



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

Mississippi 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 -Mississippi?

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: Ann. Code § 43-21-105

Abused child means a child whose parent, guardian, custodian, or any person responsible for his or her care or support, whether legally obligated to do so or not, has caused or allowed to be caused upon the child nonaccidental physical injury or other maltreatment.

Neglect

Citation: Ann. Code § 43-21-105

Neglected child means a child:

Whose parent, guardian, custodian, or any person responsible for his or her care or support neglects or refuses, when able so to do, to provide for him or her proper and necessary care or support, education as required by law, or medical, surgical, or other care necessary for his or her well-being
Who is otherwise without proper care, custody, supervision, or support
Who, for any reason, lacks the special care made necessary for him or her by reason of his or her mental condition, whether said mental condition be mentally retarded or mentally ill
Who, for any reason, lacks the care necessary for his or her health, morals, or well-being

Sexual Abuse

Citation: Ann. Code § 43-21-105

Abused child includes sexual abuse or sexual exploitation.

Sexual abuse means obscene or pornographic photographing, filming, or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances that indicate that the child's health or welfare is harmed or threatened.

Emotional Abuse

Citation: Ann. Code § 43-21-105

Abused child includes emotional abuse or mental injury.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting

Citation: Ann. Code § 43-21-105

A report is required when the parent has caused or allowed to be caused harm to the child.

Persons Responsible for the Child

Citation: Ann. Code § 43-21-105

Responsible persons include:

A parent, guardian, or custodian

Any person responsible for care or support, which refers to the person who is providing for the child at a given time, including, but not limited to, stepparents, foster parents, relatives, nonlicensed babysitters or other similar persons responsible for a child, and staff of residential care facilities and group homes licensed by the department

Exceptions

Citation: Ann. Code § 43-21-105

A parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful.

Physical discipline, including spanking, performed on a child by a parent, guardian, or custodian in a reasonable manner shall not be deemed abuse under this section.

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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: Ann. Code § 43-21-353

The following professionals are required to report:

Physicians, dentists, interns, residents, or nurses

Public or private school employees or child care givers

Psychologists, social workers, family protection workers, or family protection specialists

Attorneys, ministers, or law enforcement officers

Reporting by Other Persons

Citation: Ann. Code § 43-21-353

All other persons who have reasonable cause to suspect that a child is abused or neglected must report.

Standards for Making a Report

Citation: Ann. Code § 43-21-353

A report is required when a person has reasonable cause to suspect that a child is abused or neglected.

Privileged Communications

Not addressed in statutes reviewed.

Inclusion of Reporter's Name in Report

Citation: Ann. Code § 43-21-353

The department's report shall include the name and address of all witnesses, including the reporter if he or she is a material witness to the abuse.

Disclosure of Reporter Identity

Citation: Ann. Code § 43-21-353

The identity of the reporting party shall not be disclosed to anyone other than law enforcement officers or prosecutors without an order from the appropriate youth court.

[Effective July 1, 2007] The identity of the reporter shall not be disclosed to an individual under investigation.

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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

Ann. Code. § 43-21-353(7)

Anyone who willfully violates any provision of this section shall be, upon being found guilty, punished by a fine not to exceed \$5,000, by imprisonment in jail not to exceed 1 year, or both.

False Reporting

Ann. Code § 97-35-47

It shall be unlawful for any person to report a crime or any element of a crime to any law

enforcement or any officer of any court, by any means, knowing that such report is false. A violation of this section shall be punishable by one or both of the following:

Imprisonment in the county jail not to exceed 1 year
A fine not to exceed \$1,000

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.