ABUSED AND NEGLECTED CHILD REPORTING ACT COMPLIANCE PROCEDURES

I. Purpose

These procedures implement Board Policy 05.36 which states that Lake Land College (“College”) shall comply with the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq. (the “Act”), as amended by Public Act 97-0711, and as applicable to College employees who are legally responsible to report suspected abuse or neglect of a child to the Illinois Department of Children and Family Services (“DCFS”). In accordance with the Act, these procedures are also applicable to College students enrolled in an academic program leading to a position as a child care worker, school service personnel and degree in education. For purposes of the Act, “child” means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the U.S. armed services.

College employees and students who are “mandated reporters” are identified in Part II, below. Other key terms appear in boldface type where they appear in these administrative procedures, and are defined in Part VI, below.

II. Definitions

A. 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 on the 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 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, as such offenses are defined in the Criminal Code of 1961, as amended, (by way of example such offenses include, but are not limited to criminal sexual assault, sexual abuse, indecent solicitation of a minor and child pornography) 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 the child;

5. Inflicts excessive corporal punishment;

6. Commits or allows to be permitted against the child the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961; or
7. Causes to be sold, transferred, distributed or given to the child a controlled substance, except for controlled substances prescribed in accordance with state law that are dispensed to the child in a manner that substantially complies with the prescription.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

B. Neglected child means a child whose parent or other person responsible for the child’s welfare deprives or fails to provide the child with adequate food, clothing, shelter, or needed medical treatment. Neglect may also be alleged when a responsible adult provides inadequate supervision of a child, as when children are left either unsupervised or in the case of someone unable to supervise due to his or her condition.

C. 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.

D. Reasonable cause to believe abuse or neglect has occurred may exist when there is some actual or circumstantial evidence that the child has been abused or neglected. Actual evidence may consist of obvious pain, or signs of physical injury such as cuts, burns or bruises. Circumstantial evidence may include a child’s change of behavior, or implausible stories about injuries or activities.

III. Employees Who Are Mandated Reporters

A. Mandated Reporters

The Act provides that all personnel of institutions of higher education, all athletic program personnel and all athletic facility personnel are mandated reporters. 325 ILCS 5/4. Mandated reporters are required to immediately report to the DCFS whenever there is reasonable cause to believe that a child with whom they have contact in their professional capacity may be abused or neglected.

Students enrolled in an academic program leading to a position as a child care worker, school service personnel and/or education degree are also mandated reporters pursuant to the Act. A list of courses that require students to be mandated reporters is available in the Education and Social Science Division.

B. No Retaliation

The College prohibits retaliation against any employee, student, volunteer or other individual who makes a good faith report of abuse or neglect or who participates in any investigation of abuse or neglect. Anyone found to have engaged in prohibited retaliation under this
policy/procedure may be subject to discipline, up to and including termination, expulsion and/or other sanctions.

IV. Reporting Requirements and Procedures; Penalties for Non-compliance

A. Requirements and Procedures

An employee or student who is a mandated reporter and who has reasonable cause to believe that abuse or neglect has occurred with respect to a child known to the employee in his or her professional capacity shall:

1. Immediately report to the DCFS that he or she believes that a child may be abused or neglected. This initial report may be made by telephone to the DCFS toll-free child abuse hotline number: 1-800-25A-BUSE (1-800-252-2873).

2. Confirm the telephone report in writing on the DCFS’ CANTS 5 Form, provided at the end of these procedures. The completed CANTS 5 Form should be sent within 24 hours of the initial report to the nearest local DCFS office by U.S. mail. The location of the nearest DCFS office is available on the DCFS website at http://www.state.il.us/dcfs.

3. Promptly inform his or her supervisor and Human Resources that an abuse or neglect report has been made and provide the Director of Human Resources with a copy of the written confirmation of the report as submitted on the CANTS 5 Form.

4. The Director of Human Resources or his/her designee shall assist the reporter in further compliance with these procedures, if requested to do so. The Director of Human Resources shall maintain in a separate confidential file copies of all CANTS 5 forms submitted to the DCFS by College employees pursuant to the Act, whether as mandated or as permissive reporters.

Notes: The Act prohibits anyone, including a supervisor, from suppressing, changing or editing an abuse or neglect report. The reporting employee’s or students’ name shall not be disclosed to the parent or guardian of the child involved.

B. Penalties for Non-compliance

The willful failure of a College mandated reporter to immediately report a case of suspected child abuse/neglect may lead to his or her being charged with a Class A misdemeanor under the Act. Anyone found to have engaged in prohibited retaliation under this policy/procedure may be subject to discipline, up to and including termination, expulsion and/or other sanctions.

C. Immunity for Making a Good Faith Report

The Act provides immunity for anyone who makes a report in good faith.
V. Training and Acknowledgment of Mandated Reporter Status

A. Training

The College shall make available appropriate training and resources on the Act’s requirements to mandated reporters before they commence employment. Available training and resources include:

1. On-line training offered by DCFS at https://www.dcfstraining.org/manrep/index.jsp, which includes a pre-training assessment, 60-90 minutes of self-paced interactive training, a post-training assessment, and a Certificate of Completion.

2. The DCFS Manual for Mandated Reporters which is available on the DCFS website at:


B. Acknowledgment of Mandated Reporter Status

Each employee and student who is mandated by virtue of employment or enrollment to report suspected child abuse or neglect pursuant to the Act shall, before he or she begins employment or participation in his or her educational program, sign the Acknowledgement of Mandated Reporter Status on the DCFS CANTS 22 Form included at the end of these procedures, confirming his or her knowledge and understanding of the reporting requirements of the Act. The signed form shall be maintained in each mandated reporter’s personnel or student file.

VI. Cooperation in Investigating and Prosecuting Child Abuse and Neglect

All College employees and students are expected to cooperate with the DCFS in identifying child abuse or neglect, in accordance with these procedures.

A. On-Campus Interviews of Child by DCFS or Law Enforcement Personnel

If DCFS personnel or local law enforcement officials seek to conduct an interview at the College with a child suspected of being abused or neglected, they shall direct such a request to the Chief of the College Police Department. An interview may be allowed if the Chief of Police believes there is good reason for conducting the interview at the College. If an interview is permitted to take place at the College, the Chief of Police should request that the DCFS employee or local law enforcement officer complete Form No. 1 (provided at the end of these procedures) before conducting the interview.

An interview at the College shall also be allowed upon presentation of a court order. If the interview takes place based on a court order, the Chief of Police shall request a copy of the order. The presence of a College employee at the interview shall be at the discretion of the DCFS employee(s) or law enforcement official(s).
After the interview has been conducted, the Chief of Police may notify the child’s parent or guardian of the fact that an interview was conducted by the DCFS or law enforcement personnel pursuant to the Act, but may not disclose any information about the interview.

B. **Examinations and Photographs**

If DCFS employees or local law enforcement officials seek to physically examine or photograph at the College a child suspected of being abused or neglected, they shall make a request to the Chief of Police. The Chief of Police may grant the request if he or she believes there is good reason for conducting the examination at the College. The Chief of Police 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 a College employee at the examination and photographing shall be at the discretion of the DCFS employees or law enforcement officials. If the examination or photographing is permitted to take place at the College, the Chief of Police should request that the DCFS or law enforcement personnel complete Form No. 2 (provided at the end of these procedures) before examining or photographing the child.

Examination or photographing of the child shall be allowed upon presentation of a court order. If the examination or photographing takes place based on a court order, the Chief of Police shall request a copy of the order. The presence of a College employee at the examination or photographing shall be at the discretion of the DCFS employees or law enforcement officials.

After the examination or photographing has been conducted, the Chief of Police may notify the child’s parent or guardian of that fact unless prohibited from doing so by a court order, but may not disclose any further information concerning the DCFS or law enforcement investigation.

C. **Temporary Custody / Temporary Protective Custody**

If a DCFS employee assumes temporary protective custody pursuant to the Act, or a local law enforcement official assumes temporary custody pursuant to the Juvenile Court Act (705 ILCS 405/1-1 et seq.), the Chief of Police shall request that the person who is assuming temporary protective custody or temporary custody complete Form No. 3 (provided at the end of these procedures) before doing so.

D. **Judicial Proceedings**

College employees and students shall testify fully in any judicial proceeding resulting from a report of abuse or neglect, and shall comply with all court orders and subpoenas.
VII. Child Abuse or Neglect Allegations Against College Employees

In the event that allegations of child abuse or neglect committed at the College or on College grounds are made against a College employee, the procedures set forth in the foregoing provisions shall apply unless the alleged perpetrator is the Director of Human Resources. In that event, the functions to be performed under these procedures by the Director of Human Resources shall be conducted by the Chief of Police and the Vice President for Business Services.