

SEXUAL ABUSE AND MALTREATMENT OF CHILDREN

More than 200 children died at the hands of their parents or caregivers, and more than 64,000 children were abused or neglected in Texas in 2012. We can all reduce the terrible toll of child abuse by listening to children and learning the signs of child abuse.

What is abuse?

- Abuse can be mental, emotional, physical, or sexual.
 - People may be guilty of abuse if they personally inflict abuse or if they cause or permit a child to be in a situation that results in the abuse.
- A mental or emotional injury is one that “results in an observable and material impairment in the child’s growth, development, or psychological functioning.”
- A physical injury is one that results in substantial harm or the genuine threat of substantial harm to the child.
- Sexual abuse is any sexual conduct that is harmful to a child’s mental, emotional, or physical welfare.
 - Prohibited conduct includes allowing a child to be depicted in obscene or pornographic material.
- **Neglect** includes the following:
 - Placing a child in or failing to remove a child from a situation in which a reasonable person would realize requires judgment or actions beyond the child’s level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child.
 - Failing to seek, obtain, or follow through with medical care for a child with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child.
 - The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services have been offered and refused.
- The failure to make a reasonable effort to prevent another person from committing physical or sexual abuse also constitutes abuse.

What do I do?

- Make a report to the proper authorities
- Please notify your supervisor that you are making a report to the proper authorities.
- Make that report within 48 hours of the time you first suspect that the child has been or may be abused or neglected.
- Professionals may **NOT** delegate the duty to report to another person or entity or rely on another person or entity to make the report.

Port Neches-Groves ISD
123908

STUDENT WELFARE
CHILD ABUSE AND NEGLECT

FFG
(LEGAL)

ANTIVICTIMIZATION
PROGRAM

The District shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

DUTY TO REPORT
BY ANY PERSON

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

BY A
PROFESSIONAL

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect.

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.

Family Code 261.101(b)

- An educator who fails to make a required child abuse report may be subject to criminal prosecution or civil liability.
- Failure to report is a Class B misdemeanor offense. A Class B misdemeanor is punishable by a fine of up to \$2,000 and/or imprisonment for up to 180 days.
- Failure to report could result in sanctions to your professional certificate, if you have one.
- The child abuse reporting law requires you to make a report if you have any reason to believe that abuse might have occurred. Therefore, you must make a report even if you have no way of confirming your suspicions.
- Talk with a trained professional at the Child Abuse Hotline at (800) 252-5400 if you observe behavior in a child that gives you cause for concern but would like more information about whether the behavior is indicative of abuse or neglect.
- Any person who knowingly or intentionally makes a false report commits a Class A misdemeanor. A Class A misdemeanor is punishable by a fine of up to \$4,000 and/or imprisonment for up to one year.

When in doubt, always err on the side of the child's safety by making a phone or Internet report to the Texas Abuse Hotline.

Most children report abuse with the exception that the information will remain confidential. You may be worried about betraying the student's trust.

You may want to explain to the child that you are required by law to make the report if they or another child is in danger and you will suffer criminal penalties if you don't.

You have been chosen as the child's confidante. It is very important to listen to every detail the child tells you. Try to receive as much information from the conversation as possible.

The very first person a child tells about sexual abuse is called an "outcry witness," and all information given to you by the child is admissible evidence. This is extremely important in future legal proceedings.

What if my suspicions are WRONG?

- You are immune from civil or criminal liability for any report of child abuse as long as the report is made in good faith.
- A person who reports his or her own conduct or who acts in bad faith or with malice in reporting alleged abuse is not immune from civil or criminal liability.

Report....to who....confidential.....

- Any local or state law enforcement agency
- The **Texas Department of Protective and Regulatory Services (TDPRS)**, if the suspected abuse involves a person responsible for the care, custody, or welfare of a child (such as a child's parent or guardian, personnel at a residential facility or school personnel). You can make a report to the TDPRS by calling the **Child Abuse Hotline at 800-252-5400**, a service of the TDPRS.
- The state agency that operates, licenses, certifies or registers the facility in which the alleged abuse or neglect occurred.
- A school district employee is **NOT** a "proper authority"
 - Even if a school policy requires that educators report suspected child abuse to a designated person within the school district, you still must make a report to one of the previously listed authorities. (Although it is important to follow school district policy, state law still requires that you make the report **directly** to the proper authorities.)

A report of suspected abuse or neglect is confidential and is **NOT** subject to public release under the Open Records Act.

The identity of the person making a report as well as information contained in the report may be disclosed only for purposes consistent with the investigation of the alleged child abuse and in accordance with the requirements of the Family Code.

- Section 38.004 of the Texas Education Code requires the Texas Education Agency to develop a policy governing child abuse anti-victimization programs in elementary and secondary schools.
- If the alleged abuse occurs in a public school, the TDPRS will investigate the allegation and will send a report of their investigation to TEA and to the local school board for proper action.

Texas Abuse/Neglect Hotline 1-800-252-5400 or <https://www.txabusehotline.org>

Port Neches Police Department: 409-722-2133

Groves Police Department: 409-962-0244

If the child is in immediate danger, call 9-1-1 or your local police first, then call the Child Abuse Hotline to make a report.

Sources:

Reporting Abuse/Neglect: A Guide for School Officials. Texas Department of Family & Protective Services.

Texas Department of Family and Protective Services website: www.dfps.state.tx.us/