



Combating Sexual Abuse of Participants in Youth Sports Organizations

**A Presentation to USA Track & Field by the Legislative
Drafting Institute for Child Protection**

January 2017

Part II: Legislative Proposals

**LEGISLATIVE
DRAFTING
INSTITUTE
for CHILD
PROTECTION**





Introduction: Drafting Legislation to Enhance Child Protection in Youth Sports

USA Track & Field (USATF) requested that the Legislative Drafting Institute for Child Protection (LDICP) conduct research on the problem of sexual predation in youth sports. USATF Chief Executive Officer Max Siegel and Chief Operating Officer Renee Washington had taken notice of recent cases of sexual abuse perpetrated by coaches and other adults involved in youth sports. To increase the safety of participants in USATF programs and events, CEO Siegel and COO Washington invited the LDICP to analyze its present procedures and suggest improvements. In addition, they asked the LDICP to analyze present laws and draft bills that USATF could promote to increase protection for all children engaging in youth sports nationwide,

In delivering the resulting reports and materials, the LDICP had three goals: 1) to analyze the legal issues concerning the sexual abuse of children in youth sports; 2) to identify best practices to combat sexual victimization of participants in USATF programs; and 3) to develop legislative proposals at the state and federal level the USATF can promote to better protect children nationwide from victimization by sexual predators in youth sports.

In this report, the LDICP offers proposals for state and federal legislative changes. The report begins with information on sexual predators who target children, and why youth sports organizations present a particularly attractive way for child predators to gain access to children. The report then discusses the issues around poor reporting of child sexual abuse in youth sports. Finally, the report presents model language for bills to enhance reportage of child abuse. Such legislation, once implemented will increase detection, response, and positive outcomes for child protection for children involved in youth sports nationwide.

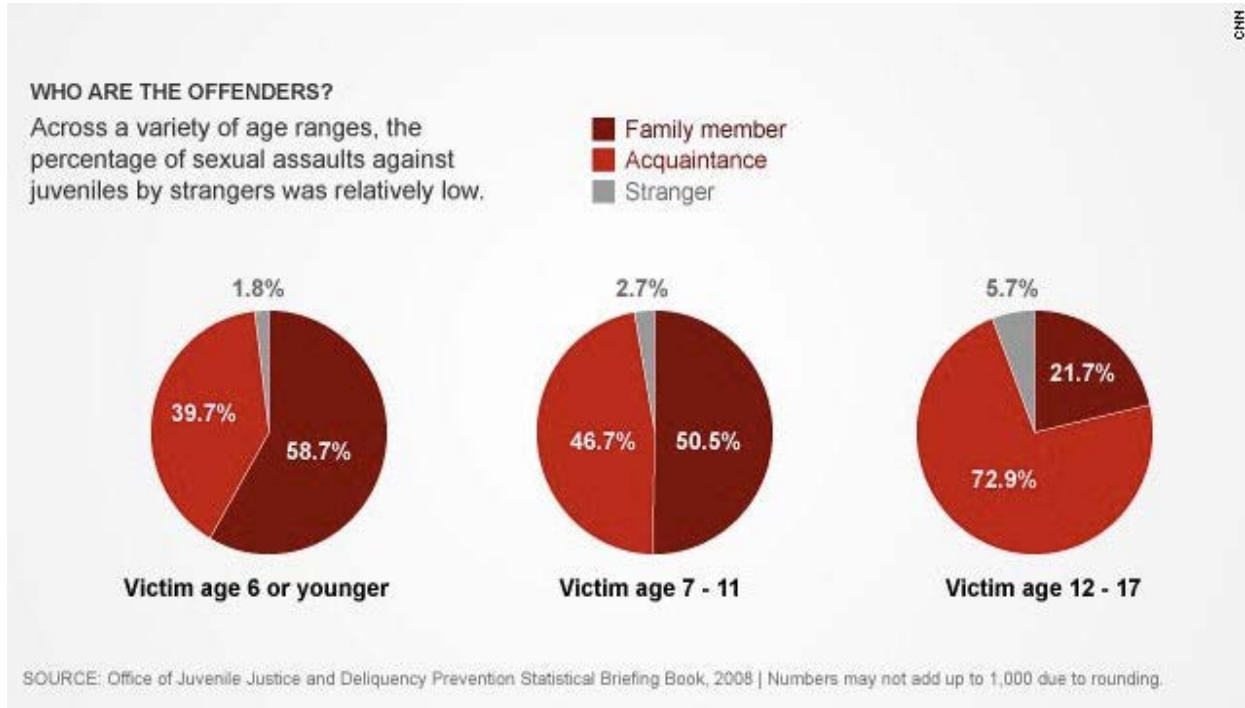
Background: Why Youth Sports Organizations present a target for child predators

Existing in every state and locality, youth sports organizations (YSOs) support area youth and promote healthy activity, athletic skills, social development, and community networking.

Unfortunately, YSOs also offer an attractive target for those who prey on children. The overwhelming majority of child sexual abuse is not committed by strangers. Most child sexual abuse takes place within the child's **Circle of Trust**, which is the group of adults who hold positions of trust and authority in the child's life.¹ The Circle of Trust starts with parents and relatives, and radiates outward to teachers, coaches, pastors, childcare providers, and so on.²

¹ The term "Circle of Trust" was coined by Andrew Vachss, an attorney who only represents children and who has written extensively on issues of child protection. *See, e.g.: An Interview with Andrew Vachss*, Krewson, J., The Onion AV Club (November 1996).

² *See* LDICP Legislative Survey of the United States and Its Territories: Circle of Trust Laws ("LDICP State Circle of Trust Laws").



For predators seeking to enter the child’s Circle of Trust, youth sports organizations offer an attractive situation. YSOs’ nurturing mission creates a positive, welcoming atmosphere that brings children to participate in large numbers. However, the haven that YSOs offer children is perceived by their predators as an excellent place to hunt.³

The organizational structure of YSO programs can be exploited by child predators to hide their actions. Activities in youth sports generally use a hierarchical system, with adults in positions of unquestionable authority. Age-segregated groups of participants are trained to follow directions precisely and immediately. In addition, participant travel to YSO events, even far from the child’s home, is common practice. Parents generally trust coaches and other adults working in YSOs, and may allow their children to travel unaccompanied to events without much scrutiny.⁴

Therefore, a predator who manages to become associated with a YSO, whether as an employee or a volunteer, can access an endless supply of prey and take advantage of continual opportunities to sexually victimize children.

³ *Protecting Young Athletes From Sexual Predators*, Drehs, W. ESPN: The Magazine (2011).

⁴ Interview with Aretha Thurmond, Director of International and Championship Teams, USA Track and Field, April 25, 2016.



Predators will seek the most vulnerable in a group of children

According to Andrew Vachss, child predators have no difficulty in identifying which children to victimize.

I've actually stood with predatory pedophiles⁵ outside one-way glass in a daycare center while they picked out which kids were most vulnerable as targets. No conversation with the kid; they just picked the vulnerable ones out by watching their interaction with other kids.

What creates that vulnerability? Predatory pedophiles spot the unbonded child. The child most at risk for victimization is the child not bonded deeply to anything or anybody.⁶

Child predators employ several tactics to enter the Circle of Trust

Predators enter a child's Circle of Trust access their victims by carefully gaining the confidence of the child's parents. The child's family is led to believe that the special attention the child receives is beneficial and empowering.

Once inside a child's Circle of Trust, predators commonly use several tactics to approach the victim. These include *camouflage*, initially executing in an exemplary manner the role the predator has taken inside the Circle of Trust, so as to gain the confidence of the victim; *grooming*, enticing the victim through special treatment over time, in order to lower the victim's defenses; and *institutional manipulation*, mastering organizational rules in order to exploit lapses, create opportunities to prey on the victim, and, later, to keep the victim helpless.

Public awareness of child predators within the Circle of Trust has grown

News reports of criminal arrests, trials, and civil suits resulting from cases of child sexual abuse have increased the public awareness of the issue over the past few decades. In particular, society has better access to the data that make clear that successful child predators access children through the Circle of Trust, rather than approaching them as strangers.

Media reports of recent cases of child predators in sports organizations include: Second Mile founder and Penn State football coach Jerry Sandusky, convicted in 2012;⁷ Park Tudor high school basketball coach Kyle Cox, convicted in 2016;⁸ and USA Gymnastics club coaches James

⁵The term "predatory pedophile," formulated by Andrew Vachss, denotes an adult whose aim is to sexually abuse children and who acts in order to do so.

⁶ Quoted in *An Interview with Andrew Vachss*, Spence, D., IGN.com (November 3, 2000).

⁷ *Report of the Special Investigative Counsel Regarding the Actions of The Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky*, Freeh Sporkin & Sullivan, LLP (July 12, 2012).

⁸ *Ex-Park Tudor Coach Kyle Cox Sentenced to 14 Years*, Disis, J., Detroit Free Press (July 29, 2016).



Bell, William McCabe, Mark Schiefelbein, and Marvin Sharp.⁹ Similar cases overseas include the scandal involving the United Kingdom’s National Youth Soccer coach Barry Benell, reported in November 2016.¹⁰

Witnesses may not report child sexual abuse to police or child protective services

Notably, in the Sandusky and USAG cases¹¹ there were individuals who observed the perpetrators engaging in sexual activity with children. However, rather than reporting to the police or child protective services, these witnesses spoke to organizational superiors.

For example, in the Sandusky case, Mike McQueary, at the time an assistant Penn State coach, witnessed Jerry Sandusky abusing a child in an on-campus shower room.

McQueary testified that he called head coach Joe Paterno early the next morning and went to his house to tell him what he saw. ...

McQueary said that he talked to the university’s former athletic director Tim Curley and former vice president for business and finance Gary Schultz about the incident a week later and that he never went to the police because “In my mind Mr. Shultz represented the police, without a doubt.”¹²

Although states have passed laws establishing mandatory child abuse reporters, the definition varies; coaches are not included in every state.¹³ Even in states where coaches are included in the definition, they may nevertheless fail to do so. In some cases, they may be unaware of the law, which is poorly enforced and rarely carries any significant sanction for violation. In other cases, they may wrongly believe that reporting to organizational superiors, as McQueary did in the Sandusky case, discharges their duty under the mandatory reporter laws. Further, the organization itself may hinder the witness from making a report to police or child protective services.

⁹ *A Blind Eye to Sex Abuse: How USA Gymnastics Failed to Report Cases*, Kwiatkowski, M. et al, Indianapolis Star (August 4, 2016).

¹⁰ *Barry Bennell, Former Youth Coach, Faces Eight Counts of Sexual Abuse in England*, Smith, R. New York Times (November 30, 2016).

¹¹ *Ex-gymnast speaks out about her sexual abuse*, Kwiatkowski, M. et al, Indianapolis Star (August 27, 2016).

¹² *Jerry Sandusky Trial: Mike McQueary testifies that he saw Sandusky and boy in shower at PSU*, Associated Press (June 12, 2012).

¹³ See LDICP Legislative Survey of the United States and Its Territories: Mandatory Reporter Laws (“LDICP State Mandatory Reporter Laws”).



Proposal: Changing Laws to Enhance Child Protection in Youth Sports

The LDICP's analysis of state and federal child abuse laws reveals several problems.

1. Some states do not include coaches within the definition of Circle of Trust, effectively reducing the available penalties.
2. Mandatory reporter laws vary across states, creating confusion about the duty to report.
3. Mandatory reporters who fail to report child abuse are rarely investigated; state law penalties are rarely enforced.

Legislative Proposal: Include coaches in state Circle of Trust enhancement laws

USATF should support increased penalties for child predators who use YSOs to enter a victim's Circle of Trust. Adding coaches, trainers, and YSO staffers (both paid and volunteer) to state Circle of Trust laws will effectively increase the penalty for abusing children who participate in youth sports.

The LDICP has drafted model state legislation that shows how a given state could achieve this end. The bill is specifically written for Indiana, as it is the state in which USATF is headquartered.¹⁴ Since each state's laws and legislative practices differ, those wishing to add coaches to the definition of those within the Circle of Trust in other states should refrain from copying the bill verbatim.

Legislative Proposal: Expand state mandatory reporter laws to include coaches

USATF should support expansion of state laws that require certain adults to report suspected child abuse. Adding coaches and other adults who work in YSOs to state mandatory reporter laws will help clarify the public policy establishing an individual duty to report child abuse to police/CPS. Further, increasing oversight and enforcement for failure to report will increase the effectiveness of child abuse investigations.

The LDICP has drafted model state legislation that shows how a given state could achieve this end.¹⁵ The bill is specifically written for Illinois, (Indiana law, where USATF is headquartered, already mandates that all those who have reason to believe that a child is a victim of child abuse or neglect shall make a report.) Since each state's laws and legislative practices differ, those wishing to add coaches to the definition of mandatory reporters in other states should refrain from copying the bill verbatim.

¹⁴ Appendix A: Model Bill to Add Coaches to Circle of Trust Laws: Indiana

¹⁵ Appendix B: Model Bill to Add Coaches to Mandatory Reporter Laws: Illinois



Legislative Proposal: Expand the federal mandatory reporter law

Federal law defines certain groups as mandatory reporters for suspected child abuse, including doctors, teachers, childcare workers and so on.¹⁶ It does not include coaches in its definition. Presently those included in the defined groups are mandated to report only if they work on Federal land or in a federally operated or federally contracted facility.¹⁷

The LDICP has drafted model federal legislation to include coaches in the defined groups required to report. The bill also expands the mandate to include those groups working in any facility, program, or organization that receives federal funds for any purpose.¹⁸

If passed, these changes will significantly increase the reach of the federal law. It will establish a definition of mandatory reporters that persists across state lines. Further, the federal penalty can act as a baseline for penalizing failure to report child abuse, as it will apply in many more cases, due to the widespread distribution of federal funds to many state programs and facilities.¹⁹

Conclusion

Implementing these legislative proposals will significantly enhance screening, detection, and response to child predators in youth sports organizations. This will, in turn, increase deterrence, as child predators grow less able to rely upon the silence of those who witness their crimes. By supporting these changes in law, USATF will cement its leadership among the nation's youth sports organization in the area of child protection.

¹⁶ 42 U.S. Code § 13031(a) – Child abuse reporting

¹⁷ *Id.*

¹⁸ *Appendix C: Model Bill to Expand the Federal Mandatory Reporter Law*

¹⁹ 18 U.S. Code § 2258 – Failure to report child abuse



**Digest
Senate Bill ____**

Citations affected: IC 35-41.

Synopsis: Child seduction. Provides that a coach of a child at least sixteen (16) years of age but less than eighteen (18) years of age who engages with the child in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse commits child seduction.

Effective: July 1, 2017.

SENATE BILL No. ____

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-41-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Sec. 2.

- (a) As used in this section, “adoptive parent” has the meaning set forth in IC 31-9-2-6.
- (b) As used in this section, “adoptive grandparent” means the parent of an adoptive parent.
- (c) As used in this section, “charter school” has the meaning set forth in IC 20-18-2-2.5.
- (d) As used in this section, “child care worker” means a person who:
 - (1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;
 - (2) is employed by a:
 - (A) school corporation;
 - (B) charter school;
 - (C) nonpublic school; or
 - (D) special education cooperative;attended by a child who is the victim of a crime under this chapter; or



- (3) is:
- (A) affiliated with a:
 - (i) school corporation;
 - (ii) charter school;
 - (iii) nonpublic school; or
 - (iv) special education cooperative;attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;
 - (B) in a position of trust in relation to a child who attends the school; or cooperative;
 - (C) engaged in the provision of care or supervision to a child who attends the school; or cooperative; and
 - (D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, “coach” means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a youth sports organization;

(2) is employed by a youth sports organization attended by a child who is the victim of a crime under this chapter; or

(3) is:

(A) affiliated with a youth sports organization attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who participates in the youth sports organization;

(C) engaged in the provision of care or supervision to a child who participates in the youth sports organization; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

(e) **(f)** As used in this section, “custodian” means any person who resides with a child and is responsible for the child's welfare.

(e) **(g)** As used in this section, “mental health professional” means:

(1) a mental health counselor licensed under IC 25-23.6-8.5;

(2) a psychologist; or

(3) a psychiatrist.



~~(g)~~ **(h)** As used in this section, “military recruiter” means a member of:

- (1) the United States Air Force;
- (2) the United States Army;
- (3) the United States Coast Guard;
- (4) the United States Marine Corps;
- (5) the United States Navy;
- (6) any reserve components of the military forces listed in subdivisions (1) through (5);
or
- (7) the Indiana National Guard;

whose primary job function, classification, or specialty is recruiting individuals to enlist with an entity listed in subdivisions (1) through (7).

~~(h)~~ **(i)** As used in this section, “nonpublic school” has the meaning set forth in IC 20-18-2-12.

~~(i)~~ **(j)** For purposes of this section, a person has a “professional relationship” with a child if:

- (1) the person:
 - (A) has a license issued by the state or a political subdivision on the basis of the person's training and experience that authorizes the person to carry out a particular occupation; or
 - (B) is employed in a position in which counseling, supervising, instructing, or recruiting children forms a significant part of the employment; and
- (2) the person has a relationship with a child that is based on the person's employment or licensed status as described in subdivision (1).

The term includes a relationship between a child and a mental health professional or military recruiter. The term does not include a coworker relationship between a child and a person described in subdivision (1)(B).

~~(j)~~ **(k)** As used in this section, “school corporation” has the meaning set forth in IC 20-18-2-16.

~~(k)~~ **(l)** As used in this section, “special education cooperative” has the meaning set forth in IC 20-35-5-1.

~~(l)~~ **(m)** As used in this section, “stepparent” means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

~~(m)~~ **(n)** If a person who:



(1) is at least eighteen (18) years of age; and

(2) is the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of;

or

(B) child care worker for; **or**

(C) coach of

a child at least sixteen (16) years of age but less than eighteen (18) years of age; engages with the child in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction.

~~(n)~~ **(o)** A person who:

(1) has or had a professional relationship with a child at least sixteen (16) years of age but less than eighteen (18) years of age whom the person knows to be at least sixteen (16) years of age but less than eighteen (18) years of age;

(2) may exert undue influence on the child because of the person's current or previous professional relationship with the child; and

(3) uses or exerts the person's professional relationship to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the person; commits child seduction.

~~(o)~~ **(p)** A law enforcement officer who:

(1) is at least five (5) years older than a child who is:

(A) at least sixteen (16) years of age; and

(B) less than eighteen (18) years of age;

(2) has contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child; and

(3) uses or exerts the law enforcement officer's professional relationship with the child to engage with the child in:

(A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5); or

(C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the law enforcement officer;

commits child seduction.

~~(p)~~ **(q)** In determining whether a person used or exerted the person's professional relationship with the child to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of the



child or the person under this section, the trier of fact may consider one (1) or more of the following:

- (1) The age difference between the person and the child.
- (2) Whether the person was in a position of trust with respect to the child.
- (3) Whether the person's conduct with the child violated any ethical obligations of the person's profession or occupation.
- (4) The authority that the person had over the child.
- (5) Whether the person exploited any particular vulnerability of the child.
- (6) Any other evidence relevant to the person's ability to exert undue influence over the child.

~~(e)~~ **(r)** Child seduction under this section is:

- (1) a Level 6 felony if the person or law enforcement officer engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of:
 - (A) the child; or
 - (B) the person or law enforcement officer; and
- (2) a Level 5 felony if the person or law enforcement officer engaged in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child.



AN ACT concerning children.

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

Section 1. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

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

Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatric physician, physician assistant, substance abuse treatment personnel, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel (including administrators and both certified and non-certified school employees), personnel of institutions of higher education, **coach (as defined in 720 ILCS 5/12-0.1)**, educational advocate assigned to a child pursuant to the School Code, member of a school board or the Chicago Board of Education or the governing body of a private school (but only to the extent required in accordance with other provisions of this Section expressly concerning the duty of school board members to report suspected child abuse), truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, genetic counselor, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational or athletic program or facility personnel, early intervention provider as defined in the Early Intervention Services System Act, law enforcement officer, licensed professional counselor, licensed clinical professional counselor, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Department of Healthcare and Family Services, Juvenile Justice, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, animal control officer or Illinois Department of Agriculture Bureau of Animal Health and Welfare field investigator, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

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

Any physician, physician's assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, or licensed professional counselor of any



office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives having reasonable cause to believe a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

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

Notwithstanding any other provision of this Act, if an employee of a school district has made a report or caused a report to be made to the Department under this Act involving the conduct of a current or former employee of the school district and a request is made by another school district for the provision of information concerning the job performance or qualifications of the current or former employee because he or she is an applicant for employment with the requesting school district, the general superintendent of the school district to which the request is being made must disclose to the requesting school district the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department, as required under this Act. Only the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department may be disclosed by the general superintendent of the school district to which the request for information concerning the applicant is made, and this fact may be disclosed only in cases where the employee and the general superintendent have not been informed by the Department that the allegations were unfounded. An employee of a school district who is or has been the subject of a report made pursuant to this Act during his or her employment with the school district must be informed by that school district that if he or she applies for employment with another school district, the general superintendent of the former school district, upon the request of the school district to which the employee applies, shall notify that requesting school district that the employee is or was the subject of such a report.

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

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse



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

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

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

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

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

Within one year of initial employment and at least every 5 years thereafter, school personnel required to report child abuse as provided under this Section must complete mandated reporter training by a provider or agency with expertise in recognizing and reporting child abuse.

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

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 2012. A violation of this provision is a Class 4 felony.

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

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be



considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

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.

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

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

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

(Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12; 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214, eff. 8-9-13; 98-408, eff. 7-1-14; 98-756, eff. 7-16-14.)

Section 99. Effective date. This Act takes effect July 1, 2017.



An Act

To protect children from sexual exploitation and to prevent child abuse

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) Short Title.--This Act may be cited as the “Child Protection and Safety Act of 2017”.
- (b) Table of Contents.--The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Child abuse reporting
- Sec. 3. Failure to report child abuse

SEC. 2. CHILD ABUSE REPORTING.

- (a) Section 13031(a) of title 42, United States Code, is amended by striking “on Federal land or in a federally operated (or contracted) facility” and inserting “on Federal land, in a federally operated (or contracted) facility, or in a facility, program, or organization that receives Federal funds for any purpose”.
- (b) Section 13031(b)(4) of title 42, United States Code, is amended by striking “school officials, and school administrators” and inserting “school officials, school administrators and coaches”.
- (c) Section 13031(d) of title 42, United States Code, is amended by striking “For all Federal lands and all federally operated (or contracted) facilities” and inserting “For all Federal lands, all federally operated (or contracted) facilities, and all facilities, programs, or organizations that receives Federal funds for any purpose”.
- (d) Section 13031(e) of title 42, United States Code, is amended by striking “In every federally operated (or contracted) facility, and on all Federal lands” and inserting “In every federally operated (or contracted) facility, in every facility, program, or organization that receives Federal funds for any purpose, and on all Federal lands”.
- (e) Section 13031(h) of title 42, United States Code, is amended by striking “on Federal lands, or are employed in federally operated (or contracted) facilities” and inserting “on Federal lands, are employed in a federally operated (or contracted) facility, or are employed in a facility, program, or organization that receives Federal funds for any purpose”.

SEC. 3. FAILURE TO REPORT CHILD ABUSE

Section 2258 of title 18, United States Code, is amended by striking “on Federal land or in a federally operated (or contracted) facility” and inserting “on Federal land, in a federally operated (or contracted) facility, or in a facility, program, or organization that receives Federal funds for any purpose”.