



# **Why Training Educators on Youth Suicide Awareness and Prevention Is Important**

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**Responsibilities of a “First Responder”**

**Under**

**Federal Child Abuse and Neglect Laws**

**And**

**Alabama Child Abuse and Neglect Laws**



# ***How is Child Abuse and Neglect Defined in Federal Law? <sup>1</sup>***

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: <sup>2</sup>

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)<sup>2</sup>

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): <sup>3</sup>

## **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.<sup>1</sup> 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 -Alabama?

## **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: Ala. Code § 26-14-1(1)-(3)**

*Abuse* means harm or threatened harm to the health or welfare of a child through:

- Nonaccidental physical injury
- Sexual abuse or attempted sexual abuse
- Sexual exploitation or attempted sexual exploitation

#### **Neglect**

**Citation: Ala. Code § 26-14-1(1)-(3)**

*Neglect* means negligent treatment or maltreatment of a child, including the failure to provide adequate food, clothing, shelter, medical treatment, or supervision.

#### **Sexual Abuse**

**Citation: Ala. Code § 26-14-1(1)-(3)**

*Sexual abuse* includes:

- The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or having a child assist any other person to engage in any sexually explicit conduct
- Any simulation of the conduct for the purpose of producing any visual depiction of the conduct
- The rape, molestation, prostitution, or other form of sexual exploitation of children
- Incest with children

*Sexual exploitation* includes:

- Allowing, permitting, or encouraging a child to engage in prostitution
- Allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes

#### **Emotional Abuse**

**Citation: Ala. Code § 26-14-1(1)-(3)**

**Abuse includes nonaccidental mental injury.**

## **Abandonment**

This issue is not addressed in the statutes reviewed.

## **Standards for Reporting**

**Citation: Ala. Code § 26-14-1(1)-(3)**

A report is required when circumstances indicate harm or threatened harm to a child's health or welfare.

## **Persons Responsible for the Child**

**Citation: Ala. Code § 26-14-7.2**

Responsible persons include the child's parent or legal guardian.

## **Exceptions**

**Citation: Ala. Code § 26-14-7.2**

A parent who fails to provide medical treatment to a child due to the legitimate practice of religious beliefs shall not be considered negligent for that reason alone. This exception shall not preclude a court from ordering that medical services be provided to the child.

## **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: Ala. Code § 26-14-3**

The following persons are required to report:

- Doctors, medical examiners, dentists, nurses, or pharmacists
- School teachers or officials
- Law enforcement officials
- Daycare workers or social workers
- Members of the clergy
- Any other person called upon to render aid or medical assistance to a child

## **Reporting by Other Persons**

**Citation: Ala. Code § 26-14-4**

Any other person who has reasonable cause to suspect that a child is being abused or neglected may report.

## **Standards for Making a Report**

**Citation: Ala. Code § 26-14-3**

A report must be made when the child is known or suspected of being a victim of abuse or neglect.

**Privileged Communications**

**Citation: Ala. Code §§ 26-14-3; 26-14-10**

Only the clergy-penitent and attorney-client privileges are permitted.

**Inclusion of Reporter's Name in Report**

Not addressed in statutes reviewed.

**Disclosure of Reporter Identity**

**Citation: Ala. Code § 26-14-8**

The department will not release the identity of the reporter except under court order when the court has determined that the reporter knowingly made a false report.

**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**

**Ala. Code § 26-14-13**

Any person who knowingly fails to make the report required by the reporting laws shall be guilty of a misdemeanor and shall be punished by a sentence of not more than 6 months imprisonment or a fine of not more than \$500.

**False Reporting**

**Ala. Code § 13A-10-9**

A person commits the crime of false reporting to law enforcement authorities if he knowingly makes a false report or causes the transmission of a false report to law enforcement authorities of a crime or relating to a crime.

False reporting to law enforcement authorities is a Class A misdemeanor.

## **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 2<sup>nd</sup> 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 that anyone else in the nation, we never charge for our services.