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Formerly cited as IL ST CH 23 ¶ 2054

West's Smith-hurd Illinois Compiled Statutes Annotated [Currentness](#)

Chapter **325**. Children

 [Act 5](#). Abused and Neglected Child Reporting Act ([Refs & Annos](#))

→ **5/4. Persons required to report**; privileged communications; transmitting false report

§ 4. **Persons required to report**; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel, educational advocate assigned to a child pursuant to the School Code, truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, genetic counselor, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, licensed professional counselor, licensed clinical professional counselor, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Illinois Department of Public Aid, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

Whenever such person is required to report under this Act in his 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 shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such 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 designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

In addition to the above **persons required to report** suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee

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has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the "Criminal Code of 1961". Any person who violates this provision a second or subsequent time shall be guilty of a Class 3 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense).

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

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, as amended.

CREDIT(S)

P.A. 79-65, § 4, eff. July 1, 1975. Amended by P.A. 81-1077, § 1, eff. July 1, 1980; P.A. 82-453, § 1, eff. Jan. 1, 1982; P.A. 84-611, § 1, eff. Jan. 1, 1986; P.A. 84-1078, § 1, eff. July 1, 1986; P.A. 84-1308, Art. II, § 22, eff. Aug. 25, 1986; P.A. 84-1318, § 1, eff. Jan. 1, 1987; P.A. 84-1438, Art. II, § 4, eff. Dec. 22, 1986; P.A. 85-205, § 1, eff. Aug. 21, 1987; [P.A. 86-601, § 1, eff. Jan. 1, 1990](#); [P.A. 86-716, § 1, eff. Jan. 1, 1990](#); [P.A. 86-835, § 1, eff. Jan. 1, 1990](#); [P.A. 86-1004, § 3, eff. July 1, 1990](#); [P.A. 86-1028, Art. II, § 2-11, eff. Feb. 5, 1990](#); [P.A. 89-363, § 15, eff. Jan. 1, 1996](#); [P.A. 89-507, Art. 90, § 90L-74, eff. July 1, 1997](#); [P.A. 89-706, § 275, eff. Jan. 31, 1997](#); [P.A. 90-116, § 20, eff. July 14, 1997](#); [P.A. 91-259, § 15, eff. Jan. 1, 2000](#); [P.A. 91-516, § 5, eff. Aug. 13, 1999](#); [P.A. 92-16, § 78, eff. June 28, 2001](#); [P.A. 92-801, § 5, eff. Aug. 16, 2002](#); [P.A. 93-137, § 5, eff. July 10, 2003](#); [P.A. 93-356, § 5, eff. July 24, 2003](#); [P.A. 93-431, § 5, eff. Aug. 5, 2003](#); [P.A. 93-1041, § 905, eff. Sept. 29, 2004](#).

FORMER REVISED STATUTES CITATION

Formerly [Ill.Rev.Stat.1991, ch. 23, ¶ 2054](#).

HISTORICAL AND STATUTORY NOTES

P.A. 81-1077 rewrote the section, which prior thereto read:

"Any physician, hospital, surgeon, dentist, osteopath, chiropractor, podiatrist, Christian Science practitioner, coroner, school teacher, school administrator, truant officer, social worker, social services administrator, registered nurse, licensed practical nurse, director or staff assistant of a nursery school or a child day care center, law enforcement officer, or field personnel of the Illinois Department of Public Aid having reasonable cause to believe any child with whom they have direct contact has been subjected to abuse or neglect shall immediately report or cause a report to be made to the Department. In addition to the above **persons required to report** suspected child abuse and neglect, any other person may make a report if such person has reasonable cause to suspect a child has

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been abused or neglected.

"This Section applies to cases of a child whose death occurs from suspected abuse or neglect before being found or brought to a hospital. A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs."

P.A. 82-453 inserted the second paragraph.

P.A. 84-611, in the list of agencies in the first paragraph, deleted the phrase "Department of" preceding agencies following the "Department of Public Aid"; inserted "or Children and Family Services"; and substituted "foster parent, homemaker or child care case" for "child care or foster care".

P.A. 84-1078, in the first paragraph, in the first sentence, inserted "resident, intern,", "dentist hygienist,", "emergency medical technician,", "and assistants working under the direct supervision of a psychologist, psychiatrist", and "Department of Human Rights,"; and added the last five sentences.

Article II of P.A. 84-1308, the First 84th General Assembly Combining Revisory Act, provides for the nonsubstantive revision or renumbering or repeal of Sections of Acts necessitated by the amendment, addition or repeal of Sections by two or more Public Acts of the 84th General Assembly, which multiple action was not resolved by one of the Acts of the 84th General Assembly affecting the particular Section and makes technical corrections in Acts amended by the 84th General Assembly.

P.A. 84-1318, in the first paragraph, inserted sentence prohibiting persons in charge of institutions or agencies from exercising any control over the reports.

Article II of P.A. 84-1438, the Second 84th General Assembly Combining Revisory Act, provides for the nonsubstantive revision or renumbering or repeal of Sections of Acts necessitated by the amendment, addition or repeal of Sections by two or more 1986 Public Acts, which multiple action was not resolved by one of the 1986 Acts affecting the particular Section and makes technical corrections in Acts of the 84th General Assembly.

P.A. 85-205, in the first sentence, inserted "crisis line or hotline personnel", "educational advocate assigned to a child pursuant to The School Code", "domestic violence program personnel", "recreational program or facility personnel", and "Rehabilitation Services"; made the second or subsequent transmission of a false report a Class A misdemeanor; and made knowing and willful violations of the section, other than transmitting a false report, a Class A misdemeanor.

P.A. 86-601 added the paragraph providing that a child is not neglected solely because he or she is not attending school as required by Art. 26 of the School Code.

P.A. 86-716 inserted "supervisor and administrator of general assistance under The Illinois Public Aid Code," into the list of **persons required to report**.

P.A. 86-835, in the paragraph providing a penalty for transmission of false reports, substituted "4 felony" for "A misdemeanor"; and in the paragraph providing for a penalty for any other violations, inserted "a second or subsequent violation of".

P.A. 86-1004 included "substance abuse treatment personnel" in the list of mandatory reporters.

P.A. 86-1028, the First 1990 Revisory Act, provides in Art. II, for the revision and renumbering of certain Sections of Acts which have been added or amended by more than one Act of the 86th General Assembly; repeals certain Sections that have been both amended and repealed in the 86th General Assembly and incorporates amendments into successor laws; corrects errors, revises cross-references and deletes obsolete text in such sections contained in P.A. 86-1 through P.A. 86-1009.

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P.A. 89-363, in the first sentence of the first paragraph, inserted "funeral home director or employee,".

P.A. 89-507, in the first sentence, inserted "Human Services (acting as successor to the Department of" and ", Rehabilitation Services, or Public Aid)" and deleted "Rehabilitation Services," following "Human Rights,".

P.A. 89-507 incorporated the amendment by P.A. 89-363.

P.A. 89-706, in the first paragraph, in the first sentence, inserted "acupuncturist,".

P.A. 89-706 incorporated the amendments by P.A. 89-363 and P.A. 89- 507.

P.A. 90-116, in the first paragraph, in the first sentence, included physician assistants.

P.A. 91-259 inserted the section heading; and in the first paragraph, inserted "respiratory care practitioner,".

P.A. 91-516, in the first paragraph, in the first sentence, inserted "advanced practice nurse, home health aide,".

P.A. 92-16, the First 2001 General Revisory Act, amended various Acts to delete obsolete text, to correct patent and technical errors, to revise cross references, to resolve multiple actions in the 91st General Assembly and to make certain technical corrections in P.A. 91-1 through P.A. 91-937.

P.A. 92-801, § 5, inserted the second paragraph, relating to reasonable cause by a member of the clergy; in the third paragraph, inserted "or as a member of the clergy," following "facility or agency," and twice inserted "or church, synagogue, temple, mosque, or other religious institution," following "or agency"; inserted a new fifth paragraph, relating to privilege that might be claimed by a member of the clergy; and, in the tenth paragraph, changed "shall be guilty of a Class A misdemeanor" to "is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation".

P.A. 92-801 incorporated the amendment by P.A. 92-16.

P.A. 93-137, § 5, in the first paragraph, inserted "licensed professional counselor, licensed clinical professional counselor," following "law enforcement officer,".

P.A. 93-356, § 5, in the first paragraph, deleted "Christian Science practitioner," following "substance abuse treatment personnel,".

P.A. 93-431, § 5, in the ninth paragraph, substituted "Class 3 felony" for "Class 4 felony", and added "; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense)" to the end of the tenth paragraph.

P.A. 93-1041, § 905, in the first undesignated paragraph, inserted "genetic counselor".

P.A. 93-1041 incorporated amendments by P.A. 93-137; P.A. 93-356; and P.A. 93-431.

LAW REVIEW AND JOURNAL COMMENTARIES

Child abuse--Despite the law it's not reported. Allen D. Schwartz, 5 CBA Rec. 24 (1991).

Child abuse in the Netherlands: Medical referee. Jack E. Dolk, 1978, 54 Chi.-Kent L.Rev. 785.

Civil liability in child abuse cases. Rowine Hayes Brown and Richard B. Truitt, 1978, 54 Chi.-Kent L.Rev. 753.

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Reporting child abuse and neglect: Good faith immunity for health care providers. Theodore R. LeBlang, 92-July Ill.B.J. 356 (2004).

Statutory rape enforcement and child abuse reporting: Effects on health care access for adolescents. Abigail English and Catherine Teare, [50 DePaul L.Rev. 827 \(2001\)](#).

Survey of Illinois law: Evidence. Ted N. Gianaris, [22 S.Ill.U.L.J. 925 \(1998\)](#); Ted N. Gianaris and Kenneth J. Brennan, [21 S.Ill.U.L.J. 847 \(1997\)](#).

When DCFS knocks: Representing a client accused of child abuse or neglect. David N. Schaffer, [92 Ill.B.J. 26 \(Jan. 2004\)](#).

LIBRARY REFERENCES

Disorderly Conduct [1](#).

Infants [13, 17, 159](#).

Westlaw Topic Nos. 129, 211.

[C.J.S. Disorderly Conduct § § 2 to 5](#).

[C.J.S. Infants § § 5, 8 to 9, 31, 36 to 40, 43 to 44, 51 to 52, 55, 62, 92 to 93, 95 to 98](#).

RESEARCH REFERENCES**ALR Library**

[73 ALR 4th 782](#), Validity, Construction, and Application of State Statute Requiring Doctor or Other Person to Report Child Abuse.

Encyclopedias

[6 Am. Jur. Proof of Facts 2d 345](#), Failure to Report Suspected Case of Child Abuse.

[31 Am. Jur. Proof of Facts 3d 261](#), Liability of School Districts Under Common Law Tort Theories for the Sexual Molestation of a Student by a Teacher.

[38 Am. Jur. Trials 1](#), Professional Liability for Failure to Report Child Abuse.

[Illinois Law and Practice Minors § 222](#), "Abused Child".

[Illinois Law and Practice Minors § 223](#), "Neglected Child".

[Illinois Law and Practice Minors § 224](#), Persons Required or Permitted to Report.

[Illinois Law and Practice Minors § 228](#), Liability for False Reports.

Forms

[Nichols Illinois Civil Practice with Forms ADR App. D-2](#), Appendix D-2. Cook County Circuit Court Rule 19A.19 Abuse, Neglect and Dependency.

Treatises and Practice Aids

[11 Illinois Practice Series § 501:2](#), General Principles.



NOTES OF DECISIONS

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[1](#). Validity


Illinois requirement that tenured teacher-school psychologist and others in similar positions of responsibility promptly report child abuse to state agency did not unconstitutionally infringe school psychologist's federal constitutional right of confidentiality derived from student's right to privacy; Illinois had compelling state interest in protecting abused children. [Pesce v. J. Sterling Morton High School, Dist. 201, Cook County, IL, C.A.7 \(Ill.\)1987, 830 F.2d 789](#). Constitutional Law  82(7); Infants  12(9)


[2](#). Self-incrimination

Admission of caseworker's testimony as to incriminating statements defendant made to caseworker did not violate defendant's constitutional right against self-incrimination and right to assistance of counsel ([U.S.C.A. Const.Amend. 5](#) and [6](#)) since under Abused and Neglected Child Reporting Act ([ch. 23, ¶ 2054](#)) caseworker was under affirmative duty to report instances of child abuse, and defendant freely relayed information to caseworker in order to effect return of his daughter, the victim, to his home. [People v. Bradley, App. 4 Dist.1984, 83 Ill.Dec. 701, 128 Ill.App.3d 372, 470 N.E.2d 1121](#), appeal denied. Criminal Law  412.1(2); Criminal Law  412.2(1)

[3](#). Reporting requirement


Illinois Abused and Neglected Child Reporting Act (ANCRA) did not create tort duty on part of hospital personnel to report suspected abuse of child by his babysitter to prevent babysitter's subsequent abuse of second child, as required to support claim that hospital personnel were liable for second child's death at hands of babysitter; statute contained no reference to damages or other tort-type remedies, and nothing in statute's text indicated that legislature meant to expand scope of tort liability. [Cuyler v. U.S., C.A.7 \(Ill.\)2004, 362 F.3d 949](#), rehearing and rehearing en banc denied, certiorari denied [125 S.Ct. 500, 160 L.Ed.2d 373](#). Health  656; Infants  13.5(2)


Student's allegation that each of four school counselors knew or had reason to suspect that student and other female students were sexually abused by teacher, and that they failed to report sexual abuse to Illinois Department of Children and Family Services (DCFS) notwithstanding their knowledge that school administrator either took no action or ineffective action to prevent abuse, failed to state civil rights claim against counselors for denial of liberty interest in violation of due process. [Doe v. Board of Educ. of Hononegah Community High School Dist. No. 207, N.D. Ill.1993, 833 F.Supp. 1366](#). Civil Rights  1395(2)


Any failure of school administrators to comply with obligation under Illinois law to report their knowledge and suspicions regarding teacher's sexual abuse of student did not deprive student of due process. [Doe v. Board of Educ. of Hononegah Community High School Dist. No. 207, N.D. Ill.1993, 833 F.Supp. 1366](#). Constitutional Law  278.5(5.1)

Pursuant to Abused and Neglected Child Reporting Act, once school personnel suspect or should suspect that a child may be sexually abused, they are divested of any discretion and are required to report the matter to Department of

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Children and Family Services (DCFS). [Doe v. Dimovski, App. 2 Dist.2003, 270 Ill.Dec. 618, 336 Ill.App.3d 292, 783 N.E.2d 193](#), appeal denied [275 Ill.Dec. 75, 204 Ill.2d 658, 792 N.E.2d 306](#). Infants  13.5(1)


Fact that physician whose "abnormal medical exam" of child was listed in social worker's report to Department of Children and Family Services (DCFS) did not make the report herself did not preclude her entitlement to immunity under the Abused and Neglected Child Reporting Act; the immunity statute's explicit terms showed that the "actions" giving rise to immunity under the Act included "participating" in the making of a report or referral, and the physician at least participated in the report. [Nosbaum ex rel. Harding v. Martini, App. 1 Dist.2000, 244 Ill.Dec. 488, 312 Ill.App.3d 108, 726 N.E.2d 84](#). Infants  13.5(2)

Dean for junior high school did not engage in protected speech when she reported incident in which coach for high school swimming team allegedly improperly massaged dean's daughter at team party, and therefore such speech did not support claim that school district retaliated against dean due to her speech by refusing to give her new position, given dean's assertion that, as school official, she was obligated by state law to report any suspicions of sexual misconduct by school employee against student; public employee who acted solely to carry out employee's job duties did not engage in protected speech for First Amendment purposes. [Tierney v. Quinty School Dist. No. 172, C.A.7 \(Ill.\)2005, 125 Fed.Appx. 711, 2005 WL 513481](#), Unreported, rehearing and rehearing en banc denied. Schools  147.12

Persons required to report under this paragraph are **required to report** if they have reasonable cause to believe any child with whom they have had direct contact has been subjected to abuse or neglect; reporting requirement is not limited to reporting only in the event of a child's death which occurs from suspected abuse or neglect before being found or brought to a hospital. 1979 Op.Atty.Gen. No. S-1423.


4. Reasonable cause

Although a school board may initially investigate the credibility of any rumors of sexual abuse, whether there was reasonable cause to report the allegations to Department of Children and Family Services (DCFS) is an objective determination under the Abused and Neglected Child Reporting Act. [Doe v. Dimovski, App. 2 Dist.2003, 270 Ill.Dec. 618, 336 Ill.App.3d 292, 783 N.E.2d 193](#), appeal denied [275 Ill.Dec. 75, 204 Ill.2d 658, 792 N.E.2d 306](#). Infants  13.5(1)

For purposes of immunity under the Abused and Neglected Child Reporting Act, a physician had reasonable cause to believe abuse of a child had occurred; in her evaluation, physician wrote that the "abnormal transhymental diameter" she observed "can be seen in sexual abuse," and she suggested to child's father that he report the case, and that social worker was to call Department of Children and Family Services (DCFS) to see if a report needed to be filed. [Nosbaum ex rel. Harding v. Martini, App. 1 Dist.2000, 244 Ill.Dec. 488, 312 Ill.App.3d 108, 726 N.E.2d 84](#). Infants  13.5(2)

Term "reasonable cause to believe" as used in this paragraph is equivalent to the term "suspect" under federal regulation ([45 C.F.R. § 1340.3-3\(d\)\(2\)](#)) which requires a reporting of "known or suspected" instances of child abuse and neglect to a properly constituted authority and which was promulgated as part of a program to assist states in preventing and treating child abuse and neglect. 1977 Op.Atty.Gen. No. S-1298.


5. Filing


Finding of parental neglect of child was not contradicted by fact that hospital failed to file report under this paragraph where school officials subject to same statutory duty had already notified officials of Department of Children and Family Services. In Interest of Gomez, App. 1 Dist.1977, [11 Ill.Dec. 224, 53 Ill.App.3d 353, 368 N.E.2d 775](#). Infants  156


6. Privileged communications


There is qualified privilege from defamation suit, under Illinois law, protecting teachers reporting conduct by fellow


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teachers that might constitute child abuse. [Bogosian v. Board of Educ. of Community Unit School Dist. 200, N.D. Ill.2001, 134 F.Supp.2d 952](#). Libel And Slander  43


Material issues of fact, as to whether fellow teachers acted in good faith when charging male first grade teacher with improper touching of female students, precluded summary judgment that they were entitled, under Illinois law, to qualified privilege from defamation action brought by teacher. [Bogosian v. Board of Educ. of Community Unit School Dist. 200, N.D. Ill.2001, 134 F.Supp.2d 952](#). Federal Civil Procedure  2515


Trial court provided defendant with appropriate remedy for alleged breach of clergymen privilege in prosecution for aggravated criminal sexual abuse arising from incidents involving church group by excluding from evidence counseling clergyman's report to Department of Children and Family Services (DCFS) and testimony by clergymen to whom defendant had spoken about the matter; suppression of all evidence was not required. [People v. Burnidge, 1997, 227 Ill.Dec. 331, 178 Ill.2d 429, 687 N.E.2d 813](#), rehearing denied. Criminal Law  394.1(2)

Clergy privilege applies to members of clergy who have reasonable cause to believe that a child known to them in their capacity as members of clergy may be an abused or neglected child. [People v. Burnidge, App. 2 Dist.1996, 216 Ill.Dec. 19, 279 Ill.App.3d 127, 664 N.E.2d 656](#), rehearing denied, appeal allowed [219 Ill.Dec. 568, 168 Ill.2d 603, 671 N.E.2d 735](#), affirmed [227 Ill.Dec. 331, 178 Ill.2d 429, 687 N.E.2d 813](#). Witnesses  215


In prosecution for criminal sexual abuse, defendant's conversations with pastor were privileged, even though pastor was a clinical psychologist and applied both spiritual and psychological principles in his counseling. [People v. Burnidge, App. 2 Dist.1996, 216 Ill.Dec. 19, 279 Ill.App.3d 127, 664 N.E.2d 656](#), rehearing denied, appeal allowed [219 Ill.Dec. 568, 168 Ill.2d 603, 671 N.E.2d 735](#), affirmed [227 Ill.Dec. 331, 178 Ill.2d 429, 687 N.E.2d 813](#). Witnesses  215

When state violated defendant's clergy privilege by requiring pastor to file report that led to investigation of defendant for criminal sexual assault, proper remedy was to exclude from trial the privileged communications and report filed in violation of privilege, rather than dismissing case and discharging defendant from further prosecution. [People v. Burnidge, App. 2 Dist.1996, 216 Ill.Dec. 19, 279 Ill.App.3d 127, 664 N.E.2d 656](#), rehearing denied, appeal allowed [219 Ill.Dec. 568, 168 Ill.2d 603, 671 N.E.2d 735](#), affirmed [227 Ill.Dec. 331, 178 Ill.2d 429, 687 N.E.2d 813](#). Criminal Law  303.30(1); Criminal Law  394.1(2)

In prosecution for aggravated criminal sexual assault of child, Mental Health and Developmental Disabilities Confidentiality Act [ch. 91 1/2, ¶ 801 et seq.] did not preclude hospital counselor from testifying as to admissions defendant made to her; Abused and Neglected Child Reporting Act [ch. 23, ¶ 2054] destroyed any confidentiality for use in criminal prosecution. [People v. Morton, App. 4 Dist.1989, 135 Ill.Dec. 619, 188 Ill.App.3d 95, 543 N.E.2d 1366](#), appeal denied [140 Ill.Dec. 678, 129 Ill.2d 569, 550 N.E.2d 563](#). Witnesses  214.5


Defendant's constitutional rights were not violated when social worker to whom he admitted incestuous acts informed authorities of his conduct; even if a social worker-patient privilege or a therapist-patient privilege, otherwise existed, it was inapplicable where abused or neglected children were involved. [People v. McKean, App. 2 Dist.1981, 50 Ill.Dec. 136, 94 Ill.App.3d 502, 418 N.E.2d 1130](#). Witnesses  214.5


7. False report


Award of \$1,000,000 in punitive damages against defamation defendant who submitted false report of suspected child abuse was not barred by this paragraph making such reports a misdemeanor offense; maximum sentence and fine under Criminal Code were inapplicable to civil action. [Brown v. Farkas, App. 1 Dist.1986, 110 Ill.Dec. 823, 158 Ill.App.3d 772, 511 N.E.2d 1143](#), appeal denied [115 Ill.Dec. 398, 117 Ill.2d 542, 517 N.E.2d 1084](#). Libel And Slander  120(1)


8. Private cause of action

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Assuming that the Abused and Neglected Child Reporting Act gave an implied private cause of action to sexually abused children, clinic had no duty to report alleged sexual abuse by one of its patients, where clinic did not have direct contact with abused children. [Doe 1 ex rel. Tanya S. v. North Cent. Behavioral Health Systems, Inc., App. 3 Dist.2004, 287 Ill.Dec. 493, 352 Ill.App.3d 284, 816 N.E.2d 4](#), appeal denied [2005 WL 181823](#). Infants  13.5(2)

Assuming that the Abused and Neglected Child Reporting Act gave an implied private cause of action to sexually abused children, children did not fall within the statutory definition of "abused children" under the Act, and thus, the Act was inapplicable in action brought by parents on behalf of children against clinic, which alleged that clinic failed to report abuse by one of its patients, where there was no allegation that a parent or anyone else responsible for the children's welfare allowed the abuse to occur. [Doe 1 ex rel. Tanya S. v. North Cent. Behavioral Health Systems, Inc., App. 3 Dist.2004, 287 Ill.Dec. 493, 352 Ill.App.3d 284, 816 N.E.2d 4](#), appeal denied [2005 WL 181823](#). Infants  13.5(2)



Abused and Neglected Child Reporting Act did not provide sexually abused children with an implied private right of action against clinic that allegedly failed to report sexual abuse; although the children were members of the class for whose benefit the Act was enacted and the harm suffered was the type the statute was designed to prevent, there was no evidence that the Act was designed to provide monetary remedies for victims of abuse or to impose civil liability on those who failed to report and there was nothing to suggest that the Act suffered from inadequate enforcement absent a private remedy. [Doe 1 ex rel. Tanya S. v. North Cent. Behavioral Health Systems, Inc., App. 3 Dist.2004, 287 Ill.Dec. 493, 352 Ill.App.3d 284, 816 N.E.2d 4](#), appeal denied [2005 WL 181823](#). Infants  13.5(2)

Argument raised on appeal by plaintiff in medical malpractice action, that Appellate Court should recognize a private cause of action under Child Reporting Act for a physician's failure to report suspected child abuse, was waived by plaintiff's failure to raise that issue in trial court. [Rivera v. Arana, App. 1 Dist.2001, 255 Ill.Dec. 333, 322 Ill.App.3d 641, 749 N.E.2d 434](#). Appeal And Error  170(1)


9. Objective and subjective standard

For purposes of the Abused and Neglected Child Reporting Act, the issue of whether school personnel have reasonable cause to report suspected allegations of abuse is determined by the objective belief of a reasonable person, not the school personnel's subjective belief. [Doe v. Dimovski, App. 2 Dist.2003, 270 Ill.Dec. 618, 336 Ill.App.3d 292, 783 N.E.2d 193](#), appeal denied [275 Ill.Dec. 75, 204 Ill.2d 658, 792 N.E.2d 306](#). Infants  13.5(1)

10. Constructive notice

School board had constructive notice of alleged sexual misconduct by high school teacher and was thus not entitled to immunity from liability under the Local Governmental and Governmental Employees Tort Immunity Act for any injuries resulting from its failure to report the alleged misconduct to the Department of Children and Family Services (DCFS); female student and her mother reported the alleged sexual misconduct to two school board agents, and board did not allege any facts that would have rendered the allegations incredible at the time they were made. [Doe v. Dimovski, App. 2 Dist.2003, 270 Ill.Dec. 618, 336 Ill.App.3d 292, 783 N.E.2d 193](#), appeal denied [275 Ill.Dec. 75, 204 Ill.2d 658, 792 N.E.2d 306](#). Infants  13.5(2); Schools  89.2

11. Presumptions

Physicians and hospitals are statutorily presumed to have acted in good faith and, therefore, are immune from suit when they report a case of suspected child abuse or neglect. [Lipscomb v. Sisters of St. Francis Health Services, Inc., App. 1 Dist.2003, 278 Ill.Dec. 575, 343 Ill.App.3d 1036, 799 N.E.2d 293](#), appeal denied [283 Ill.Dec. 135, 207 Ill.2d 605, 807 N.E.2d 976](#). Infants  13.5(2)

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