



# **Why Training Educators on Youth Suicide Awareness and Prevention Is Important**

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**Responsibilities of a “First Responder”**

**Under**

**Federal Child Abuse and Neglect Laws**

**And**

**Georgia Child Abuse and Neglect Laws**



# ***How is Child Abuse and Neglect Defined in Federal Law? <sup>1</sup>***

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: <sup>2</sup>

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)<sup>2</sup>

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): <sup>3</sup>

## **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.<sup>1</sup> 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 -Georgia?

## **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 § 19-7-5(b)**

*Child abuse* means physical injury or death inflicted upon a child by a parent or caretaker by other than accidental means.

#### **Neglect**

**Citation: Ann. Code § 19-7-5(b)**

*Child abuse* means neglect or exploitation of a child by a parent or caretaker.

#### **Sexual Abuse**

**Citation: Ann. Code § 19-7-5(b)**

*Sexual abuse* means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not that person's spouse to engage in any act that involves:

- Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex
- Bestiality or masturbation
- Lewd exhibition of the genitals or pubic area of any person
- Flagellation or torture by or upon a person who is nude
- Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude
- Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts
- Defecation or urination for the purpose of sexual stimulation
- Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure

*Sexual exploitation* means conduct by a child's parent or caretaker who allows, permits, encourages, or requires that child to engage in prostitution or sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

## **Emotional Abuse**

This issue is not addressed in the statutes reviewed.

## **Abandonment**

This issue is not addressed in the statutes reviewed.

## **Standards for Reporting**

**Citation: Ann. Code § 19-7-5(b)**

A report is required when the child suffers from an injury that was inflicted by nonaccidental means.

## **Persons Responsible for the Child**

**Citation: Ann. Code § 19-7-5(b)**

Responsible person includes the parent or caretaker.

## **Exceptions**

**Citation: Ann. Code § 19-7-5(b)**

Physical forms of discipline may be used as long as there is no physical injury to the child.

No child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an abused child.

Sexual abuse does not include consensual sex acts between persons of the opposite sex who are minors or a minor and adult who is no more than 5 years older.

## **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 §§ 19-7-5; 16-12-100**

The following persons are required to report:

Physicians, hospital and medical personnel, podiatrists, dentists, or nurses  
School teachers, administrators, guidance counselors, school social workers, or psychologists

Psychologists, counselors, social workers, or marriage and family therapists  
Child welfare agency personnel (including any child-caring institution, child-placing agency, maternity home, family daycare home, group daycare home, and daycare center), child-counseling personnel, or child service organization personnel

Law enforcement personnel

Persons who process or produce visual or printed matter

## **Reporting by Other Persons**

**Citation: Ann. Code § 19-7-5**

Any other person who has reasonable cause to believe that a child has been abused may report.

### **Standards for Making a Report**

**Citation: Ann. Code §§ 19-7-5; 16-12-100**

A report is required when:

A reporter has reasonable cause to believe that a child has been abused.  
A person who processes or produces visual or printed matter has reasonable cause to believe that the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct.

### **Privileged Communications**

**Citation: Ann. Code § 19-7-5**

No privileged communications are permitted for mandatory reporters.

### **Inclusion of Reporter's Name in Report**

Not addressed in statutes reviewed.

### **Disclosure of Reporter Identity**

**Citation: Ann. Code § 49-5-41**

Any release of records shall protect the identity of any person reporting child abuse.

### **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 § 19-7-5(h)**

Any person or official required by law to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

#### **False Reporting**

**Ann. Code § 16-10-26**

A person who willfully and knowingly gives or causes a false report of a crime to be given to any law enforcement officer or agency of this State is guilty of a 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 2<sup>nd</sup> 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.