

REPORTING CHILD ABUSE OR NEGLECT

The Law (Texas Family Code, Chapter 261)

Who must report:	Any person...
Basis for report:	...having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect.
When to report:	IMMEDIATELY - A report must be made orally within 48 hours after there is cause to believe/suspect that the child has been or may be abused or neglected.
Where to report:	Call Child Protective Services 1-800-252-5400 (toll free).
Penalty:	Failure to report is a Class B misdemeanor. Knowingly or intentionally making a false report is a Class A misdemeanor.

PROCEDURES TO FOLLOW WHEN REPORTING CHILD ABUSE OR NEGLECT

Any person who believes a child has been or will be abused or neglected, as those terms are defined in Chapter 261, Texas Family Code (see back page for definitions), shall make the required *non-accusatory* report to child protection services and immediately notify the Pastor who will notify the Chancery Office. The person making the non-accusatory report shall keep the alleged abuse or neglect confidential and shall not discuss the matter with others except as required by law. The individual making the report and the pastor shall cooperate with the child protective service personnel in investigating the case. Immunity from prosecution is granted to those individuals who file a non-accusatory report in good faith concerning suspected child abuse or neglect. This immunity may not extend to statements that are not part of the reporting or investigation process. Therefore, the individual should be very careful about making such statements except for the purpose of reporting or investigating the matter.

In reporting suspected cases of child abuse or neglect, the following procedures must be followed:

1. Allegations by parents, guardians, or children themselves of sexual abuse, or any abuse, must be treated most seriously and may never be dismissed.
2. A report must be made **IMMEDIATELY – WITHIN 48 Hours –** to the Texas Department of Human Services (TDHS) or Child Protective Services: **Call 1-800-252-5400**
3. Church/School personnel having cause to suspect child abuse or neglect must also:
 - notify his or her supervisor, without discussing details, that he or she needs to make a report of child abuse to the Pastor;
 - if the Pastor is not available, the report should be made to the Chancellor and Moderator of the Curia, Very Rev. E. James Hart, Diocese of Fort Worth (**call 817-560-3300**);
 - * *The requirement to notify the supervisor and pastor applies only if the person alleged to be responsible for suspected abuse is a minister, employee or volunteer or is in some way in service to one of the parishes, schools or agencies of the Diocese of Fort Worth. This requirement to notify the pastor/supervisor does not apply to third party reports that do not meet the above criteria.*
4. The person making the report needs to identify, if known:
 - a. name and address of the child;
 - b. name and person responsible for the care, custody, or welfare of the child;
 - c. any other pertinent information concerning the alleged or suspected abuse or neglect.

Document the information above, as well as to whom the report was made and on what date. Ask Child Protective services to provide you with a case number and include the case number in your documentation.

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Definitions, from Chapter 261.001 of the Texas Family Code

- √ **Abuse**, includes the following acts or omissions by a person.
1. Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
 2. 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;
 3. 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 or guardian that does not expose the child to a substantial risk of harm;
 4. Failure to make a reasonable effort to prevent an action by another person that results in physical welfare;
 5. Sexual conduct harmful to a child's mental, emotional, or physical welfare;
 6. Failure to make a reasonable effort to prevent sexual conduct harmful to a child
 7. Compelling or encouraging the child to engage in sexual conduct;
 8. 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;
 9. 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; or
 10. Causing, expressly permitting, or encouraging a child to use a controlled substance.
- √ **Neglect**, includes:
1. 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 an intent not to return by a parent or guardian of the child;
 2. The following acts or omissions by a person:
 - a. Placing the 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;
 - b. 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;
 - c. 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; or
 - d. 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.
 3. 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.