

**Administrative Regulations Governing
Compliance with the Illinois Abused and
Neglected Child Reporting Act**

I. Definitions

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.

B. DCFS

"DCFS" means the Department of Children and Family Services.

C. Local Law Enforcement Agency

"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 Department of State Police.

D. Abused Child

"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 house as the child, or a paramour of the child's parent:

1. 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;
2. 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;
3. commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Illinois Criminal Code of 1961 as amended, and extending those definitions of sex offenses to include children under 18 years of age;
4. commits or allows to be committed an act or acts of torture upon such child; or

5. inflicts excessive corporal punishment.

D. Neglected Child

"Neglected child" means any child whose parent or other person responsible for the child's welfare (1) withholds or denies nourishment or medically indicated treatment including food or care denied 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 (2) otherwise does not provide 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 his or her well-being, including adequate food, clothing and shelter; or (3) who is abandoned by his or her parents or other person responsible for the child's welfare. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of The School Code.

F. Child Protective Service Unit

"Child Protective Service Unit" means certain specialized state employees of DCFB assigned by the Director to perform the duties and responsibilities under the Act.

G. Person Responsible for the Child's Welfare

"Person responsible for the child's welfare" means the child's parent, guardian, foster parent, or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

H. Temporary Custody/Temporary Protective Custody

1. **Temporary Custody:** This type of custody, as set forth in the Juvenile Court Act, refers to the authority of a law enforcement official only. A law enforcement official may, without a warrant, take into temporary custody a minor whom the officer with reasonable cause believes to be a neglected or abused minor, as defined in the Juvenile Court Act.

"Temporary custody" means the temporary placement of the minor out of the custody of his or her guardian or parent, and includes the following:

- (a) "Temporary Protective Custody" means custody within a hospital or other medical facility or a place previously designated for such custody by DCFS, subject to review by the court, including a licensed foster home, group home, or other institution. However, such place shall not be a jail or other place for the detention of the criminal or juvenile offenders.
 - (b) "Shelter Care" means a physically unrestrictive facility designated by DCFS or a licensed child welfare agency, or other suitable place designated by the court for a minor who requires care away from his or her home.
- 2. **Temporary Protective Custody:** This type of custody, as set forth in the Abused and Neglected Child Reporting Act, refers to the authority of a local law enforcement official or a DCFS employee.
 - (a) "Temporary Protective Custody" means custody within a hospital or other medical facility or a place previously designated for such custody by DCFS, 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.
 - (b) An officer of a local enforcement agency, designated employee of DCFS, 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 or she 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 that child's life or health; and (2) there is not 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 DCFS. DCFS shall promptly initiate proceedings under the Juvenile Court Act for the continued temporary custody of the child.

II. **Reporting Requirements and Procedures**

- A. An employee who has reasonable cause to believe abuse or neglect has occurred to children known to him or her in a professional or official capacity shall:
 - 1. Immediately report to DCFS that he or she believes that a child may be abused or neglected either:
 - (a) in person; or

(b) by telephone to the DCFS Child Abuse Hotline (1-800-252-2873).

2. Within 48 hours of the initial report, file a written confirmation by a form provided by DCFS, a similar form is attached after Form No. 5. That report shall be mailed to the local DCFS office at _____ with a copy to the State Central Register, DCFS, 406 East Monroe, Springfield, Illinois 62701-1499. A copy of the report shall also be furnished to the Building Principal of the school which the child attends as a confidential record for the Building Principal's information and not as a school record. A copy of the report shall not be placed in the student's file. If the child is dead and there is reasonable cause to believe the death was caused by abuse or neglect, the initial report, in addition to being sent to DCFS, shall be sent to the Medical Examiner or Coroner, located at _____, telephone number _____.
3. Notify the Building Principal or designee of the school in which the child is enrolled that a report has been made.
- B. The name of the reporting employee shall not be disclosed to the parent or guardian and his or her name shall not be divulged within the school system.
- C. The Building Principal shall assist the employee in further compliance with these Regulations if requested to do so.

III. Cooperation in the Investigation and Prosecution of Child Abuse and Neglect

School employees shall cooperate with DCFS in identification of child abuse or neglect.

A. Interviews

If a DCFS employee or local law enforcement officer seeks to interview at school a student suspected of being abused or neglected, they shall make a request to the Building Principal or his/her designee.

1. An interview may be allowed in the discretion of the Building Principal or designee, if the Building Principal or designee believes that there is a reasonable explanation of why the interview is being conducted in school. The Building Principal or designee may request that he or she be present during the interview. If an interview is permitted, the Building Principal or designee may request that Form No. 1 shall be executed prior to the interview.
2. An interview of the student at school shall be allowed upon presentation of a court order.

If the interview takes place based upon a court order, the Building Principal or designee shall request a copy of the order. The presence of the Building Principal or designee at the in-school interview shall be at the discretion of the DCFS employee or law enforcement official.

3. The Building Principal or designee may notify the parent or guardian after the interview of the fact that an interview was conducted, but may not divulge any information about the interview.

B. Examinations and Photographs

If DCFS employees or law enforcement officials seek to physically examine or photograph at school a child suspected of being abused or neglected, they shall make a request to the Building Principal or designee.

1. The Building Principal or designee may grant such request if the Building Principal or designee believes there is good reason for conducting the examination in school. The Building Principal's decision whether to grant the request shall take into consideration the sex of the child and of the examiner, the age, maturity and sensitivities of the child, and the location of the trauma and its seriousness. The presence of the Building Principal or designee at the examination and photographing shall be at the discretion of the DCFS or law enforcement official. If the Building Principal or designee is present during the examination or photographing, they shall not participate in the examination or photographing of the child. If the examination or photographing is permitted, the Building Principal or designee may request that Form No. 2 be executed prior to the examination or photographing.
2. Examination or photographing of the student at school shall be allowed upon presentation of a court order. The presence of the Building Principal or designee at the photographing or examination shall be at the discretion of the DCFS employee or law enforcement official. If the Building Principal or designee is present at the examination or photographing, he or she shall not participate in the examination or photographing of the child. If the examination or photographing takes place based upon a court order, the Building Principal or designee shall request a copy of the order.
3. The Building Principal or designee may notify the parent or guardian of the fact of the examination or photographing session, but shall not otherwise divulge information about the occurrence.

C. Temporary Custody/Temporary Protective Custody

If a law enforcement official assumes temporary custody pursuant to the Juvenile Court Act (705 ILCS 405/1-1 et seq.) or if a local law enforcement official or a DCFS employee assumes temporary protective custody pursuant to the Illinois Abused and Neglected Child Reporting Act (325 ILCS 5/1 et seq.), the Building Principal or designee shall request that Form No. 3 be executed prior to the assumption of custody.

D. Judicial Proceedings

School employees shall testify fully in any judicial proceeding resulting from a report of abuse or negligence, and they shall comply with all court orders and subpoenas.

IV. Dissemination of Information to Employees

A. The Building Principal of each school shall inform annually all employees under his or her charge of the legal requirements and protection enumerated in the Act. The information to be furnished shall include:

1. The legal responsibility to report suspected cases of child abuse or neglect to DCFS; and
2. The responsibility for cooperation with DCFS.
3. The duty to maintain confidentiality with respect to reports made and follow-up measures taken on suspected child abuse and neglect cases.
4. The fact that school employees who participate in good faith in the making of a report, or in the investigation of a report, are immune from any liability, civil, criminal, or that otherwise might result by reason of such actions.

B. Each new employee shall sign a statement, Form No. 4, to the effect that the employee has knowledge and understanding of the reporting requirements of the Act. Form No. 5 shall be disseminated to each new employee and to all other employees annually as a reminder of the reporting requirements.

V. Child Abuse or Neglect Allegations Against School Employees

A. Procedures

If allegations of child abuse or neglect committed at a school or on school grounds are made against a school employee, the procedure set forth in the foregoing provisions of this policy shall apply unless the alleged perpetrator is the Building

Principal or Superintendent. In that event, the functions to be performed under this policy by the Building Principal or Superintendent shall be conducted by a designee of the Superintendent.

1. Period for Investigation

If a teacher is alleged to have engaged in child abuse or neglect, the investigation shall not, to the extent possible, be conducted when the teacher is scheduled to conduct classes. If the allegation is against any other school employee, the investigation shall be conducted so as to minimize disruption of the school day.

2. Representative Present

Any school employee who is accused of child abuse or neglect may have his or her superior, association or union representative and/or attorney present at any investigatory interview or meeting at which the employee is present.

3. Employee's Rights

At any interview or meeting held with a school employee regarding an allegation of sexual abuse or neglect, the employee shall be informed by a representative of DCFS of the employee's due process rights and of the steps in the investigative process.

If the allegation against an employee involves any report of child abuse or neglect other than sexual abuse or extreme physical abuse, DCFS shall make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor.

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