

Mandated Reporter Training

I. What Does The Law Require? The law is entitled the Abused and Neglected Child Reporting Act. The law states that *a mandated reporter who has reasonable cause to believe that a child known to him or her in his or her professional capacity may be an abused or neglected child must make a report to the Illinois Department of Children and Family Services (DCFS).*

II. Who Is A Mandated Reporter? *All employees of a school are mandated reporters. All school volunteers who volunteer with direct contact with children are mandated reporters.*

Comprehensive list of mandated reporters: school personnel, educational advocates assigned to a child under the Illinois School Code, truant officers; Social worker, social services administrator, domestic violence program personnel; Registered nurse, licensed practical nurse, respiratory care practitioner, advanced practice nurse, home health aide; Director or staff assistant of a nursery school or a child day care center; Recreational program or facility personnel; Law enforcement officer; Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons; Surgeon, dentist, dental hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel; Christian Science practitioner, funeral home director or employee; Coroner, medical examiner, emergency medical technician; Acupuncturist, crisis line or hotline personnel; Registered psychologist and assistants working under the direct supervision of a psychologist; Psychiatrist, or field personnel of the Illinois Department of Public Aid, 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; or foster parent, homemaker or child care worker, member of the clergy.

III. Individuals Not Mandated to Report MAY Report. 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 or neglected child.

IV. What Is The Definition Of A Child. "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.

V. What Does "Abused" Mean. A child is an "abused child" if the child's . . .

1. parent/legal guardian or
2. immediate family member or
3. any person responsible for the child's welfare (defined below) or
4. any individual residing in the same home as the child, or
5. a paramour (boyfriend or girlfriend) of the child's parent

. . . does any of the following:

1. inflicts, causes to be inflicted, or allows to be inflicted on the child a 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;
2. creates a substantial risk of physical injury to the 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;
3. commits or allows to be committed any sex offense against the child;
4. commits or allows to be committed an act or acts of torture upon the child;
5. inflicts excessive corporal punishment on the child;
6. commits or allows to be committed an act of female genital mutilation on the child; or
7. causes to be sold, transferred, distributed, or given to the child a controlled substance, unless prescribed to the child and given in proper dosage.

"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 or public or private child care facility; any other person responsible for the child's welfare at the time of the alleged abuse or neglect, any person who came to know the child through an official capacity or position of trust, including health care professionals, *educational personnel, recreational supervisors such as coaches*, members of the clergy, and *volunteers or support personnel* in any setting where children may be subject to abuse or neglect.

VI. What Does "Neglected" Mean. A "neglected child" means any child:

1. who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care, as recommended by the child's physician;
2. who is not receiving the proper or necessary support or other care necessary for the child's well-being, including adequate food, clothing and shelter; or
3. who is abandoned by his or her parents or guardian without a proper plan of care.

A child is not considered a "neglected child" under the law where:

1. the child's parent/guardian has left the child in the care of an adult relative for any period of time;
2. the child's parent/ guardian depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care;
3. or the child is not attending school in compliance with the School Code (the child is truant, and proper notifications to the authorities should be made, but the child is not a "neglected child" under the mandated reporter law).

VII. How Much Proof Does One Have To Have Before Making a Report. A mandated reporter need have only reasonable cause to believe that neglect or abuse has occurred. Would a reasonable person think that abuse or neglect has occurred? From the DCFS Mandated reporter Manual (DCFS Manual for Mandated Reporters (May 2015)):

The law is not very clear in helping mandated reporters to distinguish between inappropriate and undesirable parenting and those acts which constitute abuse and neglect. What is excessive corporal punishment? At what age is it safe to leave children alone? At what point does a dirty house become a health and safety concern? How do you distinguish poverty from 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.

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 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. Children do engage in activities and behaviors in which they receive injuries but for which no one is responsible. On the other hand, some "accidental" injuries are preventable and can be attributed to "blatant disregard". What this means to the mandated reporter is that any information you have about the circumstances of the alleged abuse is important for the Hotline worker to know. When it is possible to determine, however, 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.

VIII. When Is A Mandated Reporter's Reasonable Belief Of Abuse Or Neglect Privileged From Having To Be Reported. Privileged communications between any professional person and his or her patient or client *does not apply* to situations involving abused or neglected children and *is not a valid reason* for failing to make a hotline call to DCFS.

If a child tells you he has been abused and asks you not to tell anyone, you must nonetheless make a hotline report. If what a child tells you in confidence gives you a reasonable belief that the child is an abused or neglected child, you are required by the law to make a hotline call to DCFS, even if you have promised the child you will not tell anyone.

IX. Taking Child Into Protective Custody. Only a law enforcement officer, a designated employee of the Illinois Department of Children and Family Services, or a physician treating a child may take temporary protective custody of a child without the consent of the child's parent/legal guardian/person responsible for the child's welfare. And this may be done only in limited circumstances. If you believe a child safety or well-being is in danger if he goes home, or gets picked up from school by a parent/guardian or other person, do not take it upon yourself to take a child into your personal custody. Instead, contact the local police – and if the situation is urgent, call 911 – and the police shall make that decision.

X. Time And Manner Of Making A Report. A report of suspected child abuse or child neglect must be made immediately by telephone by calling the DCFS hotline number. **That number is 800-25-ABUSE (800-252-2873)**

XI. What To Include In The Report. When you make the hotline call, state the following information, if known: the name and address of the child and his parents or other persons having his custody; the child's age; the nature of the child's condition including any evidence of previous injuries or disabilities; any other information you believe may be helpful in establishing the cause of the abuse or neglect; and the name of the person believed to have caused the abuse or neglect.

After making the hotline call to DCFS, you are required to send a written report to DCFS within 48 hours. Use the form attached to this handout to make the written report.

XII. No Interference In Making The Report. In addition to making the hotline call, a mandated reporter **may also** notify his or her supervisor that a hotline call to DCFS has been made. However, under no circumstances shall any supervisor or other person exercise any control, restraint, modification or other change in the mandated reporter's telephone report or written report. Further, no other person is permitted to make the hotline call or the written report in a mandated' reporter's stead, even if that other person is also a mandated reporter.

XIII. Immunity For Making A Report. A mandated reporter who makes a hotline call to DCFS is immune from liability for doing so, provided the report is made in good faith. And the law presumes that all reports are made in good faith.

XIV. Willfully Failing to Make a Report and Knowingly Making a False Report. A mandated reporter who willfully fails to make a report of suspected child abuse or child neglect is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation. Any person who knowingly makes a false report of child abuse or child neglect through a hotline call or written report to DCFS commits the offense of disorderly conduct under the Illinois Criminal Code, a class 4 felony.

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Checklist for Mandated Reporters

I. Alleged Victim(s)

Name(s) of victim(s):

Birthdate(s) of victim(s) or approximate age:

Address (or approximate address):

II. Alleged Perpetrator(s)

Name(s)

Birthdate(s) or Age(s) or some approximation so role of DCFS can be determined

Relationship to Victim(s)

Address

III. Harms to Victim(s)

Physical Abuse

Sexual Abuse

Risk of Harm

Neglect

Death

NOTE: The Hotline worker will be able to put the allegation in the proper sub-category such as Physical Abuse/Cuts, Bruises, and Welts.

IV. Description of Incident(s)

Be prepared to give a brief description of the incident(s) of abuse. This description should include:

1. as much detail as you have about the actual incident
2. indication of intention (especially in physical abuse)
3. description of the time and place of the incident
4. information, if any, about possible witnesses to the abuse
5. evidence of abuse (physical evidence, behavioral indicators, disclosure by the victim, etc.)

V. Date and time of when Hotline call is made

Name of Hotline worker taking the call

What action, if any, will be taken by DCFS

**WRITTEN CONFIRMATION OF SUSPECTED CHILD ABUSE/NEGLECT REPORT:
MANDATED REPORTERS**

DATE: _____

ABOUT: _____
Child's Name Child's Birthdate

If you are reporting more than one child from the same family please list their names and birth date in the space provided on the reverse side of this form.

Street Address City Zip Code

Parent/Custodians: _____
Name

Address (if different than the child's address)

This is to confirm my oral report of _____, _____, made in accordance with the Abused and Neglected Child Reporting Act (325 ILCS 5 et seq). Please answer the following questions. (If you need more space, use the back of this page.)

1. What injuries or signs of abuse/neglect are there?
2. How and approximately when did the abuse/neglect occur and how did you become aware of the abuse/neglect?
3. Had there been evidence of abuse/neglect before now? Yes No
4. If the answer to question 3 is "yes," please explain the nature of the abuse/neglect.
5. Names and addresses of other persons who may be willing to provide information about this case.
6. Your relationship to child(ren):
7. Reporter Action Recommended or Taken:

PLEASE CHECK THE APPROPRIATE RESPONSE:

- I saw the child(ren)
- I heard about the child(ren) From whom? _____
- I have have not told the child's family of my concern and of my report to the department.
- I am willing NOT willing to tell the child's family of my concern and of my report to the department.
- I believe do NOT believe the child is in immediate physical danger.

(Name Printed) (Signature)

(Title) (Organization/Agency)

(INSTRUCTIONS ON REVERSE SIDE)

INSTRUCTIONS

The Abused and Neglected Child Reporting Act states that mandated reporters shall promptly report or cause reports to be made in accordance with the provisions of the ACT.

The report should be made immediately by telephone to the IDCFS Child Abuse Hotline (800-252-2873) and confirmed in writing via the U.S. Mail, postage prepaid, within 48 hours of the initial report.

MAILING INSTRUCTIONS

Mail the original to the nearest office of the Illinois Department of Children and Family Services, Attention: Child Protective Services.

2nd Child's Name (If Any)

2nd Child's Birth Date

3rd Child's Name (If Any)

3rd Child's Birth Date

DCFS is an equal opportunity employer, and prohibits unlawful discrimination in all of its programs and/or services.



ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS

I, _____, understand that when I am employed as a
(Employee Name)

_____, I will become a mandated reporter under the
(Type of Employment)

Abused and Neglected Child Reporting Act [325 ILCS 5/4]. This means that I am required to report or cause a report to be made to the child abuse Hotline number at 1-800-25-ABUSE (1-800-252-2873) whenever I have reasonable cause to believe that a child known to me in my professional or official capacity may be abused or neglected. I understand that there is no charge when calling the Hotline number and that the Hotline operates 24-hours per day, 7 days per week, 365 days per year.

I further understand that the privileged quality of communication between me and my patient or client is not grounds for failure to report suspected child abuse or neglect, I know that if I willfully fail to report suspected child abuse or neglect, I may be found guilty of a Class A misdemeanor. This does not apply to physicians who will be referred to the Illinois State Medical Disciplinary Board for action.

I also understand that if I am subject to licensing under but not limited to the following acts: the Illinois Nursing Act of 1987, the Medical Practice Act of 1987, the Illinois Dental Practice Act, the School Code, the Acupuncture Practice Act, the Illinois Optometric Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistants Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Athletic Trainers Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Act, the Naprapathic Practice Act, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, I may be subject to license suspension or revocation if I willfully fail to report suspected child abuse or neglect.

I affirm that I have read this statement and have knowledge and understanding of the reporting requirements, which apply to me under the Abused and Neglected Child Reporting Act.

Signature of Applicant/Employee

Date

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