

REPORTING CHILD ABUSE OR NEGLECT



1

What are my district's policies about child abuse or neglect?

The applicable district policies include: FFG(LEGAL) and (LOCAL), and GRA(LEGAL) and (LOCAL). These policies will be addressed in staff development trainings. If you have any questions about these policies, please contact your campus principal or supervisor.

2

What are my legal responsibilities for reporting suspected child abuse or neglect?

Any person who has reasonable 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 required by law. Tex. Fam. Code § 261.101(a). A professional may not delegate to or rely on another person to make the report.

Any district employee, agent, or contractor has an additional legal obligation to submit the oral or written report within 48 hours of learning of the facts giving rise to the suspicion. Tex. Fam. Code § 261.101(b).

3

To whom do I make a report?

Reports may be made to any of the following:

- The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS)* or on the [web](#);
- A local CPS office;
- A local or state law enforcement agency (include telephone numbers as appropriate); or
- If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

*If the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, such as a parent or teacher, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Probation Commission as a report of suspected abuse or neglect in a juvenile justice program or facility. Tex. Fam. Code §§ 261.101(5), .103(a).

Reporting your suspicion to a school counselor, a principal, or another school staff member does NOT fulfill your responsibilities under the law. Furthermore, the district cannot require you to report suspected abuse or neglect to a district official first before you make the report required by law.

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Are there any restrictions on reporting?

Under Texas law, an employee is prohibited from using or threatening to use a parent, guardian, or managing or possessory conservator's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

- Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
- Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Tex. Educ. Code § 26.0091

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Will my report be kept confidential?

Texas law requires that the identity of a person making a report of suspected child abuse or neglect be kept confidential.

6

Will I be liable in any way for making a report?

A person who reports or assists in the investigation of a report of child abuse or neglect in good faith is immune from civil or criminal liability.

Texas law requires that the identity of a person making a report of suspected child abuse or neglect be kept confidential.

7

What will happen if I don't report suspected child abuse or neglect?

By failing to report a suspicion of child abuse or neglect:

- You may be placing a child at risk of continued abuse or neglect;
- You are violating the law and may be subject to legal penalties, including criminal sanctions;
- You are violating school district policy and may be subject to disciplinary action, including possible termination of your employment; and
- Your certification from the State Board for Educator Certification may be suspended, revoked, or cancelled.

8

What are my responsibilities regarding investigations of abuse or neglect?

Texas law specifically prohibits school officials from:

- Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect; or
- Requiring that a parent or school employee be present during the interview.

School personnel must cooperate fully and may not interfere with an investigation of reported child abuse or neglect.

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Where can I learn more about the signs of child abuse and neglect and how to report child abuse and neglect?

- [Reporting Hotline and Signs of Abuse](#) (Source: Texas Department of Family and Protective Services)
- [Helpful Information for Teachers & Professionals](#) (Source: Texas Department of Family and Protective Services)
- [Childhood Welfare Issues in Texas](#) (Source: Texas Association for School Boards)

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.