

How Long Do I Have to Make a Report of Abuse, Neglect or Exploitation?

The law requires that a person make a report of abuse, neglect or exploitation immediately! If you are a professional (e.g., teacher, attorney, doctor, counselor, etc.), you are required to make a report within 48 hours after first suspecting abuse, neglect or exploitation. Additionally, the Commission requires any employee, volunteer or intern of a juvenile justice program or facility to report any allegations of abuse, neglect or exploitation to the Commission and local law enforcement within 24 hours.

What Happens After A Report is Made?

Every incident or allegation is important. The Commission treats each report seriously and is required to conduct an investigation of all allegations of abuse, neglect or exploitation.



The investigation process involves multiple steps. After a report is made, a Commission investigator is assigned to conduct the investigation and may conduct an on-site investigation if required. The Commission will also notify law enforcement. Because each allegation is unique, there is no standard time frame in which an investigation must be conducted and concluded; however, the Commission strives to complete all investigations as soon as possible.

In addition to the investigation conducted by the Commission, juvenile probation departments, facilities and programs are required to conduct their own internal investigation to determine if local policies and procedures were violated. The internal investigation is forwarded to the Commission. After all of the information has been collected and reviewed, the Commission investigator assigns a disposition (i.e., formal finding) based on the law and the facts of the allegation or incident.

Who Has Access to the Information Contained in an Abuse, Neglect or Exploitation Investigation?



Texas law provides that investigation case records may be released to particular individuals or entities upon formal request. Following the disposition of a case, the Commission has the authority to decide whether to release

the information to the extent necessary for the protection and care of the juvenile. In addition, the Commission is required to release case record information upon the written request of the victim and the alleged or designated perpetrator.

What Are Some Other Rights a Child Has in a Juvenile Justice Facility?

A child who has been detained in a juvenile justice facility enjoys certain rights under federal and state law. A child who is a resident in a pre-adjudication detention or post-adjudication correctional facility in Texas has the following rights:



- Illegal Discrimination. Residents shall not be subjected to discrimination based on race, national origin, religion, sex, or disability.
- Supervision. Residents shall not be subjected to supervision and control by other residents.
- Legal Counsel. Residents have the right to confidential contact with attorneys through telephone, uncensored letters, and personal visits.
- Work. Residents may not be required to work unless the activity is related to general housekeeping or as required by a court order for community service restitution.
- Visitation and Communication. Residents have the right to receive visitors and to communicate and correspond subject only to the limitations necessary to maintain facility security and control.
- Grievances. The facility shall have a written grievance procedure with at least one level of appeal.
- Religion. Residents may participate in religious services and religious counseling voluntarily, subject to the limitations necessary to maintain facility security and control.

For more information on a child's and parent's rights, please see *Parental Rights and Responsibilities, A Parent's Guide to Understanding Their Rights and Responsibilities in the Texas Juvenile Justice System*, which may be found at the Commission website, www.tjpc.state.tx.us.

Disclaimer: This publication is intended to be a resource for parents and the public on recognizing and reporting abuse, neglect or exploitation of a child in the juvenile justice system only. Allegations of abuse, neglect or exploitation outside of the juvenile justice system are reported differently and this publication is not intended to address those allegations. This brochure does not constitute legal advice or counsel.

A GUIDE FOR PARENTS AND THE PUBLIC

Recognizing and Reporting Abuse, Neglect & Exploitation of Children in Texas Juvenile Justice Programs and Facilities



A Publication By The

Texas Juvenile Probation Commission
4900 N. Lamar Boulevard
P.O. Box 13547, Austin, Texas 78711
Phone (512) 424-6700
www.tjpc.state.tx.us

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Introduction

The Texas Juvenile Probation Commission (Commission) is the designated state agency responsible for investigating allegations or incidents of abuse, neglect or exploitation of a child occurring in a juvenile justice program or facility such as a probation department, secure pre-adjudication detention facility, secure post-adjudication correctional facility, juvenile justice alternative education program (JJAEP) or other program. This brochure provides parents and the general public with information on how, when and to whom to report alleged child abuse, neglect or exploitation in the Texas juvenile justice system. As soon as possible after a child has been taken into custody or placed in a juvenile justice facility or program, the law requires a juvenile justice facility or program to provide parents with the information contained in this brochure.

What are a Child's Rights in the Juvenile Justice System?

Every child in the juvenile justice system has the right to be safe and protected at all times. In Texas, there are laws in place to ensure that a child is not subjected to abuse, neglect or exploitation by any juvenile justice professional, employee, volunteer or other individual working in a juvenile justice setting. All allegations and incidents of abuse, neglect or exploitation are required to be reported to the appropriate legal authorities, which includes the Commission. The Commission is required to investigate each allegation or incident of abuse, neglect or exploitation occurring in a juvenile justice program or facility in Texas.



What is Abuse, Neglect and Exploitation of a Child?

Abuse is the mental, emotional, physical or sexual injury to a child or the failure to prevent such an injury to a child.

Neglect is the failure to provide a child with basic needs such as food, clothing, education, shelter or medical care and/or leaving a child in a situation where the child is at risk of harm. Neglect is also the failure to provide proper supervision of a child.

Exploitation is the illegal or improper use of a child or the resources of a child for personal or monetary benefit, profit or gain.

Not all allegations or reports are actual incidents of abuse, neglect or exploitation. For example, a child requiring a physical restraint while in a juvenile justice facility may get bruised or receive other minor abrasions that may not amount to abuse if the restraint was justified and applied correctly.

How Do I Report Abuse, Neglect or Exploitation?

Reports of allegations or incidents of abuse, neglect or exploitation may be made by phone, fax or e-mail. **The identity of the person making the report is strictly confidential.** The Commission only investigates allegations or incidents of abuse, neglect or exploitation occurring in a juvenile justice program or facility. A report may be made to the Commission by:



Toll Free Hotline1-877-786-7263
(1-877- STOP ANE)
Telephone (512) 424-6700
Facsimile (512) 424-6716
E-mail Address..... abusenelect@tjpc.state.tx.us
Physical Address.....4900 North Lamar, 5th Floor
Austin, Texas 78751
Mailing Address.....Post Office Box 13547
Austin, Texas 78711

All other allegations or incidents of abuse, neglect or exploitation occurring outside of the juvenile justice setting (e.g., in a home, non-secure residential treatment facility or school that is not a JJAEP) should be reported to the appropriate agencies listed below:

Department of Family and Protective Services
(800) 252-5400 or (512) 834-3784
<https://www.txabusehotline.org>

Department of State Health Services
(888) 973-0022

For alleged incidents of abuse, neglect or exploitation occurring in a facility operated by the Texas Youth Commission, contact:

Texas Youth Commission
(512) 424-6235

Your local law enforcement agency may also be contacted to report any abuse, neglect or exploitation allegations.

What Should I Do if I Witness Abuse, Neglect or Exploitation Happening?

If you witness abuse, neglect or exploitation while it is happening, the law requires you to report it to the appropriate authorities. Similarly, every employee, intern or volunteer of a juvenile justice program or facility who directly witnesses abuse, neglect or exploitation has a legal duty to report the incident or allegation to the Commission and local law enforcement.

What if I Learn About or Suspect Abuse, Neglect or Exploitation But Do Not Witness it?

If you learn of or suspect abuse, neglect or exploitation (even though you did not witness it) you are legally required to report the matter to the appropriate authorities. A family member or any private citizen who suspects that some form of abuse, neglect or exploitation of a child in a juvenile justice program or facility has occurred also has a duty to report the allegation to the Commission or the appropriate authorities. **The duty to report continues so long as there is a good faith belief that the allegation is true.**



What Happens if I Do Not Report?

Texas law imposes a broad duty to report child abuse, neglect or exploitation upon every citizen. This includes professionals whose communications would ordinarily be protected such as attorneys, doctors, counselors or therapists, etc. If you fail to report an incident or allegation, you may be charged with a Class B Misdemeanor and you may be required to pay a fine of up to \$2000 or serve 180 days in jail or both.

What if a False Report of Abuse, Neglect or Exploitation is Made?

Any person who knowingly or intentionally makes a false report of abuse, neglect or exploitation may be charged with a State Jail Felony punishable by a \$10,000 fine and not less than 180 days in jail and no more than 2 years or both and a \$1,000.00 civil penalty and may be required to pay the legal fees of the person falsely accused.

Can I Make an Anonymous Report of Abuse, Neglect or Exploitation?



Yes! Any person who reports an allegation of abuse, neglect or exploitation may remain anonymous. The identity of the person making the report is not public information and is therefore, never revealed. In accordance with the law, the reporter's name is removed from all documents that may be legally released as a result of a written request for information.

Will the Commission Investigate My Child's Disposition in the Juvenile Court?

No. The Commission's investigation is limited to whether an allegation or incident of abuse, neglect or exploitation occurred within a juvenile justice program or facility. The investigation will not address the appropriateness of a disposition by the juvenile court and the Commission does not have the authority to override or modify an order issued by a juvenile court.