**Section 300.30 Reporting Child Abuse or Neglect to the Department**

a) Reports of suspected child abuse or neglect may be immediately made to the State Central Register via its toll-free number [1-800-25A-BUSE] at any time, day or night, or on any day of the week. Reports may also be made to the nearest Department office. The Department encourages use of the toll-free hotline number.

b) Persons Mandated to Report Child Abuse or Neglect

1) Types of Mandated Reporters

 Any of the following individuals who have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected shall immediately report or cause a report to be made to the Department. These mandated reporters include:

A) *physicians, residents, interns and physician assistants;*

B) *hospitals;*

C) *hospital administrators and personnel engaged in the examination, care and treatment of persons;*

D) *surgeons;*

E) *dentists;*

F) *dentist hygienists;*

G) *osteopaths;*

H) *chiropractors;*

I) *podiatrists;*

J) Christian Science practitioners;

K) *coroners;*

L) *medical examiners;*

M) *emergency medical technicians;*

N) *crisis line or hotline personnel;*

O) *school personnel;*

P) *educational advocate assigned to a child pursuant to the School Code;*

Q) *truant officers;*

R) *social workers;*

S) *social services administrators;*

T) *domestic violence program personnel;*

U) *registered nurses;*

V) *licensed practical nurses, advanced practice nurses, home health aides;*

W) *directors or staff assistants of nursery schools or child day care centers;*

X) *recreational or athletic program or facility personnel;*

Y) *law enforcement officers;*

Z) *registered psychologists;*

AA) *assistants working under the direct supervision of a psychologist or psychiatrist;*

BB) *field personnel of the Illinois Departments of Healthcare and Family Services, Human Services, Public Health, Corrections, Children and Family Services or Human Rights;*

CC) *probation officers;*

DD) *foster parents, homemakers or any other child care worker;*

EE) *supervisors and administrators of General Assistance under the Illinois Public Aid Code;*

FF) *substance abuse treatment personnel;*

GG) *funeral home directors or their employees;*

HH) *members of the clergy;*

II) *licensed professional counselors or licensed clinical professional counselors;*

JJ) *acupuncturists;*

KK) *animal control officers or Illinois Department of Agriculture Bureau of Animal Health and Welfare field investigators;*

LL) *members of a school board or the Chicago Board of Education or the governing body of a private school;*

MM) *medical technicians or certified nursing assistants of any office, clinic or any other physical location that provides abortions, abortion referral or contraceptives;*

NN) *personnel of institutions of higher education;*

OO) *early intervention* providers *as defined in the Early Intervention Services System Act.* [325 ILCS 5/4]

2) Members of the Clergy

*Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child,* as defined in this Part, *shall immediately report or cause a report to be made to the Department.* [325 ILCS 5/4]

3) Acknowledgement of Reporting Responsibility

A) Individuals who became mandated reporters on or after July 1, 1986, by virtue of their employment shall sign statements acknowledging that they are mandated to report suspected child abuse and neglect in accordance with Section 4 of the Act. The statement shall be on a form prescribed by the Department, but provided by the employer. (See Appendix A.) The statement shall be signed before beginning employment and shall be retained by the employer as a permanent part of the personnel record.

B) The Department shall provide, upon request at a reasonable cost of $.50 each, copies of the Act to all employers employing persons who are mandated to report under the Act.

4) Interference with Reporting Prohibited

A) *Whenever such person is required to report under* the *Act in his* or her *capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with provisions of* the *Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such a report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque or other religious institution, or 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 the Department.* [325 ILCS 5/4]

B) *Any person who knowingly transmits a false report to the Department commits the offence of disorderly conduct under Section 26-1(a)(7) of the Criminal Code of* 2012*. A violation of this provision is a Class 4 felony. Any person who knowingly and willfully violates any provision of subsection (b)(4) other than a second or subsequent violation of transmitting a false report as described in this subsection (b)(4)(B), is guilty of a Class A misdemeanor for the first violation and a Class 4 felony for a second or subsequent violation.* [325 ILCS 5/4]

C) *No employer shall discharge, demote or suspend, or threaten to discharge, demote or suspend, or in any manner discriminate against any employee who makes any good faith oral or written report of suspected child abuse or neglect, or who is or will be a witness or testify in any investigation or proceeding concerning a report of suspected child abuse or neglect.* [325 ILCS 5/9.1]

5) Consequences of Failure to Report

A) *The privileged quality of communication between any professional person required to report and his* or her *patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by the Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse or neglect investigation. If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.* [325 ILCS 5/4]Mandated reporters who willfully fail to report suspected child abuse or neglect are subject to license suspension or revocation in accordance with, but not limited to, the following statutes:

i) Nurse Practice Act [225 ILCS 65];

ii) Medical Practice Act of 1987 [225 ILCS 60];

iii) Podiatric Medical Practice Act of 1987 [225 ILCS 100];

iv) Clinical Psychologist Licensing Act [225 ILCS 15];

v) Clinical Social Work and Social Work Practice Act [225 ILCS 20];

vi) The School Code [105 ILCS 5];

vii) The Illinois Dental Practice Act [225 ILCS 25];

viii) Physician Assistant Practice Act of 1987 [225 ILCS 95];

ix) Illinois Optometric Practice Act of 1987 [225 ILCS 80];

x) Illinois Physical Therapy Act [225 ILCS 90]; and

xi) Illinois Athletic Trainers Act [225 ILCS 5].

B) *Any physician who willfully fails to report child abuse or neglect shall be referred to the Illinois State Medical Disciplinary Board for action. Any other person required to report suspected child abuse or neglect who willfully fails to report such abuse or neglect shall be guilty of a Class A misdemeanor.* [325 ILCS 5/4]

C) Members of the clergy of any religious denomination accredited by the religious body to which he or she belongs shall not be compelled to disclose a confession or admission made to him or her in his or her professional character or as a spiritual advisor.

6) Written Confirmation of Reports

Mandated reporters shall confirm their telephone report in writing on a form prescribed by the Department within 48 hours after the oral report. The Department shall provide forms to mandated reporters – one for the exclusive use of medical professionals and another for use by all other mandated reporters. These confirmation reports shall be admissible as evidence in any administrative or judicial proceeding related to child abuse or neglect. Local investigative staff shall transmit confirmation reports to the State Central Register within 24 hours after receipt.

c) Other Persons May Report

 Other persons may report suspected child abuse or neglect if they have reasonable cause to believe a child may be abused or neglected.

d) Consequences of False Reporting

 *Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under Section 26-1(a)(7) of the Criminal Code of* 2012*. A violation of this provision is a Class 4 felony. Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of submitting a false report is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.* [325 ILCS 5/4] The Department shall refer cases of false reporting to the local State's Attorney when the reporter is known.

e) Cooperation in Court or Administrative Hearings

 *Any person who makes a report or who investigates a report under the Act shall testify fully in any judicial proceeding or administrative hearing resulting from such report, as to any evidence of abuse or neglect, or the cause thereof. Any person who is required to report a suspected case of abuse or neglect shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse or neglect or the cause thereof. No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged perpetrator of abuse or neglect, or the child subject of the report and any person who is required to report a suspected case of abuse or neglect or the person making or investigating the report.* [325 ILCS 5/10]

f) Referrals to Public Health

 All mandated reporters listed in subsection (b)(1) may refer to the Department of Public Health any pregnant person in Illinois who is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

g) Depending upon Spiritual Means Through Prayer Alone for the Treatment or Cure of Disease or Remedial Care

 *A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian, or custodian accepts and practices such beliefs.* [325 ILCS 5/4] Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and medical care necessary to treat or prevent that harm or risk of harm is not being provided because a parent or other person responsible for the child's welfare depends upon such spiritual means, the child shall be subject to the requirements of the Act for the reporting of, investigation of, and provision of protective services with respect to the child and his or her health needs.

(Source: Amended at 38 Ill. Reg. 1962, effective December 31, 2013)