

ABUSE

As defined in the Family Code, Section 261.001, abuse includes the following acts or omissions by a person:

1. Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning.
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.
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 possessor conservator that does not expose the child to a substantial risk of harm.
4. Failure to make reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child.
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 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;
6. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;
7. Compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including conduct that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(a)(2), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
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;
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;
  10. Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
  11. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; or
  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.

NEGLECT

As defined in the Family Code, Section 261.001, neglect includes:

1. The leaving of a child in a situation where the child would be exposed to a substantial risk of 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 possessor conservator of the child.
2. The following acts or omissions by a person:
  - a. Placing the child in or failing to remove the child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level or maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child.
  - b. Failing to seek, obtain, or follow through with medical care for the 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.
  - c. Failing to provide the 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.

- d. 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
  - e. 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
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.

#### DUTY TO REPORT

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 to the CPS division of the Texas Department of Family and Protective Services, at (800) 252-5400 or on the web at [www.txabusehotline.org](http://www.txabusehotline.org) 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.

#### GUIDELINES FOR REPORTING

Individuals may make the report of suspected abuse and/or neglect to CPS either online or by telephone. Individuals must also report suspected abuse and/or neglect to the campus principal. The principal or designee may assist the individual in

the reporting process. In addition to reporting to the CPS division of the Texas Department of Family and Protective Services, reports may also be made to one of the following agencies:

Local law enforcement agencies:

- a. Harris County Sheriff's Department  
1200 Baker St.  
Houston, Texas 77002  
713-221-6000
- b. Galveston County Sheriff's Department  
601 – 54<sup>th</sup> Street  
Galveston, Texas 77551  
409-766.2300 ext. 2
- c. Clear Lake Shores Police Department  
1006 S Shore Dr.  
Kemah, Texas 77565  
281-334-1034
- d. Friendswood Police Department  
600 Whitaker  
Friendswood, Texas 77546  
(281) 996-3300
- e. Houston Police Department – Clear Lake Sub- Station  
2855 Bay Area Blvd.  
Houston, Texas 77058  
(832) 395-1777
- f. Houston Police Department – Juvenile Division  
8300 Mykawa Road  
Houston, Texas 77048  
713-731-5353
- g. Kemah Police Department  
1401 TX-146  
Kemah, Texas 77565  
281-334-5414
- h. Lakeview (El Lago) Police Department  
98 Lakeshore Drive  
El Lago, Texas 77586  
281-326-5900
- i. League City Police Department  
555 West Walker  
League City, Texas 77573  
281-332-2566

- j. Nassau Bay Police Department  
1800 Space Park Dr  
Houston, Texas 77058  
281-333-2212
- k. Pasadena Police Department  
1201 Davis St.  
Pasadena, Texas 77506  
713-477-1221
- l. Seabrook Police Department  
1700 1st St, Seabrook, Texas 77586  
(281) 291-5610
- m. Webster Police Department  
217 Pennsylvania Webster, Texas 77598  
281-332-2426

**SCHOOL INTERVIEW  
WITH CHILD**

Workers from the Child Protective Services are authorized to interview, examine, videotape, and photograph children at school, without parental permission, if in the worker's opinion, contact with the child is necessary. If the CPS worker decides to take the child from the campus, the principal will have the CPS worker complete a release form.

The principal will require the CPS worker to show identification, sign in at the office, and state the purpose of the campus visit.

The principal may request, but not require, that the interview be conducted in his or her presence or that of a designee, e.g., other administrator, helping teacher, counselor, or nurse. The CPS worker may request that school personnel not be present during the interview. The principal will ensure that the interview is conducted in a place that respects the privacy and ensures the safety of the student.

**PSYCHOTROPIC  
DRUGS**

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator of a child to administer or consent to the administration of a psychotropic drug to the child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect of the child under Subchapter B, Chapter 261, Family Code, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment

to the growth, development, or functioning of the child.

Psychotropic drug means a substance that is:

1. Used in the diagnosis, treatment, or prevention of a disease or as a component of a medication; and
2. Intended to have an altering effect on perception, emotion, or behavior.