

Frequently Asked Questions

Q: CAN MY SUPERVISOR make a report to the Department 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 the required time frame.

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. In accordance with Texas Administrative Code 349.530, 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?

The alleged perpetrator is suspended or reassigned 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 20 calendar days to request an Administrative Review of the Department's findings (Note: Only a Designated Perpetrator may request an Administrative Review). If a written request is not received by the end of the 20th calendar day, the Department 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 supervision officer, the disciplinary hearing process provides the Department 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 lifetime revocation of your certification.

Q: WHO HAS ACCESS to the information contained in an abuse, neglect or exploitation investigation?

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

Q: HOW DO I report abuse, neglect or exploitation?

TOLL FREE HOTLINE 1.877.786.7263
1.877.STOP ANE

TELEPHONE 512.490.7130

FACSIMILE 512.424.6716

E-MAIL ADDRESS abuseneglect@tjtd.texas.gov

PHYSICAL ADDRESS Metric Blvd, Building H
Austin, Texas 78758

MAILING ADDRESS Post Office Box 12757
Austin, Texas 78711

All other allegations or incidents of abuse, neglect or exploitation occurring outside of the juvenile justice setting (e.g., in a home, non-secure residential treatment facility or school that is not a JJAEP) should be reported to the appropriate agencies listed below:

DEPARTMENT OF FAMILY & PROTECTIVE SERVICES

800.252.5400 or 512.834.3784

www.txabusehotline.org

DEPARTMENT OF STATE HEALTH SERVICES

888.973.0022

For alleged incidents of abuse, neglect or exploitation occurring in a facility operated by the Department, contact:

INCIDENT REPORTING CENTER

866.477.8354

Your local law enforcement agency may also be contacted to report any abuse, neglect or exploitation allegations.



TEXAS
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DEPARTMENT

VISIT OUR WEBSITE FOR MORE INFORMATION:

www.tjtd.texas.gov

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RECOGNIZING AND REPORTING
**ABUSE, NEGLECT
& EXPLOITATION**
in the Texas
Juvenile Probation System



A GUIDE FOR
Juvenile Justice Professionals



TEXAS
JUVENILE JUSTICE
DEPARTMENT

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 Justice Department (Department) investigates allegations of abuse, neglect and exploitation in juvenile justice facilities and programs operated by or under contract with the Department and operated wholly or partly by the juvenile board or by private vendors under contract with a juvenile board or with a governmental unit in this state that serves juveniles under juvenile court jurisdiction. Such facilities include public or private juvenile pre-adjudication secure detention facilities (including holdover facilities); post-adjudication secure correctional facilities; non-secure correctional facilities dually licensed by the Department and the Texas Department of Family and Protective Services; Juvenile Justice Alternative Education Programs (JJAEP); and non-residential programs. 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 Department'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 suspected abuse, neglect or exploitation to the Department. The facility or program shall also provide the Department'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 Department and local law enforcement.

Allegations of Sexual Abuse or Serious Physical Abuse or Death shall be reported to TJJD via the toll-free number within 4 hours and to law enforcement by phone within 1 hour. Within 24 hours of the phone report, a completed Incident Report Form (IRF) shall be submitted to the TJJD via fax or e-mail.

All other types of alleged abuse, neglect, or exploitation shall be reported to the TJJD and local law enforcement within 24 hours of gaining knowledge of the alleged incident. The report to the TJJD shall be made using the Incident Report Form, and the IRF shall be submitted to the TJJD via e-mail or fax.

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, non-secure correctional facility, or JJAEP shall report to the Department 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 TJJD Incident Report Form must be completed and submitted to the Department 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 Department investigator.
- **IN ACCORDANCE** with Texas Family Code Chapter 261, the Department must notify local law enforcement in the event an allegation of criminal activity has occurred.
- **THREE SEPARATE** and distinct investigations may be 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 Department 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 Department 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 Department investigator assigns a disposition based on the preponderance of evidence standard.

- **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, the chief administrator or facility administrator, the parent/guardian of the alleged/designated victim, and the alleged/designated perpetrator.

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 JJAEPs are required to report incidents of attempted suicide, death, escape, serious reportable injury, youth-on-youth physical assault, and youth sexual conduct. Reports must be made to the Department within 24 hours of the incident using the TJJD Incident Report Form.

Although all escapes and attempted suicides (i.e., any voluntary and intentional action that could reasonably result in taking one's own life) must be reported to the Department, it is important to keep in mind that not all injuries or physical altercations must be reported to the Department.

Only injuries that require medical treatment must be reported. Reportable injuries are defined by the degree of medical intervention necessary to treat an injury. Only an injury that requires treatment by a physician or physician assistant must be reported to the Department. 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 Department 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 Department.

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 medical treatment only a physician or a physician assistant can provide, the youth-on-youth assault must be reported to the Department.