



Mandated Reporting

A Responsibility of Providers

What do you Need to Know?

- ◆ Who must report?
- ◆ What happens when a report is made?
- ◆ What are legal definitions and interpretations of abuse and neglect?
- ◆ What about my legal protections?
- ◆ Are there penalties for not reporting?
- ◆ What happens after a report accepted?

*“Children
are the only form of immortality
that we can be sure of.”*

Peter Ustanof

Legislation

- ◆ Abused and Neglected Child Reporting Act (ANCRA) of 1975 (325 ILCS 5)
 - Last revised March 2005
 - www.ilga.gov/search

- ◆ The Department of Children and Family Services (DCFS) given responsibility to enforce legislation
 - www.state.il.us/dcfs

Who are Mandated Reporters?

What is Required of Mandated Reporters?

Report suspected child maltreatment immediately

- “reasonable cause to believe” child may be abused or neglected
- Assumes those working around children in best position to recognize situations
- “Early Warning System”

Additional Information

- ◆ Privileged communication ***NOT*** grounds for failure to report
- ◆ You may be asked to testify
- ◆ State law protects identity of all mandated reporters
- ◆ Given immunity from legal liability from reports made in good faith
- ◆ Reports must be confirmed in writing within 48 hours of Hotline call

**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)

Terminology

- ◆ **“Report”** – If the Hotline worker concludes that the allegation is on that DCFS is empowered to investigate, a “report” will be taken
- ◆ **“Pended”** – an investigation in process
- ◆ **“Indicated”** – an investigation by DCFS has determined that credible evidence of the alleged abuse/neglect can be documented
- ◆ **“Unfounded”** – investigation did not find credible evidence that can be documented

Reporting Statistics (Illinois)

- ◆ 65% of all calls to report abuse or neglect come from mandated reporters

- ◆ Of accepted calls
 - 1980, DCFS took calls on 37,000 children
 - In FY2004, >104,000 children were reported
 - >16,000 indicated reports affecting 27,000 victims
 - >2700 indicated sexual abuse victims
 - >1000 indicated substance exposed infants
 - >4600 protective custodies taken
 - 82 indicated deaths

Difficulties in Reporting Abuse and Neglect

What is Abuse?

◆ Physical Abuse

– Parent or person responsible for child:

- “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”
- “Creates a substantial risk of physical injury”

Abuse

◆ Physical abuse, cont

- “Acts of torture”, defined as “deliberately and/or systematically inflicting cruel or unusual treatment which results in physical or mental suffering”
- “inflicts excessive corporal punishment”
- “commits or allows to be committed the offense of female genital mutilation”
- “causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance”

Abuse

◆ Sexual Abuse

- Person responsible commits any of the following acts:
 - “Sexually Transmitted Diseases (STD)...acquired originally as a result of sexual penetration or conduct with an individual who was afflicted”
 - “Sexual exploitation...sexual use of a child for sexual arousal, gratification, advantage, or profit”
 - “Sexual molestation...sexual conduct with a child when such contact, touch or interaction is used for arousal or gratification of sexual needs or desires”

Abuse

*For physical and sexual abuse,
parents and caretakers are
charged with the responsibility
to take reasonable steps to stop the abuse.*

*If they do not, they may be
charged with abuse themselves.*

Neglect

- ◆ Person responsible for the child deprives or fails to provide the child with:
 - Adequate food
 - Clothing
 - Shelter
 - Needed medical treatment
 - Inadequate supervision
 - “Blatant Disregard”

Neglect

“Blatant Disregard is a situation in which the risk of harm to a child is so imminent and apparent that it is unlikely that any parent or caretaker would expose the child to such harm without taking precautionary measures to protect the child”

Questions About Reporting

Guidelines for Reporting

- ◆ Ask yourself,

“Has the child been harmed or been at substantial risk for harm?”

Guidelines for Reporting

- ◆ Did you observe evidence that some damage was done to the child?
- ◆ What communication has child provided?
 - Is information consistent and plausible?
- ◆ If explanation from other source, how credible and/or complete is the information?
- ◆ If child tells you of instance of sexual abuse, report it.
- ◆ Are retrospective past instances suspicious?

Penalties for Not Reporting

- ◆ 1st violation – Class A misdemeanor
- ◆ 2nd and subsequent violations – Class 4 Felony
 - Penalties increase if person involved in a plan or scheme to prevent discovery of abuse/neglect by lawful authorities
- ◆ Additional penalties by professional regulatory boards



When does DCFS Become Involved?

1. Victim under age of 18;
2. Alleged perpetrator must be a

Parent, step-parent, paramour of natural parent, guardian, foster parent, immediate family member, any person living in home of the child, person who came to know child through an official capacity or position of trust, or person responsible for the welfare of the child;
3. Specific incident of abuse/neglect or specific set of circumstances involving suspected abuse/neglect; and
4. Demonstrated harm or substantial risk of physical or sexual injury to the child.

DCFS Involvement

- ◆ ***ALL four conditions*** must be present for DCFS to have jurisdiction to investigate
- ◆ If all conditions not present,
 - DCFS cannot investigate the allegation
 - Hotline worker will notify reporter that information not sufficient for a report (kept in database for 6mos)
 - Hotline worker may refer reporter to a community agency or to the police

Terminology

- ◆ **“Allegation of Harm”** – content of reporter’s concern is coded into one or more allegations which defines the nature of harm or risk of harm
- ◆ **“Credible Evidence”** – available facts, when viewed in light of circumstances, would cause a reasonable person to believe that a child may have been abused/neglected
- ◆ **“Family Reports”** – single family investigation of abuse/neglect which may contain multiple adults and children

DCFS Allegations System

You will note that some allegations (e.g. death of a child) may be made under either abuse or neglect, depending on the circumstances that led to harm to the child. As a mandated reporter, you will not need to know all the allegations, but they are presented here to give you an idea of the ways that the Hotline worker will try to categorize the harm you describe.

Abuse	Neglect	Sexual Abuse	Neglect
#1 Death	#51 Death	#18 Sexually Transmitted Diseases	_____
#2 Head Injuries	#52 Head Injuries	#19 Sexual Penetration	_____
#4 Internal Injuries	#54 Internal Injuries	#20 Sexual Exploitation	_____
#5 Burns	#55 Burns	#21 Sexual Molestation	_____
#6 Poison/Noxious Substances	#56 Poison/Noxious Substances	#22 Substantial Risk of Sexual Injury	_____
#7 Wounds	#57 Wounds		
#9 Bone Fractures	#59 Bone Fractures		
#10 Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare	#60 Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare		
#11 Cuts, Bruises, Welts, Abrasions and Oral Injuries	#61 Cuts, Bruises, Welts, Abrasions and Oral Injuries		
#12 Human Bites	#62 Human Bites		
#13 Sprains/Dislocations	#63 Sprains/Dislocations		
#14 Tying/Close Confinement			
#15 Substance Misuse	#65 Substance Misuse		
#16 Torture			
#17 Mental and Emotional Impairment	#17 Mental and Emotional Impairment		
		#74 Inadequate Supervision	
		#75 Abandonment/Desertion	
		#76 Inadequate Food	
		#77 Inadequate Shelter	
		#78 Inadequate Clothing	
		#79 Medical Neglect	
		#81 Failure to Thrive (non-organic)	
		#82 Environmental Neglect	
		#83 Malnutrition (non-organic)	
		#84 Lock-out	
		#85 Medical Neglect of Disabled Infants	

NOTE: DCFS no longer takes reports on Educational Neglect which was formerly listed as a neglect allegation.

DCFS no longer takes reports on Lack of Immunizations, which was formerly a form of medical neglect.

Making a Report

- ◆ Call Hotline 1-800-252-2873

(1-800-25-ABUSE)

- ◆ Reporter with most direct knowledge should make the call
- ◆ If lines are busy,
 - Stay on the line till worker breaks into recorded message
 - If leaving callback information, give numbers of where you might be for next several hours
 - *If child in immediate danger, don't hang up!*

Hotline Procedures

- ◆ Hotline worker will identify self
- ◆ Hotline worker's job is to:
 - Obtain enough information as possible
 - Determine if harm constitutes abuse/neglect under DCFS guidelines
- ◆ All hotline calls are audiotaped

Necessary Information

- ◆ Name, address and age of victim(s)
- ◆ Name and address of parent(s)/caretaker(s) and siblings
- ◆ Relationship of caretaker(s) to victim(s)
- ◆ Details of the abuse
 - Specifics of the incident
 - Location and severity of injuries
 - Any pattern of neglect or abuse
 - Any physical evidence
- ◆ Any explanation provided by the child
- ◆ Any other relevant information

Hotline Procedures

- ◆ If report not taken by hotline worker,
 - You will be informed as to why
 - Information entered into data system and maintained for 6 months
 - Refer you to police or other agencies
- ◆ You can speak with supervisor if not in agreement with Hotline worker

Hotline Procedures

- ◆ When a report is taken,
 - An investigation is commenced within 24 hours
 - You will need to supply a written confirmation of your verbal report within 48 hours

DCFS Investigation

- ◆ Report from Hotline sent electronically to DCFS field office
- ◆ Investigator attempts to make contact with victim within 24 hours
 - Immediate contact is made
 - If possibility family may flee
 - Child's immediate well-being endangered
- ◆ After initial contact, further contacts may be delayed by days or weeks depending on degree of risk

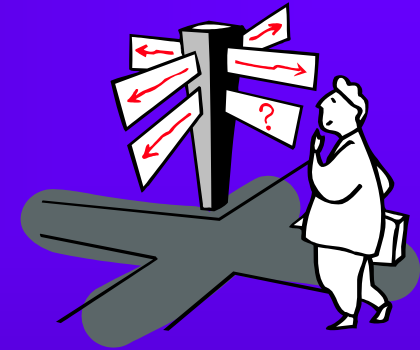
DCFS Investigation

- ◆ Who gets contacted by investigator?

More Terminology

- ◆ **“Initial investigation”** – Investigator makes initial contact with child and alleged perpetrator and determines at that time case is “unfounded”
- ◆ **“Formal investigation”** – Further investigation requiring additional contact with child and others with potential information
- ◆ **“Safety plan”** – a plan implemented by parents/caregivers so that the child can remain in the home during the investigation

To Tell or Not To Tell



- ◆ *NOT* required by law to notify parents of the report
- ◆ Use best professional judgment

To Tell or Not To Tell

Pros

Cons

How Does a Report Become “Indicated?”

- ◆ Physical abuse allegations require evidence of physical harm to child
 - Note
 - Location of injury
 - Severity of injury
 - Patterns of similar injury over time
 - Document verbatim statements child has made

“Indicated” Physical Abuse – Factors for Consideration

- ◆ Child’s age
- ◆ Child’s medical condition
 - Behavioral, mental, emotional problems
 - Developmental disability
 - Physical disability
- ◆ Pattern of similar events
- ◆ Severity
- ◆ Location of injury
- ◆ Evidence of an instrument used to inflict injury
- ◆ Dynamics of relationship
- ◆ Alleged perpetrator’s access to child
- ◆ Previous history of abuse/neglect

“Indicated” Sexual Abuse

- ◆ Investigations more complex
 - Little or no physical evidence
 - Abuse conducted in secrecy
- ◆ Determining credible evidence relies heavily on testimony of the victim
- ◆ Reports of sexual abuse handled by a team of special investigators from both DCFS and the police

Disclosure of Sexual Abuse

Must be handled with sensitivity

Younger children may tell of abuse accidentally as part of conversation

For most children, disclosure may be painfully deliberate

Disclosure of Sexual Abuse

- ◆ When a mandated reporter suspects a child is struggling to share information, the reporter should:
 - Observe child closely
 - Listen attentively while maintaining calm and natural demeanor
 - Be aware of your own verbal and physical responses
- ◆ Child may disguise involvement by saying abuse happened to friend or sibling

Disclosure of Sexual Abuse

- ◆ Do not encourage the victim to disclose additional information beyond what is given voluntarily
 - May need to ask a clarifying question if child's statement vague or lacking in detail
- ◆ Take very careful notes, being very detailed
 - Time and place of incident
 - Identity of alleged perpetrator
 - Other potential witnesses

“Indicated” Sexual Abuse – Factors for Consideration

- ◆ Alleged victim’s testimony
 - Detail level
 - Reveals experience or knowledge beyond expected age or developmental levels
- ◆ Alleged perpetrator’s testimony, especially if there is a confession
- ◆ Physical evidence of penetration
- ◆ Behavioral indicator of abuse
- ◆ Corroboration of elements by credible witnesses

“Indicated” Sexual Abuse

In many cases, the decision to indicate a case or not comes down to weighing the testimony of an alleged abused/neglected victim and the alleged perpetrator denying it.

“Indicated” Neglect

- ◆ Illinois law focuses on *minimum* parenting standards
 - These may differ significantly from community standards
 - Many areas subject to individual interpretation

“What is the harm, or potential harm, to the child?”

“Indicated” Neglect

- ◆ Investigators need information about child’s environment
 - Availability of resources
 - Attitudes of parents/caretakers toward responsibilities to provide for child
- ◆ Mandated reporters should
 - Note specific incidences of neglect
 - Note evidence that alleged neglect harmed or had potential to harm child

“Indicated” Neglect – Factors for Consideration

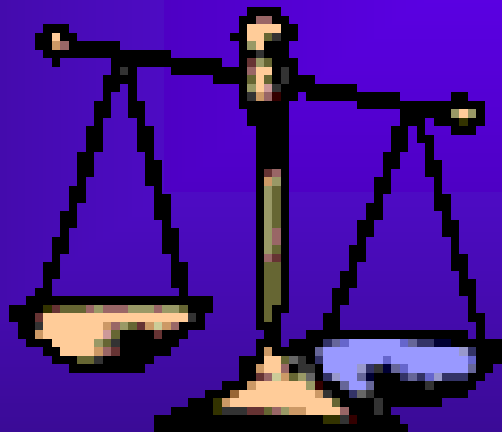
- ◆ Incident of neglect has occurred
- ◆ Evidence or parents/caretakers having not fulfilled their responsibilities to provide for child’s basic needs
- ◆ Neglect is serious enough, if it continues, to result in serious harm
- ◆ The child’s age, developmental stage and/or special needs
- ◆ Severity, frequency and duration of the conditions
- ◆ Pattern of similar incidence

Report is “Indicated,” Now What?

- ◆ Indicated finding entered into computer for additional referencing
- ◆ Follow-up services will be recommended to stabilize family and protect the child
 - Family can refuse these services
 - If such refusal jeopardizes child safety, caseworker may file abuse or neglect petition in Juvenile Court
- ◆ Child may be placed with relatives or foster home if child cannot be safely left in parent’s care

DCFS Legal Mandate

Safety and protection of the child



Stabilize and preserve the family

Preserving the Family

- ◆ Child Welfare Services
 - DCFS staff
 - Contracted private agencies

Goal is to help change patterns of abusive/neglectful behavior

Welfare Services

- ◆ Service referrals and linkages
- ◆ Housing assistance
- ◆ Substance abuse assessment and treatment
- ◆ Homemaking assistance and training
- ◆ Parenting education and support
- ◆ Limited financial assistance
- ◆ Mental health and family counseling
- ◆ Day care or respite care

Temporary Removal

5% of reported cases resulted in children being removed from home in 2001

- ◆ Imminent danger
- ◆ Juvenile court must review all cases of removal within 2 working days
- ◆ Goal in most cases is to return child when safe to do so

Permanent Removal

- ◆ Serious and ongoing circumstances in home
- ◆ Family provided adequate time to demonstrate significant improvement
- ◆ Juvenile Court and DCFS work with extended family members to formulate permanency plans for adoption

Your Role

You may be the first to notice signs of abuse and neglect, calling in a report as a *mandated reporter*.

You may be contacted as a *collateral resource* to provide additional information.

In your ongoing role, you may be *monitoring* safety and welfare of child, sharing info with caseworker.

*“So long as little children
are allowed to suffer,
there is no true love in this world.”*

Isadore Duncan

Thank you!

*Please visit the Illinois EI Training
Program at*

www.illinoiseittraining.org