicant from employment.

(5) For applicants licensed by the State Board of Education, the school district, charter school, or nonpublic school shall verify the applicant's reported previous employers with previous employers in the State Board of Education's educator licensure database to ensure accuracy.

(d) An applicant who provides false information or willfully fails to disclose information required in subsection (c) shall be subject to discipline, up to and including termination or denial of employment.

(e) No later than 20 days after receiving a request for information required under paragraph (4) of subsection (c), an employer who has or had an employment relationship with the applicant shall disclose the information requested. If the

employer has an office of human resources or a central office, information shall be provided by that office. The employer who has or had an employment relationship with the applicant shall disclose the information on the template developed by the State Board of Education. For any affirmative response to items (i) through (iii) of subparagraph (B) of paragraph (4) of ~~or~~ subsection (c), the employer who has or had an employment relationship with the applicant shall provide additional information about the matters disclosed and all related records.

A school shall complete the template at time of separation from employment, or at the request of the employee, and maintain it as part of the employee's personnel file. If the school completes an investigation after an employee's separation from employment, the school shall update the information accordingly.

Information received under this Section shall not be deemed a public record.

A school or contractor who receives information under this subsection (e) may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information, as appropriate, to the State Board of Education, a State licensing agency, a law enforcement agency, a child protective services agency, another school or contractor, or a prospective employer.

An employer, school, school administrator, regional office

of education or intermediate service center, or contractor who provides information or records about a current or former employee or applicant under this Section is immune from criminal and civil liability for the disclosure of the information or records, unless the information or records provided were knowingly false. This immunity shall be in addition to and not a limitation on any other immunity provided by law or any absolute or conditional privileges applicable to the disclosure by virtue of the circumstances or the applicant's consent to the disclosure and shall extend ~~extent~~ to any circumstances in which ~~when~~ the employer, school, school administrator, regional office of education or intermediate service center, or contractor in good faith shares findings of sexual misconduct with another employer.

Unless the laws of another state prevent the release of the information or records requested or disclosure is restricted by the terms of a contract entered into prior to July 1, 2023 (the effective date of Public Act 102-702) and notwithstanding any other provisions of law to the contrary, an employer, school, school administrator, contractor, or applicant shall report and disclose, in accordance with this Section, all relevant information, records, and documentation that may otherwise be confidential.

(f) A school or contractor may not hire an applicant who does not provide the information required under subsection (c) for a position involving direct contact with children or

students.

(g) Beginning on July 1, 2023 (the effective date of Public Act 102-702), a school or contractor may not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

(1) has the effect of suppressing information concerning a pending investigation or a completed investigation in which an allegation was substantiated related to a report of suspected sexual misconduct by a current or former employee;

(2) affects the ability of the school or contractor to report suspected sexual misconduct to the appropriate authorities; or

(3) requires the school or contractor to expunge information about allegations or findings of suspected sexual misconduct from any documents maintained by the school or contractor, unless, after an investigation, an allegation is found to be false, unfounded, or unsubstantiated.

(h) Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into on or after July 1, 2023 (the effective date of Public Act 102-702) and that is contrary to this Section is void and unenforceable.

(i) For substitute employees, all of the following apply:

(1) Except as otherwise provided in paragraph (1.5) of this subsection (i), the ~~The~~ employment history review required by this Section is required only prior to the initial hiring of a substitute employee or placement on a school's approved substitute list and shall remain valid as long as the substitute employee continues to be employed by the same school or remains on the school's approved substitute list.

(1.5) For a substitute teacher licensed under Section 21B-20 and seeking employment in more than one school district, a school district's regional office of education or intermediate service center may collect and, at the request of the substitute teacher, share the information and records under paragraphs (2), (3), and (4) of subsection (c). A regional office of education's or intermediate service center's participation in the employment history review shall be limited to collecting such information and records and sharing the information and records with the school district, school districts or other regional offices of education or intermediate service centers. A regional office of education or intermediate service center may not use the information and records collected for the purpose of evaluating a substitute teacher applicant's fitness to be hired, and the school district shall complete all aspects of the

employment history review process, unless otherwise agreed to with the regional office of education or intermediate service center. The regional office of education or intermediate service center is not responsible for the content or completeness of the information or records shared by any former employer or with the school district. A regional office of education's or intermediate service center's participation in the employment history review process shall occur only prior to the initial hiring of a substitute teacher by one of its member school districts or prior to the initial placement of a substitute teacher on the regional office of education's or intermediate service center's approved substitute list. The employment history review shall remain valid as long as the substitute teacher continues to be employed by a school district within the regional office of education's or intermediate service center's jurisdiction or remains on the regional office of education's or intermediate service center's approved substitute list. A regional office of education or intermediate service center participating in the employment history review process shall promptly provide the school district in which the substitute teacher is seeking employment with the collected information and records. If the regional office of education or intermediate service center receives updated employment history review information or records, the

information or records shall be shared with the applicable school districts by the regional office of education or intermediate service center as provided in this Section. If, at any time, a school district has information or records that the school district would have immunity from liability to share as part of an employment history review, then the school district and its employees are immune from liability on the same terms as provided in subsection (e) if sharing such information or records with the regional office of education or intermediate service center that maintains the applicable approved substitute list.

(2) Except as otherwise provided in paragraph (1.5) of this subsection (i), a ~~A~~ substitute employee seeking to be added to another school's substitute list shall undergo an additional employment history review under this Section. Except as otherwise provided in paragraph (1.5) or paragraph (3) of this subsection (i) or in subsection (k), the appearance of a substitute employee on one school's substitute list does not relieve another school from compliance with this Section.

(3) An employment history review conducted upon initial hiring of a substitute employee by a contractor or any other entity that furnishes substitute staffing services to schools shall satisfy the requirements of this Section for all schools using the services of that

contractor or other entity.

(4) A contractor or any other entity furnishing substitute staffing services to schools shall comply with paragraphs (3) and (4) of subsection (j).

(j) For employees of contractors, all of the following apply:

(1) The employment history review required by this Section shall be performed, either at the time of the initial hiring of an employee or prior to the assignment of an existing employee to perform work for a school in a position involving direct contact with children or students. The review shall remain valid as long as the employee remains employed by the same contractor, even if assigned to perform work for other schools.

(2) A contractor shall maintain records documenting employment history reviews for all employees as required by this Section and, upon request, shall provide a school for whom an employee is assigned to perform work access to the records pertaining to that employee.

(3) Prior to assigning an employee to perform work for a school in a position involving direct contact with children or students, the contractor shall inform the school of any instance known to the contractor in which the employee:

(A) has been the subject of a sexual misconduct allegation unless a subsequent investigation resulted

in a finding that the allegation was false, unfounded, or unsubstantiated;

(B) has ever been discharged, been asked to resign from, resigned from, or otherwise been separated from any employment, been removed from a substitute list, been disciplined by an employer, or had an employment contract not renewed due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated; or

(C) has ever had a license or certificate suspended, surrendered, or revoked due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.

(4) The contractor may not assign an employee to perform work for a school in a position involving direct contact with children or students if the school objects to the assignment after being informed of an instance listed in paragraph (3).

(k) An applicant who has undergone an employment history review under this Section and seeks to transfer to or provide

services to another school in the same school district, diocese, or religious jurisdiction, or to another school established and supervised by the same organization is not required to obtain additional reports under this Section before transferring.

(1) Nothing in this Section shall be construed:

(1) to prevent a prospective employer from conducting further investigations of prospective employees or from requiring applicants to provide additional background information or authorizations beyond what is required under this Section, nor to prevent a current or former employer from disclosing more information than what is required under this Section;

(2) to relieve a school, school employee, contractor of the school, or agent of the school from any legal responsibility to report sexual misconduct in accordance with State and federal reporting requirements;

(3) to relieve a school, school employee, contractor of the school, or agent of the school from any legal responsibility to implement the provisions of Section 7926 of Chapter 20 of the United States Code; or

(4) to prohibit the right of the exclusive bargaining representative under a collective bargaining agreement to grieve and arbitrate the validity of an employee's termination or discipline for just cause.

(m) The State Board of Education shall develop the

templates required under paragraphs (3) and (4) of subsection (c).

(Source: P.A. 104-417, eff. 8-15-25.)

(105 ILCS 5/27-215)

Sec. 27-215. Comprehensive health education program.

(a) In this subsection (a):

"Age and developmentally appropriate" means suitable to particular ages or age groups of children or adolescents, based on the developing cognitive, emotional, and behavioral capacity typical for the age or age group.

"Consent" means an affirmative, knowing, conscious, ongoing, and voluntary agreement to engage in interpersonal, physical, or sexual activity, which can be revoked at any point, including during the course of interpersonal, physical, or sexual activity.

The program established under this Act shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State, with applicable Illinois Learning Standards adopted by the State Board of Education guiding the instruction in the program:

(1) human ecology, health, growth, development, personal health habits, and nutrition, consistent with the Illinois Learning Standards adopted by the State Board of Education;

(2) the emotional, psychological, physiological, hygienic, and social responsibilities of family life, including evidence-based and medically accurate information regarding sexual abstinence;

(3) the prevention and control of disease, including instruction in grades 6 through 12 on the prevention, transmission, and spread of AIDS;

(4) age and developmentally appropriate sexual abuse, consistent with Section 10-23.13 of this Code, abuse during pregnancy, and assault awareness and prevention education in grades prekindergarten through 12;

(5) public health, environmental health, disaster preparedness education, and safety education;

(6) mental health and illness;

(7) dental health;

(8) cancer education that includes the types of cancer, signs and symptoms, risk factors, the importance of early prevention and detection, and information on where to get help and treatment for cancer; and

(9) age and developmentally appropriate consent education.

The instruction on mental health and illness must evaluate the multiple dimensions of health by reviewing the relationship between physical and mental health to enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity and must include how and

where to find mental health resources and specialized treatment in the State. The program shall also provide course material and instruction to advise pupils of the Abandoned Newborn Infant Protection Act.

Consent education must be age and developmentally appropriate, and the instruction on age and developmentally appropriate consent shall require only instruction aligning with consent as defined in this Section.

(b) Notwithstanding the educational areas under subsection (a), the following areas may also be included as a basis for curricula in all elementary and secondary schools in this State: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), heart disease, diabetes, stroke, the prevention of child abuse, neglect, and suicide, and teen dating violence in grades 7 through 12.

(c) The State Superintendent of Education, in cooperation with the Department of Children and Family Services, shall prepare and disseminate to all public schools and nonpublic schools information on instructional materials and programs about child sexual abuse, which may be used by such schools for their own or community programs. Such information may also be disseminated by such schools to parents.

(d) No pupil shall be required to take or participate in any class or course on AIDS or family life instruction or to receive training on how to properly administer cardiopulmonary

resuscitation or how to use an automated external defibrillator if his or her parent or guardian submits written objection thereto, and refusal to take or participate in the course or program or the training shall not be reason for suspension or expulsion of the pupil.

(e) No student in pre-K through 8th grade shall be required to take or participate in any class or course providing instruction in recognizing and avoiding sexual abuse as provided under Section 10-23.13 of this Code if the parent or guardian of the student submits written objection thereto; and refusal to take or participate in such class or course shall not negatively impact a student's academic standing. Each school shall give not less than 5 days' written notice to the parents or guardians of such students before commencing the class or course.

(Source: P.A. 104-391, eff. 8-15-25.)

Section 10. The Abused and Neglected Child Reporting Act is amended by changing Section 3 as follows:

(325 ILCS 5/3) (from Ch. 23, par. 2053)

Sec. 3. As used in this Act unless the context otherwise requires:

"Adult resident" means any person between 18 and 22 years of age who resides in any facility licensed by the Department under the Child Care Act of 1969. For purposes of this Act, the

criteria set forth in the definitions of "abused child" and "neglected child" shall be used in determining whether an adult resident is abused or neglected.

"Agency" means a child care facility licensed under Section 2.05 or Section 2.06 of the Child Care Act of 1969 and includes a transitional living program that accepts children and adult residents for placement who are in the guardianship of the Department.

"Blatant disregard" means an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. With respect to a person working at an agency in the person's professional capacity with a child or adult resident, "blatant disregard" includes a failure by the person to perform job responsibilities intended to protect the child's or adult resident's health, physical well-being, or welfare, and, when viewed in light of the surrounding circumstances, evidence exists that would cause a reasonable person to believe that the child was neglected. With respect to an agency, "blatant disregard" includes a failure to implement practices that ensure the health, physical well-being, or welfare of the children and adult residents residing in the facility.

"Child" means any person under the age of 18 years, unless

legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Department" means Department of Children and Family Services.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois State Police.

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a-1) engages in a pattern of conduct or communications directed toward such child, meaning 2 or more instances of conduct or communication, that a reasonable person would understand as intended to groom, seduce, solicit, lure, or entice the child for the purpose of committing any sex offense or engaging in sexual misconduct against such child. As used in this subsection, "sexual misconduct" means, but is not limited to, any verbal, nonverbal, written, or electronic communication or physical activity by a person responsible for the child's welfare to establish a romantic or sexual relationship with the child. Such conduct or communications may include, but is not limited to, the following:

(1) A sexual or romantic invitation.

(2) Dating or soliciting a date.

(3) Engaging in sexualized or romantic dialog.

(4) Making sexually suggestive comments that are directed toward or with the child;

(a-5) ~~(a)~~ inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 2012 or in the Wrongs to Children Act, and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon such child;

(e) inflicts excessive corporal punishment or, in the case of a person working for an agency who is prohibited from using corporal punishment, inflicts corporal punishment upon a child or adult resident with whom the person is working in the person's professional capacity;

(f) commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 2012, against the child;

(g) causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in violation of Article IV of the Illinois Controlled Substances Act or in violation of the Methamphetamine Control and Community Protection Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription;

(h) commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons as defined in Section 10-9 of the Criminal Code of 2012 against the child; or

(i) (blank). ~~commits the offense of grooming, as defined in Section 11-25 of the Criminal Code of 2012, against the child.~~

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the

basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for the child's well-being, including adequate food, clothing and shelter; or who is subjected to an environment which is injurious insofar as (i) the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare and (ii) the likely harm to the child is the result of a blatant disregard of parent, caretaker, person responsible for the child's welfare, or agency responsibilities; or who is abandoned by the child's parents or other person responsible for the child's welfare without a proper plan of care; or who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or

metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the person who gave birth or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for the child's welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for the child's welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

"Child Protective Service Unit" means certain specialized State employees of the Department assigned by the Director to perform the duties and responsibilities as provided under Section 7.2 of this Act.

"Near fatality" means an act that, as certified by a physician, places the child in serious or critical condition, including acts of great bodily harm inflicted upon children under 13 years of age, and as otherwise defined by Department rule.

"Great bodily harm" includes bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including any person who commits or allows to be committed, against the child, the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as provided in Section 10-9 of the Criminal Code of 2012, including, but not limited to, the custodian of the minor, or any person who came to know the child through an official capacity or position of trust, including, but not limited to, health care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously

designated for such custody by the Department, subject to review by the Court, including a licensed foster home, group home, or other institution; but such place shall not be a jail or other place for the detention of criminal or juvenile offenders.

"An unfounded report" means any report made under this Act for which it is determined after an investigation that no credible evidence of abuse or neglect exists.

"An indicated report" means a report made under this Act if an investigation determines that credible evidence of the alleged abuse or neglect exists.

"An undetermined report" means any report made under this Act in which it was not possible to initiate or complete an investigation on the basis of information provided to the Department.

"Subject of report" means any child reported to the central register of child abuse and neglect established under Section 7.7 of this Act as an alleged victim of child abuse or neglect and the parent or guardian of the alleged victim or other person responsible for the alleged victim's welfare who is named in the report or added to the report as an alleged perpetrator of child abuse or neglect.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Member of the clergy" means a clergyperson or

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practitioner of any religious denomination accredited by the religious body to which the clergyperson or practitioner belongs.

(Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21; 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)