

Texas

Child Abuse and Neglect

This is summary information, not the full statutory text. Be sure to check your state's statutes for the most current and complete information for mandated reporters in your state.

Definitions of Child Abuse and Neglect

To better understand this issue and to view it across States, download the [PDF](#) (587 KB) of this publication.

Physical Abuse

Citation: Fam. Code § 261.001

'Abuse' means the following acts or omissions by a person:

- 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 conservator that does not expose the child to a substantial risk of harm
- Failure to make a reasonable effort to prevent an action by another person that results in physical injury or substantial harm to the child
- 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

Neglect

Citation: Fam. Code § 261.001

'Neglect' means the following acts or omissions by a person:

- 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
- 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
- Failing 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
- 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
- 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 sexual abuse
- 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

Sexual Abuse/Exploitation

Citation: Fam. Code § 261.001

The term 'abuse' includes the following acts or omissions by a person:

- Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child, sexual assault, or aggravated sexual assault
- Failure to make a reasonable effort to prevent sexual conduct harmful to a child
- Compelling or encouraging a child to engage in sexual conduct
- Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of a child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene or pornographic
- Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child

Emotional Abuse

Citation: Fam. Code § 261.001

The term 'abuse' includes the following acts or omissions by a person:

- 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 a 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

Abandonment

Citation: Fam. Code § 261.001

The term 'neglect' includes leaving 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 intent not to return by a parent, guardian, or conservator of the child.

Standards for Reporting

Citation: Fam. Code § 261.101

A report is required when there is cause to believe that the child's physical or mental health has been adversely affected by abuse or neglect.

Persons Responsible for the Child

Citation: Fam. Code § 261.001

'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 parent, guardian, conservator, or foster parent of the child
- A member of the child's family or household, meaning persons living together in the same dwelling, without regard to whether they are related to each other, and includes persons who previously lived in the household
- A person with whom the child's parent cohabits
- School personnel or a volunteer at the child's school
- 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

Exceptions

Citation: Fam. Code § 261.001

Abuse does not include reasonable discipline by a parent that does not expose the child to substantial risk of harm.

Mandatory Reporters of Child Abuse and Neglect

To better understand this issue and to view it across States, download the [PDF](#) (763 KB) of this publication.

Professionals Required to Report

Citation: Fam. Code § 261.101

Persons required to report include professionals, for purposes of the reporting laws, who are licensed or certified by the State or who are an employees of facilities licensed, certified, or operated by the State and who, in the normal course of official duties or duties for which licensure or certification is required, have direct contact with children.

Professionals include:

- Teachers or daycare employees
- Nurses, doctors, or employees of a clinic or health-care facility that provides reproductive services
- Juvenile probation officers or juvenile detention or correctional officers

Reporting by Other Persons

Citation: Fam. Code § 261.101

A person who has cause to believe that a child has been adversely affected by abuse or neglect shall immediately make a report.

Institutional Responsibility to Report

Citation: Fam. Code §§ 261.101; 261.110

A professional may not delegate to or rely on another person to make the report.

An employer may not suspend or terminate the employment of, or otherwise discriminate against, a person who is a professional and who in good faith:

- Reports child abuse or neglect to the person's supervisor, an administrator of the facility where the person is employed, a State regulatory agency, or a law enforcement agency
- Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect

A person whose employment is suspended or terminated or who is otherwise discriminated against in violation of this section may sue for injunctive relief, damages, or both.

Standards for Making a Report

Citation: Fam. Code § 261.101

A report is required when a person has cause to believe that a child has been adversely affected by abuse or neglect.

In addition, a person or professional shall make a report if the person or professional has 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 another child, an elderly person, or person with a disability.

Privileged Communications

Citation: Fam. Code §§ 261.101; 261.202

The requirement to report 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, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health-care facility that provides reproductive services.

In a proceeding regarding the abuse or neglect of a child, evidence may not be excluded on the ground of privileged communication except in the case of communication between an attorney and client.

Inclusion of Reporter's Name in Report

Not addressed in statutes reviewed.

Disclosure of Reporter Identity

Citation: Fam. Code §§ 261.101; 261.201

Unless waived in writing by the person making the report, the identity of an individual making a report is confidential and may be disclosed only:

- As provided by § 261.201
- To a law enforcement officer for the purposes of conducting a criminal investigation of the report

A report of alleged or suspected abuse or neglect and the identity of the person making the report are confidential. A court may order the disclosure of such confidential information, if after a hearing and an *in camera* review of the requested information, the court determines that the disclosure is:

- Essential to the administration of justice
- Not likely to endanger the life or safety of a child who is the subject of the report, a person who made the report, or any other person who participates in an investigation of reported abuse or neglect or who provides care for the child

The Texas Youth Commission shall release a report of alleged or suspected abuse if the report relates to abuse or

neglect involving a child committed to the commission. The commission shall edit any report disclosed under this section to protect the identity of:

- A child who is the subject of the report
- The person who made the report
- Any other person whose life or safety may be endangered by the disclosure

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