

What Are Some Other Rights a Child Has in a Juvenile Justice Facility?

A child who has been detained in a juvenile justice facility is entitled to certain rights under federal and state law. A child who is a resident in a pre-adjudication detention or post-adjudication correctional facility in Texas has the following rights:

- **ILLEGAL DISCRIMINATION.** Residents shall not be subjected to discrimination based on race, national origin, religion, sex, or disability.
- **SUPERVISION.** Residents shall not be subjected to supervision and control by other residents.
- **LEGAL COUNSEL.** Residents have the right to confidential contact with attorneys through telephone, uncensored letters, and personal visits.
- **WORK.** Residents may not be required to work unless the activity is related to general housekeeping or as required by a court order for community service restitution.
- **VISITATION AND COMMUNICATION.** Residents have the right to receive visitors and to communicate and correspond, subject only to the limitations necessary to maintain facility security and control.
- **GRIEVANCES.** The facility shall have a written grievance procedure with at least one level of appeal.
- **RELIGION.** Residents may participate in religious services and religious counseling voluntarily, subject to the limitations necessary to maintain facility security and control.

For more information on a child's and parent's rights, please see *Parental Rights and Responsibilities, A Parent's Guide to Understanding Their Rights and Responsibilities in the Texas Juvenile Justice System*, which may be found at the Department website, www.tjjd.texas.gov.

Disclaimer: *This publication is intended to be a resource for parents and the public on recognizing and reporting abuse, neglect or exploitation of a child in the juvenile justice system only. Allegations of abuse, neglect or exploitation outside of the juvenile justice system are reported differently and this publication is not intended to address those allegations. This brochure does not constitute legal advice or counsel.*

How Do I Report Abuse, Neglect or Exploitation?

Reports of allegations or incidents of abuse, neglect or exploitation may be made by phone, fax or e-mail. **The identity of the person making the report is strictly confidential.** The Department only investigates allegations or incidents of abuse, neglect or exploitation occurring in a juvenile justice program or facility. A report may be made to the Department by:

TOLL FREE HOTLINE 1.877.786.7263
1.877.STOP ANE
TELEPHONE 512.490.7130
FACSIMILE 512.424.6716
E-MAIL ADDRESS abuseneglect@tjjd.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.



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VISIT OUR WEBSITE FOR MORE INFORMATION:

www.tjjd.texas.gov

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RECOGNIZING AND REPORTING
**ABUSE, NEGLECT
& EXPLOITATION**
of Children in Texas Juvenile
Justice Programs and Facilities



A GUIDE FOR
Parents & the Public



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Introduction

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. This brochure provides parents and the general public with information on how, when and to whom to report alleged abuse, neglect or exploitation in the Texas juvenile justice system.

What are a Child's Rights in the Juvenile Justice System?

Every child in the juvenile justice system has the right to be safe and protected at all times. In Texas, there are laws in place to ensure that a child is not subjected to abuse, neglect or exploitation by any juvenile justice professional, employee, volunteer or other individual working in a juvenile justice setting. All allegations and incidents of abuse, neglect or exploitation are required to be reported to the appropriate legal authorities, which includes the Department. The Department is required to investigate each allegation or incident of abuse, neglect or exploitation occurring in a juvenile justice program or facility in Texas.

What is Abuse, Neglect & Exploitation of a Child?

ABUSE

Abuse is an intentional, knowing, or reckless act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program that causes or may cause emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

NEGLECT

Neglect is the failure to provide a child with basic needs such as food, clothing, education, shelter or medical care and/or leaving a child in a situation where the child is at risk of harm. Neglect is also the failure to provide proper supervision of a child.

EXPLOITATION

Exploitation is the illegal or improper use of a child or the resources of a child for personal or monetary benefit, profit or gain.

Not all allegations or reports are actual incidents of abuse, neglect or exploitation. For example, a child requiring a physical restraint while in a juvenile justice facility may get bruised or receive other minor abrasions that may not amount to abuse if the restraint was justified and applied correctly.

What Should I Do if I Witness or Learn About Abuse, Neglect or Exploitation Happening?

If you witness abuse, neglect or exploitation while it is happening, the law requires you to report it to the appropriate authorities. Similarly, every employee, intern or volunteer of a juvenile justice program or facility who witnesses, suspects, or learns of abuse, neglect or exploitation has a legal duty to report the incident or allegation to the Department and local law enforcement.

If you learn of or suspect abuse, neglect or exploitation (even though you did not witness it) you are legally required to report the matter to the appropriate authorities. A family member or any private citizen who suspects that some form of abuse, neglect or exploitation of a child in a juvenile justice program or facility has occurred also has a duty to report the allegation to the Department or the appropriate authorities. **The duty to report continues so long as there is a good faith belief that the allegation is true.**

What Happens if I Do Not Report?

Texas law imposes a broad duty to report child abuse, neglect or exploitation upon every citizen. This includes professionals whose communications would ordinarily be protected such as attorneys, doctors, counselors or therapists, etc. The penalty for failing to report is a Class A Misdemeanor with a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both such fine and confinement.

What if a False Report of Abuse, Neglect or Exploitation is Made?

Any person who knowingly or intentionally makes a false report of abuse, neglect or exploitation may be charged with a State Jail Felony punishable by a \$10,000 fine and not less than 180 days in jail and no more than 2 years or both and a \$1,000.00 civil penalty and may be required to pay the legal fees of the person falsely accused.

Can I Make an Anonymous Report of Abuse, Neglect or Exploitation?

Yes! Any person who reports an allegation of abuse, neglect or exploitation may remain anonymous. The identity of the person making the report is not public information. In accordance with the law, the reporter's name is removed from all documents that may be legally released as a result of a written request for information.

Will the Department Investigate My Child's Disposition in the Juvenile Court?

No. The Department's investigation is limited to whether an allegation or incident of abuse, neglect or exploitation occurred within a juvenile justice program or facility. The investigation will not address the appropriateness of a disposition by the juvenile court and the Department does not have the authority to override or modify an order issued by a juvenile court.

How Long Do I Have to Make a Report of Abuse, Neglect or Exploitation?

The law requires that a person make a report of abuse, neglect or exploitation immediately! If you are a professional (e.g., teacher, attorney, doctor, counselor, etc.), you are required to make a report within 48 hours after first suspecting abuse, neglect or exploitation. Additionally, the Department requires any employee, volunteer or intern of a juvenile justice program or facility to report any allegations of abuse, neglect or exploitation to the Department and local law enforcement within 24 hours.

What Happens After a Report is Made?

Every incident or allegation is important. The Department treats each report seriously and is required to conduct an investigation of all allegations of abuse, neglect or exploitation.

The investigation process involves multiple steps. After a report is made, a Department investigator is assigned to conduct the investigation. The Department will also notify law enforcement. Because each allegation is unique, there is no standard time frame in which an investigation must be conducted and concluded; however, the Department strives to complete all investigations as soon as possible.

In addition to the investigation conducted by the Department, juvenile probation departments, facilities and programs are required to conduct their own internal investigation to determine if local policies and procedures were violated. The internal investigation is forwarded to the Department and after all of the information has been collected and reviewed, the Department investigator assigns a disposition (i.e., formal finding) based on the law and the facts of the allegation or incident.

Who Has Access to the Information Contained in an Abuse, Neglect or Exploitation Investigation?

Texas law provides that investigation case records may be released to particular individuals or entities upon formal request. Following the disposition of a case, the Department has the authority to decide whether to release the information to the extent necessary for the protection and care of the juvenile. In addition, the Department is required to release case record information upon the written request of the victim and the alleged or designated perpetrator.