



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

North Dakota 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 -North Dakota?

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: Cent. Code § 50-25.1-02

Abused child means an individual under age 18 who is suffering from serious physical harm or traumatic abuse caused by other than accidental means by a person responsible for the child's welfare.

Harm means negative changes in a child's health that occur when a person responsible for the child's welfare inflicts or allows to be inflicted upon the child physical or mental injury, including injuries sustained as a result of excessive corporal punishment.

Neglect

Citation: Cent. Code §§ 50-25.1-02; 27-20-02

Neglected child means a deprived child as defined in chapter 27-20.

Deprived child means a child who:

Is without proper parental care or control, subsistence, education, or other care or control necessary for the child's physical, mental, emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian

Has been placed for care or adoption in violation of law

Is without proper parental care, control, education, or other care and control necessary for the child's well-being because of the physical, mental, emotional, or other illness or disability of the child's parent or parents, and that such lack of care is not due to a willful act of commission or act of omission by the child's parents, and care is requested by a parent

Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court

Was subject to prenatal exposure to chronic and severe use of alcohol or any controlled substance in a manner not lawfully prescribed by a practitioner

Is present in an environment subjecting the child to exposure to a controlled substance or drug paraphernalia

Sexual Abuse

Citation: Cent. Code § 50-25.1-02

Abused child means an individual under age 18 who is suffering from or was subjected to any sex offenses against a child.

Harm means negative changes in a child's health that occur when a person responsible for the child's welfare commits, allows to be committed, or conspires to commit against the child a sex offense as defined in chapter 12.1-20.

Emotional Abuse

Citation: Cent. Code § 50-25.1-02

Harm means negative changes in a child's health that occur when a person responsible for the child's welfare inflicts or allows to be inflicted upon the child a mental injury.

Abandonment

Citation: Cent. Code § 27-20-02

Abandon refers to:

Failure by a noncustodial parent, without justifiable cause, to communicate significantly with the child, or to provide for the care and support of the child as required by law

Actions by a custodial parent that include:

Leaving the child for an indefinite period without making firm and agreed upon plans with the child's immediate caregiver for the parents' resumption of physical custody

Following the child's birth or treatment at a hospital, failing to arrange for the child's discharge within 10 days after the child no longer requires hospital care

Willfully failing to furnish food, shelter, clothing, or medical attention that is reasonably sufficient to meet the child's needs

Abandoned infant means a child who has been abandoned before reaching the age of 1 year.

Standards for Reporting

Citation: Cent. Code § 50-25.1-02

A report is required when a child is suffering from serious harm.

Persons Responsible for the Child

Citation: Cent. Code § 50-25.1-02

A person responsible for the child's welfare means:

The child's parent, guardian, or foster parent

An employee of a public or private school or nonresidential childcare facility

An employee of a public or private residential home, institution, or agency

A person responsible for the child's welfare in a residential setting

Exceptions

No exceptions are specified in statute.

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: Cent. Code § 50-25.1-03

[Effective August 1, 2007]

The following professionals are required to report:

- Physicians, nurses, dentists, optometrists, medical examiners or coroners, or any other medical or mental health professionals
- Religious practitioners of the healing arts
- Schoolteachers, administrators, or school counselors
- Addiction counselors, social workers, child care workers, or foster parents
- Police or law enforcement officers, juvenile court personnel, probation officers, division of juvenile services employees
- Members of the clergy

Reporting by Other Persons

Citation: Cent. Code § 50-25.1-03

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

Standards for Making a Report

Citation: Cent. Code § 50-25.1-03

A report is required when a reporter has knowledge of or reasonable cause to suspect that a child is abused or neglected if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity.

Privileged Communications

Citation: Cent. Code §§ 50-25.1-03; 50-25.1-10

A member of the clergy is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual adviser. Any privilege of communication between husband and wife or between any professional person and the person's patient or client, except between attorney and client, cannot be used as grounds for failing to report.

Inclusion of Reporter's Name in Report

Not addressed in statutes reviewed.

Disclosure of Reporter Identity

Citation: Cent. Code § 50-25.1-11

All reports are confidential and must be made available to any person who is the subject of a report; provided, however, that the identity of persons reporting or supplying information is protected.

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

Cent. Code § 50-25.1-13

Any person required by this chapter to report or to supply information concerning a case of known or suspected child abuse, neglect, or death resulting from abuse or neglect who willfully fails to do so is guilty of a Class B misdemeanor.

False Reporting

Cent. Code § 50-25.1-13

Any person who willfully makes a false report, or provides false information that causes a report to be made, is guilty of a Class B misdemeanor unless the false report is made to a law enforcement official, in which case the person who causes the report to be made is guilty of a Class A misdemeanor.

A person who willfully makes a false report, or willfully provides false information that causes a report to be made, is also liable in a civil action for all damages suffered by the person reported, including exemplary damages.

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.