

CHILD ABUSE -- EVERY CITIZEN'S LEGAL RESPONSIBILITY

By Attorney Michael H. Wald

Law and legal topics are the source of endless controversy. Everyone has their own idea of what's fair and unfair, and how much the government has a right to impose its wishes on the public.

But one area of law is probably understood by most people, and appreciated for its protective goals -- the area of law against child abuse.

Children, since they are relatively unable to defend themselves, enjoy special protection under Texas law.

Because of this, everyone in the state is obligated under law to report suspected cases of child abuse. Whenever you think you know about a child's health, mental or physical, or general welfare being jeopardized by neglect or abuse, you must notify the authorities.

This duty extends to all Texans, including doctors.

Appropriate organizations to notify of such cases include any local or state law enforcement groups, as well as the Texas Department of Human Services. The TDHS operates a toll-free number to call them: 1-800-252-5400.

The list specified by law of reportable incidents regarding a child include sexual abuse, failure to provide proper food, shelter and clothing, violation of mandatory school attendance policies, and other cases of health and welfare threatening situations.

Oral reports to the proper authorities must be made before police or other agencies can take any kind of action. It is critical to remember this. The time it takes to make a phone call may be the difference between life and death for a child.

If required, anonymous reports will be taken, and will be acted upon.

Written reports must be made within five days of the oral report, and the TDHS has a form for this purpose. You must give the child's name and address, as well as the parent's or guardian's name and address.

Confidentiality is required for these reports, which will only be used for processing individual cases. Those who report child abuse cases are protected under law, if their reports are made in good faith with reasonable belief of their accuracy. In essence, one cannot be sued or prosecuted for reporting suspicious activity. But those who falsely report such cases do not share such protection.

An investigation into the matter is conducted with a visit to the child's home, a talk with the child, and a physical examination of all children living at that address. A court can order the parents or guardians to allow the authorities to enter, if permission is at first denied.

The investigators will file a report with TDHR, with recommendations which may include immediate removal of the child from the household. Courts can then restrain anyone from disturbing or moving the child. The child can be placed in a protective custody house, and the parent-child relationship can be terminated.

Failure to comply with the mandatory reporting of any suspected child abuse case carries a maximum \$1,000 fine and/or 180 days in jail. The law makes a great deal of sense, and care is taken to avoid harm to the citizen who reports child abuse. It's your duty.

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