

Frequently Asked Questions



Q: Can my supervisor make a report to the Commission and law enforcement for me?

NO! In accordance with Texas Family Code Chapter 261.101 the responsibility to report an allegation or incident of abuse, neglect or exploitation cannot be delegated. It is the sole responsibility of the first person that learns of the allegation or suspects that abuse, neglect or exploitation has occurred to make the report.

Q: What happens when I call to report the allegation or incident to law enforcement and they refuse to take a report?

If law enforcement chooses not to take action there is nothing you can do. Your responsibility is to make the report regardless of what action law enforcement may or may not take. You will not be held accountable for the actions or lack of action taken by law enforcement as long as you can verify through written documentation that you made the report within 24 hours.

Q: Can I make an anonymous report of abuse, neglect or exploitation?

Yes, a person may make a report and remain anonymous. It should be noted however, that the identity of the person who made the report is not public information and is therefore, never revealed. In accordance with Texas Administrative Code 349.60, the reporter's name is redacted from all documents that may be released as a result of a written request.

Q: Why does the alleged perpetrator have to be suspended or reassigned to a position of no contact with juveniles during the internal investigation?

In order to help ensure the protection of the alleged victim and other juveniles in the department, facility or program.

Q: What actions are taken if the investigation is disposed of as Reason-to-Believe?

Upon receipt of written notice of the disposition the Designated Perpetrator has 45 calendar days to request an Administrative Review of the Commission's findings (Note: Only a designated perpetrator may request an Administrative Review). If a written request is not received by the end of the 45th calendar day, the Commission will request that the disciplinary hearing process be initiated.

Q: What happens if the disciplinary hearing process is initiated?

If you are a certified probation or detention officer, the disciplinary hearing process provides the Commission the opportunity to take action on your certification. The disciplinary hearing process can be initiated if you were designated as a perpetrator in a case of abuse, neglect or exploitation or if it was determined that you violated the Code of Ethics. The disciplinary process may result in a letter of reprimand, suspension of your certification for a specific period of time or revocation of your certification, which if appropriate, may include a lifetime revocation.

Q: Who has access to the information contained in an abuse, neglect or exploitation investigation?

In accordance with Texas Administrative Code Chapter 349 Subchapter G, to the extent deemed necessary for the protection and care of juveniles after a case is disposed of, the Commission may release certain case record information to particular individuals or entities upon formal request. Upon written request, the Commission is required to release case record information to the alleged or designated perpetrator.

Q: Where do I report if the alleged abuse, neglect or exploitation occurred outside of the juvenile justice setting (i.e., in a home or school that is not a JJAEP)?

- Department of Family and Protective Services (800) 252-5400 or (800) 832-9626
- Department of State Health Services (888) 973-0022
- Texas Youth Commission (512) 424-6235

To Report Allegations or Incidents of Abuse, Neglect and Exploitation or For General Information



- Toll Free Hotline**1-877-786-7263
(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

A Guide for Juvenile Justice Professionals to Recognizing, Reporting and Investigating Abuse, Neglect & Exploitation in the Texas Juvenile Probation System



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This brochure has been prepared to describe the process for filing a report of abuse, neglect or exploitation and to offer guidance to juvenile justice professionals about their statutory duties and responsibilities. A separate informational brochure has been designed for distribution to parents and members of the public.

The Texas Juvenile Probation Commission (the Commission) conducts investigations of all allegations of abuse, neglect and exploitation in juvenile probation departments, juvenile justice programs, secure juvenile pre-adjudication detention facilities (including short-term facilities), secure juvenile post-adjudication correctional facilities and juvenile justice alternative education programs. Specially trained investigators work closely with the Commission's Legal Division and Field Services Division to conduct investigations. The investigatory process is governed by statutes and administrative law standards contained in Texas Administrative Code Title 37 Part II Chapter 349 and the Texas Family Code Chapter 261. The Commission's administrative law standards should be strictly followed since these are more specific than the broader statutory provisions. If, during the course of an investigation a violation of Texas Administrative Code Title 37 Part II is identified, investigators may issue a Non-Compliance Citation Report (NCCR) or a Notice of Risk.

In accordance with Texas Family Code 261.405(e), as soon as practical after a child is taken into custody or placed in a juvenile justice facility or program, the facility or program shall provide the child's parents with information regarding reporting of suspected abuse, neglect or exploitation to the Commission. The facility/program shall also provide the Commission's toll free number to the child's parents.

What Gets Reported?

Any allegation or suspected incident of abuse, neglect or exploitation of a juvenile that occurs in a department, program or facility under the jurisdiction of the juvenile board shall be reported to the Commission and local law enforcement within 24 hours of the allegation being made or discovery of the incident, including weekends and holidays.

Who Reports?

Any person including any employee, intern or volunteer of a juvenile probation department, juvenile justice program, secure juvenile pre-adjudication detention facility, secure post-adjudication correctional facility or juvenile justice alternative education program shall report to the Commission and local law enforcement any allegation or incident of abuse, neglect or exploitation. Although most allegations are made by the juvenile who feels he or she has been abused, neglected or exploited, any person who witnesses, learns of or suspects abuse, neglect or exploitation is legally required to report. This includes professionals whose communications would ordinarily be privileged (i.e., doctors, counselors, therapists, etc.). Family members of juveniles, private citizens or law enforcement may also make reports.

How To Report?

Reports may be made by phone, fax or e-mail. If the report is made by phone a TJPC Incident Report Form must be completed and submitted to the Commission within 24 hours of the initial phone call.

What Happens After a Report is Made?

- The allegation is assessed and assigned a priority level by a Commission investigator.
- In accordance with Texas Family Code Chapter 261, the Commission must notify local law enforcement in the event an allegation of criminal activity has occurred.
- Three separate and distinct investigations are conducted on all allegations of abuse, neglect and exploitation. The department, program or facility in which the allegation originates conducts an internal investigation to determine if the allegation can be substantiated, if policies and procedures were followed and if any Code of Ethics violations occurred. The Commission investigation also focuses on if the allegation can be substantiated; however, its primary purpose is to ensure the health and safety of the staff and juveniles and to determine compliance with the provisions in the Texas Administrative Code and Texas Family Code. The primary purpose of the law enforcement investigation is to determine if criminal activity occurred.
- The department, facility or program where the incident is alleged to have occurred is contacted by a Commission investigator, and contingent upon the elements of the case, either an on-site investigation is scheduled or a copy of the internal investigation report is requested. Departments, facilities and programs are required to conduct an internal investigation to determine if local policies and procedures were violated.
- After all of the information is collected and reviewed, the Commission investigator assigns a disposition based on the preponderance of the evidence standard.
- Disposition notices are distributed based on the type of disposition assigned to a particular case. In general, disposition notices are distributed to the chairman of the juvenile board of the placing county, the juvenile board of the county in which the alleged incident occurred and the chief administrator or facility administrator. If applicable, the designated victim and the designated perpetrator will also receive a disposition notice.



Serious Incidents

In addition to reporting allegations and incidents of abuse, neglect and exploitation, juvenile probation departments, juvenile justice programs, secure juvenile pre-adjudication detention facilities, secure juvenile post-adjudication correctional facilities and juvenile justice alternative education programs are required to report incidents of attempted suicide, death, escape, serious injury and youth-on-youth assaults. Reports must be made to the Commission within 24 hours of the incident using the TJPC Incident Report Form.

Although all escapes and attempted suicides (i.e., **any action a resident takes that could result in taking his or her own life voluntarily and intentionally while detained or placed in a secure facility**) must be reported to the Commission, it is important to keep in mind that not all injuries or physical altercations must be reported to the Commission.

Only injuries that are considered "serious" must be reported. Serious injuries are defined by the degree of medical intervention that is necessary to treat an injury. Only an injury that requires treatment by a physician or physician assistant must be reported to the Commission. If a nurse provides medical attention without the involvement of a physician or physician assistant, the injury should not be reported. For example, if a juvenile is playing basketball, falls down and sustains an abrasion and the nurse administers antibiotic ointment or an ice pack, a report to the Commission should not be made. However, if the juvenile is playing basketball, falls down, sustains a wound and stitches are required, the injury is considered serious and must be reported to the Commission.

In addition, not all physical altercations between juveniles must be reported. Youth-on-youth assaults are also defined by the degree of medical treatment, if any, which is administered. If two or more juveniles engage in a physical altercation and no injuries are sustained or if two or more juveniles engage in a physical altercation and a nurse provides medical attention, such as an ice pack or a Band-Aid, the altercation should not be reported. However, if two or more juveniles engage in a physical altercation and the injuries sustained require stitches or a type of treatment only a physician or a physician assistant can provide, the youth-on-youth assault must be reported to the Commission.

