



ATTORNEY GENERAL OF TEXAS

WHEN YOU SUSPECT CHILD ABUSE OR NEGLECT

A General Guide

**Attorney General of Texas
Ken Paxton**

YOUR LEGAL obligation

Anyone "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" **MUST** report the case immediately to a state or local law enforcement agency or the Texas Department of Protective and Regulatory Services (TDPRS).

REPORTING REQUIREMENTS for professionals

Current law requires that professionals such as teachers, doctors, nurses, or child daycare workers must make a verbal report within 24 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 up to \$2,000 (Texas Family Code, Chapter 261).

Reporting suspected child abuse to your principal, school counselor or superintendent will **NOT** satisfy your obligation under this law. Local school district policy cannot conflict with or supercede the state law requiring you to report child abuse to a law enforcement agency or TDPRS.

TDPRS has toll-free, 24-hour Family Violence Hotline:
(800) 252-5400

YOUR LEGAL PROTECTION

Your report of child abuse or neglect is confidential and immune from civil or criminal liability as long as the report is made in "good faith" and "without malice."

- "GOOD FAITH" means that the person making the report took reasonable steps to learn facts that were readily available and at hand.
- "WITHOUT MALICE" means that the person did not intend to injure or violate the rights of another person.

Provided these two conditions are met, you will also be immune from liability if you are asked to participate in any judicial proceedings that might result from your report.

IF YOU HAVE REASON TO BELIEVE THAT A CHILD IS ABUSED....

DON'T confront the abuser. **DO** report your reasonable suspicions

Even if your report does not bring decisive action, it may help establish a pattern that will eventually be clear enough to help the child.

The signs of abuse described below don't by themselves necessarily indicate abuse. You might talk to the child a little to see if there is a simple or innocent explanation for what you have observed. However, it is not up to you to determine whether your suspicions are true or not. A trained investigator will evaluate the child's situation.

YOU SHOULD SUSPECT physical abuse

When you see...

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

YOU SHOULD SUSPECT neglect

When you see...

- Obvious malnourishment
- Lack of personal cleanliness, torn and/or dirty clothes
- Obvious fatigue and listlessness
- A child unattended for long periods of time
- Need for glasses, dental care or other medical attention
- Stealing or begging for food
- Frequent absence or tardiness from school

YOU SHOULD SUSPECT sexual abuse

When you see...

- Physical signs of sexually-transmitted diseases
- Evidence of injury to the genital area
- Difficulty sitting or walking
- Frequent expressions of sexual activity between adults and children
- Pregnancy in a young girl
- Extreme fear of being alone with adults, especially of a particular gender
- Sexually suggestive, age inappropriate or promiscuous behavior
- Knowledge about sexual relations beyond what is appropriate for the child's age
- Sexual victimization of other children
- Complaints of painful urination

A DISCLOSURE

If you are the first person the child tells about sexual abuse, your testimony as "outcry witness" may be especially important in future legal proceedings.

What you say the child told you is not considered hearsay, but is admissible evidence in a trial involving a sexual offense against a child. This exception applies only to the first person the child approaches.

YOU ARE LEGALLY RESPONSIBLE for the safety of your own child

Sometimes abusers are close relatives, but the fact that the abuser is a parent or other family member does not remove your obligation to protect the child. If you permit your child to be in a situation where he

or she may be injured, then you may be prosecuted for child abuse.

If you are frightened for your own safety and that of your child, call 911 or 1-800-252-5400.

If you are uneasy about your own behavior toward your child, you can call the Parents Anonymous toll-free hotline at 1-800-554-2323.

You are legally responsible for the care of your child. You must provide your child with safe and adequate food, clothing, shelter, protection, medical care and supervision, or else you must arrange for someone else to provide these things. Failure to do so may be considered neglect.

Office of the Attorney General
P.O. Box 12198
Austin, Texas 78711-2198

(800) 983-9933 Statewide
(512) 936-1200 in Austin
(512) 936-1800 Fax

www.oag.state.tx.us

CRIME VICTIM services division

The Crime Victim Services Division consists of four sections: the Sexual Assault Prevention and Crisis Services Program, the Grant and Contract Management Section, the Statewide Automated Victim Notification Program and the Crime Victims' Compensation Program.

CRIME VICTIMS' Compensation

Victims of child abuse and their families may be eligible for reimbursement of certain out-of-pocket expenses related to the crime. Please check our Web site or call for information and an application form.