



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

Louisiana 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 -Louisiana?

Child Abuse and Neglect

Definitions of Child Abuse and Neglect

To better understand this issue and to view it across States, download the [PDF](#) (587 KB) of this publication.

Physical Abuse

Citation: Ch. Code art. 603

'Abuse' means any one of the following acts that seriously endanger the physical, mental, or emotional health and safety of the child:

- The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or **mental injury** upon the child by a parent or any other person
- Exploitation or overwork of a child by a parent or any other person

'Crime against the child' means the commission or attempted commission of a crime, including homicide, battery, assault, kidnapping, criminal neglect, contributing to the delinquency or dependency of a minor, the sale of minor children, or cruelty to juveniles.

Neglect

Citation: Ch. Code art. 603

'Neglect' means the refusal or unreasonable failure of a parent or caregiver to supply the child with necessary food, clothing, shelter, care, treatment, or **counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired**. Neglect includes prenatal neglect.

'Prenatal neglect' means exposure to chronic or severe use of alcohol, or the unlawful use of any controlled dangerous substance or its use in a manner not lawfully prescribed, that results in symptoms of withdrawal in the newborn or the presence of a controlled substance or a metabolic thereof in the child's body, blood, urine, or meconium that is not the result of medical treatment; or observable and harmful effects in the child's physical appearance or functioning.

Sexual Abuse/Exploitation

Citation: Ch. Code art. 603

The term 'abuse' includes any one of the following acts that seriously endanger the physical, mental, or emotional health of the child:

- The involvement of the child in any sexual act with a parent or any other person

- The aiding or toleration by the parent or caregiver of the child's sexual involvement with any other person
- The aiding or toleration by the parent of the child's involvement in pornographic displays
- Any other involvement of a child in sexual activity constituting a crime under the laws of the State

'Child pornography' means visual depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals.

A 'crime against a child' includes rape, sexual battery, incest, carnal knowledge of a juvenile, indecent behavior with a juvenile, pornography involving juveniles, a crime against nature, or molestation of a juvenile.

Emotional Abuse

Citation: Ch. Code art. 603

The term 'abuse' includes any act that seriously endangers the mental or emotional health of the child or inflicts mental injury.

Abandonment

Citation: Ch. Code art. 603

A 'crime against the child' includes criminal abandonment of a child.

Standards for Reporting

Citation: Ch. Code art. 609

A report is required when there is cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect.

Persons Responsible for the Child

Citation: Ch. Code art. 603

The term 'caretaker' [caregiver] means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private daycare center, operator or employee of a family daycare home, or other person providing a residence for the child.

Exceptions

Citation: Ch. Code art. 603

The inability of a parent or caregiver to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect.

Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing that has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. Nothing in this section shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

[\(Back to Top\)](#)

Mandatory Reporters of Child Abuse and Neglect

To better understand this issue and to view it across States, download the [PDF](#) (380 KB) of this publication.

Professionals Required to Report

Citation: Children's Code Art. 603(15)

Mandatory reporters include any of the following individuals performing their occupational duties:

- Health practitioners, including physicians, surgeons, physical therapists, dentists, residents, interns, hospital staff members, podiatrists, chiropractors, licensed nurses, nursing aides, dental hygienists, emergency medical technicians, paramedics, optometrists, medical examiners, or coroners
- Mental health/social service practitioners including psychiatrists, psychologists, marriage or family counselors, social workers, members of the clergy, aides, or other individuals who provide counseling services to a child or his or her family
- Members of the clergy, including priests, rabbis, duly ordained clerical deacons or ministers, or Christian Science practitioners
- Teachers, child care providers, teacher's aides, instructional aides, school principals, school staff members, probation officers, foster home parents, group home or other child care institutional staff members, personnel of residential home facilities, or licensed or unlicensed daycare providers
- Police officers or law enforcement officials
- Commercial film and photographic print processors
- Mediators
- Parenting coordinators
- Court-appointed special advocates

Reporting by Other Persons

Citation: Children's Code Art. 609

Any other person who has cause to believe that a child's health is endangered as a result of abuse or neglect may report.

Standards for Making a Report

Citation: Children's Code Art. 609; 610

A report is required when:

- A reporter has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect.
- A commercial film or photographic print processor has knowledge of or observes any film, photograph, videotape, negative, or slide depicting a child, whom he or she knows or should know is under age 17, that constitutes child pornography.

Privileged Communications

Citation: Children's Code Art. 603; 609

A clergy member is not required to report a confidential communication from a person to a member of the clergy who, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential.

Notwithstanding any claim of privileged communication, any mandatory reporter who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect, or that abuse or neglect was a contributing factor in a child's death, shall report.

Inclusion of Reporter's Name in Report

Citation: Children's Code Art. 610

The report must include the name and address of the reporter.

Disclosure of Reporter Identity

Citation: Rev. Stat. § 46:56(F)(8)(b)

The identity of the reporter shall not be released unless a court finds that the reporter knowingly made a false report.

[\(Back to Top\)](#)

Penalties for Failure to Report and False Reporting of Child Abuse and Neglect

To better understand this issue and to view it across States, download the [PDF](#) (248 KB) of this publication.

Failure to Report

Children's Code art. 609; Rev. Stat. 14:403(A)(1)

Violation of the duties imposed upon a mandatory reporter subjects the offender to criminal prosecution.

Any person who is required to report the abuse or neglect or sexual abuse of a child and knowingly and willfully fails to do so shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500, imprisoned for not more than 6 months, or both.

False Reporting

Children's Code art. 609; Rev. Stat. 14:403(A)(3)

The filing of a report, known to be false, may subject the offender to criminal prosecution.

Any person who reports a child as abused or neglected or sexually abused to the department or to any law enforcement agency, knowing that such information is false, shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500, imprisoned for not more than 6 months, or both.

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 than anyone else in the nation, we never charge for our services.