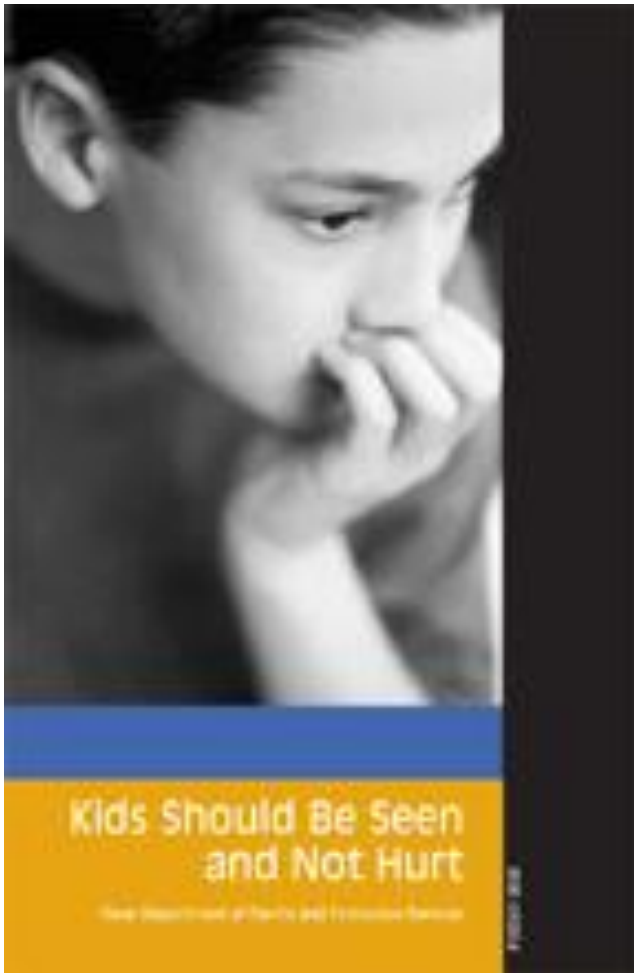


Kids Should Be Seen and Not Hurt



Texas Department of Family and Protective Services

Please Note:

Priests, Deacons, Religious, Catechists, Youth Leaders, etc are legally required by Texas law to report suspected abuse of a minor to police or Child Protective Services.

The Diocese of Tyler provides this information as part of our efforts to create a safe environment for all God's children. In addition to reporting suspected abuse or neglect as outlined above. Please remember that in the Catholic Church we are committed to not only avoiding abuse, but to respecting the sacred dignity of each person.

Concerns about the conduct of Church Personnel (e.g.: priests, deacons, religious, church employees, volunteers

working in church sponsored programs) can be reported to the Promoter of Justice for the Diocese of Tyler, Rev. Gavin N. Vaverek, 903 266 2159, or promoter@dioceseoftyler.org

A Silent Cry for Help

Some children can't or won't cry or ask for help when they need it—even if their lives may be in danger. Thousands of children who suffer abuse and neglect are too young, terrified or simply confused to tell anyone about it. Their suffering may go unnoticed for years, permanently impairing their health and development—or worse, taking its toll on innocent lives.

You can spot symptoms of abuse and neglect if you know what to look for. A parent's, caregiver's, or child's appearance and behavior may be a sign. If you think that a child is being maltreated, you must act for the child. It is important that you report your suspicions to the people who are responsible for investigating reports of abuse and neglect. Call 1-800-252-5400.

According to Civil and Criminal Law

Texas has both civil and criminal laws to protect children from abuse and neglect. If you suspect that a child is being abused or neglected, the law requires that you report it.

[Texas Family Code Section 261.101 (a)] If the suspected abuse or neglect involves a person responsible for the care, custody or welfare of the child or someone who lives in the home with the child, the agency to contact is the Texas Department of Family and Protective Services (DFPS). Child Protective Services (CPS), a division of DFPS, is responsible for conducting civil investigations of alleged abuse or neglect by caregivers or household members. You may also report suspected abuse or neglect to any local or state law enforcement agency. For the most part, law enforcement agencies are responsible for criminal investigations, which usually focus on the person who hurt or endangered the child (Texas Family Code, Section 261.103).

If you act in good faith when you make a report or provide information during a CPS investigation, by law you are protected from liability. However, if you report your own abuse or neglect of a child or act in bad faith or with malicious purpose in reporting alleged child abuse or neglect, then you are not protected from civil or criminal liability (Texas Family Code, Section 261.106).

Failure to report suspected child abuse and neglect is a criminal offense (Texas Family Code, Section 261.109).

To report to DFPS, call the 24-hour, toll-free abuse hotline at 1-800-252-5400 from anywhere in Texas. Outside Texas, call 512-834-3784, and the receptionist will have a worker call you back. The important thing is to call and report what you suspect. You will be given a call ID number to prove that you made the call. You can call back and use the call ID number to give additional information about the same case. Anonymous callers are welcome, but they will not be given a call ID number. The identity of the reporter is confidential and is not revealed to anyone but law enforcement, unless disclosure is ordered by a court (Texas Family Code Section 261.201).

According to Canon Law

The Catholic Church in the United States is obligated to observe the laws of the state and also the laws of the Church. The Norms established to implement The Charter for Protection of Minors and Young People, have been approved by the Holy See and are part of the canon law for the United States. In the Diocese of Tyler, the Church is also committed to our Ethic and Integrity Policy for all Church Personnel. Further information can be found at www.dioceseoftyler.org/ethics.

Too Many Child Victims

In 2002, CPS investigated 125,258 reports of suspected child abuse and neglect. Investigations confirmed the abuse or neglect of 55,841 children statewide. These children include 12,800 victims of physical abuse; 7,290 victims of sexual abuse; 1,260 victims of emotional abuse; 486 victims of abandonment; 2,244 victims of medical neglect; 6,763 victims of physical neglect; 24,183 victims of neglectful supervision; and 815 victims of refusal to accept parental responsibility.

Statistics over the years show that the most vulnerable age group of child victims is 3 years old and younger. More than half the child victims are no older than 6 years of age. For additional and current statistics and information, please visit our Web site at www.dfps.state.tx.us

Report Child Abuse – It's the Law (of both Texas & Church)

Texas law requires that any person suspecting that a child has been abused or neglected must immediately make a report. If there is an emergency, call 911 and then call the DFPS abuse hotline at 1-800-252-5400. If you choose to make a written report, please fax it to 1-800-647-7410. *If the matter concerns people who work or volunteer for the Church, AFTER reporting to the civil authorities, please contact the Promoter of Justice, Rev. Gavin N. Vaverek, (903) 266-2159.*

Professionals must make a report no later than the 48th hour after first suspecting a child has been 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 (Texas Family Code, Section 261.101). Professionals are not required to follow up their oral reports with a written report as they were in the past. Professionals include teachers, nurses, doctors, day-care employees and others who are either licensed by the state or work in a facility licensed or operated by the state and who have direct contact with children in the course of their job (Texas Family Code, Section 261.101).

It is important to make the report as soon as possible. The more time that passes between the incident and your report, the more difficult it is for CPS to conduct an appropriate and thorough investigation and to gather the information needed to protect the child. Over time, bruises can heal; physical evidence may disappear or be obscured; memories may fade; and children, parents and other individuals may change their minds about what to say to CPS.

In some situations, you may be aware of a family's ongoing problems over a period of time before you begin to suspect that the situation has worsened into abuse or neglect. DFPS encourages you to report if you think that a child has been abused or neglected. You are not expected to prove that abuse or neglect has definitely occurred. Delaying your report to check the situation or to gather more information can result in more serious harm to the child.

Helping Locate a Child

To investigate a report, CPS must be able to locate the child or family. Please provide the worker taking your report with names of the children, parents, caregivers or others involved. At a minimum, please provide a description of the child and the home address, day-care center or the school the child attends.

Professionals calling should try to have the child's record accessible to provide names, dates of birth, addresses, emergency contacts, health issues and information on siblings or others in the home.

Report What You Know About the Child

When you make a report, give as much information as you can about the child's age and condition. Give the child's date of birth if possible; if you don't know it, then tell the child's age or approximate age. CPS investigators also need information about the child's condition, such as injuries, medical problems, physical disabilities, intellectual development, and emotional or behavioral problems. Describe the injuries and location of the injuries as much as possible. If there is no visible injury, describe pain, tenderness, or the child's description or feelings about the situation. The child's age and current condition are important factors in determining the level of danger involved.

Report What You Know About the Event

When you make a report, tell who, what, where, when and how. Give as much information as you can about the child's condition and well-being. There may be times when the person reporting has little information because an incident that appeared to be abuse or neglect was witnessed in a public place, such as a parking lot, store, restaurant or school. Please help CPS identify who the victim and alleged abusers are by giving a description, including the approximate age and description of the victim and alleged abuser, a license plate number and any other people present who may have additional information.

Report Even When in Doubt

If you are not sure whether to report, DFPS encourages you to call immediately and ask. The worker discusses the situation and explains what constitutes abuse, neglect and risk. The worker taking the report will ask questions. If you do not know the answers to all the questions, it is okay. The worker needs to gather as much information as possible.

What you have to say is important and DFPS welcomes your call. If your information is not assigned for investigation, your call is still logged in our computer. Call again if another incident of abuse or neglect occurs. Sometimes the child you are calling about already has a caseworker because someone else called in previously. If DFPS does not write up a new report, the information is sent to the caseworker handling the case if the case is still open.

Client information must be safeguarded and is restricted from disclosure to callers.

Note: DFPS workers need specific information to make good decisions about whether to investigate a report. General statements of concern about a child's welfare are seldom sufficient to require an investigation. If the report does not appear to meet the legal definitions of abuse or neglect, DFPS will tell you.

Legally, What Child Abuse and Neglect Are

In Texas, the definitions of child abuse and neglect include specific acts or omissions by a person responsible for a child's care, custody or welfare. Here are important legal definitions from Section 261.001 of the Texas Family Code.

“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 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;
- 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;
- 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;
- sexual conduct harmful to a child's mental, emotional, or physical welfare including conduct that constitutes the offense of 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;
- failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code;
- 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;
- causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;
- 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; or
- causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code.

“Neglect” includes:

- the leaving of 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 an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
- 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;
 - 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; or
 - 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
- 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.

“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, managing or possessory conservator, or foster parent of the child;
- a member of the child’s family or household as defined by Chapter 71;
- a person with whom the child’s parent cohabits;
- school personnel or a volunteer at the child’s school; or
- 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.

Reporting Abuse or Neglect Outside the Home

Reports of child abuse or neglect occurring outside the child’s family or home are generally investigated by agencies other than CPS. However, CPS usually investigates reports of abuse or neglect by school personnel or volunteers.

The Child Care Licensing division of DFPS investigates alleged child abuse or neglect in day-care facilities or residential facilities licensed by DFPS. The Adult Protective Services division of DFPS investigates alleged child abuse or neglect in MHMR facilities and community centers.

Reports of child abuse or neglect in facilities that are operated, licensed, certified or registered by other state agencies are investigated by those agencies.

The law allows you to report a case directly to the responsible agency, and if you make the report to DFPS, it will be referred to the appropriate state agency. If you prefer, you may report to a law enforcement agency.

Family Violence

Also known as “domestic violence,” family violence is an act by a member of a family or household against another member of the family or household that is intended to cause physical or emotional harm. It is against the law in Texas.

The first step in stopping domestic violence is to recognize it when it happens. It’s hard to accept that you may be battered by someone you love. Still, you may be a victim of family violence if:

- you are being pushed, shoved, slapped, bruised, kicked, strangled or threatened with a weapon.
- you are verbally attacked or accused.
- your possessions are intentionally damaged.
- you are not allowed to come and go as you wish.
- you are being followed, harassed, or spied upon.
- you are forced to have sex or perform a degrading sexual act.
- you are kept in isolation.

In families where battering occurs, the rate of child abuse or neglect is 15 times higher than the national average. Children may be hurt indirectly when their parent is abused. They may be injured trying to protect their parent.

In the year 2000, law enforcement reported more than 175,282 incidents of family violence in Texas, with 104 women killed by their intimate male partners.

No one deserves to be abused. If something about your relationship frightens you, or if you or someone you know is suffering abuse in a relationship, please call:

The National Domestic Violence Hotline

1-800-799-SAFE (7233)

1-800-787-3224 (TDD for hearing impaired).

Texas law requires that any person suspecting that a child has been abused or neglected must immediately make a report. If there is an emergency, call 911 and then call the DFPS abuse hotline at 1-800-252-5400.

To notify the Church in East Texas, Contact: Promoter of Justice, Rev. Gavin N. Vaverek, 903 266-2159 or the Bishop.