

STUDENTS

Abuse and Neglected Child Reporting Procedures

When to Call DCFS?

The law states that a mandated reporter should call the child abuse hotline [1-800-25-ABUSE] when he/she has reasonable cause to believe that a child has been abused or neglected. Some examples of when to call are:

1. When a mandated reporter sees someone hitting a child with an object.
2. When a mandated reporter sees marks on a child's body which look like they were not sustained accidentally.
3. When a child tells you someone has harmed the child.
4. When a child appears to be undernourished, is dressed inappropriately for the weather, or is young and has been left alone.

These are only a few examples of situations when a mandated reporter should report.

Who is a Mandated Reporter?

The *Illinois Abused and Neglected Child Reporting Act*, requires or mandates the members of several professions to report child abuse. These include:

1. Physicians, surgeons, registered and practical nurses, hospital administrators and other staff involved in the examination or treatment of patients,
2. Dentists, osteopaths, psychologists, Christian Science practitioners, coroners, medical examiners, chiropractors and podiatrists,
3. **All parish and school personnel, including but not limited to, teachers, PSR teachers, youth leaders and youth volunteers, coaches, and administrative staff, principals and DRE's, CRE's, directors and staff assistants of day care centers and nursery schools, child care workers and aides, foster parents, agency homemakers, registered psychologists and volunteers who work with children.**
4. Truant officers, probation officers, law enforcement officers, social workers and social service administrators and,
5. All field personnel of the state departments of Children and Family Services, Public Health, Public Aid, Corrections and Mental Health and Developmental Disabilities.

What to Include in an Oral or Written Report

According to Section 7.9 of the *Illinois Abused and Neglected Child Reporting Act* reports of child abuse or neglect should contain the following information to the extent known by the reporter:

1. The names and addresses of the child and his parents or other persons responsible for his welfare;

2. The name and address of the school that the child attends (or the school the child last attended, if the report is written during the summer when school is not in session), and the name of the school district in which the school is located, if possible;
3. The child's age, sex and race;
4. The nature and extent of the child's abuse or neglect, including any evidence of prior injuries, abuse, or neglect of the child or his siblings;
5. The names of the persons apparently responsible for the abuse or neglect;
6. Family composition, including names, ages, sexes, and races of other children in the home;
7. The name of the person making the report, his occupation, and where he can be reached;
8. The actions taken by the reporting source, including the taking of photographs and x-rays, placing the child in temporary protective custody, or notifying the medical examiner or coroner; and
9. Any other information the person making the report believes may be helpful in the furtherance of the purposes of this Act.

When DCFS Contacts a Parish Institution/School

These procedures shall be followed in assisting the Illinois Department of Children and Family Services (DCFS) in the investigation of reported cases of child abuse and/or neglect.

Whenever a parish institution/school is contacted by the DCFS concerning a report of child abuse or neglect, the parish institution/school shall fully cooperate with the DCFS in investigating the alleged abuse. The parish institution/school shall allow DCFS personnel to: (1) interview the child; (2) conduct a physical examination of the child; and/or (3) examine the child's records. The school/institution's cooperation with the DCFS is required by Illinois law and is protected by a grant of immunity from any liability that might result by reason of its cooperation.

The parish institution/school has no obligations to contact the parents of the neglected child prior to the DCFS's interview and/or physical examination of the child. In fact, the institution/school should make no attempt to contact the parents prior to the DCFS's interview and examination of the child, as such actions may hinder the DCFS's investigation into the alleged abuse.

GENERAL INFORMATION

1. Full Cooperation With DCFS Required.

Whenever a institution/school is contacted by the DCFS concerning a report of parental child abuse or neglect, the school/institution should fully cooperate with the DCFS in investigating the alleged abuse. The institution/school is obligated by the Abuse and Neglected Child Reporting Act, IL. Rev. Stat. ch. 23, ¶ 2031 et seq. ("the Act"), to provide the DCFS with access to the child for both interview and examination. If the school does not voluntarily cooperate, the DCFS is required to seek the intervention of a local law enforcement agency or seek an appropriate court order to force the school's cooperation.

Section 7.5 of the act states:

§ 7.5. If the Child Protective Service Unit is denied access to a child by the parents or other persons and it deems that the best interests of the child so require, it shall request the intervention of a local law enforcement agency or seek an appropriate court order to examine and interview the child.

IL. Rev. Stat. ch. 23, ¶ 2057.5 (1986).

Accordingly, the institution/school should voluntarily cooperate with the DCFS and allow it to both interview and examine the abused child.

2. Good Faith Immunity Granted For Cooperation With DCFS in the Investigation of an Alleged Abuse.

To facilitate cooperation in the investigation of alleged abuses, the Act affords immunity to any person, institution or agency which participates in good faith in the making of investigation of a report, in the taking of photographs or x-rays, or in the retention of temporary protective custody of a child. IL. Rev. Stat. ch. 23, ¶ 2059 (1986). Further, any authorized person who in good faith in the removal of a child from the custody of the persons responsible for the child's welfare is granted immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of such removal. IL. Rev. Stat. ch. 23 ¶ 2055 (1986).

Consequently, so long as the school/institution acts in "good faith" it need not be concerned with any adverse implications that may result from its cooperation with the DCFS in the investigation of the alleged abuses.

3. No Notification of Child's Parents Required.

Because the DCFS is empowered to use its discretion in investigating reported cases of child abuse and protecting the best interests of the child, including the taking of temporary protective custody of the child, IL. Rev. Stat. ch. 23, ¶ 2052 (1983), the school should not attempt to

contact an abused child's parents. Under the Act, the DCFS needs not make any attempt to contact the child's parents until the child has been taken into temporary protective custody or upon the taking of photographs or x-rays. Section 5 of the Act provides:

§ 5. An officer of a local law enforcement agency, designated employee of the Department, or a physician treating a child may take or retain temporary protective custody of the child without the consent of the person responsible for the child's welfare, if (1) he has reason to believe that the circumstances or conditions of the child are such that continuing in his place of residence or in the care and custody of the person responsible for the child's welfare, presents an imminent danger to the child's life or health; and (2) there is no time to apply for a court order under the Juvenile Court Act for temporary custody of the child. The person taking or retaining a child in temporary protective custody shall immediately make every reasonable effort to notify the person responsible for the child's welfare and shall immediately notify the department. The department shall promptly initiate proceedings under the Juvenile Court Act for the continued temporary custody of the child.

IL. Stat. ch. 23 ¶ 2055 (1983) (footnote omitted).

Similarly, § 6 of the Act requires the attempted notification of the person responsible for the child's welfare upon photographing or taking x-rays of the child. Section 6 states:

§ 6. Any person required to investigate cases of suspected child abuse or neglect may take or cause to be taken, at Department expense, color photographs and x-rays of the child who is the subject of a report, and color photographs of the physical environment in which the alleged abuse or neglect has taken place. The person seeking to take such photographs or x-rays shall make every reasonable effort to notify the person responsible for the child's welfare.

IL. Rev. Stat. ch. 23, ¶ 2056 (1983).

In short, any decision on whether and when to notify the parent's of an abused child should be made by the DCFS. The school/institution's notification of the parents prior to the DCFS's interview and examination of the child can only cause problems and may be interpreted as a hindrance of the DCFS's investigation into the allegations of parental abuse.

4. Limited Degree of Involvement

Although the Act requires the school/institution to allow the DCFS access to the abused child, **h** Act does not require the school/institution or any employee thereof to participate in the interview or examination of the child. In fact, if the school principal or any other faculty member does participate in the investigation of the alleged abuse, he or she may be required to testify in any judicial proceeding resulting from such examination. Pursuant to § 10 of the Act, "any

person who makes a report or who investigates a report under this Act shall testify fully in any judicial proceeding resulting from such report, as to any evidence of abuse or neglect, or the cause thereof." IL. Rev. Stat. ch. 23, ¶ 2060 (1986). Accordingly, it is recommended that **faculty members do not** actively participate in the interview or examination of the abused child unless requested to do so by DCFS.

5. Release of Records

The reporting of suspected child abuse and the investigation thereof outweighs any right of confidentiality or privilege. See e.g. People vs. McKean, 50 IL. Dec. 136, 94 IL. App. 3d 502, ¶ N.E. 2d 1130. Under the Act, "[the] privileged quality of communication between any professional person required to report and his parent or client shall not apply the situations involving abused or neglected children and shall not constitute grounds for failure to report as required by [the] Act." IL. Rev. Stat, ch. 23, ¶ 2054 (1983). Thus, the school may release any and all portions of the abused child's records to the DCFS, including the name of the child's physician, without concern for the confidentiality or privilege of such information.

Approved: March 2, 1989
Revised: January 22, 2002

Office of Education
Diocese of Belleville