

# Texas Mandatory Reporting Law

Texas law requires anyone with knowledge of suspected child abuse or neglect to report it to the appropriate authorities. This mandatory reporting applies to all individuals and is not limited to teachers or health care professionals. The law even extends to individuals whose personal communications may be otherwise privileged, such as attorneys, clergy members, and health care professionals. Therefore, all Baylor University employees should be familiar with Texas law pertaining to reporting suspected child abuse or neglect.

**Section 261.101** of the Texas Family Code mandates that anyone who suspects child abuse or neglect must report it immediately. The report may be made to (1) any local or state law enforcement agency; or (2) the Department of Family and Protective Services.

All persons are required to make the report immediately, and individuals who are licensed or certified by the state or who work for an agency or facility licensed or certified by the state and have contact with children as a result of their normal duties, such as teachers, nurses, doctors, and day-care employees, must report the abuse or neglect within 48 hours.

Texas law broadly defines "abuse" and "neglect" so that every action in which a child's physical or mental health or welfare has been or may be adversely affected is potentially covered. The statute explicitly excludes an accident or reasonable discipline by a parent or guardian that does not expose the child to a substantial risk of harm. However, if there is a question whether conduct constitutes "abuse" or "neglect" always err on the side of the child's safety and report the incident.

A person acting in good faith who reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability. Failure to report suspected child abuse or neglect is a Class A Misdemeanor, punishable by imprisonment of up to one year and/or a fine of up to \$4,000. Merely reporting the incident to your supervisor or manager is insufficient.