



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

Tennessee 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 -Tennessee?

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 § 37-1-102

Abuse exists when a person under age 18 is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, or other actions or inactions of a parent, relative, guardian, or caretaker.

Severe child abuse means:

The knowing exposure of a child to or the knowing failure to protect a child from abuse or neglect that is likely to cause great bodily harm or death, and the knowing use of force on a child that is likely to cause great bodily harm

Specific brutality, abuse, or neglect towards a child that in the opinion of qualified experts has caused or will reasonably be expected to produce severe psychosis, severe neurotic disorder, severe depression, severe developmental delay or retardation, or severe impairment of the child's ability to function adequately in the

child's environment, and the knowing failure to protect a child from such conduct

The knowing failure to protect the child from the commission of any such act towards the child

Knowingly allowing a child to be present within a structure where the act of creating methamphetamine is occurring

Neglect

Citation: Ann. Code § 37-1-102

Neglected child means a child:

Who is under unlawful or improper care, supervision, custody, or restraint by any person, corporation, agency, association, institution, society, or other organization, or who is unlawfully kept out of school

Whose parent, guardian, or custodian neglects or refuses to provide necessary medical, surgical, institutional, or hospital care for the child

Who, because of lack of proper supervision, is found in any public place the existence of which is in violation of the law

Who is in such condition of want or suffering or is under such improper guardianship or control as to injure or endanger the morals or health of the child or others

Sexual Abuse

Citation: Ann. Code § 37-1-602

Child sexual abuse means the commission of any act involving the unlawful sexual abuse, molestation, fondling, or carnal knowledge of a child under age 13 that on or after November 1, 1989, constituted the criminal offense of:

- Aggravated rape, sexual battery, or sexual exploitation of a minor
- Criminal attempt for any of the offenses listed above
- Especially aggravated sexual exploitation of a minor
- Incest
- Rape, sexual battery, or sexual exploitation of a minor

Child sexual abuse also means one or more of the following acts:

- Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen
- Any contact between the genitals or anal opening of one person and the mouth or tongue of another person
- Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose
- The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator
- The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose
- The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to solicit for or engage in prostitution or engage in sexual exploitation of a minor

Emotional Abuse

Citation: Ann. Code § 37-1-602

Mental injury means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting

Citation: Ann. Code § 37-1-102

A report is required when the child suffers from or is in immediate danger of suffering an injury.

Persons Responsible for the Child

Citation: Ann. Code §§ 37-1-102; 37-1-602

Responsible persons include:

The child's parent or guardian

A person with whom the child lives

Any *other person responsible for a child's care or welfare* that includes, but is not limited to:

A legal custodian or foster parent

An employee of a public or private childcare agency or public or private school

Any other person legally responsible for the child's welfare in a residential setting

Exceptions

Citation: Ann. Code § 37-1-602

Child sexual abuse does not include acts intended for a valid medical purpose or acts that may reasonably be construed to be normal caretaker responsibilities or interactions with or affection for a child.

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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: Ann. Code §§ 37-1-403; 37-1-605

Persons required to report include:

Physicians, osteopaths, medical examiners, chiropractors, nurses, hospital personnel, or other health or mental health professionals

School teachers, other school officials or personnel, daycare center workers, or other professional child care, foster care, residential, or institutional workers

Social workers

Practitioners who rely solely on spiritual means for healing

Judges or law enforcement officers

Neighbors, relatives, or friends

Other persons

Reporting by Other Persons

Citation: Ann. Code §§ 37-1-403; 37-1-605

Any person who has knowledge that a child has been harmed by abuse or neglect must report.

Standards for Making a Report

Citation: Ann. Code §§ 37-1-403; 37-1-605

A report is required when:

- A person has knowledge that a child has been harmed by abuse or neglect.
- A person is called upon to render aid to any child who is suffering from an injury that reasonably appears to have been caused by abuse.
- A person knows or has reasonable cause to suspect that a child has been sexually abused.
- A physician diagnoses or treats any sexually transmitted disease in a child age 13 or younger.

Privileged Communications

Citation: Ann. Code § 37-1-411

The following privileges may not be claimed:

- Husband-wife
- Psychiatrist-patient or psychologist-patient

Inclusion of Reporter's Name in Report

Not addressed in statutes reviewed.

Disclosure of Reporter Identity

Citation: Ann. Code § 37-1-409

Except as may be ordered by the juvenile court, the name of any person reporting child abuse or neglect shall not be released to any person, other than employees of the department or other child protection team members responsible for child protective services, the abuse registry, or the appropriate district attorney general upon subpoena of the Tennessee Bureau of Investigation, without the written consent of the person reporting.

The reporter's identity shall be irrelevant to any civil proceeding and shall, therefore, not be subject to disclosure by order of any court. This shall not prohibit the subpoenaing of a person reporting child abuse when deemed necessary by the district attorney general or the department to protect a child who is the subject of a report; provided, that the fact that such person made the report is not disclosed.

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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
Ann. Code § 37-1-412

Any person who knowingly fails to make a report required by § 37-1-403 commits a Class A misdemeanor.

A person believed to have violated this section shall be brought before the court. If the defendant pleads not guilty, the juvenile court judge shall bind the defendant over to the grand jury. If the defendant pleads guilty, the juvenile court judge shall sentence the defendant under this section with a fine not to exceed \$2,500.

False Reporting
Ann. Code Ann. § 37-1-413

Any person who either verbally or by written or printed communication knowingly and maliciously reports or causes, encourages, aids, counsels, or procures another to report a false accusation of child sexual abuse commits a Class E felony.

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.