



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

California Child Abuse and Neglect Laws



How is Child Abuse and Neglect Defined in Federal Law? ¹

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: ²

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)²

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): ³

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.¹ 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 -**California**?

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: Penal Code §§ 11165.6; 11165.3

Child abuse or neglect includes:

Physical injury inflicted by other than accidental means upon a child by another person

Willful harming or injury of the child or the endangering of the person or health of the child

Unlawful corporal punishment or injury

Willful harming or injuring of a child or the endangering of the person or health of a child means a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, **unjustifiable physical pain or mental suffering**, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered.

Neglect

Citation: Penal Code § 11165.2

Neglect means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

Severe neglect means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. *Severe neglect* also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

General neglect means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

Sexual Abuse

Citation: Penal Code § 11165.1

Sexual abuse means sexual assault or sexual exploitation as defined below:

Sexual assault includes rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration, or child molestation.

Sexual exploitation refers to any of the following:

Depicting a minor engaged in obscene acts; preparing, selling, or distributing obscene matter that depicts minors; employing a minor to perform obscene acts

Knowingly permitting or encouraging a child to engage in, or assisting others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct

Depicting a child in, or knowingly developing, duplicating, printing, or exchanging any film, photograph, videotape, negative, or slide in which a child is engaged in an act of obscene sexual conduct

Emotional Abuse

Citation: Penal Code § 11166.05

Serious emotional damage is evidenced by states of being or behavior including, but not limited to, severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting

Citation: Penal Code §§ 11165.2; 11165.6

A report is required when a parent:

Willfully causes or permits harm to the child

Has inflicted by nonaccidental means injury on the child

Persons Responsible for the Child

Citation: Penal Code § 11165.1

Person responsible for a child's welfare means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

Exceptions

Citation: Penal Code §§ 11165.2; 11165.6

A child not receiving specific medical treatment for religious reasons is not considered neglected.

Informed and appropriate medical decisions made by a parent, after consultation with a physician, do not constitute neglect.

Child abuse or neglect does not include a mutual affray between minors.

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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: Penal Code §§ 11166; 11165.7

Mandated reporters include any of the following:

Teachers, teacher's assistants, administrative officers, certificated pupil personnel employees of any public or private school

Administrators and employees of public or private day camps, youth centers, youth recreation programs, or youth organizations

Employees of child care institutions, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities

Social workers, probation officers, or parole officers

Any person who is an administrator or a counselor in a child abuse prevention program in any public or private school

District attorney investigators, peace officers, firefighters, except for volunteer firefighters

Physicians, surgeons, psychiatrists, psychologists, dentists, licensed nurses, dental hygienists, optometrists, marriage counselors, family and child counselors, clinical social workers

Emergency medical technicians I or II or paramedics

State or county public health employees

Coroners or medical examiners

Commercial film and photographic print processors

Child visitation monitors

Animal control officers or humane society officers

Clergy members, which includes priests, ministers, rabbis, religious practitioners, or similar functionary of a church, temple, or recognized denomination or organization

Any custodian of records of a clergy member

Employees of any police department, county sheriff's department, county probation department, or county welfare department

Employees or volunteers of Court Appointed Special Advocate programs

Reporting by Other Persons

Citation: Penal Code § 11166

Any other person who reasonably suspects that a child is a victim of abuse or neglect may report.

For the purposes of this section, "any other person" includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

Standards for Making a Report

Citation: Penal Code §§ 11166; 11165.7

A report is required when:

A mandated reporter, in his or her professional capacity, or within the scope of his or her employment, has knowledge of or observes a child whom the reporter knows or reasonably suspects is the victim of abuse or neglect.

Commercial film and photographic print processors have knowledge of or observe any film, photograph, videotape, negative, or slide depicting a child under age 16 engaged in an act of sexual conduct.

Privileged Communications

Citation: Penal Code § 11166

Only the clergy-penitent privilege is permitted.

Inclusion of Reporter's Name in Report

Citation: Penal Code § 11167

Reports of mandated reporters shall include:

The name, business address, and telephone number of the mandated reporter
The capacity that makes the person a mandated reporter

Reports of other persons do not require the reporter's name.

Disclosure of Reporter Identity

Citation: Penal Code § 11167

The identity of the reporter shall be confidential, and shall be disclosed only:

To agencies investigating the report
When the person waives confidentiality
By court order

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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

Penal Code §§ 11166(c); 11166.01

Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor punishable by up to 6 months in a county jail, by a fine of \$1,000, or both. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, the failure to report is a continuing offense until an agency specified in § 11165.9 discovers the offense.

Any supervisor or administrator who violates § 11166(1) [that prohibits impeding others from making a report], shall be punished by not more than 6 months in a county jail, by a fine of not more than \$1,000, or both.

Any mandated reporter who willfully fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect, where that abuse or neglect results in death or great bodily injury, shall be punished by not more than 1 year in a county jail, by a fine of not more than \$5,000, or both.

False Reporting Penal Code § 11172(a)

Any person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report.

Any person who makes a report of child abuse or neglect known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused.

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 2nd 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 than anyone else in the nation, we never charge for our services.