

# Child Abuse and Neglect

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## Course Script

Welcome to this training on child abuse and neglect. It's our guess that many of you saved this training for last on your "to do" list. It's a topic that saddens many of us who spend our lives loving and caring for children.

But it's also an essential topic to cover, not just because the state of Texas mandates that caregivers receive an hour of training on child abuse and neglect, but also because learning about this subject will help you make a difference in the lives of children who need it most. It is our hope that this course will leave you feeling empowered to help children you may encounter who are the victims of abuse and neglect.

During this one hour training, you'll learn the definitions of abuse and neglect, how to recognize signs of abuse and neglect, your responsibilities as a mandatory reporter of suspected abuse or neglect, and finally, how you can help reduce the risk of abuse or neglect in the children you care for.

### Definitions of Abuse and Neglect

There are three types of abuse: physical abuse, sexual abuse, and emotional abuse. The Texas Family Code has specific definitions for what constitutes abuse. According to the Texas Family Code physical abuse is:

- Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child.
- 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.

*Jenna works at a childcare center in the infant room with another worker, Melissa. One day, Jenna witnesses Melissa vigorously shaking a child who won't stop crying. Jenna doesn't want to upset Melissa, so she doesn't try to stop Melissa as she's shaking the baby. Who has committed child abuse in this situation? A) Melissa B) Jenna C) Both Melissa and Jenna. If you chose letter C, you are correct. According to the Texas Family code BOTH Melissa and Jenna have committed child abuse. Melissa physically injured the child, and Jenna failed to make a reasonable effort to stop her.*

It's important to note that the Texas Family code makes a specific mention that excludes "reasonable discipline. . . that does not does not expose the child to a substantial risk of harm" from the definition of child abuse. In Texas, parents are legally allowed to spank their children. Childcare workers, however, are NOT allowed to use any means of physical punishment.

The Texas Family Code defines sexual abuse as:

- Sexual conduct harmful to a child's mental, emotional, or physical welfare including, indecency, sexual assault, or aggravated sexual assault.
- Failure to make a reasonable effort to prevent sexual conduct harmful to a child.
- Compelling or encouraging the child to engage in sexual conduct.
- 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.
- Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child.

*Karen teaches the school-age class at a local child care center. One of her 11-year-old girls came to her recently and told Karen that a family friend had been requesting nude photos from her, and that she had sent him a few. The girl said her mom knew about the photos but told the girl that she should have known better than to send him pictures. Is the family friend guilty of child abuse even though he did not take the photos? Answer: Yes, he is guilty of child abuse because he encouraged the girl to take nude pictures of herself. The mom may also be liable in this situation since she did nothing to stop the family friend.*

Emotional abuse in the Texas Family Code is defined as:

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

*You begin a new job teaching in a 4-year-old room with a co-teacher who has been there for quite some time. You notice your co-teacher repeatedly telling a child that he is stupid and that his parents will no longer love him when whenever he makes mistakes in class. The child seems withdrawn and does not like to attend school. You immediately report the teacher's behavior to child protective services. Your supervisor claims you over-reacted and should not have reported the behavior to CPS. Did you overreact? No, you are a mandatory reporter of child abuse in the state of Texas, and the behavior you witnessed clearly fell within the Texas Family Code's definition for emotional abuse.*

The Code also makes special mention of substance abuse. Stating that abuse is also defined as:

- The current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child.
- Causing, expressly permitting, or encouraging a child to use a controlled substance.

The Texas Family Code also has specific definitions of neglect. Remember, whereas abuse is a harmful act upon a child, neglect is harm by not meeting a child's basic needs. Like abuse, there are several types of neglect.

Physical neglect is defined in the Texas Family code as:

- 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.

*You discover that a child in your center has been living in his family's van because his parents have both lost their jobs. Is this child a victim of neglect? Probably not. Unless the family has been offered housing services and refused them, they are currently financially unable to pay rent, so they are excluded from the Texas definition of neglect. In a situation like this one, it is best to connect the family with a local shelter or other agency that can help provide them with a place to stay. If you have made attempts to connect the family with readily available services, and they still refuse, their behavior towards their children could be considered neglect.*

Neglect can also be medical in nature, and is listed in the Texas Family code as:

- 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.

Another type of neglect is supervisory neglect, where a child is placed in a situation and is not adequately cared for or supervised. The Texas family code specifically defines this type of neglect as:

- 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.
  - 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 result in bodily injury or a substantial risk of immediate harm to the child.
  - 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.

*You discover that a five and three-year-old are being left home alone for more than eight hours on Saturdays while their mother works. Have these children been placed in a neglectful situation? Likely, yes. The children have been placed in a situation that requires judgment of an older child or an adult, and they are at risk of immediate harm because they would not know how to respond in case of an emergency and likely cannot cook and feed themselves.*

Finally, abandonment is also a type of supervisory neglect and is defined in the Texas Family Code as:

- 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.

Now that we know the official definitions for child abuse and neglect, let's take a look at some warning signs of abuse or neglect in children. It's important to remember that these signs may not necessarily indicate child abuse. Your job, as a mandatory reporter, however, is to report these signs to the Texas Department of Family and Protective Services and allow them to further investigate the matter.

Here are some red flags that may indicate that a child is being physically abused according to the Texas Department of Family and Protective Services:

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

It's important to note that toddlers, preschoolers, and school-agers often have bruises on their knees, elbows or foreheads from accidents. Bruising on these parts of the body is less concerning than bruising in soft tissue areas like the thighs, cheeks, or buttocks.

*Jackson is absent from your class for a few days. When he returns, he is wearing a long sleeve shirt and long pants, even though it is August. When Jackson pushes up his sleeves to wash his hands before lunch, you notice bruises on his arms. Jackson also has visible bruises on his cheeks. You ask Jackson and his mom about how he got the bruises. They give you two different answers. Should you suspect that Jackson is a victim of physical abuse? Yes, Jackson is exhibiting many of the signs of physical abuse including bruises without adequate explanation, injuries that appear after a child has been absent for several days, and unreasonable clothing that may be hiding injuries. As a mandatory reporter, you are required to report your suspicions to the Texas Department of Family and Protective Services. It is up to that state agency to investigate and determine if abuse has occurred.*

According to the Texas Department of Family and Protective Services, these signs may indicate that a child is being sexually abused:

- Physical signs of sexually transmitted diseases
- Evidence of injury to the genital area
- Pregnancy in a young girl
- Difficulty in sitting or walking
- Extreme fear of being alone with adults of a certain sex
- Sexual comments, behaviors or play
- Knowledge of sexual relations beyond what is expected for a child's age
- Sexual victimization of other children

*Audrey, a four-year-old, is playing with dolls in your classroom. She places the dolls in sexual positions and seems to know more about sexual relations than a child her age should know. During outside play time, another child tells you that Audrey attempted to touch her "privates." What is concerning about Audrey's behaviors that make you suspect that she is a victim of sexual abuse? Audrey is engaging in sexual role play with her dolls. It is clear that she has an understanding about sexual activity that is out of line with her age. Finally, Audrey has attempted to sexually victimize another child. Victims of sexual abuse often become victimizers of others. Your suspicions about Audrey should be reported to the Texas Department of Family and Protective Services. You should also notify the family of the child Audrey attempted to victimize on the playground to inform them of the incident.*

If you see these signs in a child, you should suspect emotional abuse, according to the Texas Department of Family and Protective Services:

- Over compliance
- Low self-esteem
- Severe depression, anxiety, or aggression
- Difficulty making friends or doing things with other children
- Lagging in physical, emotional, and intellectual development
- Caregiver who belittles the child, withholds love, and seems unconcerned about the child's problems

*Mia is having a hard time learning her letters in your pre-k classroom. Whenever she misnames a letter, she tells you that she's stupid and can't do anything right. Mia's dad is extremely negative when he speaks to you about Mia, calling her an "evil child" who "is dumb like her mother" and "can't behave." Mia's behavior and her father's attitude toward her point to signs of suspected emotional abuse. As a mandatory reporter, you should file a report with the Texas Department of Family and Protective Services.*

Finally, according to the Texas Department of Family and Protective Services, these are signs of child neglect:

- Obvious malnourishment
- Lack of personal cleanliness
- Torn or dirty clothing
- Stealing or begging for food
- Child unattended for long periods of time
- Need for glasses, dental care, or other medical attention
- Frequent tardiness or absence from school

*Jose is in your school age classroom and has a hard time seeing the daily messages and instructions you write on the board. You are fairly sure that Jose needs glasses. When you bring up the subject of glasses to Jose's mother, she indicates that she would love to get him an eye exam and glasses, but that the family does not have the money to do so right now. Do you need to report Jose to the Texas Department of Family and Protective Services for neglect? No. It sounds like Jose's mom would get him an eye exam and glasses if she had the means. Remember that if a child's circumstance is based on the lack of means to purchase items that would fulfill the child's basic needs, then the instance is not considered neglect. What can you do for Jose and his mom? Search out clinics that provide free eye exams and glasses for children and give that information to Jose's mom. Also give her information on applying to Medicaid so that Jose's medical needs will be met.*

In the previous section, we learned some red flags that should make you, as a child care worker, suspicious of abuse or neglect. As a childcare worker, you are a mandatory reporter, so if you suspect abuse or neglect, you are required by Texas Law to report it. The next section will detail how to report suspected abuse or neglect.

First, let's take a look at what we mean by the term "Mandatory Reporter." In Texas, anyone who suspects child abuse is required to report that suspected abuse. Certain people, however, are "mandatory reporters" and are required to report suspected abuse within 48 hours of their knowledge of the situation. Mandatory reporters include doctors, nurses, and other healthcare professionals, teachers, day care employees, and juvenile probation, correction, or detention officers. As a child care worker, you are a mandatory reporter. As a mandatory reporter, you must:

- Report suspected abuse and/or neglect within 48 hours of first suspecting the abuse or neglect
- Not delegate the reporting to anyone else or rely on anyone else to report the abuse for you

*Cindy works in a child care center and suspects that one of the children in her class is a victim of child abuse. Within in 24 hours, she tells her supervisor about her suspicions, and the supervisor says she will "take care of it." Has Cindy fulfilled her obligation as a mandatory reporter? The answer is no. As a childcare worker, you cannot rely on your supervisor to make*

reports of child abuse for you. Cindy has a legal obligation to report the suspicion herself within 48 hours.

Now let's cover how to make a report to the Texas Abuse Hotline. First of all, if a child is in immediate danger, call 911 and THEN file a report with the Abuse Hotline. There are two ways to file a report, by phone and online. Both methods are detailed in the handout, "Reporting Abuse/Neglect: A Guide for School Professionals."

To file a report by phone, call the Texas Abuse Hotline at 1-800-252-5400. This hotline is staffed by Department of Family and Protective Service Intake Specialists 24 hours a day, 365 days a year. Phone reporting MUST be used if the situation is urgent and requires response within 24 hours. Some examples of when reporting by phone is necessary are:

- A child under the age of 5 is injured or will be left alone in the next 24 hours.
- Any child, no matter the age, is seriously injured.
- A child has an immediate need for medical care
- Sexual abuse is suspected and the child will encounter the perpetrator in the next 24 hours.
- Any situation that you determine needs to be addressed within 24 hours.

You may also file a report online at <https://www.txabusehotline.org/Login/Default.aspx>. Online reporting requires you to leave your name and a valid email address. As noted previously, online reporting is only for situations that do not require attention within the next 24 hours. The handout "Online Texas Abuse Hotline – User Guide" outlines step by step how to create an account and file a report online.

When you make a report, you will be asked questions in three main sections: people involved, what happened, and safety concerns.

For the "People Involved" section attempt to gather as much information as you can about the victim, possible perpetrator, and the victim's family before making the report. You may be asked for the following information about the victim, suspected perpetrator, and any other people who may have knowledge of the situation:

- Names
- Dates of Birth or ages
- Social Security Numbers
- Race/ethnicity
- Marital status
- Home address
- Contact Numbers
- Childcare center address and phone number
- Special Needs

The more information you have, the better, but you should file the report within 48 hours regardless of how much of the previously mentioned information you are able to gather.

In the "What Happened" section, you'll be asked to detail the suspected abuse, and in the "Safety Concerns" section you should detail any concerns you have about the child's living environment, including drug use by family members, gang involvement, or other living or safety concerns.

*Mark is a teacher in a toddler room. He sees bruises on a toddler in his class, which are in areas that would not be bruised by normal toddler activities, and are in various stages of healing. The child's mother says that their 2-month-old infant son struck the toddler and caused the bruises. This explanation seems unlikely to Mark. Mark suspects that the child is being physically abused. It is a Monday morning. How should Mark report the abuse, and when does he need to file the report by? Mark should report the abuse by calling the Child Abuse Hotline, since the case involves injury to a child under the age of 5. He is required by law to report the abuse before Wednesday morning, within 48 hours of first suspecting the abuse.*

As a teacher, cases in your classroom will not always be as clear cut as the ones described in this training. If you are unsure whether an instance qualifies as abuse or not, you should always err on the side of the child's safety and call the Texas Abuse Hotline. The trained intake specialists will help you determine if the instance could be considered abuse.

Now that we know how to identify abuse and how to report suspected abuse, let's discuss ways to prevent abuse before it occurs.

Although abuse in childcare centers is relatively uncommon, childcare facilities should implement some basic policies and strategies to reduce the risk of abuse at their centers. These strategies include staffing considerations as well as policies that will help prevent abuse in the child care setting.

The National Association for the Education of Young Children (NAEYC) has developed guidelines for selecting appropriate staff in childcare facilities. Having qualified, trustworthy staff plays a major role in preventing abuse in childcare centers. NAEYC suggests that ALL staff including janitors and other support staff and volunteers at the center should be carefully screened, including a background check, a check of at least 3 personal references, and a check of employment history. Employees should also complete a probation period. Centers should also have programs in place to retain competent staff and dismiss of staff that is inadequate.

NAEYC also suggests that centers should implement the following policies to help prevent abuse in the childcare setting:

- Clear procedures should be in place for reporting suspected abuse, and both staff and parents should be notified of those procedures.
- An environment designed with an open line of sight, so that there are no "hidden" nooks or spaces where abuse can occur.
- Maintaining adequate staffing so that workers are not overwhelmed.
- Setting clear policies, establishing a safe environment for the children.
- Having adequate staff to supervise childcare workers.



- Encouraging parents to spend time at the center.

*Tammie wants to create a special reading area for the children in her classroom. Which of the following can she use to help the area feel distinct but not isolated? A) Tammie should use book cases to create a barrier to the reading center on all 4 sides, with a small opening for the "door" to the reading center. B) Tammie should place the center in a corner and use toy shelves to create two more "walls" for the center, leaving a small opening for the "door" of the center. C) Tammie should place the center in a corner of the room and create a "room" feeling with a rug and a few comfortable, kid-sized chairs for reading. The correct answer is C. Using a rug and special chairs in the area makes it feel like its own special spot without blocking the line of sight to the area. Bookcase and toy shelves can be used to help define centers within a room, but centers should always be open on at least one side, providing a clear line of sight to the center.*

Other policies that help safe guard against abuse include:

- A policy that minimizes the time adults spend alone with children.
- Policies that prevent unauthorized access to children in the center and that state who can pick up each child in writing.
- A discipline policy that focuses on positive guidance and expressly prohibits hitting or striking a child.
- A policy that outlines appropriate touch of children and how to appropriately assist children in the bathroom.
- A policy that requires written accident reports.
- A written policy that outlines how to report suspected abuse or neglect.

Finally, let's discuss ways to help prevent child abuse in the families of the children you care for daily. By empowering families with positive guidance strategies, teaching them cultural norms of discipline, and attempting to reduce their stress levels, you can help prevent child abuse.

Here are some practical ways you can support families and reduce children's risk for child abuse:

- Children with disabilities are 1.7 times more likely to be abused than children without special needs. Provide parents of children with disabilities access to local support groups, educational services and opportunities through their local school district (if the child is three years of age or older) or through Early Childhood Intervention (if the child is under the age of three). Giving these parents extra support will reduce their stress levels and prevent abusive situations.
- Families from different cultural backgrounds may not be aware of our country's laws about child abuse. Some cultures may whip children hard enough to leave marks after the beating. In our culture, leaving marks after a spanking treads dangerously close to child abuse. Providing these families with knowledge of our state and national

guidelines on child abuse, as well as positive guidance techniques can prevent child abuse from occurring in these situations.

- Providing workshops or written material about positive guidance to parents can be helpful for all the children in your care. Consider holding an event one evening or on a weekend where you provide childcare and teach the parents positive guidance techniques.
- Providing ways for parents to connect socially can also reduce family isolation, and build a trusting bond between you and the families of the children you care for, as well as among the families themselves. Consider holding a potluck for the families at your center or a special weekend “family” fieldtrip to connect these families with each other and with your childcare workers.
- Offer parents support in times of financial or personal stress, connecting them with services that will meet their physical needs, as well as with counselors and support groups that will meet their emotional needs. Helping parents meet their children's physical needs will reduce cases of neglect, and connecting parents with support groups and counselors will reduce their stress.
- The website <http://www.helpandhope.org/> has links to a variety of resources for parents to help prevent abuse including positive guidance tips, counseling resources, and connections to local services that provide necessities like food, clothing, and healthcare. Consider providing this website to parents in the enrollment materials they receive upon enrolling their children in your center.

Although child abuse is a tough, complicated topic to tackle, it's our hope that you now feel empowered to recognize signs of abuse, report abuse when it's suspected, and to help prevent abuse both in your center and in the homes of the children you care for. Being knowledgeable about child abuse will make you a better childcare worker, more in tune with the needs of the children you care for and their families.

## References

[https://www.dfps.state.tx.us/Child\\_Protection/Child\\_Safety/reporting\\_abuse.asp](https://www.dfps.state.tx.us/Child_Protection/Child_Safety/reporting_abuse.asp)

[http://www.dfps.state.tx.us/contact\\_us/report\\_abuse\\_faqs.asp](http://www.dfps.state.tx.us/contact_us/report_abuse_faqs.asp)

[https://www.dfps.state.tx.us/Training/Reporting/documents/Reporting\\_Guide\\_School\\_Professionals.pdf](https://www.dfps.state.tx.us/Training/Reporting/documents/Reporting_Guide_School_Professionals.pdf)

[https://www.dfps.state.tx.us/Training/Reporting/documents/Online\\_Texas\\_Abuse\\_Hotline\\_UserGuide.pdf](https://www.dfps.state.tx.us/Training/Reporting/documents/Online_Texas_Abuse_Hotline_UserGuide.pdf)

[https://www.dfps.state.tx.us/child\\_protection/Child\\_Safety/recognize\\_abuse.asp](https://www.dfps.state.tx.us/child_protection/Child_Safety/recognize_abuse.asp)

<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.261.htm>

<https://www.childwelfare.gov/pubPDFs/childcare.pdf>

<http://www.helpandhope.org/>