



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

Illinois Child Abuse and Neglect Laws



How is Child Abuse and Neglect Defined in Federal Law? ¹

Federal legislation lays the groundwork for State laws on child maltreatment by identifying a minimum set of acts or behaviors that define child abuse and neglect. The Federal Child Abuse Prevention and Treatment Act (CAPTA), (42 U.S.C.A 5106g), as amended and reauthorized by the CAPTA Reauthorization Act of 2010, defines child abuse and neglect as, at minimum:

“Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm.”

As relating to issues surrounding suicidal ideation, suicide attempts or suicides we need to explore specifically the area of “Neglect.”

Neglect is the failure of a parent, guardian, or other caregiver to provide for a child’s basic needs. Neglect may be: ²

Physical (e.g., failure to provide necessary food or shelter, or lack of appropriate supervision)

Medical (e.g., failure to provide necessary medical or mental health treatment)²

Educational (e.g., failure to educate a child or attend to special education needs)

Emotional (e.g., inattention to a child’s emotional needs, failure to provide psychological care, or permitting the child to use alcohol or other drugs)

And under law, who is responsible to report Child Abuse or Neglect (First Responder): ³

Professionals Required to Report

Approximately 48 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands designate professions whose members are mandated by law to report child maltreatment.¹ Individuals designated as mandatory reporters typically have frequent contact with children. Such individuals may include:

- Social workers
- Teachers, principals, and other school personnel
- Physicians, nurses, and other health-care workers
- Counselors, therapists, and other mental health professionals
- Child care providers
- Medical examiners or coroners
- Law enforcement officers

What about my state -**Illinois**?

Child Abuse and Neglect

Definitions of Child Abuse and Neglect

To better understand this issue and to view it across States, see the *Definitions of Child Abuse and Neglect: Summary of State Laws* ([PDF](#) - 442 KB) 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

Neglect

Citation: Comp. Stat. Ch. 325, § 5/3

Neglected child means 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 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

Not receiving other care necessary for his or her well-being, including adequate food, clothing, and shelter

A newborn infant whose blood, urine, or meconium contains any amount of a controlled substance or a metabolite thereof

Sexual 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 commits or allows to be committed any sex offense against

the child.

Emotional Abuse

Citation: Comp. Stat. Ch. 325, § 5/3

Abused child includes impairment or substantial risk of impairment to the child's emotional health.

Abandonment

Citation: Comp. Stat. Ch. 325, § 5/3

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, § 5/3

A report is required when a responsible person:

- Inflicts, causes to be inflicted, or allows to be inflicted harm to the child
- Creates a substantial risk of injury
- Commits or allows to be committed a sexual offense against the child

Persons Responsible for the Child

Citation: Comp. Stat. Ch. 325, § 5/3

Person responsible for the child's welfare means:

- 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 childcare 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
- 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, 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 upon spiritual means through prayer for the treatment of disease.
The child is not attending school as required by the School Act.

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Mandatory Reporters of Child Abuse and Neglect

To better understand this issue and to view it across States, see the *Mandatory Reporters of Child Abuse and Neglect: Summary of State Laws* ([PDF](#) - 633 KB) publication.

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, podiatrists, 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 administrators and school employees, educational advocates, or truant officers

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, home health aides, directors or staff assistants of nursery schools or child care centers, or recreational program or facility personnel

Law enforcement officers or probation officers

Licensed professional counselors, psychologists, or psychiatrists

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

Foster parents, homemakers, or child care workers

Members of the clergy

Commercial film and photographic print processors

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.

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.

Commercial film and photographic print processors have knowledge of or observe any film, photograph, videotape, negative, or slide that depicts a child engaged in any 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.

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.

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Penalties for Failure to Report and False Reporting of Child Abuse and Neglect

To better understand this issue and to view it across States, see the *Penalties for Failure to Report and False Reporting of Child Abuse and Neglect: Summary of State Laws* ([PDF](#) - 166 KB) publication.

Failure to Report

Comp. Stat. Ch. 325, §§ 5/4; 5/4.02

Any physician who willfully fails to report suspected child abuse or neglect shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with the Medical Practice Act of 1987. Any dentist or dental hygienist who willfully fails to report suspected child abuse or neglect shall be referred to the Department of Professional Regulation for action in accordance with the Illinois Dental Practice Act.

Any mandatory reporter who willfully fails to report suspected child abuse or neglect shall be guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

Any person who knowingly and willfully violates any provision of this Section is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

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.

False Reporting

Comp. Stat. Ch. 325, § 5/4

Any person who knowingly transmits a false report to the department commits the offense of disorderly conduct. Any person who violates this provision a second or subsequent time shall be guilty of a Class 3 felony.

What does this have to do with providing training for educators in youth suicide awareness and prevention?

Teachers, under definition of “First Responders” and from the 48 states that name professionals required to report Child Abuse and Neglect, are required to report Child Abuse and Neglect. States usually do an adequate job training educators on how to recognize / identify children who might be victims of physical abuse. However, when it comes to training on identifying and recognizing children who are neglected...especially under the “emotional neglect” definition states many times fall far short in providing this training even though it named with the same intensity that physical abuse is discussed. The “failure to act” when a young person is demonstrating “warning signs” (that four out of five do) that they may be struggling depression and with thoughts of suicide is a failure to “Report.” Ignorance to how-to recognize “warning signs” of suicidal ideation is no longer a valid defense with now over 18 states requiring such training and with suicide named as the 2nd leading cause of death for our youth ages 10-24.

The Jason Foundation, Inc. is the nation’s premiere provider of In-Service / Professional Development training for educators nationwide. From 2015 through 2016, The Jason Foundation’s National Network of Affiliate Offices providing training for almost 300,000 educators in the U.S..

We are unique in that not only do we provide more trainings for educators in youth suicide awareness and prevention than anyone else in the nation, we never charge for our services.