

PROCEDURE LIT.2.01.03
CHILD ABUSE REPORTING AND TRAINING

SCOPE: Faculty and Staff

Lamar Institute of Technology is committed to maintaining a safe educational environment and complying with state law, which requires the reporting of suspected child abuse and neglect to appropriate authorities.

1. Definitions:

1.1. "Abuse" includes the following acts or omissions by a person:

- 1.1.1. mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development;
- 1.1.2. 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;
- 1.1.3. 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;
- 1.1.4. 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;
- 1.1.5. 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 disabled individual 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;
- 1.1.6. failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- 1.1.7. compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021, Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
- 1.1.8. 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;
- 1.1.9. 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;

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

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

1.1.12. knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

1.1.13. forcing or coercing a child to enter into a marriage.

1.2. "Neglect" means an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety and:

1.2.1. Includes:

1.2.1.1. the leaving of a child in a situation where the child would be exposed to an immediate danger 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;

1.2.1.2. the following acts or omissions by a person:

1.2.1.2.1. 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 an immediate danger of harm to the child;

1.2.1.2.2. failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger 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;

1.2.1.2.3. 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;

1.2.1.2.4. placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or

1.2.1.2.5. 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 1.1.5, 1.1.6, 1.1.7, 1.1.8, or 1.1.11 committed against another child;

1.2.1.3. 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; or

1.2.1.4. a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy; and

1.2.2. does not include:

1.2.2.1. the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:

1.2.2.1.1. the child has a severe emotional disturbance;

1.2.2.1.2. the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and

1.2.2.1.3. the person has exhausted all reasonable means available to the person to obtain mental health services;

1.2.2.2. allowing the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture; or

1.2.2.3. a decision by a person responsible for a child's care, custody, or welfare to:

1.2.2.3.1. obtain an opinion from more than one medical provider relating to the child's medical care;

1.2.2.3.2. transfer the child's medical care to a new medical provider; or

1.2.2.3.3. transfer the child to another health care facility.

1.3. "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.

- 1.3.1. 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.
 - 1.4. "child" means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.
2. Reporting Abuse and/or Neglect: A person having 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 to any local or state law enforcement agency or the Texas Department of Family and Protective Services.
 - 2.1. If a professional (as defined by Section 261.101, Texas Family Code) has cause to believe that a child has been or may be abused or neglected (as defined by Section 261.101 or 261.401, Texas Family Code) or that a child is a victim of an offense under Section 21.11, Penal Code (Indecency with a Child), the professional shall make a report not later than the 48th hour after he or she first suspects abuse, neglect or other infraction. A professional may not delegate to or rely on another person to make the report.
 - 2.2. A person or professional shall make a report if they have reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of
 - 2.2.1. Another child; or
 - 2.2.2. An elderly person or person with a disability as defined by Section 48.002, Human Resources Code.
 - 2.3. Unless waived in writing by the person making the report, the identify of an individual making a report is confidential.
3. Content of Report: 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.
 - 3.1. The person making the report shall identify, if known:
 - 3.1.1. The name and address of the child;
 - 3.1.2. The name and address of the person responsible for the care, custody, or welfare of the child;
 - 3.1.3. The facts that caused the individual to believe the child has been abused or neglected and the source of the information;
 - 3.1.4. The individual's name and telephone number;
 - 3.1.5. The individual's:
 - 3.1.5.1. Home address; or

- 3.1.5.2. If the individual is a professional, the individual's business address and profession; and
 - 3.1.6. Any other pertinent information concerning the alleged or suspected abuse or neglect.
- 4. Training required: Employees are required to take training in prevention techniques for and the recognition of symptoms of sexual abuse and other maltreatment.
 - 4.1. The training includes:
 - 4.1.1. Techniques for reducing a child's risk of sexual abuse or other maltreatment;
 - 4.1.2. Factors indicating a child is at risk for sexual abuse or other maltreatment;
 - 4.1.3. The warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and
 - 4.1.4. The requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by Chapter 261, Family Code 5.2
 - 4.2. Dual Credit Instructors who have taken equivalent training through their school district may use that training to meet this training requirement.

Related Policies:

Relevant Forms/Documents:

Relevant TSUS Policies/Forms/Documents:

Relevant Statutes:

Relevant SACSOC Standards:

Document History:

Adopted: July 2024

Reviewed:

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