

# **LAKE SHORE BAPTIST CHURCH**

## **Children and Youth Protection Policy**

approved by deacons 5.2.2010; approved by church 5.19.2010

Lake Shore Baptist Church is committed to providing a safe and secure environment for our children and youth. The problem of physical and sexual abuse of children has claimed the attention of our nation and society. Churches, which have programs for children and youth, are not insulated from this problem. Therefore, we believe that it is vitally important to take decisive steps to ensure that the Church is a safe and happy place for children and youth. The following policy reflects our commitment to provide protective care of all ages, including preschoolers (birth-k), children (grades 1-6) and youth (grades 7-12), when they are attending any Church-sponsored programs or activities for children or youth. The employment policies applicable to Lake Shore Baptist Children's Center (the "Children's Center") are contained in the Employee Handbook of the Children's Center, and the following policy applies to Church programs other than the Children's Center.

### **Qualifications of Volunteers and Paid Child-Care Workers**

Our programs for children and youth could not succeed without the commitment of dedicated and caring volunteers and paid child-care workers. To ensure continued success, volunteers for service in programs for children and youth and paid child-care workers should be adults (persons at least 18 years old) and should be committed to the spiritual development of our preschoolers, children and youth.

Volunteers in all programs for children and youth are required to have regularly attended and committed to Lake Shore Baptist Church for a minimum of six months prior to supervising children and youth in church programs.

Persons who have been convicted of any offense involving sexual or physical abuse may not serve as volunteers for programs designated for children and youth or as paid child-care workers.

### **Screening and Approval of Volunteers**

Prior to being considered, volunteers for service in programs for children and youth are required to complete a Volunteer Profile in the form attached as Appendix A. Completed profiles will be turned in to the ministerial staff person(s) responsible for the Children or Youth ministries at the church, i.e., the Minister to Youth or Minister to Children ("responsible ministerial staff person"). The responsible ministerial staff person will review the completed profile and may check references and conduct a personal interview as appropriate. Reasonable efforts will be made to keep completed profiles and related information confidential. Such information shall be maintained in a locked file cabinet in the Church office, and the responsible ministerial staff person is ordinarily the only person authorized to have access to the information.

To honor our commitment to providing a safe and secure environment for our children and

youth, the Church will conduct a criminal background check on any person seeking to volunteer for service in programs for children and youth. The responsible ministerial staff person will review the results of the criminal background check before making a decision as to whether the volunteer is approved for service in Church programs for children and youth. Before the Church conducts the criminal background check, the volunteer will be asked to authorize the check by completing the authorization form attached as Appendix B.

After the screening process is completed, the responsible ministerial staff person will decide if a volunteer is approved for service in programs for children and youth and will notify the volunteer of the decision. If concerns regarding the results of the screening process arise, the responsible ministerial staff person will consult an additional minister for a joint decision.

To ensure continued success in these programs, all persons volunteering to work with children and youth are required to study this policy and to acknowledge in writing that they will comply with the policy.

A list of all volunteers approved for service in programs for children and youth will be maintained in the Church office.

### **Screening and Approval of Paid Child-Care Workers**

Applicants for positions as paid child-care workers will complete the Paid Child-Care Worker Profile in the form attached as Appendix C. Applicants for such positions shall also be required to authorize a criminal background check by completing the authorization form attached as Appendix B. Before a person is hired as a paid child-care worker, personal references will be contacted, prior employment and church service references will be contacted, a personal interview will take place, and a criminal background check will be conducted.

All paid child-care workers are required to study this policy and to acknowledge in writing that they will comply with the policy.

A list of all paid child-care workers who have been approved will be maintained in the Church office.

### **Supervision and Monitoring**

A reasonable ratio of adults (consisting of ministerial staff, paid child care workers, or approved volunteers) to children and youth will be maintained in each Church-sponsored program involving the supervision of children and youth. The number of adults in a given situation will depend upon the circumstances, including the number of children, ages of the children, nature of the activity and setting.

If there is only one adult present with children under 12 years of age, the group must remain in plain sight (window in door or open door). Meeting rooms for children will either have windows in doors or walls to aid in monitoring, or the doors will be kept open.

The Youth and Children's Education Committees will periodically review the specific needs of each age group to resolve issues such as how to ensure that children are released only to proper persons and what rules should apply to overnight trips and activities.

Individuals who are not approved volunteers or paid child care workers may attend, assist with, or participate in certain activities for children and youth as deemed appropriate under the particular circumstances in the discretion of the ministerial staff or approved volunteers or paid child care workers supervising the activity. For example, youth who are approved by the Minister to Children may at times assist approved volunteers and paid child care workers in extended care or other situations in which the Church is providing child care. As a further example, individuals from within or outside the Church may, at the invitation and discretion of the ministerial staff or approved volunteers supervising an activity, participate in activities for children and youth from time to time in various respects, such as speaking on a topic appropriate to the activity, sharing a talent, demonstrating a skill, etc.

### **Counseling Situations**

If there is one adult counseling a single child or youth, he/she must remain in plain sight (window in door, open door, outside).

### **Training**

All Church staff members, paid child-care workers, and volunteers in programs involving children and youth are required to study this policy. Particular attention should be paid to the reporting requirements that apply when there is a suspicion of child abuse or neglect. Though the Church commonly distinguishes between "children" and "youth" for purposes of describing our programs, the phrase "child abuse or neglect" in this context includes abuse or neglect of children and youth under the age of 18.

If you were personally a victim of child abuse and believe it would benefit you to receive counseling or other assistance, please notify a minister on the Church staff. As a family of faith, we want to offer support and information regarding opportunities for counseling and assistance to victims of child abuse.

The responsible staff person(s) and Youth and Children's Education Committees will periodically initiate programs for Church staff members, paid child-care workers and volunteers in programs involving children and youth to help workers identify child abuse and enhance their appreciation for the problem of child abuse.

### **Reporting Child Abuse or Neglect**

State law requires any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect to immediately report the person's belief as provided in the Texas Family Code. Attached to and made a part of this policy are relevant provisions of the Texas Family Code defining abuse and neglect and

describing the procedure for reporting suspected abuse or neglect. Also attached and made a part of this policy is information provided by the Texas Department of Family and Protective Services. State law protects a person who reports suspected abuse or neglect from liability as long as the person does not act maliciously or in bad faith.

Church staff members, volunteers and paid child-care workers must also immediately advise a responsible staff person (or other ministerial staff person if a responsible staff person is unavailable) of the same information they are required to report to government authorities if the person reporting the suspected abuse has any reason to suspect that the abuse could have occurred in connection with Church-sponsored programs or activities. This is to ensure that the Church takes appropriate action. Depending on the circumstances, appropriate action may include reporting the occurrence to the Church's insurance company and legal counsel.

### **Responding to Reports of Child Abuse from within the Church**

Upon the first suspicion that a child has been abused in connection with Church-sponsored programs or activities, the Church will comply with all legally mandated reporting requirements and contact the Texas Department of Family and Protective Services or the appropriate law enforcement agency. The Church will then conduct an internal review of the concerns. Reasonable efforts should be made to keep confidential the fact of the review, the identity of the alleged victim, and the identity of any accused. Any person accused of abusing a child must be suspended from the performance of duties involving children until the Church has sufficient information to make decisions as to appropriate further action by the Church. In making such decisions, the Church will consult with law enforcement authorities or others involved in any ongoing official investigations and will consider the findings and conclusions reached in any completed official investigations. If child abuse by a staff member, paid child-care worker, or volunteer is confirmed, the Church will immediately dismiss the person who abused the child from his or her position. If an official investigation has not been completed, or if it is determined in an official investigation that the evidence is inconclusive or that the allegations are unfounded, the Church may nonetheless take whatever remedial measures the Church deems appropriate, including dismissing the accused from his or her position.

### **Liability Insurance**

Reasonable efforts should be made to ensure that the Church carries insurance coverage for child abuse and sexual misconduct claims. Our present insurance has general coverage for sexual misconduct and molestation. There is also counseling and professional liability coverage. This insurance should be reviewed periodically to ensure that appropriate coverage is maintained.

# APPENDIX A

## VOLUNTEER PROFILE (PROGRAMS FOR CHILDREN/YOUTH)

### LAKE SHORE BAPTIST CHURCH

Name \_\_\_\_\_  
Last, Maiden First Middle

Date \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Home Phone \_\_\_\_\_

Business Phone \_\_\_\_\_

Driver's License # \_\_\_\_\_ State \_\_\_\_\_

Expiration Date \_\_\_\_\_

Date of Birth \_\_\_\_\_

1. How long have you attended Lake Shore Baptist Church? \_\_\_\_\_

2. List all previous church related or non-church work, volunteer or paid, that qualifies you to serve as a volunteer in programs for children or youth. Include approximate dates, organization's name, type of work you performed (Attach a separate page, if necessary).

---

---

---

---

3. Please provide the names and phone numbers of three personal references not related to you.

Name	Home Phone	Work Phone
------	------------	------------

---

---

---

4. Is there any reason, including those that are physical or mental health related, that would keep you from

effectively working with children or youth or cause any potential harm to our children or youth? Yes\_\_ No\_\_ If yes, please describe. If you have a disability or impairment that would require some reasonable accommodation, please describe the accommodation that will be required. *You may choose to set an appointment with a member of the ministerial staff and discuss the answer to this question personally rather than provide the information on this form. Your answer will be kept confidential.*

---

---

---

5. Have you ever been arrested for, charged with, indicted for, or pled guilty to a crime? Yes\_\_\_\_ No \_\_\_\_ If yes, please explain:

---

---

---

6. Express your personal faith journey.

---

---

---

---

---

---

---

7. List any gifts, callings, training, education, or other factors that have prepared you for children/youth work:

---

---

---

The information contained in this profile is correct to the best of my knowledge. I authorize the Church to obtain information from references, employers and churches listed herein. I also authorize any references, churches or other organizations or employers listed in this profile to give you any information, including opinions that they may have regarding my character and fitness for work with children or youth. In consideration of the receipt and evaluation of this profile by the Church, I hereby release any individual, church, children's organization, charity,

employer, reference or any other person or organization, both collectively and individually, from any and all liability for damages of whatever kind or nature which at any time result to me, my heirs, or family, on account of compliance or any attempts to comply, with this authorization. In order to encourage references to provide candid information relevant to my application, I waive any right that I may have to inspect any information provided about me by any person or organization identified by me in this profile. [If you have an objection to waiving any right to inspect such information, please discuss your objection with the responsible ministerial staff person designated to receive this profile.]

I agree to be bound by the Bylaws and Policies of the Church, which are adopted from time to time. I have studied the Church's Child and Youth Protection Policy and will comply with the policy. I understand that the Church desires to protect its children and therefore give my permission for the Church to conduct a criminal background check on me. I understand that the criminal background check may be conducted by any Church staff person. [If you object to authorizing the criminal background check to be performed by a staff person other than the responsible ministerial staff person, please specify in writing below your signature on this form.]

I further state that I have carefully read the foregoing release, I know the contents thereof, and sign this release as my own free act. I understand that any misrepresentation or omission of a material fact on this profile may be justification for refusal of acceptance of my service as a volunteer.

---

Volunteer Applicant's Signature

Date

# APPENDIX B

## CRIMINAL RECORD CHECK

### LAKE SHORE BAPTIST CHURCH

Name

---

Address

---

Phone

---

Other names by which you have been known (if any)

---

Note: May include maiden names or names that were changed for other reasons.

Date of Birth \_\_\_\_\_

Driver's License # \_\_\_\_\_

State License Issued \_\_\_\_\_

Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

I understand that I may be asked to provide additional information if necessary for further clarification of my identity.

I hereby authorize the local Police Department and other local, state or federal agencies to release any record that may be on file in my name(s) in the records of said agencies. Any such records will become part of my personal application for employment or volunteer service at Lake Shore Baptist Church of Waco, Texas.

Signature \_\_\_\_\_

# APPENDIX C

## PAID CHILD-CARE WORKER PROFILE

### LAKE SHORE BAPTIST CHURCH

Legally speaking, the church has the RIGHT TO ASK the following questions related to the application and screening process, and the applicant has the RIGHT TO REFUSE to answer any question. These applications for service are strictly confidential. Thank you for your cooperation in this process, and we hope you will understand the need for this in our society.

Name \_\_\_\_\_  
Last, Maiden First Middle

Date \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Home Phone \_\_\_\_\_

Business Phone \_\_\_\_\_

Driver's License # \_\_\_\_\_ State \_\_\_\_\_

Expiration Date \_\_\_\_\_

Social Security # \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Date of Birth \_\_\_\_\_

Place of Birth \_\_\_\_\_

1. Position applying for:

\_\_\_\_\_

2. On what date would you be available?

\_\_\_\_\_

3. Minimum length of commitment:

\_\_\_\_\_

4. Are you a member of Lake Shore Baptist Church (the "Church")?

Yes \_\_\_\_\_ Since \_\_\_\_\_ No \_\_\_\_\_

5. To the best of your recollection, please list cities and states in which you have lived; any denominations or churches of which you have been a member, including addresses; and previous church work with children or youth, volunteer or paid, since you were 17 years of age. Include approximate dates. (Attach a separate page, if necessary.)

Dates	City	State	Church	Address	Service

6. List all your previous non-church work, volunteer or paid, involving children. Include approximate dates, organization's name and address, type of work you performed, name of supervisor and phone number, if known. (Attach a separate page, if necessary.)

Dates	Organization	Type of Work	Supervisors Name	Phone

7. Do you consider yourself a positive role model for children? Yes \_\_\_\_\_ No \_\_\_\_\_

8. Please provide the names and phone numbers of three personal references not related to you.

Name	Home Phone	Work Phone

9. Is there any reason, including those that are physical or mental health related, that would keep you from effectively working with children or cause any potential harm to our children? Yes\_\_ No\_\_ If yes, please describe. If you have a disability or impairment that would require some reasonable accommodation, please describe the accommodation that will be required. *You may choose to set an appointment with a member of the ministerial staff and discuss the answer to this question personally rather than provide the information on this form. Your answer will be kept confidential.*

---



---



---

10. Have you ever been arrested for, charged with, indicted for, or pled guilty to a crime? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, please explain:

---



---



---

11. Have you ever been known by any other name? Yes \_\_\_\_ No \_\_\_\_  
If yes, please list all other names, including maiden name):

---

---

12. Would you be willing to be fingerprinted? Yes \_\_\_\_\_ No \_\_\_\_\_

13. Express your personal faith journey.

---

---

---

---

---

---

---

---

14. List any gifts, callings, training, education, or other factors that have prepared you for children/youth work:

---

---

---

The information contained in this profile is correct to the best of my knowledge. I authorize the Church to obtain information from references, employers and churches listed herein. I also authorize any references, churches or other organizations or employers listed in this profile to give you any information, including opinions that they may have regarding my character and fitness for children's work. In consideration of the receipt and evaluation of this profile by the Church, I hereby release any individual, church, children's organization, charity, employer, reference or any other person or organization, both collectively and individually, from any and all liability for damages of whatever kind or nature which at any time result to me, my heirs, or family, on account of compliance or any attempts to comply, with this authorization. In order to encourage references to provide candid information relevant to my application, I waive any right that I may have to inspect any information provided about me by any person or organization identified by me in this profile.

I agree to be bound by the Bylaws and Policies of the Church, which are adopted from time to time. I have studied the Church's Child and Youth Protection Policy and will comply with the policy. I understand that the Church desires to protect its children and youth and therefore give my permission for the Church to conduct a criminal background check on me. I understand that the criminal background check may be conducted by any Church staff person.

I further state that I have carefully read the foregoing release, I know the contents thereof, and sign this release as my own free act. I understand that any misrepresentation or omission of a material fact on this profile may be justification for refusal of employment.

---

Applicant's Signature

Date

FAMILY CODE

TITLE 5. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING  
THE PARENT-CHILD RELATIONSHIP

SUBTITLE E. PROTECTION OF THE CHILD

CHAPTER 261. INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 261.001. DEFINITIONS. In this chapter:

(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, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault

under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(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;

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

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code.

(2) "Department" means the Department of Family and Protective Services.

(3) "Designated agency" means the agency designated by the court as responsible for the protection of children.

(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;

(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

(v) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another 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.

(5) "Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

(A) a parent, guardian, managing or possessory conservator, or foster parent of the child;

(B) a member of the child's family or household as defined by Chapter 71;

(C) a person with whom the child's parent cohabits;

(D) school personnel or a volunteer at the child's school; or

(E) personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.

(6) "Report" means a report that alleged or suspected abuse or neglect of a child has occurred or may occur.

(7) "Board" means the Board of Protective and Regulatory Services.

(8) "Born addicted to alcohol or a controlled substance" means a child:

(A) who is born to a mother who during the pregnancy used a controlled substance, as defined by Chapter 481, Health and Safety Code, other than a controlled substance legally obtained by prescription, or alcohol; and

(B) who, after birth as a result of the mother's use of the controlled substance or alcohol:

(i) experiences observable withdrawal from the alcohol or controlled substance;

(ii) exhibits observable or harmful effects in the child's physical appearance or functioning; or

(iii) exhibits the demonstrable presence of alcohol or a controlled substance in the child's bodily fluids.

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, Sec. 86, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 575, Sec. 10, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1022, Sec. 63, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 19.01(26), eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 59, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. [268](#), Sec. 1.11, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. [593](#), Sec. 3.32, eff. September 1, 2007.

#### SUBCHAPTER B. REPORT OF ABUSE OR NEGLECT; IMMUNITIES

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.

(b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001 or 261.401, 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 or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. 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.

(c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental

health professional, and an employee of a clinic or health care facility that provides reproductive services.

(d) Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only:

- (1) as provided by Section 261.201; or
- (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, Sec. 87, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 162, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 575, Sec. 11, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1022, Sec. 65, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 6.29, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1150, Sec. 2, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1390, Sec. 21, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 5.003, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. [949](#), Sec. 27, eff. September 1, 2005.

Sec. 261.102. MATTERS TO BE REPORTED. A report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect.

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, Sec. 88, eff. Sept. 1, 1995.

Sec. 261.103. REPORT MADE TO APPROPRIATE AGENCY. (a) Except as provided by Subsections (b) and (c) and Section 261.405, a report shall be made to:

- (1) any local or state law enforcement agency;
- (2) the department;
- (3) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
- (4) the agency designated by the court to be responsible for the protection of children.

(b) A report may be made to the Texas Youth Commission instead of the entities listed under Subsection (a) if the report is based on information provided by a child while under the supervision of the commission concerning the child's alleged abuse of another child.

(c) Notwithstanding Subsection (a), a report, other than a report under Subsection (a)(3) or Section 261.405, must be made to the department if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, Sec. 89, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1477, Sec. 24, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1297, Sec. 46, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. [213](#), Sec. 1, eff. September 1, 2005.

Sec. 261.104. CONTENTS OF REPORT. The person making a report shall identify, if known:

- (1) the name and address of the child;
- (2) the name and address of the person responsible for the care, custody, or welfare of the child; and
- (3) any other pertinent information concerning the alleged or suspected abuse or neglect.

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, Sec. 90, eff. Sept. 1, 1995.

Sec. 261.106. IMMUNITIES. (a) A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from civil or criminal liability that might otherwise be incurred or imposed.

(b) Immunity from civil and criminal liability extends to an authorized volunteer of the department or a law enforcement officer who participates at the request of the department in an investigation of alleged or suspected abuse or neglect or in an action arising from an investigation if the person was acting in good faith and in the scope of the person's responsibilities.

(c) A person who reports the person's own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect is not immune from civil or criminal liability.

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. April 20, 1995. Amended by Acts 1995, 74th Leg., ch. 751, Sec. 91, eff. Sept. 1, 1995.



# Reporting Abuse, Neglect or Exploitation

Texas Department of Family and Protective Services

October 2010

## Reporting Abuse and Neglect

The law requires any person who believes that a child or person 65 years or older or an adult with disabilities is being abused, neglected, or exploited to report the circumstances to the Texas Department of Family and Protective Services (DFPS) Abuse Hotline. A person making a report is immune from civil or criminal liability, and the name of the person making the report is kept confidential. Any person who suspects abuse and does not report it can be held liable for a Class-A misdemeanor.

Additional reporting requirements apply to teachers and other professionals. A professional must report suspected abuse or neglect of a child within 48 hours of suspecting the child has been or may be abused or neglected. (TFC 261.101 (b))\* A professional cannot delegate this duty to another person to make the report. Reporting suspected child abuse makes it possible to protect the child and for a family to get help.

*For life threatening or emergency situations,  
call your local law enforcement agency or 911 immediately, and then make a report to DFPS.*

There are two options for reporting abuse, neglect and exploitation to the Texas Department of Family and Protective Services.

**By Phone:** Call the Abuse Hotline, 24 hours a day, 7 days a week, toll-free **1-800-252-5400** from anywhere in the US to report abuse or neglect that occurred in Texas.

**By Secure Internet Website:** From your internet browser, go to <https://www.txabusehotline.org>. When you get to the web site, there will be directions to the links to report abuse or neglect against children or to report abuse against elderly or disabled adults. Recent improvements to the site include a registration page, ability for the user to print the report, left side navigation, and spell check. If you have trouble or questions about making a report on the website, call (512) 929-6784 or **1-800-252-5400** for help. (You MUST include the "s" in "https://" to access the site.)

## Types of Abuse/Neglect/Exploitation

### What is Abuse?

- Abuse is mental, emotional, physical, or sexual injury to a child or person 65 years or older or an adult with disabilities, or failure to prevent such injury.

### What is Neglect?

- Neglect of a child includes (1) failure to provide a child with food, clothing, shelter and/or medical care; and/or (2) leaving a child in a situation where the child is at risk of harm.
- Neglect of a person 65 years or older or an adult with disabilities results in starvation, dehydration, over- or under-medication, unsanitary living conditions, and lack of heat, running water, electricity, medical care, and personal hygiene.

### What is Exploitation?

- Exploitation is misusing the resources of a person 65 years or older or an adult with disabilities for personal or monetary benefit. This includes taking Social Security or SSI (Supplemental Security Income) checks, abusing a joint checking account, and taking property and other resources.

## Information that is helpful to have on hand when filing an abuse report includes (if known):

- The name, age, and address of the child or person 65 years or older or an adult with disabilities.
- Your name and contact information.
- A brief description of the situation and the child or vulnerable adult.
- Current injuries, medical problems, or behavioral problems.
- Parents' names and names of siblings in the home (for a child).
- Names of relatives in or outside the home and name of perpetrator (for an adult).
- Explain how you know about the situation.

\* Texas Family Code Chapter 261.101 (b)

