

STUDENTS – ADMINISTRATIVE PROCEDURES

STUDENT WELFARE – Child Abuse and Neglect

The Regional Office of Education recognizes its responsibility and the responsibility of its employees to protect the physical and emotional welfare of students while they are in school.

REPORTING REQUIREMENTS AND PROCEDURES

Reporting suspected cases of abused or neglected children shall be done in the following manner:

- A. An employee who has a reasonable cause to believe abuse or neglect has occurred to children known to him or her in a professional or official capacity shall:
 - 1. Immediately report to the Department of Children and Family Services (DCFS) that he or she believes that a child may be abused or neglected; and
 - 2. Notify the Administrator of the School in which the child is enrolled that a report has been made.

The name of the reporting employee shall not be disclosed to the parent or guardian and his/her name shall not be generally divulged within the school, except when authorized by the administrator for necessary educational purposes.

- B. The Principal shall assist the employee in further compliance with the Regulations if requested to do so.
- C. Employees shall make initial reports to the DCFS, Child Protective Service Unit, either:
 - 1. In person;
 - 2. By telephone to the local DCFS office (333-1034)
 - 3. By telephone to the DCFS Child Abuse Hotline (800-252-2873)
- D. A written confirmation of the oral report shall be filed by the employee making the initial report with DCFS either by letter or on forms approved by DCFS within forty-eight (48) hours of the initial report. That report

STUDENTS – ADMINISTRATIVE PROCEDURESSTUDENT WELFARE – Child Abuse and Neglect

shall be mailed to the local DCFS office at 508 S. Race (Urbana) with a copy to the State Central Register, DCFS, One North Old State Capital Plaza, Springfield, Illinois 62706. A copy of the report shall also be furnished to the administrator of the school, which the child attends as a confidential record for the administrator's memory use and not as a school record. A copy of the report shall not be placed in the student's file.

- E. If the child is dead and there is reasonable cause to believe the death was caused by abuse or neglect, the initial report, in addition to being sent to DCFS, shall be sent to the appropriate Medical Examiner or Coroner, located at 1905 E. Main (Urbana), telephone number 384-3888.

COOPERATION IN THE INVESTIGATION AND PROCECUTION OF CHILD
ABUSE AND NEGLECT

- A. School employees shall cooperate with DCFS in identification and treatment of child abuse or neglect.
1. Interviews. An authorized DCFS employee or local law enforcement officer may ask the Administrator or his/her designee for permission to interview a student suspected of being abused or neglected.
 2. An interview may be allowed if the administrator or his/her designee believes that there is a reasonable explanation of why the interview is being conducted in school.
 3. An interview shall be allowed upon either (a) presentation of a court order, or (b) the investigators taking temporary protective custody of the child.
 4. The Administrator or his/her designee may or may not be present during the interview at the discretion of the investigator.
 5. The Administrator or his/her designee may notify the parent or guardian after the interview of the fact of the interview only if the investigator gives permission to do so. If notification is made, the principal may not divulge any information about the interview.
 6. All persons interviewing students in school shall execute the appropriate forms when necessary.

STUDENTS – ADMINISTRATIVE PROCEDURES

STUDENT WELFARE – Child Abuse and Neglect

B. Photographs and Examinations. If DCFS employees or law enforcement officials seek to physically examine or photograph a child suspected of being abused or neglected, they shall make a request to do so to the Administrator or his/her designee.

1. The Administrator shall grant such request whenever the DCFS employee or the local enforcement officer presents a court order authorizing the examination or takes temporary protective custody of the student.
2. The Administrator or designee may grant such request without court order or temporary protective custody if the Administrator believes there are good reasons for conducting the examination in school and believes that the examination will be conducted in a reasonable manner. The Administrator's determination of reasonableness shall take into consideration the sex of the child and of the examiner; the age, maturity, and sensitivities of the child; the location of the trauma; and its seriousness.
3. If the Administrator denies the request for examination or to photograph the child, he/she shall inform the DCFS employee or the local law enforcement officials that he/she is willing to permit an examination and photograph if an appropriate court order is issued, or the child is taken into temporary protective custody.
4. The Administrator or his/her designee may be present during the examination or photographing session at the discretion of the investigator.
5. The Administrator or his/her designee may notify the parent or guardian of the fact of the examination or photographic session, but shall not otherwise divulge information about the occurrence.
6. The appropriate forms shall be executed as necessary.

DISSEMINATION OF INFORMATION TO EMPLOYEES

The Administrator(s) shall annually inform all employees under his/her charge of the legal requirements and protections enumerated in ANCRA. The information to be furnished should include:

STUDENTS – ADMINISTRATIVE PROCEDURES

STUDENT WELFARE – Child Abuse and Neglect

- A. The legal responsibility to report suspected cases of child abuse or neglect to the DCFS;
- B. The responsibility for cooperation with the DCFS;
- C. The duty to maintain confidentiality with respect to reports made and follow-up measures taken on suspected child abuse and neglect cases.
- D. Immunity
 - 1. The Administrator shall grant such request whenever the DCFS employee or the local enforcement officer presents a court order authorizing the examination or takes temporary protective custody of the student.
 - 2. The Administrator or designee may grant such request without court order or temporary protective custody if the Administrator believes there are good reasons for conducting the examination in school and believes that the examination will be conducted in a reasonable manner. The Administrator's determination of reasonableness shall take into consideration the sex of the child and of the examiner; the age, the maturity, and sensitivities of the child; the location of the trauma; and its seriousness.
 - 3. If the Administrator denies the request for examination or to photograph the child, he/she shall inform the DCFS employee or the local law enforcement officials that he/she is willing to permit an examination and photograph if an appropriate court order is issued, or the child is taken into temporary protective custody.
 - 4. The Administrator or his/her designee may be present during the examination or photograph session at the discretion of the investigator.
 - 5. The Administrator or his/her designee may notify the parent or guardian of the fact of the examination or photographic session, but shall not otherwise divulge information about the occurrence.
 - 6. The appropriate forms shall be executed as necessary.

STUDENTS – ADMINISTRATIVE PROCEDURES

STUDENT WELFARE – Child Abuse and Neglect

- E. School employees shall testify fully in any judicial proceeding resulting from a report of abuse or negligence, and they shall comply with all court orders and subpoenas.

DISSEMINATION OF INFORMATION EMPLOYEES

The Administrator of each school shall annually inform all employees under his/her charge of the legal requirements and protections enumerated in ANCRA. The information to be furnished should include:

- A. The legal responsibility to report suspected cases of child abuse or neglect to the DCFS;
- B. The responsibility for cooperation with the DCFS;
- C. The duty to maintain confidentiality with respect to reports made and follow-up measures taken on suspected child abuse and neglect cases.
- D. Immunity
 - 1. School employees participation in good faith in the making of a report, or in the investigation of a report, have statutory immunity from any civil or criminal liability or any other type of claim that may be made against them.
 - 2. Good faith is presumed when school employees make a report of an abused or neglected child.

DEFINITIONS

A. Abused Child

An “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 upon such child, physical injury, by other than accidental means, which causes death,

STUDENTS – ADMINISTRATIVE PROCEDURESSTUDENT WELFARE – Child Abuse and Neglect

- disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
2. Creates a substantial risk of physical injury to such 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 such child, as such sex offenses are defined in the Illinois Criminal Code of 1961, as amended, 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 such child; or
 5. Inflicts excessive corporal punishment.

B. Person Responsible for the Child’s Welfare

“Person responsible for the child’s welfare” means the child’s parents, guardian, foster parents, relative caregiver; any person responsible for the child’s welfare in a public or private residential agency or institution; any persons responsible for the child’s welfare within a public or private or not-for-profit child care facility; 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 but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

C. Neglected Child

A “neglected child” is any child who is not receiving the proper or necessary nourishment or medically indicated treatment, including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under state law as necessary for a child’s well-being, or other care necessary for his or her well-being, including adequate food, clothing or shelter; or who is abandoned by his or her parents or other person responsible for the child’s welfare without a proper plan of care. A child shall not be considered

STUDENTS – ADMINISTRATIVE PROCEDURESSTUDENT WELFARE – Child Abuse and Neglect

neglected for the sole reason that the child’s parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected or abused for the sole reason that the child’s parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the ANCRA. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code.

D. Child Protective Service Unit

“Child Protective Service Unit” means certain specialized state employees of the Department of Children and Family Services (DCFS) assigned by the Director to perform the duties and responsibilities under the ANCRA.

E. Temporary Protective Custody

1. “Temporary protective custody” is authorized removal of the child from the person responsible for the child’s welfare without court order or consent of the person responsible for the child’s welfare by:
 - a. a local law enforcement agency;
 - b. a designated employee of DCFS; or
 - c. a treating physician.
2. Temporary protective custody may be granted if:
 - a. There is a reason to believe that the circumstance or conditions of the child are such that continuing in his or her place of residence or in the care and custody of the person responsible for the child’s welfare presents an imminent danger to that child’s life or health; and
 - b. There is not time to apply for a court order under the Juvenile Court Act for temporary custody of the child.
 - c. The person taking or retaining a child in temporary protective custody has made, upon taking temporary custody, an immediate and reasonable effort to notify the person responsible for the

STUDENTS – ADMINISTRATIVE PROCEDURES

STUDENT WELFARE – Child Abuse and Neglect

- d. child’s welfare of the temporary custody and has also immediately notified the DCFS of taking temporary custody of the child.

Approved: 07/01/01