

MODEL POLICY
REPORTING CHILD ABUSE AND NEGLECT
FOR SCHOOL OFFICIALS
IN DUPAGE COUNTY

The DuPage County State’s Attorney’s Office, the DuPage Regional Superintendent of Schools, the School District, the Department of Children and Family Services, and the Police Department have created this Policy to address the reporting of child abuse and neglect. The goal of this policy is to ensure that all parties partner together to ensure the safety and well-being of children. This Policy also addresses the duties under the mandatory reporting laws and the timely and professional investigation of allegations of abuse and neglect.

This Policy provides a guideline in coordinating the obligations and roles of each of the parties. This guideline will be supplemented with continued training in order that all partners develop the best procedures to ensure the protection of our children.

I. ABUSED AND NEGLECTED CHILD REPORTING ACT

The responsibility of all school personnel to report child abuse and neglect is mandated by law. The **Abused and Neglected Child Reporting Act**, 325 ILCS 5/1 et seq., is appended to this Policy. All of the definitions, terms, obligations and appellate court decisions interpreting this Act are incorporated into this Policy by reference.

The DuPage County State’s Attorney, the Dupage Regional Superintendent of Schools, the School District, the Department of Children and Family Services, and the Police Department agree to cooperate with each other and jointly develop all necessary education, training, policy planning and case management and services in order to prevent, identify and treat child abuse and neglect. (325 ILCS 5/7.1)

II. IDENTIFICATION OF MANDATORY REPORTERS

A. Definitions:

The law defines mandatory reporters as those professionals who may work with children in the course of their professional duties. Every teacher and teacher’s aide clearly falls within this definition. In the school environment, the following individuals are also included as mandatory reporters:

- Medical personnel, social workers, nurse practitioners, Registered nurses, LPN’s, and assistants to school nurses;
- Paid, full-time, part-time, volunteer or substitute school personnel, principals, school counselors, assistant principals, deans, truant officers, school psychologists, staff of before and after school programs, custodians, lunch room monitors, school bus drivers, school librarians and assistants to the librarians, school resource officers and law enforcement officers assigned to the school,

school athletic coaches or intramural coaches or assistant to the coaches and trainers.

B. Acknowledgement of Mandated Reporter Status:

All mandatory reporters in the School District shall complete the Illinois Department of Children and Family Services **Acknowledgement of Mandate Reporter Status** form (Cants 22 Rev. 8/00) The School District is required to retain this form and otherwise comply with the law's requirements relating to this form.

III. REPORTING OBLIGATIONS

ALL SCHOOL PERSONNEL MUST **IMMEDIATELY** CONTACT THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES WHEN THEY HAVE REASONABLE CAUSE TO SUSPECT THAT A CHILD WHO IS UNDER THE AGE OF EIGHTEEN AND KNOWN TO THEM IN THEIR PROFESSIONAL CAPACITY HAS BEEN ABUSED OR NEGLECTED OR IS IN DANGER OF BEING ABUSED OR NEGLECTED – PHYSICALLY, SEXUALLY OR THROUGH NEGLECT – AND THAT A CAREGIVER, OR PERSON IN A POSITION OF TRUST AND AUTHORITY OVER THEM, COMMITTED THE HARM OR SHOULD HAVE TAKEN STEPS TO PROTECT THE CHILD FROM HARM.

CHILD ABUSE AND NEGLECT REPORTS ARE MADE BY CALLING THE DCFS HOTLINE AT **1-800-25ABUSE**. IN MAKING THE HOTLINE REPORT, ALL SCHOOL PERSONNEL SHALL PROVIDE ANY AND ALL INFORMATION REQUESTED BY DCFS.

- All mandated reporters have the obligation to make the Hotline call. The mandated reporter with the most direct knowledge of the suspected abuse should be the one to make the hotline call.
- The mandated reported must follow any applicable District guidelines regarding the making and documenting of any report. However, under no circumstances shall any person in charge of a school facility or school district or his/her 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 DCFS.
- The School District should also make a report of suspected child abuse or neglect to the DuPage County Children's Advocacy Center of the DuPage County State's Attorney and the local Police Department.
- The mandated reporter or the School District should not notify the alleged perpetrator of the child abuse or neglect that a report of has been made, or that there is a pending investigation unless compelling reasons exist to do so.
- The law does not require a mandated reporter or the School District to notify the child's parent or guardian of a report of abuse or neglect. In considering whether notice to a parent should be made, the School district shall consider the child's safety and any directives by DCFS and law enforcement investigating the report.

IV. WHEN A REPORT MUST BE MADE

When there is *reasonable cause* to *suspect* that a child is *abused* – physically or sexually – or is *neglected*:

Abused child is a child whose parent or immediate family member, or any individual residing in the same home as the child, or a paramour of the child's parent, or *any* person responsible for the child's welfare, who:

- a) 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;
- b) creates a substantial risk of physical injury to a 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;
- c) commits, or allows to be committed, any sex offense against such child, including acts of vaginal, oral, or anal sex; fondling a child or having the child touch the person sexually;
- d) commits, or allows to be committed, an act or acts of torture upon a child;
- e) inflicts excessive corporal punishment;
- f) commits or allows to be committed the offense of female genital mutilation against the child; or
- g) causes an illegal controlled substance to be sold, transferred, distributed, or given to a child.

Neglected child is a child who is deprived of adequate food, shelter, clothing, or necessary medical care by a parent or caregiver. Neglect can also occur when an adult fails to provide adequate supervision of a child as when a child is left either unsupervised or in the care of someone unable to supervise the child. A child will not be considered neglected or abused solely because the child is not attending school. Nor shall a child be considered neglected or abused for the sole reason that the child's parent or caregiver depends upon spiritual means through prayer alone for the treatment or cure of disease.

Reasonable Cause

A credible report of suspected child abuse or neglect must be reported to DCFS. In the context of the Act, "reasonable cause" is synonymous with a credible suspicion. Once the School District suspects or should suspect that a child may be abused or neglected, it shall call the DCFS Hotline and no further investigation should be conducted by the School District. DCFS is assigned the authority and discretion to substantiate the accuracy of all reports of suspected child abuse or neglect.

The Reporter may consider the following in determining whether reasonable cause of child abuse or neglect exists:

(NOTE These are suggested factors to consider and this list is not intended to be exclusive.)

Use an objective/reasonable person test. A reporter should not consider personal opinions of either the alleged abuser or the alleged child victim in determining whether reasonable cause or credible suspicion of child abuse or neglect exists.

Has the child been harmed or been at risk of harm?
Have you observed evidence of damage to the child? e.g. bruises, cuts, hunger, poor hygiene.
Always report statements made by a child regarding sexual misconduct.
Report credible evidence even if the child denies any abuse or neglect.
Are the communications given by the child consistent with what you observe; is the statement plausible?
Consider past suspicious incidents or the frequency of signs of abuse or neglect.
Sexual abuse to be reported under the Act includes intentional touching and fondling of any part of a child under 18.
Err on the side of caution. The concept of the Act is to encourage people to report bad acts committed on children.
Make a report even if the child is now over 18 and the statute of limitations may have run, especially if the alleged abuser continues to have contact with children in a professional setting or other children remain at risk.

The State's Attorney will provide any necessary training and assistance to the School District in its development and implementation of standards for reporting child abuse and neglect.

V. INVESTIGATIONS

The investigation of any report of child abuse or neglect shall be undertaken by those who possess specialized experience, training, authority and discretion to determine whether suspected abuse or neglect of a child actually occurred.

The School District may initially undertake to determine the *credibility of any "rumor"* of abuse or neglect. The School District shall not conduct or cause to be conducted on their behalf an independent investigation to determine whether reasonable cause exists or whether such abuse or neglect actually occurred before reporting the matter to the Illinois Department of Children and Family Services and the Children's Advocacy Center.

The investigation into the accuracy of any report of child abuse or neglect shall be conducted by DCFS and, where necessary, the DuPage County State's Attorney and the local police. The School District may conduct a disciplinary investigation of its personnel based on a report of child abuse or neglect. The School District shall notify the State's Attorneys Office prior to beginning such an investigation. The School district shall cooperate with DCFS and law enforcement in their investigation of all reports of abuse or neglect. The District shall not impede any investigation being conducted by the Department and law enforcement. DCFS and local law enforcement shall conduct their investigations in a manner that minimizes disruption of the school day.

The School District shall provide the Illinois Department of Children and Family Service investigators reasonable access to the suspected victim of child abuse or neglect for the purpose of conducting an interview. The School District and the Police Department shall enter into all necessary reciprocal reporting agreements.

The State's Attorney's Office shall provide any reasonable and necessary information to the School District regarding its' criminal investigation of child abuse involving an employee of the School District. A press release or public discussion of any charges of child abuse by an employee of a School District will be made by the State's Attorney only after notice to the affected School District's Superintendent or designee.

All partners to this Policy are committed to ensuring the integrity of the investigative process and to maintaining an open communication with each other during the investigation of any report of child abuse or neglect.

VI. RIGHTS OF MANDATED REPORTERS

All rights of the mandated reporters of the School District as allowed in any collective bargaining agreements, including their right to legal or union representation, shall apply, except to the extent inconsistent with the Abused and Neglected Child Reporting Act and this Policy.

The individual policy of the School District may require notices to the administrator or principal of any report made by their Employee under the Act. However, no policy may be implemented which is inconsistent with the Act or with this Policy.

Mandated reporters are entitled to immunity for any report of child abuse or neglect under the Act as long as the report is made in good faith. However, any failure of a mandated reporter to make a report may be subject to criminal prosecution, license suspension or revocation and civil liability.

VII. TRAINING

The DuPage County State's Attorney, the School District, the Regional Superintendent of Schools, the Department of Children and Family Services and the Police Department agree to cooperate with each other in the implementation of this Policy and continued review of this Policy as may be needed.

The partners also agree that system wide education of all school personnel regarding their duties and responsibilities under the Abused and Neglected Child Reporting Act is an essential component of our commitment to protect our children. All partners agree to provide and participate in multi-disciplinary training with the other partners on a regular and consistent basis beginning with the 2005-2006 school year, and agree to notify and where appropriate, include the local exclusive bargaining representative in the training.