

XII. Child Abuse and Neglect

A video presentation on the IEA Learning Portal by IEA Associate General Counsel Betsy Pawlicki explains mandated reporter obligations, the investigation process and how to avoid false charges: [DCFS Investigations](#). Additional materials about DCFS prepared by the IEA legal department for members such as a DCFS Checklist and Brochure can be found by taking the course and going directly to Chapter 2.

A. Reporting Requirements

All educational personnel are required by law to report to the Department of Children and Family Services (DCFS) if they have reasonable cause to believe that a child known to them in their professional or official capacity may be an abused or neglected child. A report made by an educational employee to the person in charge of the educational institution does not relieve the employee of the duty to report to DCFS. The identities of reporters, witnesses, and subjects of the report are confidential under law. Traditional privileges such as that between a counselor and student do not relieve the person of the obligation to report child abuse or neglect. Abuse includes such things as physical abuse, a substantial risk of physical or emotional injury, torture, sexual abuse, or excessive corporal punishment. Neglect includes the denial or lack of basic necessities such as food, clothing, shelter, and medical care.

When an educational employee makes a report to DCFS, the employee, may also inform the principal, superintendent or other supervisor that a report has been made. Such a report to a supervisor is not required by law, but may be required by local school district policy. This supervisor may not interfere with the filing of a DCFS report. Willful failure to file a report where required may be a misdemeanor and can result in the suspension or revocation of a person's teaching license. A person acting in good faith in making a report or participating in an investigation has immunity from civil and criminal liability, related to making the report.

B. Investigation of Reports

The Department of Children and Family Services is required to investigate all reports of suspected child abuse or neglect. If, after an initial investigation, it appears that there is a good-faith indication of abuse or neglect and the person named as the alleged perpetrator is employed in an activity resulting in frequent contact with children and the alleged abuse occurred in the course of such employment, DCFS is required to notify the school district that it has begun a formal investigation.

The investigation is to be conducted in the most unobtrusive manner possible. A school employee accused of child abuse has the right to have his or her supervisor, union representative, and attorney present when interviewed by the DCFS representative. An employee accused of

child abuse should never speak to the DCFS investigator before first consulting his or her union representative.

Once the investigation is completed, the Department will determine that the report is either “indicated” or “unfounded.” The Department only needs to establish the low threshold of “credible evidence” to indicate. If the Department determines that the report is “indicated,” it is placed on the DCFS Central Registry where it will remain for a minimum of five years. School superintendents have access to information contained on the Central Registry. A superintendent is required to inform the State Board of Education, the school board, and the chief administrator in the school where the alleged perpetrator is employed, that the person has been named as a perpetrator in an indicated report.

Being named as a perpetrator in an indicated report may be grounds for suspension or revocation of a teaching license. Also, a failure to disclose a DCFS indicated report on a teacher’s initial or renewal licensure application can result in a license suspension or revocation. See Section VIII for more detail on license renewal and suspension.

C. Appeal Rights

A person named as the subject of an indicated report has the right to request the Department to amend, expunge information from, or remove the report from the Central Registry by filing a request with the Department within 60 days of notification of the indicated report. Upon filing of such a request, the Department will conduct a review of the file and make a decision whether to grant the request. If the request is denied, the subject of the report can then request a hearing with the Department.

At the hearing, the Department has the burden of proving the accuracy and consistency of the report. Decisions of the Department following a hearing are subject to review by the courts. However, no new evidence will be taken in court, and a court may only reverse a decision of the Department if factual findings are against the manifest weight of the evidence or if there are procedural errors.