

Austin College Policy on Reporting of Child Abuse and Neglect

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1) Authorities

A - Reporting Policy Required by Law - Texas Education Code, Section 51.9761
<https://statutes.capitol.texas.gov/Docs/SDocs/EDUCATIONCODE.pdf>

B - Supplemented by, and references to, Texas Family Code, Section 261
<https://statutes.capitol.texas.gov/Docs/SDocs/FAMILYCODE.pdf>

C – Training required by United Educators, Assurance of Compliance

2) Statement from Texas Department of Family and Protective Services¹

Texas has both civil and criminal laws to protect children from abuse and neglect. If you suspect that a child is being abused or neglected, the law requires that you report it. [Texas Family Code Section 261.101 (a)]

The Texas Department of Family and Protective Services (DFPS) is the agency to call if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child or someone who lives in the home with the child. Child Protective Services (CPS), a division of DFPS, is responsible for conducting civil investigations of alleged abuse or neglect by caregivers or household members. You may also report suspected abuse or neglect to any local or state law enforcement agency. Law enforcement agencies are responsible for criminal investigations, which focuses on figuring out who committed a crime. The CPS investigation is a civil court matter that focuses on the welfare of the child and family.

To report to DFPS, call the 24-hour, toll-free abuse hotline at 1-800-252-5400 from anywhere in the United States to report abuse or neglect that happened in Texas. The important thing is to call and report what you suspect. You will be given a call ID number to prove that you made the call. You can call back and use the call ID number to give additional information about the same case. Anonymous callers are welcome, but they will not be given a call ID number. The identity of the reporter is confidential and is not revealed to anyone but law enforcement, unless disclosure is ordered by a court (Texas Family Code Section 261.201).

- Reporting Immunity

You are protected by law from liability when you make a report or provide information in good faith during a CPS investigation. However, you are not protected from civil or criminal liability if you report your own abuse or neglect of a child or intentionally file a false report against someone else. (Texas Family Code, Section 261.106).

- Failure to Report

Failure to report suspected child abuse and neglect is a criminal offense (Texas Family Code, Section 261.109).

¹ https://www.dfps.state.tx.us/Child_Protection/Child_Safety/report_abuse.asp

3) Definitions / Warning Signs and Symptoms²

The following are non-exhaustive definitions; just because a particular action is not specifically included in the definition below, does not necessarily exclude it from that definition. Please see section 7 of this policy for the full definitions of “Abuse” and “Neglect” as articulated by the Texas Family Code, Section 261.001.

- Definition of Child or Minor

The Texas Family Code, Section 101.003 defines a child or minor as a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

Knowing the warning signs of abuse and neglect may reduce a child’s risk for abuse.

A) Physical Abuse

Physical abuse is deliberate actions resulting in injuries to a child or genuine threats of such actions, or concerns about physical injuries of an unexplained or suspicious nature.

- Possible Warning Signs and Symptoms of Physical Abuse:

- Frequent injuries such as bruises, cuts, black eyes, or burns without adequate explanations
- Frequent complaints of pain without obvious injury
- Burns or bruises in unusual patterns that may indicate the use of an instrument or human bite; cigarette burns on any part of the body
- Lack of reaction to pain
- Aggressive, disruptive, and destructive behavior
- Passive, withdrawn, and emotionless behavior
- Fear of going home or seeing parents
- Injuries that appear after a child has not been seen for several days
- Unreasonable clothing that may hide injuries to arms or legs

B) Sexual Abuse

Sexual abuse includes fondling a child’s genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or producing pornographic materials. Also includes: Sexual indecency, sexual assault, or aggravated sexual assault; Failing to make a reasonable effort to prevent sexual conduct to a child; Using the child for the creation of obscene or pornographic material.

- Possible Warning Signs and Symptoms of Sexual Abuse:

- Physical signs of sexually transmitted diseases
- Evidence of injury to the genital area

² https://www.dfps.state.tx.us/Child_Protection/Child_Safety/recognize_abuse.asp

- Pregnancy in a young girl
- Difficulty in sitting or walking
- Extreme fear of being alone with adults of a certain sex
- Sexual comments, behaviors or play
- Knowledge of sexual relations beyond
- Sexual victimization of other children

C) Emotional Abuse

Emotional abuse is an emotional or mental injury caused by the parent or caregiver that results in an observable effect on the child. Includes concerns about the child's mental stability, as demonstrated by mood, behavior, and thoughts.

- Possible Warning Signs and Symptoms of Emotional Abuse:

- Over compliance
- Low self-esteem
- Severe depression, anxiety, or aggression
- Difficulty making friends or doing things with other children
- Lagging in physical, emotional, and intellectual development
- Caregiver who belittles the child, withholds love, and seems unconcerned about the child's problems

D) Neglect

- Neglectful supervision means improper supervision of a child left alone which could have resulted in substantial harm.
- Medical neglect is failure to seek, obtain or administer medical treatment that could result in substantial harm.
- Physical neglect is the failure to provide a child with the necessary food, clothing, and shelter to maintain a healthy life.
- Abandonment and refusal to accept parental responsibility are where the parent or caregiver left the child in a potentially harmful situation and did not plan to return for the child. Refusal to accept parental responsibility - Child has been out of the home for any reason, and parent/caregiver refuses to allow the child to return home.

- Possible Warning Signs and Symptoms of Neglect:

- Obvious malnourishment
- Lack of personal cleanliness
- Torn or dirty clothing
- Stealing or begging for food
- Child unattended for long periods of time
- Need for glasses, dental care, or other medical attention
- Frequent tardiness or absence from school

4) Austin College Employee and Volunteer Responsibilities

A) Mandatory Reporting of Child Abuse and Neglect

Employees of and volunteers affiliated with Austin College are required to report, in accordance with this policy, known of child abuse or neglect and suspected child abuse or neglect.

Employees of and volunteers affiliated with Austin College having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report.

- How to report:

- 1) Call 911 to report to local law enforcement, and
- 2) Report to DFPS, by calling the 24-hour, toll-free abuse hotline at 1-800-252-5400 from anywhere in the United States to report abuse or neglect that happened in Texas, and
- 3) Report to the Austin College Title IX Coordinator or Deputy Title IX Coordinator.

- What to report³:

The person making a report shall identify, if known:

- (1) The name and address of the child;
- (2) The name and address of the person responsible for the care, custody, or welfare of the child;
- (3) Any other pertinent information concerning the alleged or suspected abuse or neglect.

5) Employee Training Required

Austin College will require acknowledgements from all employees of their obligation to report child abuse or neglect and suspected child abuse or neglect as articulated in section 4 of this policy.

Austin College employees will be required to complete a, "Protection of Minors", training as part of its Biennial employee training program, and new employee orientation training.

³ <https://statutes.capitol.texas.gov/Docs/SDocs/FAMILYCODE.pdf> Section 261.104

6) Retaliation Prohibited⁴

Austin College will not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against an employee who in good faith:

1) reports child abuse or neglect to:

- (A) the person's supervisor;
- (B) an administrator of the facility where the person is employed;
- (C) a state regulatory agency; or
- (D) a law enforcement agency; or

2) initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

3) The appropriate College authority will be responsible for making a determination of whether a report was made in good faith.

7) Texas Family Code – Definitions of Abuse and Neglect⁵

(1) "Abuse" includes the following acts or omissions by a person:

- (A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (B) 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;
- (C) 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 managing or possessory conservator that does not expose the child to a substantial risk of harm;
- (D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- (E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section [21.02](#), Penal Code, indecency with a child under Section [21.11](#),

⁴ Id. at Section 261.110

⁵ Id. at Section 261.001 (1) and (4)

Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H) 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 as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M) forcing or coercing a child to enter into a marriage.

(2) "Neglect"

(A) includes:

(i) 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, guardian, or managing or possessory conservator of the child;

(ii) the following acts or omissions by a person:

(a) 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;

(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;

(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; or

(e) 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 abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child;

(iii) 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; or

(iv) a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy; and

(B) does not include the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:

(i) the child has a severe emotional disturbance;

(ii) the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and

(iii) the person has exhausted all reasonable means available to the person to obtain the mental health services described by Subparagraph (ii).

End of Policy