Identifying and Reporting Abuse & Neglect of Children in Texas

Reporting Basics

Types and Signs of Abuse Neglect

Prevalence

Mandatory Reporting
1. CPS Jurisdiction

   Alleged Victim Defined
   • Children aged 0-17

   Alleged Perpetrator (AP) Defined
   • Age 10+
   • A person traditionally responsible for the child’s care, custody, or welfare
   • A member of the child’s household
   • School personnel or volunteers at the child’s school

2. The Role of Intake in Texas

   • Initial contact for all reports of abuse, neglect and/or exploitation in Texas
   • Recommend for Investigation or Information & Referral (I & R)
   • 24 hours/365 days/Telework
   • Phone, fax, mail and internet
How are Reports Received?
FY2016

<table>
<thead>
<tr>
<th>Method</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone</td>
<td>631,273</td>
<td>77%</td>
</tr>
<tr>
<td>Correspondence (fax/mail)</td>
<td>26,050</td>
<td>3%</td>
</tr>
<tr>
<td>Internet</td>
<td>161,515</td>
<td>20%</td>
</tr>
</tbody>
</table>

What Happens To The Reported Information?

47% Do Not Meet Statutory Definition of Abuse/ Neglect/Exploitation
they are classified as Information & Referrals and either sent to other programs, agencies, or law enforcement as appropriate, or are saved and closed.

53% Meet Statutory Definition of Abuse/Neglect/Exploitation and are sent to the appropriate DFPS program for investigation:
- CPS: 296,222 (68%)
- DCL (Daycare): 4,175 (1%)
- APS In Home: 110,895 (25%)
- KCCL (Residential): 5,071 (1%)
- APS Provider: 22,449 (5%)

How Many Reports Does SWI Process?

<table>
<thead>
<tr>
<th>Year</th>
<th>Report Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>773,580</td>
</tr>
<tr>
<td>2013</td>
<td>731,163</td>
</tr>
<tr>
<td>2014</td>
<td>769,905</td>
</tr>
<tr>
<td>2015</td>
<td>781,935</td>
</tr>
<tr>
<td>2016</td>
<td>824,608</td>
</tr>
</tbody>
</table>

Per Month:
- 68,717 (avg)

Per Day:
- 2,260 (avg)
If you have concerns... **REPORT**

Texas Family Code
Chapter 261

**Abuse**  **Neglect**

**Physical Abuse (PHAB)**

*Physical injury* that results in *substantial harm* to the child, such as bruises, fractures, or death. It also can include a genuine threat of harm even if there is no visible injury. Also includes injury that is at variance with the history or explanation given and excluding an accident or *reasonable discipline*. 
Sexual Abuse (SXAB)

Sexual conduct harmful to a child’s mental, emotional, or physical welfare. This includes fondling a child’s genitals, penetration, indecent exposure, and exploitation through producing pornography.

Emotional Abuse (EMAB)

Mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning.

Emotional abuse includes extreme forms of punishment such as confining a child in a dark closet, habitual scapegoating, or belittling to the point that it results in noticeable effects on the child’s daily functioning.

Trafficking

**Labor Trafficking**

Knowingly use a child for labor or services by force, fraud, or coercion. This includes obtaining the child for personal use OR providing the child to others. It involves the exchange of monetary or nonmonetary benefits, including the child’s services.

**Sex Trafficking**

Knowingly use a child for illegal sexual conduct. This includes obtaining the child for personal use OR providing the child to others. It involves the exchange of monetary or nonmonetary benefits, including the child’s services. Sex trafficking occurs even if the child seems complicit or does not believe he or she is a victim.
Neglectful Supervision (NSUP)

Placing a child in a situation that requires judgment or actions beyond what the child is physically or mentally capable of doing and that results in bodily injury or a substantial risk of immediate harm to a child.

Medical Neglect (MDNG)

Failing to get or follow up with medical care for a child when the lack of care results in physical injury or in a marked impact on a child's growth, development, or functioning.

Physical Neglect (PHNG)

Failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child. Physical neglect can include a situation where the home environment presents a health or safety threat to children.
Abandonment (ABAN)
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.

Refusal to Accept Parental Responsibility (RAPR)
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.

Prevalence of Child Abuse in Texas

CPS Statistics FY 2016

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Child Population:</td>
<td>7,407,636</td>
<td></td>
</tr>
<tr>
<td>Children Alleged Victims:</td>
<td>296,222</td>
<td>4%</td>
</tr>
<tr>
<td>Children Confirmed Victims:</td>
<td>58,644</td>
<td>.8%</td>
</tr>
<tr>
<td>Children Removed:</td>
<td>19,079</td>
<td></td>
</tr>
</tbody>
</table>

Source: DFPS Interactive Databook (www.dfps.state.tx.us)
CPS Most Common FY 2016

Person/Entity Reporting: School
Allegation Confirmed: NSUP
Confirmed Perpetrator:
  Relationship: Parents
  Gender: Female
  Age: 26-35
Confirmed Victim:
  Gender: Female/Male

Source: DFPS Interactive Databook (www.dfps.state.tx.us)
Mandatory Reporting

Question: Who is mandated to report abuse in Texas?
Answer: Everyone

Texas Family Code
Sec. 261.101. PERSONS REQUIRED TO REPORT; TIME TO REPORT. (a) A person 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 as provided by this subchapter.

Human Resources Code
Sec. 48.051. REPORT. (a) Except as prescribed by Subsection (b), a person having cause to believe that an elderly or disabled person is in the state of abuse, neglect, or exploitation, including a disabled person receiving services as described by Section 48.252, shall report the information required by Subsection (d) immediately to the department.

Mandatory Reporting

Question: Is there a time limit?
Answer: Yes, for professionals. 48 Hours

Texas Family Code
Sec. 261.101. PERSONS REQUIRED TO REPORT; TIME TO REPORT. If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected ... the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected ... A professional may not delegate to or rely on another person to make the report.
Mandatory Reporting

Question: Who is considered a “professional”?

Answer: Texas Family Code Sec. 261.101. In this subsection, "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, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

Common Concerns

- Good Faith Reporting
- Confidentiality
- Immunity
- False Reports
- Failure To Report

What We Need

- Name, age, and address of the child or person 65 years or older or an adult with disabilities
- Your name and contact information
- Brief description of the situation and the child or vulnerable adult
- Current injuries, medical problems, or behavioral problems
What We Need

For a child: Parents' names and names of siblings in the home

For an adult: Names of relatives in or outside the home and name of perpetrator

Explain how you know about the situation

Hotline Numbers

To report abuse:
1-800-252-5400
or
online at txabusehotline.org

Call 1-800-989-6884 for 24 hour help