

IL Mandatory Reporting

Guidance

Based on the Illinois Department of Children and
Family Services Mandated Reporter Manual dated
May 2015

Who must report suspected abuse or neglect of children?

Mandated reporters are professionals who may work with children in the course of their professional duties. There are seven groups of mandated reporters as defined in 325 ILCS 5/4:

- **Medical Personnel:** for example, physician, dentist, LPN, RN, medical social worker, emergency medical technician, nurse practitioner, chiropractor, hospital administrator
- **School Personnel:** includes administrators and certified and non-certified staff such as the superintendent, teacher, principal, school counselor, school nurse, school social worker, assistant principal, teacher's aide, truant officer, school psychologist, and secretary, including personnel of institutions of higher education
- **Social Service/Mental Health Personnel:** for example, mental health personnel, social workers, psychologists, domestic violence personnel, substance abuse treatment personnel, staff of state agencies dealing with children such as Department of Human Services, Department of Public Aid, Department of Public Health, Department of Corrections, and Department of Children and Family Services
- **Law Enforcement Personnel:** for example, employees of the court, parole/probation officer, emergency services staff, police, states attorney and staff, juvenile officer
- **Coroner/Medical Examiner Personnel**
- **Child Care Personnel:** includes all staff at overnight, day care, pre-school or nursery school facilities, **recreational or athletic program** or facility personnel, early intervention providers as defined in the Early Intervention Services System Act, and foster
- **Members of the Clergy:** includes any member of the clergy that has reasonable cause to believe that a child known to him or her in a professional capacity may be an abused child

What legal obligations and protections are afforded mandated reporters?

The Abused and Neglected Child Reporting Act places several requirements on you as a mandated reporter.

- You are required to “**immediately report or cause a report to be made** to the department” of suspected child abuse or neglect.
- Privileged communication between professional and client is not grounds for failure to report. Willful failure to report suspected incidents of child abuse or neglect is a misdemeanor (first violation) or a class 4 felony (second or subsequent violation). Further, professionals may be subject to penalties by their regulatory boards for willful failure to report. A member of the clergy may claim privilege under Section 8-803 of the Code of Civil Procedure.
- State law **protects the identity** of all mandated reporters, and you are given **immunity from legal liability** as a result of reports you make in **good faith**; however, you may have to testify regarding any incident you report if the case becomes the subject of legal or judicial action.
- Reports must be confirmed in writing to the local investigation unit within 48 hours of the Hotline call.

What are the legal definitions of abuse and neglect and how are they interpreted?

Physical Abuse

Occurs when a person responsible for the child's welfare

- Leads to non-accidental injury which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function. Such common injuries include bruises, human bites, bone fractures, and burns.
- Creates a substantial risk of physical injury likely to have the physical impacts listed above.

Sexual Abuse

Occurs when a person responsible for the child's welfare commits any of the following acts:

- Sexual penetration includes any contact between the sex organ of one person and the sex organ, mouth, or anus of another person. Typical acts include vaginal, oral and anal sex.
- Sexual exploitation includes such acts as explicit verbal enticements, child pornography, self masturbation in the child's presence, and forcing a child to watch sex acts.
- Sexual molestation includes fondling a child or having the child touch the perpetrator sexually.

Neglect

Occurs when a person responsible for the child deprives or fails to provide the child with adequate food, clothing, shelter, or needed medical treatment. Neglect is also alleged when an adult provides inadequate supervision of a child.

The following is included when defining neglected child; "a child "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 or caretaker responsibilities."

*Note: The definitions are not perfectly clear in helping mandated reporters in distinguishing between inappropriate/undesirable parenting and those acts which constitute abuse and neglect. A question to ask yourself is **"Has the child been harmed or been at substantial risk of harm?"** This helps focus the issue and moves away from value judgments and attitudes about lifestyles.*

What is reasonable cause?

In considering whether there is “**reasonable cause**” to make a report, there are some issues that are important for mandated reporters to consider in deciding whether to report an incident as suspected abuse or neglect. While it is not the function of the mandated reporter to investigate, enough information must be obtained to determine if a Hotline call is needed.

- ✓ Did you observe evidence that some damage was done to the child? In physical abuse, this is most often some physical evidence of harm — a bruise, a fracture, or cuts. In sexual abuse cases, it is usually information from the victim about a specific incident of molestation, penetration, or exploitation. With neglect, there are concrete observations of a failure to provide for physical needs.
- ✓ What communication has the child provided? Is the information consistent and plausible with what you have observed?
- ✓ If the explanation comes from someone other than the child, how credible and/or complete is the information?
- ✓ Since the signs of sexual abuse can be uncertain, if a child tells you he/she is being abused by a caretaker or person responsible for the child’s welfare, report it.
- ✓ Have there been past incidents which, in retrospect, may have been suspicious?

The following conditions must be present for DCFS to investigate or intervene when abuse or neglect is suspected:

- ✓ the victim must be under the age of 18;
- ✓ the alleged perpetrator must be a parent, step-parent, paramour of the natural parent, guardian, foster parent, immediate family member (siblings and grandparents), any person living in the home of the child, a person who came to know the child through an official capacity or position of trust (such as a teacher, health care professional, or volunteer in a youth program), or a person who is responsible for the welfare of the child (such as a babysitter, day care facility, or residential facility);
- ✓ there must be a specific incident of abuse or neglect or a specific set of circumstances involving suspected abuse or neglect; and
- ✓ there must be either demonstrated harm or a substantial risk of physical or sexual injury to the child.

The law says that physical injury or the risk of injury that is accidental does not constitute abuse. This does not include the “I didn’t mean to hit him so hard” excuse as accidental, but it does mean that injury to a child caused in reasonable circumstances may not be abuse. When it is possible to determine, that a cut or a bruise or even a broken bone was due to an accident that might be understandable even with parental supervision, it is not necessary to make the report.

When and how to Report...

Mandated reporters are required to report suspected child maltreatment immediately when they have “reasonable cause to believe” that a child known to them in their professional or official capacity may be an abused or neglected child”.

- The mandated reporter with the most direct knowledge of the suspected abuse should be the one to make the call, however this is not a requirement.
- The Illinois Child Abuse Hotline is 1-800-252-2873 (1-800-25-ABUSE).

Information the reporter should have ready to give to the Hotline

- Names, birth dates (or approximate ages), races, genders, etc. for all adult and child subjects.
- Addresses for all victims and perpetrators, including current location.
- Information about the siblings or other family members, if available.
- Specific information about the abusive incident or the circumstances contributing to risk of harm—for example, when the incident occurred, the extent of the injuries, how the child says it happened, and any other pertinent information.
- Date and time of when Hotline call is made: Name of Hotline worker taking the call and what action, if any, will be taken by DCFS

If this information is not readily available, the reporter should not delay a call to the hotline.

References and additional information

- [Abused and Neglected Child Reporting Act \(ANCRA\)](#)
- [Mandated Reporter Manual](#)