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ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. S-1423

FAMILY LAW:
Child Abuse Cases Required
to be Reported Pursuant to
the Abused and Neglected
Child Reporting Act

Honorable Michael M. Mihm
State's Attorney
Peoria County
Court House
Peoria, Illinois 61602

Dear Mr. Mihm:

This is in response to your letter wherein you request an interpretation of section 4 of the Abused and Neglected Child Reporting Act. (Ill. Rev. Stat. 1977, ch. 23, par. 2054.)

You have pointed out that the first sentence of the second paragraph of this section states:

"This section applies to cases of a child whose death occurs from suspected abuse or neglect before being found or brought to a hospital."

You have inquired as to whether, because of this sentence, the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1977, ch. 23, par. 2051 et seq.) mandates reporting only in

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the event of a child's death which occurs from suspected abuse or neglect before the child is found or brought to a hospital. Section 4 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1977, ch. 23, par. 2054) reads as follows:

"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 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."

In order to ascertain the intent of the legislature, the entire Act, including all of its sections, must be construed together. (People ex rel. Swartchild & Co. v. Carter (1941), 376 Ill. 590, 592.) In construing a statute, not only the mere section under consideration is to be

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examined, nor any particular portions, words, phrases or sentences in that section, but other sections, a part of the same legislative act, should be considered which tend to disclose the legislative intent and the purpose to be attained by the enactment of the law. (Lawton v. Sweitzer (1934), 354 Ill. 620, 624.) Furthermore, a statute should be so read and construed, if possible, that no word, clause, or sentence is rendered superfluous or meaningless. Peacock v. Judges Retirement System of Illinois (1957), 10 Ill. 2d 498.

It is clear that the first paragraph of section 4 of the Act which is cited above contemplates that the designated persons having reasonable causes 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. The use of these words "any child" indicates the reporting under this section is not limited to cases only where death occurs but rather it applies in any case.

In examining other sections of this Act, your attention is called to section 2 (Ill. Rev. Stat. 1977, ch. 23, par. 2052), which reads as follows:

"The Illinois Department of Children and Family Services shall, upon receiving reports made under this Act, protect the best interests

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of the child, offer protective services in order to prevent any further harm to the child and to other children in the family, stabilize the home environment and preserve family life whenever possible. In performing any of these duties, the Department may utilize such protective services of voluntary agencies as are available."

An examination of this section 2 shows that the Illinois Department of Children and Family Services, upon receiving reports made under this Act, shall protect the best interests of the child and among other things, offer protective services in order to prevent further harm to the child. This section clearly contemplates a situation where the child is alive.

It is also a rule of statutory construction that statutes are to be construed in connection and in harmony with the existing law, and as a part of a general and uniform system of jurisprudence. (82 C.J.S. Statutes, § 362 (1953).) In this connection your attention is called to section 4-5(1)(c) of the Juvenile Court Act. (Ill. Rev. Stat. 1977, ch. 37, par. 704-5(1)(c).) Under this section the court is required to appoint a guardian ad litem for the minor if the petition for which the minor is before the court resulted from a report made pursuant to the Abused and Neglected Child Reporting Act. It is obvious that this would be a situation where the child is alive.

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I am therefore of the opinion that the persons required to report under section 4 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1977, ch. 23, par. 2054), are required to report if they have reasonable cause to believe any child with whom they have direct contact has been subjected to abuse or neglect. The reporting requirement in the Act 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. The first sentence of the second paragraph of section 4 of this Act merely makes it clear that this section applies to cases of a child whose death occurs from suspected abuse or neglect before being found or brought to a hospital. In my opinion, this sentence is not intended to limit the application of section 4 to only these cases mentioned in this sentence.

Very truly yours,

A T T O R N E Y G E N E R A L