



Volunteer Application Instructions

Please complete all items. If something does not apply, write "none" or "n/a".

Most of the forms are self-explanatory, but we wanted to clarify the following items:

- Associated Risk and Contract - read and initial all items. Item F will not be initialed until you have completed the Training Manual (usually done on your first day of volunteering).
- On the next page, Training Manual and Policies and Procedures will be completed on your first day of volunteering. Leave these two blank until that time. Please sign the confidentiality statement now.
- Affidavit for Applicants (form 2985). This form must be notarized. Do not sign it until you are in the presence of a notary. NTYC has a notary on staff and this can be done when you drop your volunteer packet off.

There are forms that look like duplicates - but they are not, and they are each required for different programs. Please complete ALL forms.

If you have any questions, call NTYC at (903) 893-4717 and speak to the Development Director.



Volunteer Application

Name			
Current Address			
Current Phone		Permanent Phone	
Mobile		Email	
List the <u>name</u> and <u>phone number</u> of 3 personal references NOT RELATED TO YOU that you have known for at least one (1) year:			
1)			
2)			
3)			
How did you hear about Juvenile Alternatives / North Texas Youth Connection?			
How often are you interested in volunteering?			
What days / hours do you prefer to volunteer?			
Please list all activities you are interested in volunteering for:			
<input type="checkbox"/> shelter <input type="checkbox"/> office <input type="checkbox"/> Other:			
Activities:			
Notify in case of emergency:			
Relationship:		Phone:	
Address:			
Doctor's name:		Phone:	
Hospital:			
Allergies:			
<i>I authorize Grayson County Juvenile Alternatives, Inc., dba North Texas Youth Connection, to conduct a criminal history and central registry background check and receive the results, and obtain information from my references.</i>			
Volunteer signature:		Date:	



Associated Risk and Contract of All Emergency Shelter Staff and Volunteers

Any position has associated benefits and drawbacks or risks to the individual. A child care position has innumerable benefits both spiritually, physically, and emotionally. The position has, however, possible exceptional risks with it and it is imperative that you are aware of informed of these prior to taking on these responsibilities. Read the following carefully and ask any questions you may have before signing this form. Each section must be initialed!

_____ A. Risk to you

1. The work load you will encounter could physically and emotionally exhaust you. Any emotional areas that are susceptible to stress will possibly be exaggerated due to working in a setting with youth who have had problems from many aspects of life.
2. You may be subjected to verbal and/or physical threats or attacks by youth in our care.
3. Personal belongings (autos, clothing, money, etc.) may be vandalized or stolen and you must supply your own insurance coverage.

_____ B. Friends and relatives

1. You are responsible for your guest.
2. Confidentiality must be upheld.
3. Grayson County Juvenile Alternatives reserves the right to refuse a person/s on campus should problems arise.
4. All guests should conduct themselves in a positive manner.
5. GCJA reserves the right to remove guests at any time.

_____ C. Professional

1. All staff and volunteers are expected to conduct themselves in a professional manner at all times. You represent Grayson County Juvenile Alternatives in all aspects of your work.
2. Appropriate dress is required for all occasions.
3. Always be respectful to others.
4. Negative talk of the facility, co-workers, employees or volunteers will not be tolerated.
5. Confidentiality must be upheld at all times. Breach of confidentiality could result in termination and/or legal action.

_____ D. No less than two weeks notice of resignation of employment.

_____ E. Grayson County Juvenile Alternatives reserves the right to terminate this contract at any time. Immediate termination may exist if staff does not maintain the policies and minimum standards of the State of Texas and Grayson County Juvenile Alternatives.

_____ F. I have completed the orientation and training at Grayson County Juvenile Alternatives. I promise to do the best I can to provide quality care of the children and maintain the responsibilities given to me. I have read and fully understand my job description or volunteer assignment. I understand that I will be held accountable for every responsibility as stated in my job description and any other assignment made by the Executive Director.

Additional contract information:

Employee/Volunteer Signature: _____ Date: _____

Administrator Signature: _____ Date: _____



Training Manual

I have ready a copy of the Grayson County Juvenile Alternatives, Inc., dba North Texas Youth Connection Training Manual. I understand that it is my responsibility to ask for clarification of any information in the Training Manual that I do not understand.

I understand fully all the information contained in the Training Manual.

Signature

Date

Policies & Procedures Manual

I have ready a copy of the Grayson County Juvenile Alternatives, Inc., dba North Texas Youth Connection Policies & Procedures Manual. I understand that it is my responsibility to ask for clarification of any information in the Policies & Procedures Manual that I do not understand.

I fully understand fully all the information contained in the Policies & Procedures Manual and agree to comply with these policies and procedures.

Signature

Date

Confidentiality

I understand the importance of honoring the confidentiality of the youth and families receiving services at Grayson County Juvenile Alternatives, Inc., dba North Texas Youth Connection. Therefore, I will maintain that confidentiality. I will also ensure confidentiality relating to clients according to any/all federal and state laws, rules and regulations.

Signature

Date

AFFIDAVIT FOR APPLICANTS FOR EMPLOYMENT WITH A LICENSED OPERATION OR REGISTERED CHILD-CARE HOME

AN APPLICANT FOR TEMPORARY OR PERMANENT EMPLOYMENT with a licensed child-care facility, licensed child-placing agency or registered child-care home whose employment or potential employment with the facility, agency, or home involves direct interaction with or the opportunity to interact and associate with children must execute and submit the following affidavit with the application for employment:

STATE OF _____

COUNTY OF _____

I swear or affirm under penalty of perjury that I do not now and I have not at any time, either as an adult or as a juvenile:

1. Been convicted of;
2. Pleaded guilty to (whether or not resulting in a conviction);
3. Pleaded nolo contendere or no contest to;
4. Admitted;
5. Had any judgment or order rendered against me (whether by default or otherwise);
6. Entered into any settlement of an action or claim of;
7. Had any license, certification, employment, or volunteer position suspended, revoked, terminated, or adversely affected because of;
8. Resigned under threat of termination of employment or volunteerism for;
9. Had a report of child abuse or neglect made and substantiated against me for; or
10. Have any pending criminal charges against me in this or any other jurisdiction for;

Any conduct, matter, or thing (irrespective of formal name thereof) constituting or involving (whether under criminal or civil law of any jurisdiction):

1. Any felony;
2. Rape or other sexual assault;
3. Physical, sexual, emotional abuse and/or neglect of a minor;
4. Incest;
5. Exploitation, including sexual, of a minor;
6. Sexual misconduct with a minor;
7. Molestation of a child;
8. Lewdness or indecent exposure;
9. Lewd and lascivious behavior;
10. Obscene or pornographic literature, photographs, or videos;
11. Assault, battery, or any violent offense involving a minor;
12. Endangerment of a child;
13. Any misdemeanor or other offense classification involving a minor or to which a minor was a witness;
14. Unfitness as a parent or custodian;
15. Removing children from a state or concealing children in violation of a court order;
16. Restrictions or limitations on contact or visitation with children or minors resulting from a court order protecting a child or minor from abuse, neglect, or exploitation; or,
17. Any type of child abduction.

Except the following (list all incidents, locations, description, and date) (if none, write NONE)

The failure or refusal of the applicant to sign or provide the affidavit constitutes good cause for refusal to hire the applicant.

Signed: _____ Date: _____

Subscribed and sworn to (or affirmed) before me this _____ day of _____

Signature of notary officer: _____
(seal, if any, of notarial officer)

My commission expires: _____

REQUEST FOR CRIMINAL HISTORY AND CENTRAL REGISTRY CHECK

Operation Name North Texas Youth Connection (Grayson County Juvenile Alternatives)		Operation Number 66610	Telephone No. (A/C) 903-893-4717
Operation Address (Street, City, Zip) 1602 E. Lamar, Sherman TX 75090		Operation Mailing Address (City & Zip) P. O. Box 1625, Sherman TX 75091	
		County Grayson	

Chapter 42 of the Human Resources Code requires the director, owner or operator of a child care facility or family home to provide identifying information on the director, owner and/or operator, each employee and each person 14 years of age or older who will regularly or frequently be staying or working at the facility or home while the children are in care (other than a child in care at the facility or home). This information will be used to check for any criminal history that is a violation of minimum standards and the Department's central registry of abuse and neglect. It may be necessary for you to obtain additional information if the person does not live in Texas or may have a criminal history in another state. The criminal history and central registry checks are not intended to delay hiring new staff. You will be notified of the results of the check.

I verified (by checking the person's social security card and/or driver license/ID Card) that the information on this form contains no willful misrepresentation and that the information provided is true and complete to the best of my knowledge. I understand that the Department may contact others and, at any time, seek proof of any information contained here. I understand that any willful misrepresentation or failure to provide identifying information within the stated time limit is a cause for denial of the application or revocation of my license, registration or listing.

Signature of Director, Owner, or Operator Date

Complete the following for each person requiring a Criminal History/Central Registry Check; verify that the information is accurate by checking the person's social security card and/or driver license/ID Card; and return all required background check request forms to your local licensing office. All names used currently or in the past by the person must be provided. Without these names you may get cleared results when there is actually a match. **If a new person is being hired you must submit the request TO YOUR LOCAL LICENSING OFFICE WITHIN TWO DAYS after the person is hired or is present in the operation. Requests for background checks may be submitted by mail or through the TDFPS Internet at the following address: http://www.dfps.state.tx.us/Child_Care/Information_for_Child_Care_Professionals. If you are submitting your request through the Internet please DO NOT submit this form to your licensing office. If you are not submitting your request through the Internet the background check request form must be submitted to YOUR LOCAL LICENSING OFFICE.** Additional forms may be obtained from your local licensing office. For each person listed on this form or submitted through the Internet, a \$2.00 fee must be paid. A Form 2988-A, Child Care Fee Schedule, along with the fee(s), must be submitted to: **TDFPS, Accounting Division E-672, P.O. Box 149030, Austin, TX. 78714-9030.**

Failure to submit fee payments can result in adverse action including suspension or revocation.

Social Security Number		Drivers License or state issued identification number		State	ID Type (DL or ID Card)
First Name		Middle Name	Last Name		
Street Address		City	State	Zip	
County	Telephone No. (A/C)	Date of Birth		Sex <input type="checkbox"/> M <input type="checkbox"/> F	
List all other cities in Texas where there has been residency:		Relationship of person to requestor <input type="checkbox"/> Adoptive Parent <input type="checkbox"/> Caregiver <input type="checkbox"/> Director <input type="checkbox"/> Staff <input type="checkbox"/> Foster parent <input type="checkbox"/> Household Member <input type="checkbox"/> Other Staff <input type="checkbox"/> Licensed Administrator <input checked="" type="checkbox"/> Volunteer <input type="checkbox"/> Other			
Date Hired /Used by the Operation/Agency	Ethnicity (must accompany race) <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	Race <input type="checkbox"/> White <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> American Indian/Alaskan Native			
Other names used (married, maiden, etc.) First Name		Middle Name	Last Name		

DFPS Use Only	Worker Name--Last, first		Mail Code	District	Operation No.	Operation Type
	Date Received	Date Criminal History Entered	Date Central Registry Checked		Date FBI Card Submitted	

CONTRACTOR AFFIDAVIT REGARDING CIVIL AND CRIMINAL HISTORY

Any person who has or could ever have unsupervised direct contact with TDFPS clients must complete this form.

1. Have you ever been convicted of a felony OR a misdemeanor? Yes No

If "yes", give details including date, place, nature of conviction, and disposition:

2. Are you currently charged with (indictment or official criminal complaints by county or district court) a felony or misdemeanor, including deferred adjudication? Yes No

If "yes", give details, including type of charge:

3. Have you ever been OR are you currently being investigated for allegedly abusing, neglecting, or exploiting children, the elderly, or the disabled? Yes No

If "yes", give details, including the county in which the investigation occurred, your social security number, your date of birth, and any other names you may have used during this time frame.

I hereby declare the information provided on this statement is true and correct. I also agree to inform the TDFPS contract manager if I am named in complaints or indictments or convictions of offenses as described in items 1 & 2, or if I am ever investigated for offenses as described in item 3 of this form.

Name of person completing form
Grayson County Juvenile Alternatives, Inc. dba
North Texas Youth Connection

Contractor's name

Signature of person completing form

Date signed

Request for Criminal History and DFPS History Check

Contractor Name Grayson County Juvenile Alternatives, Inc. dba North Texas Youth Connection		Contract Number STAR 23430241	Telephone No. (A/C) 903-893-4717
Contractor Address (Street, City, ZIP) P. O. Box 1625, Sherman TX 75091		Contractor Mailing Address (Street, City & Zip) P. O. Box 1625, Sherman TX 75091	County Grayson
Contact Person to receive results of background check (Name and Title) Bettye J. Finnell, Executive Director		Method to receive results <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Regular Mail	E-mail or Mailing Address bfinnell@ntxyouthconnection.org

Section 411.114 of the Texas Government Code and agency policy require DFPS to do Criminal and Abuse/Neglect/Exploitation Background Checks on Contractors, and on each employee, subcontractor, or volunteer who will be involved in direct delivery services with DFPS clients under a contract and/or access to personal client information. Identifying information must be provided by Contractors to facilitate this process. Records must be maintained and rechecked every 24 months. Contractors must submit requests for subsequent checks at least 30 days before the date they are due. This information will be used to check for any criminal history and the Department's records of abuse, neglect and exploitation. It may be necessary for you to obtain additional information if the person does not live in Texas or may have a criminal history in another state. You will be notified of the results of the check.

I verify (by viewing the person's social security card and/or drivers license) that the information on this form contains no willful misrepresentation and that the information given is true and complete to the best of my knowledge. I understand that the Department may contact others and, at any time, seek proof of any information contained here. I understand that any willful misrepresentation or failure to provide identifying information is a cause for denial of the contract or revocation of my contract.

Signature of Director, Owner, Operator, or authorized Representative

Date

Complete the following for each person requiring a Criminal History/DFPS Check; verify that the information is accurate by checking the person's social security card and drivers license; and return all required background check request forms to DFPS. All names used currently or in the past by the person must be entered. Without these names you may get cleared results when there is actually a match. **If a new person is being hired or transferred to this contract you must submit the request to DFPS BEFORE the person has direct contact with a DFPS client or DFPS client information. Requests for background checks may be submitted by mail or FAX. Form 2970c for the requested persons must be attached.**

Social Security Number	First Name	Middle Name	Last Name
Street Address		City	State Zip
County	Telephone No. (A/C)	Date of Birth	Sex <input type="checkbox"/> M <input type="checkbox"/> F
Previous address(es) within the last 5 years Has the person lived outside TX during the last 3 years? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, list states.		Relationship of person to requestor <input type="checkbox"/> Contractor <input type="checkbox"/> Staff <input type="checkbox"/> Volunteer <input type="checkbox"/> Applicant for employment <input checked="" type="checkbox"/> Volunteer Applicant <input type="checkbox"/> Other	
Date Hired	Ethnicity (must accompany race) <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unable to Determine	Race <input type="checkbox"/> White <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> American Indian/Alaskan Native	
Other names used (married, maiden, etc.) First Name		Middle Name	Last Name Will this person ever drive DFPS clients? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Driver's License or State ID #		State	

DFPS Use Only	Name of Person completing Background Check	Mail Code	Region/ Program	Date Received
	Date Criminal History Entered	Date DFPS Records Submitted	Date FBI Card	Date Feedback Provided

**Disclosure and Consent to Release of Information
Regarding Criminal or Abuse/Neglect History
For Applicants, Employees or
Volunteers of DFPS Contractors and Subcontractors**

Any person who will have direct contact with a Department of Family and Protective Services (DFPS) client or access to DFPS client information must complete this form.

- 1. Have you ever been convicted of or pleaded "guilty" or "no contest" to a felony or misdemeanor as an adult or juvenile? Include deferred or probated adjudications as well as convictions that have been set aside. Yes No

If yes, give details including date, location and nature of the offense and disposition for each such incident.

- 2. Are you currently charged with (indictment or official criminal complaints by county or district court) a felony or misdemeanor? Yes No

If yes, give details, including date, location, and type of charge.

- 3. Have you been or are you currently being investigated for allegedly abusing, neglecting, or exploiting a child, an elderly person, or a person with disabilities? Yes No

If yes, give details, including the state and county in which each such investigation occurred.

I declare the information provided on this statement is true and correct. I understand that any misrepresentation or omission of the information requested may result in my being barred from providing direct services or accessing DFPS client records under a contract with DFPS.

I also agree to inform the contractor, who will in turn notify the DFPS contract manager, if I am named in complaints, indictments, or convictions of offenses as described in items 1 & 2, or if I am investigated for allegations as described in item 3 of this form.

I authorize DFPS to verify any information provided by me through the investigative records maintained by DFPS and any other state protective services agency, as well as records of any law enforcement agency, including the Texas Department of Public Safety and the Federal Bureau of Investigation.

I consent to DFPS' disclosure of any and all information, including confidential information, obtained from the above-referenced sources to the contractor listed below in order to facilitate my employment, subcontracting or volunteer service with such contractor.

<hr/>		<hr/>	
Printed Name of Person Completing Form		Signature of Person Completing Form	
<hr/>	Grayson County Juvenile Alternatives, Inc. dba North Texas Youth Connection	<hr/>	23430241
Date Signed	Contractor's Name		Contract #



Mandatory Suspected Child Abuse Reporting

As an employee or volunteer of Grayson County Juvenile Alternatives, Inc., dba North Texas Youth Connection, you are mandated by Sections 261.101 through 261.109 of the Texas Family Code (copy attached to this form) to report any suspicions of child abuse to the Texas Department of Family and Protective Services, Children's Protective Services Division.

I hereby state that I have read the attached information regarding child abuse reporting and understand that I am mandated by law to report any suspicion of child abuse to the above-mentioned agency.

Signature of Employee/Volunteer

Date

INFORMATION ON REPORTING CHILD ABUSE

- **Child abuse and neglect are against the law in Texas, and so is failure to report it.***
- *If you suspect a child has been abused or mistreated, you are required to report it to the Texas Department of Family and Protective Services or to a law enforcement agency.*
- You are required to make a report within 48 hours of the time you suspected the child has been or may be abused or neglected.

What is Abuse? Abuse is mental, emotional, physical, or sexual injury to a child or failure to prevent such injury to a child

What is Neglect? Neglect includes (1) failure to provide a child with food, clothing, shelter and/or medical care; and/or (2) leaving a child in a situation where the child is at risk of harm.

How do I make a report?

1. Call the abuse and neglect hotline at **1-800-252-5400**.
2. When you make a report, be specific. Tell exactly what happened and when. Be sure to record all injuries or incidents you have observed, including dates and time of day and keep this information secured.
3. Reports should be made as soon as possible but no later than 48 hours before bruises and marks start to fade. It is important for the investigators to be able to see the physical signs.
4. Give the agency person any information you have about the relationship between the child and the suspected abuser.
5. Please provide at least the following information in your report.
 - Name, age, and address of the child
 - Brief description of the child
 - Current injuries, medical problems, or behavioral problems
 - Parents names and names of siblings in the home

Will the person know I've reported him or her? Your report is confidential and is not subject to public release under the Open Records Act. The law provides for immunity from civil or criminal liability for innocent persons who report even unfounded suspicions, as long as your report is made in good faith. *Your identity is kept confidential.*

Finally, err on the side of caution. If you have reason to suspect child abuse, but are not positive, *make the report*. If you have any doubts about whether or not it is abuse, call the hotline. They can advise you if the signs you have observed are abuse.

* Failure to report is a Class B criminal offense, punishable by a \$2,000 fine and/or imprisonment for up to 180 days. Failure to report also could subject you to considerable monetary liability in a civil rights action.

FAMILY CODE

SUBTITLE E. PROTECTION OF THE CHILD

CHAPTER 261. INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT

SUBCHAPTER A. GENERAL PROVISIONS

§ 261.001. DEFINITIONS. In this chapter:

(1) "Abuse" includes the following acts or omissions by a person:

- (A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- (D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- (E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- (F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- (G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code;
- (H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
- (I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
- (J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code; or
- (K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code.

(2) "Department" means the Department of Protective and Regulatory Services.

(3) "Designated agency" means the agency designated by

the court as responsible for the protection of children.

(4) "Neglect" includes:

- (A) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
- (B) the following acts or omissions by a person:
 - (i) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
 - (ii) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
 - (iii) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused; or
 - (iv) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
- (C) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

(5) "Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

- (A) a parent, guardian, managing or possessory conservator, or foster parent of the child;
- (B) a member of the child's family or household as defined by Chapter 71;
- (C) a person with whom the child's parent cohabits;
- (D) school personnel or a volunteer at the child's school; or
- (E) personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.

(6) "Report" means a report that alleged or suspected abuse or neglect of a child has occurred or may occur.

(7) "Board" means the Board of Protective and Regulatory Services.

(8) "Born addicted to alcohol or a controlled substance" means a child:

- (A) who is born to a mother who during the pregnancy used a controlled substance, as defined by Chapter 481, Health and Safety Code, other than a controlled substance legally obtained by prescription, or alcohol; and
- (B) who, after birth as a result of the mother's use of the controlled substance or alcohol:
 - (i) experiences observable withdrawal from the alcohol or controlled substance;
 - (ii) exhibits observable or harmful effects in the child's physical appearance or functioning; or
 - (iii) exhibits the demonstrable presence of alcohol or a controlled substance in the child's bodily fluids.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

Amended by Acts 1995, 74th Leg., ch. 751, § 86, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 575, § 10, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1022, § 63, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, § 19.01(26), eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 59, § 1, eff. Sept. 1, 2001.

§ 261.002. CENTRAL REGISTRY. (a) The department shall establish and maintain in Austin a central registry of reported cases of child abuse or neglect. (b) The department may adopt rules necessary to carry out this section. The rules shall provide for cooperation with local child service agencies, including hospitals, clinics, and schools, and cooperation with other states in exchanging reports to effect a national registration system.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

§ 261.003. APPLICATION TO STUDENTS IN SCHOOL FOR DEAF OR SCHOOL FOR BLIND AND VISUALLY IMPAIRED. This chapter applies to the investigation of a report of abuse or neglect of a student, without regard to the age of the student, in the Texas School for the Deaf or the Texas School for the Blind and Visually Impaired.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

§ 261.004. STATISTICS OF ABUSE AND NEGLECT OF CHILDREN. (a) The department shall prepare and disseminate statistics by county relating to the department's activities under this subtitle and include the information specified in Subsection (b) in an annual report available to the public. (b) The department shall report the following information:

- 1) the number of initial phone calls received by the department alleging abuse and neglect;
- 2) the number of children reported to the department as having been abused and neglected;
- 3) the number of reports received by the department alleging abuse or neglect and assigned by the department for investigation;
- 4) of the children to whom Subdivision (2) applies:

- (A) the number for whom the report was substantiated;
- (B) the number for whom the report was unsubstantiated;
- (C) the number for whom the report was determined to be false;
- (D) the number who did not receive services from the department under a state or federal program;
- (E) the number who received services, including preventative services, from the department under a state or federal program; and
- (F) the number who were removed from the child's home during the preceding year;
 - i.) the number of families in which the child was not removed, but the child or family received services from the department;
 - ii.) the number of children who died during the preceding year as a result of child abuse or neglect;
 - iii.) of the children to whom Subdivision (6) applies, the number who were in foster care at the time of death;
 - iv.) the number of child protective services workers responsible for report intake, assessment, or investigation;
 - v.) the response time by the department with respect to conducting an initial investigation of a report of child abuse or neglect;
 - vi.) the response time by the department with respect to commencing services to families and children for whom an allegation of abuse or neglect has been made;
 - vii.) the number of children who were returned to their families or who received family preservation services and who, before the fifth anniversary of the date of return or receipt, were the victims of substantiated reports of child abuse or neglect, including abuse or neglect resulting in the death of the child;
 - viii.) the number of cases pursued by the department in each stage of the judicial process, including civil and criminal proceedings and the results of each proceeding; and
 - ix.) the number of children for whom a person was appointed by the court to represent the best interests of the child and the average number of out-of-court contacts between the person and the child.
 - x.) The department shall compile the information specified in Subsection (b) for the preceding year in a report to be submitted to the legislature and the general public not later than February 1 of each year.

Added by Acts 1997, 75th Leg., ch. 1022, § 64, eff. Sept. 1, 1997.

SUBCHAPTER B. REPORT OF ABUSE OR NEGLECT; IMMUNITIES

§ 261.101. PERSONS REQUIRED TO REPORT; TIME TO REPORT. (a) A person having cause to believe that a child's physical or mental health or welfare has been adversely

affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

(b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001, 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 or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. 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 or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

(c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health care facility that provides reproductive services.

(d) Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only:

- (1) as provided by Section 261.201; or
- (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

Amended by Acts 1995, 74th Leg., ch. 751, § 87, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 162, § 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 575, § 11, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1022, § 65, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, § 6.29, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1150, § 2, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1390, § 21, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, § 5.003, eff. Sept. 1, 2001.

§ 261.102. MATTERS TO BE REPORTED. A report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

Amended by Acts 1995, 74th Leg., ch. 751, § 88, eff. Sept. 1, 1995.

§ 261.103. REPORT MADE TO APPROPRIATE AGENCY. (a) Except as provided by Subsection (b) and Section 261.405, a report shall be made to:

- (1) any local or state law enforcement agency;
- (2) the department if the alleged or suspected abuse involves a person responsible for the care, custody, or welfare of the child;

(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.

(b) A report may be made to the Texas Youth Commission instead of the entities listed under Subsection (a) if the report is based on information provided by a child while under the supervision of the commission concerning the child's alleged abuse of another child.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

Amended by Acts 1995, 74th Leg., ch. 751, § 89, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1477, § 24, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1297, § 46, eff. Sept. 1, 2001.

§ 261.104. CONTENTS OF REPORT. The person making a report shall identify, if known:

- (1) the name and address of the child;
- (2) the name and address of the person responsible for the care, custody, or welfare of the child; and
- (3) any other pertinent information concerning the alleged or suspected abuse or neglect.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

Amended by Acts 1995, 74th Leg., ch. 751, § 90, eff. Sept. 1, 1995.

§ 261.105. REFERRAL OF REPORT BY DEPARTMENT OR LAW ENFORCEMENT. (a) All reports received by a local or state law enforcement agency that allege abuse or neglect by a person responsible for a child's care, custody, or welfare shall be referred immediately to the department or the designated agency.

(b) The department or designated agency shall immediately notify the appropriate state or local law enforcement agency of any report it receives, other than a report from a law enforcement agency, that concerns the suspected abuse or neglect of a child or death of a child from abuse or neglect.

(c) In addition to notifying a law enforcement agency, if the report relates to a child in a facility operated, licensed, certified, or registered by a state agency, the department shall refer the report to the agency for investigation.

(d) If the department initiates an investigation and determines that the abuse or neglect does not involve a person responsible for the child's care, custody, or welfare, the department shall refer the report to a law enforcement agency for further investigation. If the department determines that the abuse or neglect involves an employee of a public primary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the school district in which the employee is employed about the investigation.

(e) In cooperation with the department, the Texas Youth Commission by rule shall adopt guidelines for identifying a report made to the commission under Section 261.103(b) that is appropriate to refer to the department or a law enforcement agency for investigation. Guidelines adopted under this

subsection must require the commission to consider the severity and immediacy of the alleged abuse or neglect of the child victim.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

Amended by Acts 1997, 75th Leg., ch. 1022, § 66, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1477, § 25, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 374, § 3, eff. June 18, 2003.

§ 261.1055. NOTIFICATION OF DISTRICT ATTORNEYS. (a) A district attorney may inform the department or designated agency that the district attorney wishes to receive notification of some or all reports of suspected abuse or neglect of children who were in the county at the time the report was made or who were in the county at the time of the alleged abuse or neglect.

(b) If the district attorney makes the notification under this section, the department or designated agency shall, on receipt of a report of suspected abuse or neglect, immediately notify the district attorney as requested and the department or designated agency shall forward a copy of the reports to the district attorney on request.

Added by Acts 1997, 75th Leg., ch. 1022, § 67, eff. Sept. 1, 1997.

§ 261.106. IMMUNITIES. (a) A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from civil or criminal liability that might otherwise be incurred or imposed.

(b) Immunity from civil and criminal liability extends to an authorized volunteer of the department or a law enforcement officer who participates at the request of the department in an investigation of alleged or suspected abuse or neglect or in an action arising from an investigation if the person was acting in good faith and in the scope of the person's responsibilities.

(c) A person who reports the person's own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect is not immune from civil or criminal liability.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

Amended by Acts 1995, 74th Leg., ch. 751, § 91, eff. Sept. 1, 1995.

§ 261.107. FALSE REPORT; PENALTY. (a) A person commits an offense if the person knowingly or intentionally makes a report as provided in this chapter that the person knows is false or lacks factual foundation. An offense under this section is a Class A misdemeanor unless it is shown on the trial of the offense that the person has previously been convicted under this section, in which case the offense is a state jail felony.

(b) A finding by a court in a suit affecting the parent-child relationship that a report made under this chapter before or during the suit was false or lacking factual foundation may

be grounds for the court to modify an order providing for possession of or access to the child who was the subject of the report by restricting further access to the child by the person who made the report.

(c) The appropriate county prosecuting attorney shall be responsible for the prosecution of an offense under this section.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

Amended by Acts 1995, 74th Leg., ch. 751, § 92, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 575, § 2, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1022, § 68; Acts 1999, 76th Leg., ch. 62, § 6.30, eff. Sept. 1, 1999.

§ 261.108. FRIVOLOUS CLAIMS AGAINST PERSON REPORTING. (a) In this section:

(1) "Claim" means an action or claim by a party, including a plaintiff, counterclaimant, cross-claimant, or third-party plaintiff, requesting recovery of damages.

(2) "Defendant" means a party against whom a claim is made.

(b) A court shall award a defendant reasonable attorney's fees and other expenses related to the defense of a claim filed against the defendant for damages or other relief arising from reporting or assisting in the investigation of a report under this chapter or participating in a judicial proceeding resulting from the report if:

(1) the court finds that the claim is frivolous, unreasonable, or without foundation because the defendant is immune from liability under Section 261.106; and

(2) the claim is dismissed or judgment is rendered for the defendant.

(c) To recover under this section, the defendant must, at any time after the filing of a claim, file a written motion stating that:

(1) the claim is frivolous, unreasonable, or without foundation because the defendant is immune from liability under Section 261.106; and

(2) the defendant requests the court to award reasonable attorney's fees and other expenses related to the defense of the claim.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.

§ 261.109. FAILURE TO REPORT; PENALTY. (a) A person commits an offense if the person has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report as provided in this chapter.

(b) An offense under this section is a Class B misdemeanor.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995.