



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

South Carolina 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 -South Carolina?

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: Ann. Code § 63-7-20

'Child abuse or neglect' or 'harm' occurs when the parent, guardian, or other person responsible for the child's welfare:

- Inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions that present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment
- Abandons the child
- Encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement or approval
- Has committed abuse or neglect as described above such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect

'Physical injury' means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

Neglect

Citation: Ann. Code § 63-7-20

'Child abuse or neglect' or 'harm' occurs when the parent, guardian, or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, education as required by law; supervision appropriate to the child's age and development; or health care even though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury.

Sexual Abuse/Exploitation

Citation: Ann. Code § 63-7-20

'Child abuse or neglect' or 'harm' occurs when the parent, guardian, or other person responsible for the child's welfare commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child.

Emotional Abuse

Citation: Ann. Code § 63-7-20

'Mental injury' means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

Abandonment

Citation: Ann. Code § 63-7-20

'Abandonment of a child' means a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

Standards for Reporting

Citation: Ann. Code § 63-7-310

A report is required when there is reason to believe that a child has been abused or neglected.

Persons Responsible for the Child

Citation: Ann. Code § 63-7-20

The term 'person responsible for a child's welfare' includes:

- The child's parent, guardian, or foster parent
- An operator, employee, or caregiver, as defined by § 63-13-20, of a public or private residential home, institution, agency, or child care facility
- An adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child

A person has not assumed the role or responsibility of a parent or guardian if that person's only role is as a caregiver whose contact is only incidental, such as a babysitter, or the person has only incidental contact but may not be a caregiver.

Exceptions

Citation: Ann. Code § 63-7-20

The term child abuse or neglect excludes corporal punishment or physical discipline that:

- Is administered by a parent or person *in loco parentis*
- Is perpetrated for the sole purpose of restraining or correcting the child
- Is reasonable in manner and moderate in degree
- Has not brought about permanent or lasting damage to the child
- Is not reckless or grossly negligent behavior by the parents

A child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate.

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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: Ann. Code § 63-7-310

The following professionals are required to report:

- Physicians, nurses, dentists, optometrists, medical examiners, or coroners
- Any other medical, emergency medical services, or allied health professionals
- Teachers, school counselors, principals, or assistant principals
- Child care workers in any child care centers or foster care facilities
- Mental health professionals, social or public assistance workers, or substance abuse treatment staff
- Members of the clergy including Christian Science practitioners or religious healers
- Police or law enforcement officers, judges, undertakers, or funeral home directors or employees
- Persons responsible for processing films or computer technicians

Reporting by Other Persons

Citation: Ann. Code § 63-7-310

Any other person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report.

Standards for Making a Report

Citation: Ann. Code § 63-7-310

A report is required when a reporter, in his or her professional capacity, receives information that gives him or her reason to believe that a child has been or may be abused or neglected.

Privileged Communications

Citation: Ann. Code § 63-7-420

The privileged quality of communication between husband and wife and any professional

person and his patient or client, except that between attorney and client or clergy member, including a Christian Science practitioner or religious healer, and penitent, does not constitute grounds for failure to report. However, a clergy member, including a Christian Science practitioner or religious healer, must report in accordance with this subarticle except when information is received from the alleged perpetrator of the abuse and neglect during a communication that is protected by the clergy and penitent privilege as provided for in § 19-11-90.

Inclusion of Reporter's Name in Report

Not addressed in statutes reviewed.

Disclosure of Reporter Identity

Citation: Ann. Code § 63-7-330

The identity of the person making a report pursuant to this section must be kept confidential by the agency or department receiving the report and must not be disclosed, except as specifically provided for in statute.

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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, download the [PDF](#) (248 KB) of this publication.

Failure to Report

Ann. Code § 63-7-410

Any mandatory reporter or any person required to perform any other function under the reporting laws, who knowingly fails to do so, or a person who threatens or attempts to intimidate a witness, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500, be imprisoned for not more than 6 months, or both.

False Reporting

Ann. Code § 63-7-440

It is unlawful to knowingly make a false report of abuse or neglect. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$5,000, imprisoned for not more than 90 days, 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 that anyone else in the nation, we never charge for our services.