

## **Knox College FAQs On Reporting Child Abuse and Neglect**

Since 1975, Illinois state law has required certain categories of public and private sector workers to immediately report suspected child abuse or neglect to the state. Historically, "mandated reporters" under the law have been professionals (e.g., physicians and teachers) who work with children in the course of their professional duties. Thus, some College employees have been mandated reporters under the law for some time now. In late June 2012, the law was amended to expand the definition of mandated reporters to expressly include "all personnel of institutions of higher education."

This new law means that all College employees – academic, staff, student employees and students working with minors – now must immediately report any instance where there is reasonable cause to believe that a child known to them in their official capacity is being abused or neglected. Additionally, every new College employee now must execute at the time of hire an "acknowledgement of mandated reporter status" form as prescribed by the state.

What follows are answers to frequently asked questions that are designed to help faculty, staff and volunteers understand the nature of their obligations to report child abuse and neglect. In addition, at the end of the FAQs are links to resources designed to foster awareness of the responsibilities associated with mandated reporter status under the law.

### **1. What is ANCRA?**

ANCRA is the Illinois Abused and Neglected Child Reporting Act, the Illinois child welfare law that requires certain individuals called "mandated reporters" to report suspected child abuse or neglect to the Illinois Department of Children and Family Services (IDCFS).

### **2. What is a "mandated reporter"?**

Under ANCRA, a "mandated reporters" are persons who are legally required to report immediately the suspected abuse or neglect of a child known to them in their official capacity to the IDCFS Child Abuse Hotline at 1-800-25-ABUSE. The hotline is staffed 24 hours a day, 365 days a year.

### **3. Who at the College is a mandated reporter?**

Based on a recent change in the law, all College personnel are mandated reporters, including but not limited to all staff employees, academic appointees, student employees, and volunteers.

#### **4. What does it mean to "suspect child abuse or neglect"?**

The threshold for reporting is when a mandated reporter has reasonable cause to believe that abuse or neglect is occurring to a child known to him or her in his or her official capacity.

#### **5. What is "reasonable cause" within the meaning of ANCRA?**

ANCRA does not define the term, and although there is no precise, universally accepted definition, reasonable cause under ANCRA generally exists when the known facts and rational inferences that may be drawn from those facts would cause a reasonable person to conclude that a child is being abused or neglected.

#### **6. What is a "child" within the meaning of ANCRA?**

"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.

#### **7. What is an "abused child" within the meaning of ANCRA?**

An "abused child" includes but is not limited to a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon a 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 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;

commits or allows to be committed any sex offense against a child, as sex offense is defined in the Illinois Criminal Code and Wrongs to Children Act, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon a child; or

inflicts excessive corporal punishment.

#### **8. What is a "neglected child" within the meaning of ANCRA?**

Neglect occurs when a person responsible for the child deprives or fails to provide the child with adequate food, clothing, shelter, or needed medical treatment. Abandonment and inadequate supervision also constitute neglect. Further, neglect occurs under ANCRA when a child "is subjected to an environment which is injurious insofar as (i) the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare and (ii) the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities." According to IDCFS, "blatant disregard" means an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm.

### **9. What are some examples of abuse and neglect?**

Although you should always use your best judgment to assess whether a child you know in your official capacity has been abused or neglected, normally you would call the IDCFS Child Abuse Hotline under circumstances such as: (a) you see marks on a child's body that do not appear to have been caused by accident; (b) you see someone hitting a child with an object; (c) a child tells you that he or she has been harmed or sexually abused by someone; (d) a child appears to be undernourished, is dressed inappropriately for the weather, or is young and has been left alone.

### **10. What does it mean to know a child in my "official capacity"?**

Although ANCRA does not define "official capacity," generally the term means the things you do in the course of carrying out the duties of your role at the College. Thus to know a child in your official capacity means that you have become aware of or have gotten to know a child in the course of doing your job. For example, a manager who meets the children of the employees that she supervises at a departmental social event would be deemed to know those children in his or her official capacity. Likewise, a staff employee who meets a child in connection with giving a presentation at the College would be deemed to know the child in his or her official capacity.

### **11. What if I see or suspect child abuse off campus – for example, while taking a walk in the park, I see a man strike a child repeatedly with his fists?**

It depends on the circumstances. As a mandated reporter, you are required only to report acts of suspected abuse or neglect that you learn about in your official capacity as a College employee, including but not limited to abuse or neglect you witness at a College event or on College property. If the child you witnessed being abused during your walk in the park is not somebody you know through conducting your duties as a College employee, then you do not have a duty to report to IDCFS, although you are not prohibited from doing so. On the

other hand, if you know the child because you met him or her while giving a tour of your workspace to a group of middle school students, you would have a duty to report immediately to IDCFS.

**12. What should I do if I have reasonable cause to believe that a child I know in my official capacity is being abused or neglected?**

You must immediately call the IDCFS Child Abuse Hotline at 1-800-25-ABUSE. Hotline staff are social workers with special training in determining what constitutes child abuse and neglect under ANCRA.

**13. What happens when I call the Hotline?**

When you call, a hotline social worker will listen to what you wish to report. You should be prepared to tell the Hotline worker all germane facts related to the situation, including the child's name, address and age; the nature of the suspected abuse or neglect, including when and where it occurred; the names of suspected perpetrators and their relationship to the child (parent, teacher, etc.); and any other information you think may help. The hotline worker will ask questions to help gather enough information to determine whether to take a formal report. If there is not enough information to make a report, the worker will tell you so and answer any questions you may have. If a formal report is taken, a child protection investigator will begin the investigation within 24 hours, but much sooner if the child is considered in immediate risk of harm.

**14. How am I protected if I report abuse or neglect?**

People who report alleged child abuse or neglect in good faith cannot be held liable for damages under criminal or civil law. In addition, their names are not given to the person they name as the abuser or to anyone else unless ordered by a hearing officer or judge. Members of the general public may make reports without giving their names.

**15. Should I also call the police?**

If a child appears to be in imminent danger, you should seek immediate protection for the child by calling the Galesburg Police Department at 911.

**16. Do I satisfy my reporting duty if I tell my chair or call the police?**

No. Reporting suspected abuse or neglect to a co-worker, colleague, supervisor, manager or other management personnel or even the police department – but not IDCFS – does not satisfy the legal duty to report. The only means of fulfilling one's legal obligation and avoiding legal penalty is to report the suspected child abuse or neglect to IDCFS.

**17. What are the consequences if I fail to make a report to IDCFS even though I have a reasonable basis to believe that a child I know in my official capacity is being abused or neglected?**

Under the law, a mandated reporter's failure to report suspected instances of child abuse or neglect to IDCFS constitutes a Class A misdemeanor punishable by a term of imprisonment for up to one year, or by a fine not to exceed \$1,000, or both, and a second or subsequent violation is a Class 4 felony. Finally, if you knowingly fail to report a case of suspected child abuse or neglect to IDCFS when you have a reasonable basis for doing so, you may be disciplined up to and including termination of employment or volunteer status.

**18. Do I have additional obligations as a mandated reporter?**

Yes, under ANCRA, all mandated reporters must complete, sign and date an IDCFS-issued document called "acknowledgment of mandated reporter status" at their time of hire. By signing the document, the individual acknowledges his or her status as a mandated reporter and affirms that he or she understands the applicable reporting requirements. Also, as a matter of College policy, once you make a report to IDCFS, you must promptly notify your supervisor or manager that you have made a report, as well as the circumstances that compelled the report.

**19. Why must I sign the "acknowledgment of mandated reporter status" form?**

The form is considered a vital personnel record for each employee and is required so that that the College can meet and demonstrate its compliance obligations under ANCRA and general risk management protocols. An employee's refusal to sign the form will be noted in that employee's personnel record.

**20. What else should I know about ANCRA?**

The College strongly encourages you to take IDCFS's online training course to help you understand more about your role in recognizing and reporting child abuse. You can print a Certificate of Completion upon successful completion of the training. The training can be accessed at:

<https://www.dcfstraining.org/cftm/assessment/assessment.do>

Additional on-line resources include the IDCFS web page for mandated reporters ([http://www.state.il.us/Dcfs/FAQ/faq\\_CPF.shtml](http://www.state.il.us/Dcfs/FAQ/faq_CPF.shtml)); the IDCFS Manual for Mandated Reporters ([http://www.state.il.us/DCFS/docs/CFS\\_1050-21\\_Mandated\\_Reporter\\_Manual.pdf](http://www.state.il.us/DCFS/docs/CFS_1050-21_Mandated_Reporter_Manual.pdf)); and the Abused and Neglected Child Reporting Act (<http://www.ilga.gov/legislation/ilcs/ilcs2.asp?ChapterID=32>).

**21. Who can I contact if I have questions about my status as a mandated reporter?**

You should feel free to contact Gina Zindt in Human Resources, 309.341.7200, [gzindt@knox.edu](mailto:gzindt@knox.edu).

*(Adapted from and with gratitude to the University of Chicago)*