

## Child Abuse and Neglect: Silence is Illegal

"Our lives begin to end the day we become silent about things that matter." -- Dr. Martin Luther King, Jr. (1929-1968), leading American civil rights activist and winner of Nobel Peace Prize

"Child abuse casts a shadow the length of a lifetime." -- Father Herbert Ward of St. Jude's Ranch for abused and neglected children

Tennessee law makes it mandatory, or legally required, to report child abuse and neglect. This column explains this important law.

### Q. Who is required to report child abuse and neglect?

A person must report child abuse if that person has knowledge, or if it "reasonably appears," that any child's "wound, injury, disability, or physical or mental condition" was caused by "brutality, abuse, or neglect."

For child sexual abuse, a mere "reasonable cause to suspect" that a child has been sexually abused requires a report to be made.

### Q. When should I report child abuse or neglect?

A report should be made when any of these exist:

- Physical abuse
- Environmental neglect
- Nutritional neglect
- Lack of supervision
- Abandonment
- Medical maltreatment
- Psychological harm
- Sexual abuse
- Substantial risk of physical injury
- Substantial risk of sexual abuse
- Abuse death
- Neglect death
- Drug exposed child
- Drug exposed infant
- Educational neglect

### Q. How do I report child abuse or neglect?

A report must be made, by phone, fax, or letter, to one of these:

- The local juvenile court judge;
- The Department of Children's Services ("DCS");
- The sheriff of the county where the child lives; or

- The chief law enforcement officer (such as police chief) of the city or town where the child lives.

### Q. Is there a child abuse hotline?

Yes. DCS has a 24-hour toll-free telephone number: 1-877-237-0004. Written reports can be mailed to DCS Central Intake, 1290 Foster Avenue, Sills # 1, Nashville, TN 37243. The fax number is (615) 253-6588.

### Q. What protections are there for the person making a report?

All reports and the identity of the person making the report are confidential. A juvenile court can require the person making the report to step forward, but only when the court determines that the person's testimony is essential to an indictment or conviction. If a person acts "in good faith" to make a report, then the law protects that person from civil or criminal liability. A hospital or doctor can keep a child who is in imminent danger without a parent's consent until the next juvenile court session.

### Q. Can a person get in trouble for not making a report?

Yes. Tennessee law says that failing to make a report is a Class A misdemeanor. Persons who fail to report harm to a child may be fined up to \$2,500. Making, or encouraging another to make, a knowingly false report of child sexual abuse is a Class E felony.

### Q. What happens when DCS gets a report of child abuse or neglect?

DCS accepts all reports of alleged child abuse and neglect. DCS then assesses the report. If the situation requires it, an investigation is conducted.

DCS is directed to keep children safe in the least restrictive setting. This means that DCS should make every effort to keep children safe and, at the same time, try to maintain their relationships with relatives and friends.

by Jim Hawkins, Managing Attorney, Gallatin office, Legal Aid Society

**Note:** This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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