



Why Training Educators on Youth Suicide Awareness and Prevention Is Important

Responsibilities of a “First Responder”

Under

Federal Child Abuse and Neglect Laws

And

Utah 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 -**Utah**?

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 § 62A-4a-402

Child abuse or neglect means causing harm or threatened harm to a child's health or welfare.

Harm or threatened harm means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse, and includes but is not limited to causing nonaccidental physical or mental injury.

Neglect

Citation: Ann. Code § 62A-4a-402

Harm or threatened harm means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse, and includes but is not limited to repeated negligent treatment or maltreatment.

Sexual Abuse

Citation: Ann. Code § 62A-4a-402

Harm or threatened harm means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse, and includes but is not limited to incest, sexual abuse, sexual exploitation, or molestation.

Sexual abuse means acts or attempted acts of sexual intercourse, sodomy, or molestation directed towards a child.

Incest means having sexual intercourse with a person whom the perpetrator knows to be his or her ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin. The relationships referred to in this subsection include blood relationships of the whole or half blood without regard to legitimacy and include relationships of parent and child by adoption and relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.

Molestation means touching the anus or any part of the genitals of a child or otherwise taking indecent liberties with a child or causing a child to take indecent liberties with the perpetrator or another with the intent to arouse or gratify the sexual desire of any person.

Sexual exploitation of minors means knowingly employing, using, persuading, inducing, enticing, or coercing any child to pose in the nude for the purpose of sexual arousal of any person or for profit, or to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way sexual or simulated sexual

conduct, and includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting a child in the nude, or engaging in sexual or simulated sexual conduct.

Emotional Abuse

Citation: Ann. Code § 62A-4a-402

Harm or threatened harm means damage or threatened damage to the emotional health and welfare of a child through neglect or abuse.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting

Citation: Ann. Code § 62A-4a-402

A report is required when a child's health or welfare is harmed or threatened with harm.

Persons Responsible for the Child

Citation: Ann. Code § 62A-4a-402

A person responsible for a child's care means the child's parent, guardian, or other person responsible for the child's care, whether in the same home as the child; a relative's home; a group, family, or center daycare facility; a foster care home; or a residential institution.

Exceptions

No exceptions are specified in statute.

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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 § 62A-4a-403

Any person licensed under the Medical Practice Act or the Nurse Practice Act is required to report.

Reporting by Other Persons

Citation: Ann. Code § 62A-4a-403

Any person who has reason to believe that a child has been subjected to abuse or neglect must report.

Standards for Making a Report

Citation: Ann. Code § 62A-4a-403

A report is required when:

A person has reason to believe that a child has been subjected to abuse or neglect.
A person observes a child being subjected to conditions or circumstances that would reasonably result in sexual abuse, physical abuse, or neglect.

Privileged Communications

Citation: Ann. Code §§ 62A-4a-403; 62A-4a-412(5)

The requirement to report does not apply to clergy, without the consent of the person making the confession, with regard to any confession made to the clergy in his or her professional character in the course of discipline enjoined by the church.

The physician-patient privilege is not a ground for excluding evidence regarding a child's injuries or the cause of those injuries, in any proceeding resulting from a report made in good faith pursuant to this part.

Inclusion of Reporter's Name in Report

Not addressed in statutes reviewed.

Disclosure of Reporter Identity

Citation: Ann. Code § 62A-4a-412(3)(b)

The name and contact information of the reporter shall be deleted prior to any release of records to the subject of the report.

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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 § 62A-4a-411

Any person, official, or institution required to report a case of suspected child abuse, child sexual abuse, neglect, fetal alcohol syndrome, or fetal drug dependency who willfully fails to do so is guilty of a Class B misdemeanor.

Action for failure to report must be commenced within 4 years from the date of knowledge of the offense and the willful failure to report.

False Reporting

Ann. Code § 76-8-506

A person is guilty of a class B misdemeanor if he or she:

Knowingly gives or causes to be given false information to any peace officer or any State or local government agency or personnel with a purpose of inducing the recipient of the information to believe that another has committed an offense

Knowingly gives or causes to be given to any peace officer, any State or local government agency or personnel, or to any licensed social worker, psychologist, or marriage and family therapist, information concerning the commission of an offense, knowing that the offense did not occur or knowing that he or she has no information relating to the offense or danger

Knowingly gives or causes to be given false information to any State or local government agency or personnel with a purpose of inducing a change in the person's licensing or certification status or the licensing or certification status of another

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.