Illinois

Child Abuse and Neglect

Definitions of Child Abuse and Neglect
To better understand this issue and to view it across States, download the PDF (587 KB) of this publication.

Physical Abuse
Citation: Comp. Stat. Ch. 325, § 5/3
'Abused child' means a child whose parent, immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child, or a paramour of the child's parent:

- Inflicts, causes or allows to be inflicted, or creates a substantial risk of physical injury by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function
- Commits or allows to be committed an act or acts of torture upon the child
- Inflicts excessive corporal punishment
- Commits or allows to be committed the offense of female genital mutilation
- Causes a controlled substance to be sold, transferred, distributed, or given to the child under age 18, in violation of the Illinois Controlled Substances Act or Methamphetamine Control and Community Protection Act
- Commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as defined in 720 ILCS 5/10-9, against the child

Neglect
Citation: Comp. Stat. Ch. 325, § 5/3
'Neglected child' means any child who:

- Is not receiving proper or necessary nourishment or medically indicated treatment, including food or care, that is not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician, or otherwise is not receiving the proper or necessary support or medical or other remedial care as necessary for a child's well-being
- Is not receiving other care necessary for his or her well-being, including adequate food, clothing, and shelter
- Has been provided with interim crisis intervention services under chapter 705, § 405/3-5 and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child
- Is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance or a metabolite thereof

Sexual Abuse/Exploitation
Citation: Comp. Stat. Ch. 325, § 5/3
The term 'abused child' includes a child whose parent, immediate family member, person responsible for the child's welfare, individual residing in the same home as the child, or paramour of the child's parent commits or allows to be committed any sex offense against the child.

This is summary information, not the full statutory text. Be sure to check your state's statutes for the most current and complete information for mandated reporters in your state.
Emotional Abuse
Citation: Comp. Stat. Ch. 325, § 5/3
The term 'abused child' includes impairment or substantial risk of impairment to the child's emotional health.

Abandonment
Citation: Comp. Stat. Ch. 325, § 5/3
The term 'neglected child' includes a child who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care.

Standards for Reporting
Citation: Comp. Stat. Ch. 325, § 5/4
A report is required when there is reasonable cause to believe that a child may be an abused or neglected child.

Persons Responsible for the Child
Citation: Comp. Stat. Ch. 325, § 5/3
A 'person responsible for the child's welfare' includes:

- The child's parent, guardian, foster parent, or relative caregiver
- Any person responsible for the child's welfare in a public or private residential agency, institution, or child care facility
- Any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including an immediate family member, any person residing in the child's home, or a paramour of the child's parent
- A 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, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect

Exceptions
Citation: Comp. Stat. Ch. 325, § 5/3
A child shall not be considered abused or neglected if:

- The child is a newborn who has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.
- The presence of a controlled substance in a child or a newborn is the result of medical treatment.
- The child has been left in the care of an adult relative.
- The child's parent relies on spiritual means through prayer for the treatment of disease.
- The child is not attending school as required by the School Act.
Mandatory Reporters of Child Abuse and Neglect

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Professionals Required to Report
Citation: Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20.2
The following persons are required to report:

- Physicians, residents, interns, hospital administrators and personnel, surgeons, dentists, dental hygienists, osteopaths, chiropractors, podiatric physicians, physician assistants, or substance abuse treatment personnel
- Funeral home directors or employees, coroners, or medical examiners
- Emergency medical technicians, acupuncturists, or crisis line or hotline personnel
- School personnel, including administrators and employees, educational advocates, or truant officers
- Personnel of institutions of higher education
- Members of a school board or the Chicago Board of Education
- Members of the governing body of a private school
- Social workers, social services administrators, or domestic violence program personnel
- Nurses, genetic counselors, respiratory care practitioners, advanced practice nurses, or home health aides
- Directors or staff assistants of nursery schools or child care centers, or recreational or athletic program or facility personnel
- Early intervention providers, as defined in the Early Intervention Services System Act
- Law enforcement officers or probation officers
- Licensed professional counselors, psychologists, psychiatrists, or their assistants
- Field personnel of the Department of Healthcare and Family Services, Juvenile Justice, Public Health, Human Services, Corrections, Human Rights, or Children and Family Services
- Supervisors and administrators of general assistance under the Illinois Public Aid Code
- Animal control officers or Department of Agriculture Bureau of Animal Health and Welfare field investigators
- Foster parents, homemakers, or child care workers
- Members of the clergy
- Commercial film and photographic print processors or computer technicians

Reporting by Other Persons
Citation: Comp. Stat. Ch. 325, § 5/4
Any other person who has reasonable cause to believe that a child is abused or neglected may report.
Institutional Responsibility to Report  
Citation: Comp. Stat. Ch. 325, § 5/4  
Whenever such person is required to report 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 or she shall make a report immediately to the Department of Children and Family Services and also may notify the person in charge of such institution, school, facility, or agency; or church, synagogue, temple, mosque, or other religious institution; or his or her designated agent that 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 his or her designated agent to whom such notification has been made exercise any control, restraint, modification, or other change in the report or the forwarding of the report to the department.

Standards for Making a Report  
Citation: Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20.2  
A report is required when:

- A reporter has reasonable cause to believe that a child known to him or her in his or her professional capacity may be abused or neglected.
- A physician, physician’s assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, or licensed professional counselor of any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives has reasonable cause to believe a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child.
- Commercial film and photographic print processors or computer technicians have knowledge of or observe any film, photograph, videotape, negative, slide, computer hard drive, or any other magnetic or optical media that depicts a child engaged in any actual or simulated sexual conduct.

Privileged Communications  
Citation: Comp. Stat. Ch. 325, § 5/4; Ch. 735, § 5/8-803  
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.

A member of the clergy shall not be compelled to disclose a confession or admission made to him or her as part of the discipline of the religion.

The reporting requirements shall not apply to the contents of a privileged communication between an attorney and his or her client or to confidential information within the meaning of Rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client.

Inclusion of Reporter’s Name in Report  
Citation: Comp. Stat. Ch. 325, § 5/7.9  
The report shall include the name, occupation, and contact information of the person making the report.

Disclosure of Reporter Identity  
Citation: Comp. Stat. Ch. 325, § 5/11.1a  
Any disclosure of information shall not identify the person making the report.