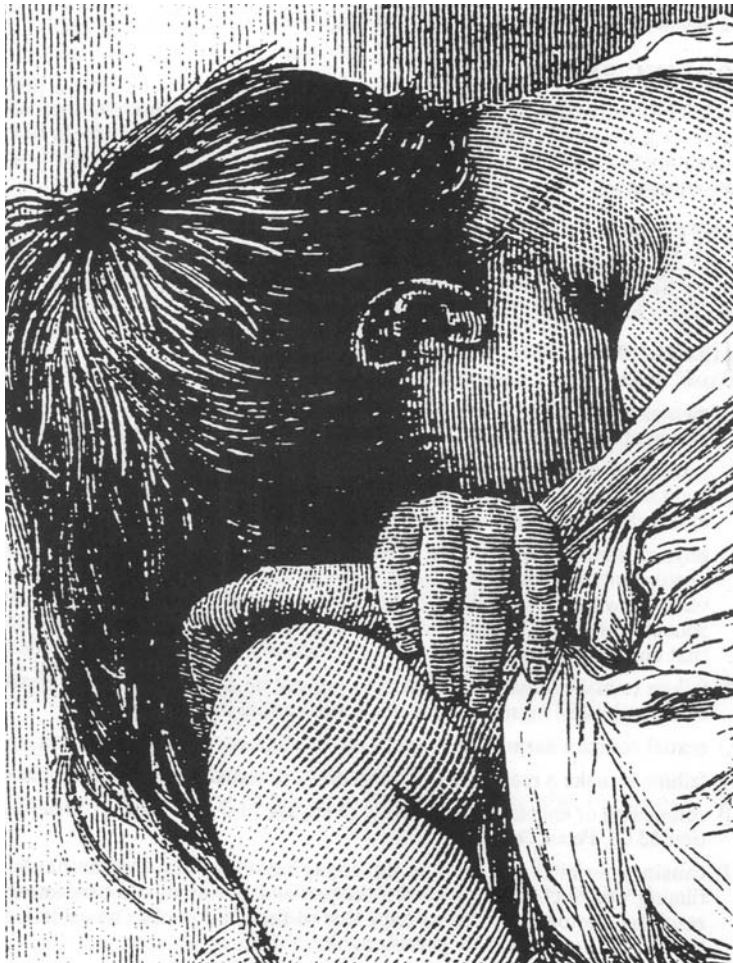


THE ABUSED CHILD

*“If I'd told anyone,
it would have been a teacher.”*



LEGAL POSITION

Anyone suspecting abuse or neglect of a child is obligated to report it to the Texas Department of Protective and Regulatory Services or to a law enforcement agency.

Failure by a professional to report physical or mental abuse of a child is a crime (a Class B misdemeanor), punishable by fine and/or imprisonment. A professional may not delegate to or rely on another person to make the report. "Professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, and daycare employees.

Immunity from civil or criminal liability is guaranteed if the report is made in good faith and without malice. Immunity is extended to anyone who assists in the investigation if that assistance is provided in good faith and without malice.

Reports of child abuse or neglect are confidential.

Hearsay exception has been established in child abuse cases allowing a person to testify, under some conditions, to what he/she has been told.

REPORTING PROCEDURES

§261.101 (TFC) requires that a report must be made immediately (no later than 48 hours of first suspecting the child is abused or neglected) to the nearest Department of Protective and Regulatory Services office to the 24-hour Child Abuse Hotline (1-800-252-5400), or to a local law enforcement official. To file an online report, go to www.txabusehotline.org.

DEFINITIONS

The abuse and neglect situations which are directed to the Department of Protective and Regulatory Services/Child Protective Services offices involve the following definitions from the Texas Family Code (TFC) and the Texas Penal Code.

Abuse (§261.001[1], TFC)

- (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;
 - (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;
 - (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; or

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

Neglect (§261.001[4], TFC)

(4) "Neglect" includes:

- (A) 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;
- (B) the following acts or omissions by a person:
- (i) 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;
 - (ii) 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;
 - (iii) 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
 - (iv) 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
- (C) 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.

WHAT TO LOOK FOR

Physical Abuse

- Bruises, welts, black eyes, burns, frequent injuries
- Reluctance to sit down; possibly cannot hold a pencil
- Reluctance to change clothes for Physical Education
- Wearing long sleeves even in hot weather
- Complaints of pain without obvious injury
- Evidence of poor self concept
- Frequent absence or tardiness without reasonable explanations
- Coming to school early and staying late
- Aggressive, disruptive, destructive behavior
- Passive, withdrawn, fearful of other children or adults
- Manipulative or distrustful attitude or child is "too eager" to please
- Chronic runaway, especially adolescents
- Lack of expression of anger or pain; absence of joy
- Complaints of beatings or other harsh treatment
- Any significant change in the child's attitude or behavior at school

Neglect

- Frequent truancy or school dropout
- Obvious malnourishment; is given inappropriate food, drink, or medicine
- Three to four standard deviations below normal height/weight
- Obvious and uncorrected medical/dental problems
- Inappropriate dress for weather and/or torn, dirty clothing
- Body and hair dirty, offensive body odor
- Fatigue, listlessness; "failure to thrive"

Sexual Abuse

- Sexually-transmitted disease in a young child
- Complaints of pain/itching in genital area or evidence of trauma in genital area
- Unusual odors around genital area
- Torn, stained, or bloody underclothing
- Difficulty in walking or sitting
- Pregnancy in a young child
- Unusual seductive behavior
- Drawings or writing may have strong, often bizzare sexual theme
- Overly sophisticated knowledge or interest in sexual acts or vocabulary
- Expression by a child or other children of his/her being sexually involved with an adult
- Repeated attempts to run away from home
- Poor peer relationships
- Overly mature appearance or behavior
- Suicide attempts (especially adolescents)

Emotional Maltreatment

- Speech disorders
- Habit disorders (sucking thumb, biting, rocking, etc.)
- Conduct disorders (antisocial, destructive, withdrawn)
- Development lags (mental, emotional)
- Overly adaptive behavior (inappropriately adult or infantile)
- Substance abuse

INDICATORS OF PARENTS WHO MAY ABUSE THEIR CHILDREN

- Significant crisis in family—death, divorce, separation, long-term illness, drug or alcohol problems, employment, etc.
- Family is isolated—no close friends or relatives, no community involvement
- Little concern for the child's problems—unavailable for conferences
- Aggressive or defensive about the child
- Child's injury blamed on third party
- Unreasonable explanation given for child's injury
- Delay in seeking medical attention for the child, or a history of taking the child to several different doctors or emergency rooms
- Unreasonable expectations of the child
- Low frustration level or impulsive traits
- Immaturity—lack of knowledge concerning child rearing
- Poor self image
- Abused as children themselves

CHILDREN MOST LIKELY TO BE ABUSED

- Handicapped and/or retarded children
- Small preemies (lack of parent/child bonding due to lengthy stay in incubator following birth)
- Unwanted children
- Child with "will of his/her own"—stubborn, inquisitive, demanding



Compiled by the Texas State Teachers Association,
316 W. 12th Street, Austin, TX 78701
512-476-5355 • www.tsta.org