Child Abuse Reporting

Purpose

To report suspected cases of child abuse to the Department of Family and Protective Services (DFPS) and ensure compliance with state law.

Authority

Article II of the General Appropriations Act and Texas Family Code

Policy

Local Agencies shall comply with the provisions of state law related to reporting suspected child abuse of minors who are postpartum, pregnant, or have a child, including applicants/clients/parents/guardians.

Definitions

Affirmative defense – The actor was not more than three years older than the victim, and of the opposite sex, and the actor did not use duress, force or a threat against the victim at the time of the offense.

Child Abuse – For WIC reporting purposes, this includes any minor who is postpartum, pregnant or has a child, including applicants/clients/parents/guardians. This definition does not include other types of child abuse which is still required to be reported by law. Additional types of abuse are listed at: http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.261.htm

Professional – For WIC reporting purposes, all staff who interact with clients are considered professionals and must report within 48 hours.
Procedures

I. Local Agency (LA) staff who interact with clients must report minors who are postpartum, pregnant or have a child, including applicants/clients/parents/guardians. LA staff are considered professionals and must report within 48 hours.

II. Staff shall enter all system required information (e.g. Name, DOB) when creating a record. The MIS will automatically send an underage report to DFPS for minors **under 14 years of age**. Reports will be sent in real time once the record with the DOB and category is created and saved into the system. The Family Demographics questions one and two will be auto populated with the information entered when creating a record. The Family Demographics question three is optional but should be completed if known.

III. The MIS will prompt the user with an alert message to complete affirmative defense questions for minors **14 to under 17 years of age**.

   A. Staff shall ask the required questions and if ‘Yes’ to either question one or two in Section B of the DFPS form is entered, a report will automatically be emailed to DFPS when the record is saved. If ‘Yes’ to either question one or two is selected, the user will be prompted to answer additional required questions. Questions three and four of Section B are optional, but should be completed if known. The Family Demographics questions one and two will be auto populated with the information entered when creating a record. Question three of the Family Demographics section is optional but should be completed if known. The system will require staff to complete the affirmative defense questions before the certification can be completed. Link to the Child Abuse Reporting flowchart (for minors 14 to under 17 years of age): [Child Abuse Reporting Flowchart](#)
IV. All staff interacting with clients are considered professional staff and they shall receive child abuse training, including but not limited to timeframes for reporting (within 48 hours) and reporting procedures in the MIS. New staff shall receive this training prior to performing job duties and/or having client interactions. Training shall be documented and available for review. Link to the training chart: http://www.dshs.state.tx.us/wichd/tng/tng1.shtm

V. The LA shall monitor for compliance to ensure system reporting has occurred. Monitoring for compliance with the law and policy shall also be conducted during the biennial State Agency monitoring review.

VI. Upon a LA’s repeated failure to comply with the child abuse reporting requirements, all advances or reimbursements for proper charges or obligations incurred for all contract attachments will be withheld until all compliance issues are resolved.

Guidelines

Reports of other forms of abuse can be made at the Welcome to the Texas Abuse Hotline Website: https://www.txabusehotline.org/Login/Default.aspx