



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

Kansas 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 -Kansas?

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: 2006 Kan. ALS Ch. 200, § 2

[Note: This 2006 Act repealed Kan. Stat. § 38-1502.]

Physical, mental, or emotional abuse means the infliction of physical, mental, or emotional harm, or the causing of a deterioration of a child, and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

Neglect

Citation: 2006 Kan. ALS Ch. 200, § 2

Neglect means acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include but shall not be limited to:

- Failure to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child

- Failure to provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a likelihood of harm to the child

- Failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening

Sexual Abuse

Citation: 2006 Kan. ALS Ch. 200, § 2

Sexual abuse means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child, or another person. Sexual abuse shall include allowing, permitting, or encouraging a child to engage in prostitution or to be photographed, filmed, or depicted in pornographic material.

Emotional Abuse

Citation: 2006 Kan. ALS Ch. 200, § 2

Physical, mental, or emotional abuse means the infliction of physical, mental, or emotional

harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

Abandonment

Citation: 2006 Kan. ALS Ch. 200, § 2

Abandon or *abandonment* means to forsake, desert, or, without making appropriate provisions for substitute care, cease providing care for the child.

Standards for Reporting

Citation: 2006 Kan. ALS Ch. 200, § 2

A report is required when the acts or omissions of the parent result in harm to the child.

Persons Responsible for the Child

Citation: 2006 Kan. ALS Ch. 200, § 2

Parent, when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for, or support the child.

Exceptions

Citation: 2006 Kan. ALS Ch. 200, § 2

A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent. This exception shall not preclude a court from ordering medical treatment for 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: Ann. Stat. § 38-2223

[Effective January 1, 2007]

The following persons are required to report:

- Persons providing medical care or treatment, including persons licensed to practice the healing arts, dentistry, and optometry; persons engaged in postgraduate training programs approved by the State Board of Healing Arts; licensed professional or practical nurses; and chief administrative officers of medical care facilities
- Persons licensed by the State to provide mental health services, including psychologists, clinical psychotherapists, social workers, marriage and family therapists, professional counselors, and registered alcohol and drug abuse counselors
- Teachers, school administrators, or other employees of an educational institution that the child is attending

Licensed child care providers or their employees at the place where the child care services are being provided to the child
Firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers, and mediators

Reporting by Other Persons

Citation: Ann. Stat. § 38-2223

Any person who has reason to suspect that a child may be a child in need of care may report.

Standards for Making a Report

Citation: Ann. Stat. § 38-2223

A report is required when a reporter has reason to suspect that a child has been harmed as a result of physical, mental, or emotional abuse or neglect or sexual abuse.

Privileged Communications

Citation: Ann. Stat. § 38-2249

[Effective March 28, 2007]

In all proceedings under this code, the rules of evidence of the code of civil procedure shall apply, except that no evidence relating to the condition of a child shall be excluded solely on the ground that the matter is or may be the subject of a physician-patient privilege, psychologist-client privilege, or social worker-client privilege.

Inclusion of Reporter's Name in Report

Not addressed in statutes reviewed.

Disclosure of Reporter Identity

Citation: Ann. Stat. § 38-2213

Information authorized to be disclosed in this subsection shall not contain information that identifies a reporter of a child alleged or adjudicated to be a child in need of care.

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

2005 Kan. HB 2352, § 18(e)

Willful and knowing failure to make a report required by this section is a Class B misdemeanor. It is not a defense that another mandatory reporter made a report.

Intentionally preventing or interfering with the making of a report required by this section is a Class B misdemeanor.

False Reporting

2005 Kan. HB 2352, § 18(e)

Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a Class B 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 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 that anyone else in the nation, we never charge for our services.