



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

Texas 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 -Texas?

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: Fam. Code § 261.001

Abuse includes the following acts or omissions by a person:

Physical injury that results in substantial harm to the child or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or conservator that does not expose the child to a substantial risk of harm

Failure to make a reasonable effort to prevent an action by another person that results in physical injury or substantial harm to the child

The current use by a person of a controlled substance, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child

Causing, expressly permitting, or encouraging a child to use a controlled substance

Neglect

Citation: Fam. Code § 261.001

Neglect includes the following acts or omissions by a person:

Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child

Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury, or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child

The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability, unless relief services had been offered and refused

Placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child

Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute sexual abuse

The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for

the child after the child has been absent from the home for any reason, including having been in residential placement or having run away

Sexual Abuse

Citation: Fam. Code § 261.001

Abuse includes the following acts or omissions by a person:

Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child, sexual assault, or aggravated sexual assault

Failure to make a reasonable effort to prevent sexual conduct harmful to a child

Compelling or encouraging the child to engage in sexual conduct

Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene or pornographic

Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child

Emotional Abuse

Citation: Fam. Code § 261.001

Abuse includes the following acts or omissions by a person:

Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning

Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning

Abandonment

Citation: Fam. Code § 261.001

Neglect includes the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of intent not to return by a parent, guardian, or conservator of the child.

Standards for Reporting

Citation: Fam. Code § 261.001

A report is required when the child suffers from substantial harm or a genuine threat of substantial harm.

Persons Responsible for the Child

Citation: Fam. Code § 261.001

Person responsible for a child's care, custody, or welfare means a person who traditionally is responsible for a child's care, custody, or welfare, including:

A parent, guardian, conservator, or foster parent of the child

A member of the child's family or household, meaning persons living together in the same dwelling, without regard to whether they are related to each other, and includes persons who previously lived in the household

A person with whom the child's parent cohabits

School personnel or a volunteer at the child's school

Personnel or a volunteer at a public or private childcare facility that provides services for the child or at a public or private residential institution or facility where the child resides

Exceptions

Citation: Fam. Code § 261.001

Abuse does not include reasonable discipline by a parent that does not expose the child to substantial risk of harm.

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

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: Fam. Code § 261.101

Persons required to report include:

A professional, for purposes of the reporting laws, is an individual who is licensed or certified by the State or who is an employee of a facility licensed, certified, or operated by the State and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children.

Professionals include:

Teachers or daycare employees

Nurses, doctors, or employees of a clinic or health-care facility that provides reproductive services

Juvenile probation officers or juvenile detention or correctional officers

Reporting by Other Persons

Citation: Fam. Code § 261.101

A person who has cause to believe that a child has been adversely affected by abuse or neglect shall immediately make a report.

Standards for Making a Report

Citation: Fam. Code § 261.101

A report is required when a person has cause to believe that a child has been adversely affected by abuse or neglect.

Privileged Communications

Citation: Fam. Code § 261.101

The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health-care facility that provides reproductive services.

Inclusion of Reporter's Name in Report

Not addressed in statutes reviewed.

Disclosure of Reporter Identity

Citation: Fam. Code §§ 261.101; 261.201

Unless waived in writing by the person making the report, the identity of an individual making a report is confidential and may be disclosed only:

As provided by § 261.201

To a law enforcement officer for the purposes of conducting a criminal investigation of the report

A report of alleged or suspected abuse or neglect and the identity of the person making the report are confidential. A court may order the disclosure of such confidential information, if after a hearing and an *in camera* review of the requested information, the court determines that the disclosure is:

Essential to the administration of justice

Not likely to endanger the life or safety of a child who is the subject of the report, a person who made the report, or any other person who participates in an investigation of reported abuse or neglect or who provides care for the child

The Texas Youth Commission shall release a report of alleged or suspected abuse if the report relates to abuse or neglect involving a child committed to the commission. The commission shall edit any report disclosed under this section to protect the identity of:

A child who is the subject of the report

The person who made the report

Any other person whose life or safety may be endangered by the disclosure

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

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

To better understand this issue and to view it across States, 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 Family Code § 261.109

A person commits an offense if the person has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report in accordance with the reporting laws. An offense under this section is a Class B misdemeanor.

False Reporting Family Code § 261.107

A person commits an offense if, with the intent to deceive, he or she knowingly makes a report of child abuse or neglect that is false. An offense under this subsection is:

A State jail felony

A felony of the third degree if the person has previously been convicted under this section

A person who is convicted of an offense under this section shall:

Pay any reasonable attorney's fees incurred by the person who was falsely accused of abuse or neglect

Be liable to the State for a civil penalty of \$1,000

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.