

Child Protection Information

Public responsibility to report a child in need of protection

Every person who has reasonable grounds to believe that a child is or may be in need of protection must report promptly the belief and the information upon which it is based to a children's aid society.

Special responsibilities imposed on professionals and officials to report abuse

Professional persons and officials have the same duty as any member of the public to report a child's need for protection. However, the law recognizes that persons working closely with children have a special awareness of children who may be in an abuse situation. Therefore, the legislation gives these professionals a particular reporting responsibility.

A professional or official who in the course of his/ her duties with respect to a child has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall report forthwith the suspicion and the information upon which it is based to Child Protective Services.

Professionals affected

The professional duty to report affects the following persons:

- a) Health care professionals, including physicians, nurses, dentists, pharmacists and psychologists;
- b) Teachers, and school principals;
- c) Social workers and family counselors;
- d) Priests, rabbis and other members of the clergy;
- e) Operators or employees of day nurseries;
- f) Youth and recreation workers (not volunteers);
- g) Peace officers and coroners;
- h) Solicitors;
- i) Service providers and employees of service providers; and
- j) Any other person who performs professional or official duties with respect to a child.

What constitutes "abuse" for the purpose of professional reporting?

A child suffers "abuse" in any of the following circumstances:

- a) The child has suffered physical harm, either inflicted by the person having charge of the child or caused by that person's failure to adequately:
 - care and provide for the child, or
 - supervise the child, or
 - protect the child
- b) The child has been sexually molested or sexually exploited by the person having charge of the child, or by another person where the person having charge of the child:
 - knows or should know the possibility of sexual molestation or sexual exploitation, and
 - fails to protect the child

Code Section	Texas Family Code 261
What Constitutes Abuse	Inflicting or failing to reasonably prevent others from inflicting mental or emotional injury impairing child's growth, development, or psychological functioning; physical injury resulting in substantial harm, or which is at variance with explanation given; sexual abuse, exploitation, use of controlled substance resulting in mental or physical harm to child
Mandatory Reporting Required By	"Professionals" including teachers, nurses, doctors, day care employees, employees of state-licensed or certified organizations with direct contact with children, clergy, mental health professional, attorney, reproductive health clinic worker, any person
Basis of Report of Abuse & Neglect	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
To Whom Reported	Texas Department of Family and Protective Services. There are two ways to report: Call our Abuse Hotline toll-free 24 hours a day, 7 days a week, nationwide: 1-800-252-5400 or make your report through our secure website at www.txabusehotline.org and you will receive a response within 24 hours.
Penalty for Failure to Report	Current law requires that professionals such as teachers, doctors, nurses, or child daycare workers must make a verbal report within 48 hours. Failure to report suspected child abuse or neglect is a misdemeanor punishable by imprisonment of up to 180 days and/or a fine of \$2,000.