

False Child Abuse Allegations and Defamation in Illinois: Can You Sue for a False DCFS Report?

Article

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In family law and divorce cases, it's not uncommon for one parent to accuse the other of child abuse by filing a report with the Illinois Department of Children and Family Services (DCFS). But, if DCFS later finds the allegations "unfounded," can the accused parent sue for defamation?

The answer in Illinois is **no**. Reports of child abuse to DCFS are **absolutely privileged**. That means that even if the report is false—even deliberately false—it cannot be the basis of a defamation lawsuit.

Our team recently dealt with this exact issue. One parent brought a defamation claim against the other parent—our client—for allegedly false child abuse reports to DCFS. We immediately moved to dismiss those defamation counts asserting that this offending speech is never actionable as defamation. The court swiftly agreed with our arguments, dismissing those counts with prejudice. The key is why.

Why the Privilege Exists for DCFS Reports

Illinois courts treat DCFS reports like police treat crime reports: they are shielded by absolute privilege (meaning they can never form the basis of a defamation lawsuit). This protection is narrow but important. DCFS has quasi-judicial powers, including the ability to take protective custody of children, which brings it within the scope of this absolute privilege.

The policy behind this rule is clear: If reporters feared being sued, many would stay silent, potentially leaving children in danger. By removing the risk of defamation claims, Illinois law encourages reporting – a public good.

What About False Reports?

While these defamation suits are barred, intentionally filing a false DCFS report is still serious. Under Illinois law, knowingly making a false child abuse report is a **Class 4 Felony**. False reports may be a criminal matter, but it is not actionable as

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The Takeaway

In Illinois, reports of suspected child abuse to DCFS are absolutely privileged and cannot give rise to a defamation claim. This reflects the state's strong policy of encouraging people to report possible abuse without hesitation.

If you are facing false accusations online or in court, it's important to understand your rights. We help parents clear their names and protect their reputations.

Contact us today to discuss your situation and legal options.

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