



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

Ohio 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 -Ohio?

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: Rev. Stat. §§ 2151.031; 2919.22

Abused child includes any child who:

Is endangered as defined § 2919.22

Exhibits evidence of any physical or mental injury or death, inflicted by other than accidental means, or is at variance with the history given of it

Because of the acts of a parent, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare

Is subjected to out-of-home care child abuse

Endangering children includes any of the following acts committed against a child under age 18 or a mentally or physically handicapped child under age 21:

Abuse, torture, or cruel abuse

Corporal punishment, other physical disciplinary measure, or physical restraint in a cruel manner or for a prolonged period that creates a substantial risk of serious physical harm to the child

Repeated and unwarranted disciplinary measures that, if continued, creates a substantial risk of serious impairment of the child's mental health or development

Allowing the child to be on the same parcel of real property and within 100 feet of, or, in the case of more than one housing unit on the same parcel of real property, in the same housing unit and within 100 feet of, the illegal manufacture of drugs, cultivation of marijuana, or possession of chemicals for the illegal manufacture, when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of the violation

Neglect

Citation: Rev. Stat. § 2151.03(A)

Neglected child includes any child:

Who lacks proper parental care because of the faults or habits of the child's parents, guardian, or custodian

Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well-being

Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition

Whose parents, legal guardian, or custodian have placed or attempted to place the child in violation of statutes regarding the placement and adoption of children
Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare
Who is subjected to child neglect in out-of-home care

Sexual Abuse

Citation: Rev. Stat. §§ 2151.031; 2907.01; 2919.22

Abused child includes any child who is the victim of sexual activity where such activity would constitute an offense, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child. Sexual activity means sexual conduct or sexual contact or both.

Sexual conduct means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body of any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual contact means any touching of an erogenous zone of another, including without limitation, the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

A person commits the crime of *endangering children* when the person does any of the following to a child: Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, sexually oriented, or nudity-oriented matter.

Emotional Abuse

Citation: Rev. Stat. § 2151.011

Mental injury means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in § 2919.22 and is committed by a parent or other person that is responsible for the child's care.

Abandonment

Citation: Rev. Stat. §§ 2151.03(A); 2151.011

Neglected child includes any child who is abandoned by the child's parents, guardian, or custodian.

A child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than 90 days, regardless of whether the parents resume contact with the child after that period of 90 days.

Standards for Reporting

Citation: Rev. Stat. § 2151.031

A report is required when the child's health or welfare is harmed or threatened with harm.

Persons Responsible for the Child

Citation: Rev. Stat. §§ 2151.03(A); 2151.011

Responsible persons include:

The child's parents, guardian, or custodian
Other persons responsible for the child's care

Exceptions

Citation: Rev. Stat. §§ 2151.03(B); 2151.031; 2919.22

Nothing in this chapter shall be construed as subjecting a parent to criminal liability when, solely in the practice of religious beliefs, the parent fails to provide adequate medical or surgical care or treatment for the child. This section:

Does not abrogate or limit any person's responsibility to report child abuse or neglect that is known or reasonably suspected or believed to have occurred, and children who are known to face or are reasonably suspected or believed to be facing a threat of suffering abuse or neglect

Does not preclude any exercise of the authority of the State, any political subdivision, or any court to ensure that medical or surgical care or treatment is provided to a child when the child's health requires it

A child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent is not an abused child if the measure is not prohibited under § 2919.22 [that prohibits cruel or excessive means of discipline].

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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: Rev. Code § 2151.421

Mandatory reporters include:

Attorneys
Physicians, interns, residents, dentists, podiatrists, nurses, or other health care professionals
Licensed psychologists, school psychologists, independent marriage and family therapists, or marriage and family therapists
Speech pathologists or audiologists

Coroners

Administrators or employees of child daycare centers, administrators or employees of residential camps or child day camps, or administrators or employees of certified child care agencies or other public or private children services agencies

School teachers, school employees, or school authorities

Persons engaged in social work or the practice of professional counseling

Agents of county humane societies

Persons, other than clerics, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion

Superintendents, board members, or employees of county boards of mental retardation; investigative agents contracted with by a county board of mental retardation; employees of the Department of Mental Retardation and Developmental Disabilities; employees of a facility or home that provides respite care; employees of a home health agency; employees of an entity that provides homemaker services

Persons performing the duties of an assessor or third party employed by a public children services agency to assist in providing child or family related services

Reporting by Other Persons

Citation: Rev. Code § 2151.421

Any other person who suspects that a child has suffered or faces a threat of suffering from abuse or neglect may report.

Standards for Making a Report

Citation: Rev. Code § 2151.421

A report is required when a mandated person is acting in an official or professional capacity and knows or suspects that a child has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child.

Privileged Communications

Citation: Rev. Code § 2151.421

The attorney-client or physician-patient privilege is waived if the client or patient is a child who is suffering or faces the threat of suffering any physical or mental injury.

The physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report.

A cleric is not required to make a report concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with § 2317.02(C), the cleric could not testify with respect to that communication in a civil or criminal proceeding.

Inclusion of Reporter's Name in Report

Not addressed in statutes reviewed.

Disclosure of Reporter Identity

Citation: Rev. Code § 2151.421

The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report.

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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 Rev. Code § 2151.99

Any person who fails to report suspected child abuse or neglect, as required by § 2151.421, is guilty of a misdemeanor of the fourth degree.

Any person, required to report by § 2151.421(A)(4) [requiring reports by clergy], who fails to report when knowing that a child has been abused or neglected and knowing that the person who committed the abuse or neglect was a cleric or another person other than a volunteer, designated by a church, religious society, or faith to act as a leader, official, or delegate on behalf of the church, religious society, or faith, is guilty of a misdemeanor of the first degree if the person who has failed to report and the person who committed the abuse or neglect belong to the same church, religious society, or faith.

The person who fails to report is guilty of a misdemeanor of the first degree if the child suffers or faces the threat of suffering the physical or mental wound, injury, disability, or condition that would be the basis of the required report when the child is under the direct care or supervision of the person who should have made the report.

False Reporting Rev. Code § 2921.14

No person shall knowingly make or cause another person to make a false report alleging that any person has committed an act or omission that resulted in a child being abused or neglected.

Whoever violates this section is guilty of making or causing a false report of child abuse or child neglect, a misdemeanor of the first degree.

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.