

## False Report to Department of Children & Family Services – Be Aware!

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A new Illinois law, effective January 1, 2012, makes it a crime for any person who knowingly transmits a false report to the Department of Children and Family Services (DCFS) a crime – and a serious one at that!

If one knowingly makes a false report to the DCFS, that person has committed the offense of disorderly conduct which is a Class 4 Felony, 325 ILCS 5/4 (2011).

I welcome this law. I have encountered too many times in my legal career a parent who abuses the system and makes false (and often repeated) reports to DCFS in an effort to destroy the relationship of a parent and child and to devastate the other parent. From now on, these false reporters are risking serious criminal penalties. A Class 4 felony is punishable by incarceration of not less than 1 year and not more than 3 years, and a fine of up to \$25,000 can be assessed against an individual. While a person who is convicted of this crime may be able to get a suspended prison sentence and probation if they have a clean record, a repeat offender likely would not.

Any person who wants to use DCFS as a tool to falsely accuse another parent – or stepparent, or anyone else who stands in relationship with a child - is now playing a high risk game. Outrageous and false reports of abuse can now backfire on the accuser. If you were falsely accused and you believe that there is no way the report could have been made in good faith, you should contact the local authorities and seek a criminal investigation. Even if your accuser is not charged, your accuser will likely be dissuaded by the experience to ever try making a false report against you again.

Of course, mandated reporters such as doctors, nurses, and licensed professional counselors must make a report to DCFS if they have reasonable cause to believe a child known to him or her in their professional or official capacity may be an abused or neglected child. Bear this in mind if you find yourself in the role as a reporter, for this law is a two-way street. For example, if you have not personally witnessed the abuse but have heard a child's outcry, take the child to a mandated reporter. A hospital emergency room is a good place to consider taking a child when abuse is first reported. The facility will get a licensed professional to examine and speak to the child. Let the mandated reporter evaluate the child, and make a determination if there is reasonable cause to believe the child is abused or neglected. The professional will then notify DCFS. Don't take it upon yourself, in the heat of emotion, to assume the risk of making the report.

No one should hesitate to protect a child – but don't forget to protect yourself when doing so. No person should knowingly make a false report to DCFS – and if they do, they ought to be punished. With this new law, they can, and hopefully, will.