
Requirements for reporting suspected abuse

April is Child Abuse Prevention Month, and EMS and first responders are in a unique position to help identify and report evidence of child abuse by the very nature of the services they provide. But did you know that EMS personnel are *required* by law to report any suspected abuse encountered while on the job?

The following excerpt from the Health and Safety Code regarding abuse reporting requirements details the specific mandate:

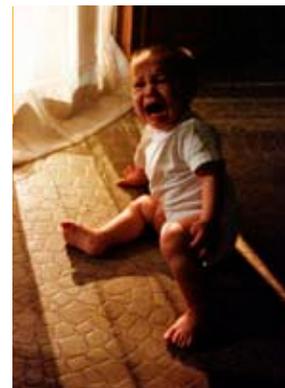


Photo from Department of Family and Protective Services Child Abuse Prevention Kit

SUBTITLE E. PROTECTION OF THE CHILD CHAPTER 261. INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT

SUBCHAPTER B. REPORT OF ABUSE OR NEGLECT IMMUNITIES

(b) If a professional has cause to believe that a child has been or may be abused or neglected, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected. 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 for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, and day-care employees. (**Ed. Note:** A recent legal opinion includes EMS in this list.)

SEC.261.103. REPORT MADE TO APPROPRIATE AGENCY

A report shall be made to:

- (1) any local or state law enforcement agency;
- (2) the department (Texas Department of Protection and Regulatory Services)
- (3) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
- (4) the agency designated by the court to be responsible for the protection of children.

Because suspected child abuse incidents are often accompanied by fear, anger or denial, many myths and questions surround a first responder’s responsibilities. The following list offers some myths and truths that can help you determine the best course of action.

Myth: If one of the responding crew reports the suspicion of abuse, neglect or exploitation, that report covers everyone.

Fact: False. State law requires a report from anyone who has encountered the victim of abuse, neglect or exploitation. (Yes, this does mean that multiple reports will be made.)

Myth: I can report the abuse to the doctor.

Fact: While you may well want to report the suspicions to the doctor as part of your patient report, such a report does not meet the statutory requirements for a report to TDFPS or law enforcement.

Myth: The hospital social worker will take care of it.

Fact: Again, such a report does not remove your legal obligation to make a report to law enforcement and/or TDFPS.

Myth: I must have concrete proof of abuse, neglect or exploitation before I can make a report.

Fact: Texas Family Code Chapter 261 and Texas Human Resources Code § 48.051 et. seq requires a report when the reporter believes that abuse, neglect or exploitation has occurred.