

Application of Child Abuse Reporting Laws to Ministers and Lay Church Workers

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Statute	What is reportable “abuse”	Mandatory reporters	Where to report	Clergy privilege
<p>325 Ill. Comp. Stats. §§ 5/1 et. seq. (2013)</p>	<p>Physical, sexual, or mental abuse inflicted by a parent, family member, person residing in same home as child, or any person responsible for the child’s welfare (includes parents, guardians, persons within a not for profit child care facility, and “any other person responsible for the child’s welfare at the time of the abuse, or any person who came to know the child through an official capacity or position of trust, including educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse”) A child is not</p>	<p>Includes any director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, 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.</p> <p>Also includes “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.” Section 3 (c) pertains to sex offenses against a child as defined in the Criminal Code.</p> <p>Clergy may also inform their church that they have made a report, but “under no circumstances shall any person in charge of such...church...exercise any control, restraint, modification or other</p>	<p>Department of Children and Family Services</p> <p>The statute specifies that “the department may, in cooperation with appropriate members of the clergy, distribute appropriate materials in churches, synagogues, temples, mosques, or other religious buildings listing the toll-free telephone number...including methods of making a report under this Act.”</p> <p>If the Department has contact with a religious institution or religious official having supervisory or hierarchical authority over a member of the clergy accused of the abuse of a child, in the course of its investigation, the Department shall notify the employer or the religious institution or religious official, in writing, when a report is unfounded so that any record of the investigation can be expunged from the employee’s or member of the clergy’s personnel or other records. The</p>	<p>“A member of the clergy may claim the [clergy-penitent] privilege.” [325 5/4]</p>

	<p>considered neglected or abused “for the sole reason that such 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”</p>	<p>change in the report or the forwarding of such report to the Department.” [325 § 5/4]</p>	<p>Department shall also notify the employee or the member of the clergy, in writing, that notification has been sent to the employer or to the appropriate religious institution or religious official informing the employer or religious institution or religious official that the Department’s investigation has resulted in an unfounded report.[325 5/7.4]</p>	
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