

## Child Sexual Abuse & Misconduct Prevention

Girl Scouts of Central Texas (GSCTX) does not permit or allow sexual abuse or misconduct to occur in its workplace or at any activity sponsored by or related to GSCTX. To make this “zero-tolerance” policy clear to all employees, volunteers, contractors, and collaborators we have adopted mandatory procedures that employees, volunteers, contractors, collaborators, or any other individuals who have direct contact with youth members or are involved in Girl Scout programming must follow when they learn of or witness sexual abuse or misconduct. All individuals who have direct contact with youth members or are involved in Girl Scout programming will be given a copy of this policy. Those reasonably suspected of or convicted of committing sexual abuse or misconduct will be appropriately disciplined, up to and including termination of employment or membership, barred from future events and programs, as well as criminally prosecuted. No employee, volunteer, contractor, collaborator, or other person, regardless of their title or position has the authority to commit or allow sexual abuse or misconduct.

### *Definitions*

Child sexual abuse refers to the involvement of a child (person less than 18 years old) in any sexual activity that violates the laws or social taboos of society.

Sexual misconduct is a category of sex crimes that encompasses acts undertaken for sexual gratification against the will of another or without their permission.

Sexual abuse or misconduct includes, but is not limited to, the following:

- Any sexual activity, involvement, or attempt of sexual contact with a person who is a minor (under 18 years old).
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation, or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone’s neck or shoulders, and/or pulling against another’s body or clothes.
- Creation, possession and/or transporting or selling material such as pornographic or sexually explicit images, posters, calendars, or objects.
- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications, or messages (e.g., email, text, social media, voicemail), exploitation, exposure, leering, stalking, or invasion of sexual privacy.

### ***Screening Process***

As part of its sexual abuse and misconduct prevention policy, GSCTX is committed to maintaining a diligent screening process for prospective and existing employees, volunteers, contractors, collaborators, and other persons, who may interact with those employed by, associating with, or serviced by GSCTX. The council may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks, personal references, and professional references.

### ***Interactions***

As part of its sexual abuse and misconduct prevention policy, GSCTX is committed to maintaining a diligent screening process for prospective and existing employees, volunteers, contractors, collaborators, and other persons, who may interact with those employed by, associating with, or serviced by GSCTX. The council may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks, personal references, and professional references.

### ***Supervision of Youth***

To provide a safe environment for minors, GSCTX has established adult-to-youth ratios, which indicate the minimum number of adults who are not related by blood or marriage that are needed to supervise a specific number of minors. Adult Girl Scout members serving in a volunteer supervisory adult role must have a current criminal background check on file with the Council. The purpose of these safety guidelines is to avoid one-on-one interactions between adults and minors that are not easily observable by others as well as to prevent false allegations from being made. GSCTX employees, volunteers, contractors, and collaborators should refer to “Safety-Wise” guidelines for more information about adult-to-youth ratios for activities.

### ***Training***

All employees, volunteers, contractors, and collaborators who work directly with youth must review this policy as part of an annual training and must affirm in writing that they have read the policy, understand the policy, have received appropriate training to have any questions or concerns answered about the policy, and agree each will adhere to the policy.

### ***Reporting***

The Child Abuse Reporting policy must be followed when reporting sexual abuse or misconduct. For emergency or life-threatening situations that must be dealt with immediately, call 911.

## **Child Abuse Mandatory Reporting**

GSCTX places the greatest importance on creating the most secure environment possible for its girl members. To maintain such an environment, GSCTX has developed policies that address detection of and reporting of child abuse and relies on all employees, volunteers, contractors, and collaborators to adhere to this policy and to report sexual abuse of misconduct.

It is the policy of GSCTX to provide an environment that is free of child abuse and neglect and that safeguards the health and well-being of all children. In accordance with this policy, GSCTX will not condone or tolerate the following:

Overt displays of sexual activity between or among employees, volunteers, contractors, and collaborators.

Any display or demonstration of sexual activity between employees, volunteers, contractors, or collaborators and children.

Sexual advances or sexual activity of any kind between employees, volunteers, contractors, or collaborators and children.

Use of the Girl Scout name, related activities, publications, or facilities as vehicles for public or private promotion of sexual behavior or practice.

Infliction of sexually abusive behavior upon children, including sexual touching and bodily contact, exhibitionism, voyeurism, or involvement of children in pornographic materials.

Infliction of physically abusive behavior or bodily injury upon children.

Physical neglect of children, including failure to provide adequate safety measures, care, and supervision in relation to Girl Scout activities.

Emotional maltreatment of children, including verbal abuse or verbal attacks.

Any abuse or neglect as defined by Texas law, including but not limited to Texas Family Code Section 261.001, which employees, volunteers, contractors, and collaborators must read annually and can be found at this link:

<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.261.htm#261.001>

No employees, volunteers, contractors, or collaborators may, in conducting Girl Scout programs, advocate, solicit, or promote sexuality to create substantial risk that such conduct will be detrimental to the proper role model for girl members or to the work environment or encompasses matters outside Girl Scout programs. GSCTX reserves the right to refuse employment or re-employment, to terminate or suspend from employment without pay, or suspend from affiliation with GSCTX any employee, volunteer, contractor, or collaborator engaging in such behavior.

GSCTX will consider violation of any of the above policy stipulations as grounds for corrective action, up to and including termination. Further, any employee, volunteer, contractor, or collaborator who has been convicted of a crime, entered a plea agreement, plea of *nolo contendere*, or otherwise admitted to a crime of child abuse must report that conviction, plea, or admission immediately to the Chief Executive Officer and shall be immediately terminated from their position with GSCTX and shall be immediately terminated from their position with GSCTX, dismissed from all Girl Scout volunteer roles, or have collaborator agreement or contractor agreement terminated.

In addition to the foregoing, any employee, volunteer, contractor, or collaborator who has reasonable cause to believe child abuse (physical, sexual, or emotional) or neglect has or is occurring is required by state law to make a report to a law enforcement agency, Child Protective Services, or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility) within a reasonable time of the event that led to the belief. Reports to Child Protective Services can be made to the Texas Abuse Hotline (800-252-5400) or [www.txabusehotline.org](http://www.txabusehotline.org). State law specifies that an employee, volunteer, contractor, or collaborator may not delegate to or rely on another person to make the report. Reporting the concern to GSCTX does not relieve the employee, volunteer, contractor, or collaborator of the requirement to report to the appropriate state agency.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, GSCTX is prohibited from retaliating against an individual who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee, volunteer, contractor, or collaborator's failure to report child abuse, where the individual has reasonable cause to believe child abuse has occurred or is occurring, may result in criminal prosecution. Employees, volunteers, contractors, and collaborators must cooperate with child abuse and neglect investigators.

Failure to report child abuse when required under this policy and the law will result in corrective action up to and including termination of employment, dismissal from volunteer roles, and termination of collaborator agreement.

In addition, immediately report suspected child abuse or misconduct to GSCTX by submitting the [Accident and Incident Report Form](#).

Note: Appendix A outlines the Texas laws governing child abuse and required reporting procedures.

## **APPENDIX A – Texas Law: Child Abuse and Neglect Reporting Requirements**

GSCTX places the greatest importance on creating the most secure environment possible for its girl members. To maintain such an environment, GSCTX has developed procedural policies that address detection of and reporting of child abuse.

An employee, volunteer, contractor, or collaborator who has made a report of child abuse shall notify GSCTX of the report immediately after the report has been made by submitting the [Accident and Incident Report Form](#).

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, GSCTX is prohibited from retaliating against employees, volunteers, contractors, and collaborators who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's, volunteer's, contractor's, and collaborator's failure to report child abuse, where the employee, volunteer, contractor, and collaborator has cause to believe that child abuse has occurred or is occurring, may result in prosecution for a Class B misdemeanor.

Employees, volunteers, contractors, and collaborators must cooperate with child abuse and neglect investigators. Failure to report child abuse when required under this policy and the law will result in corrective action up to and including termination of employment, dismissal from volunteer roles, and termination of contractor or collaborator agreement.

### *Texas Law*

This document summarizes relevant portions of Texas law regarding child abuse or neglect and sets out the GSCTX policy and procedures for handling alleged or suspected abuse or neglect.

In Texas, the definitions of child abuse and neglect include specific acts or omissions by a person responsible for a child's care, custody, or welfare. Here are important legal definitions from Section 261.001 of the Texas Family Code.

#### *"Abuse" includes the following acts or omissions by a person:*

- Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning.
- 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.
- 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.
- 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.
- Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, 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.
- Failure to make a reasonable effort to prevent sexual conduct harmful to a child.

- Compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021, Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code.
- 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.
- 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.
- Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code.
- Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code.
- Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or
- Forcing or coercing a child to enter into a marriage.

*“Neglect” includes:*

- 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.
- The following acts or omissions by a person:
  - 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 result in bodily injury or a substantial risk of immediate harm to the child.
  - 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.
  - 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.
  - 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.

- Placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or
  - Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child.
- 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.
  - A negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial 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; and

*“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 parent, guardian, managing or possessory conservator, or foster parent of the child.
- A member of the child’s family or household as defined by Chapter 71.
- A person with whom the child’s parent cohabits.
- School personnel or a volunteer at the child’s school.
- 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.
- An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Chapter 42, Human Resources Code.

### ***Report Child Abuse – It’s the Law***

Texas law requires that any person suspecting that a child has been abused or neglected must immediately make a report. If there is an emergency, call 911 and then call the DFPS Texas Abuse Hotline at 1-800-252-5400. You can also make a report online.

Professionals must make a report no later than the 48th hour after first suspecting a child has been 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 (Texas Family Code, Section 261.101). Professionals are not required to follow up their oral reports with a written report as they were in the past. **Professionals include teachers, nurses, doctors, day-care employees, and others who are either licensed by the state or work in a facility licensed or operated by the state and who have direct contact with children in the course of their job (Texas Family Code, Section 261.101).**

It is important to make the report as soon as possible. The more time that passes between the incident and your report, the more difficult it is for CPS to conduct an appropriate and thorough investigation and to gather the information needed to protect the child. Over time, bruises can heal; physical evidence may disappear or be obscured; memories may fade; and children, parents and other individuals may change their minds about what to say to CPS.

In some situations, you may be aware of a family's ongoing problems over a period of time before you begin to suspect that the situation has worsened into abuse or neglect. DFPS encourages you to report if you think that a child has been abused or neglected. You are not expected to prove that abuse or neglect has definitely occurred. Delaying your report to check the situation or to gather more information can result in more serious harm to the child.

### ***Report What You Know About the Child***

When you make a report, give as much information as you can about the child's age and condition. Give the child's date of birth if possible; if you don't know it, then tell the child's age or approximate age. CPS investigators also need information about the child's condition, such as injuries, medical problems, physical disabilities, intellectual development, and emotional or behavioral problems. Describe the injuries and location of the injuries as much as possible. If there is no visible injury, describe pain, tenderness, or the child's description or feelings about the situation. The child's age and current condition are important factors in determining the level of danger involved.

### ***Report What You Know About the Event***

When you make a report, tell who, what, where, when, and how. Give as much information as you can about the child's condition and well-being. There may be times when the person reporting has little information because an incident that appeared to be abuse or neglect was witnessed in a public place, such as a parking lot, store, restaurant, or school. Please help CPS identify who the victim and alleged abusers are by giving a description, including the approximate age and description of the victim and alleged abuser, a license plate number and any other people present who may have additional information.

### ***Report Even When in Doubt***

If you are not sure whether to report, DFPS encourages you to call immediately and ask. The worker discusses the situation and explains what constitutes abuse, neglect, and risk. The worker taking the report will ask questions. If you do not know the answers to all the questions, it is okay. The worker needs to gather as much information as possible.

What you have to say is important and DFPS welcomes your call. If your information is not assigned for investigation, your call is still logged in our computer. Call again if another incident of abuse or neglect occurs. Sometimes the child you are calling about already has a caseworker because someone else called in previously. If DFPS does not write up a new report, the information is sent to the caseworker handling the case if the case is still open.

Client information must be safeguarded and is restricted from disclosure to callers.



**Note:** DFPS workers need specific information to make good decisions about whether to investigate a report. General statements of concern about a child's welfare are seldom sufficient to require an investigation. If the report does not appear to meet the legal definitions of abuse or neglect, DFPS will tell you.

### ***Failure to Report***

A person commits a class B misdemeanor if they have cause to believe that a child's physical or mental health or welfare has been or may be adversely affect by abuse or neglect and knowingly fails to report this abuse to the local or state authorities. A class B misdemeanor is punishable by a fine not to exceed \$2,000 and/or confinement in jail not to exceed 180 days.

### ***False Report***

A person commits a Class A Misdemeanor, if the person knowingly or intentionally makes a report and the person knows is false or lacks factual information. If the person has been previously convicted under this section, then a subsequent false report offense is a state jail felony.

### ***Immunity from Liability***

An individual who in good faith reports or assists in the investigation of child abuse or neglect is immune from civil or criminal liability "that might otherwise be incurred or imposed." But this immunity does not extend to one acting in bad faith or malice; or one reporting their own abuse or neglect of a child.

### ***Confidentiality of Person Making Report***

Unless waived in writing by the individual making the report, the identity of an individual making a report with local, or state authorities is confidential and may only be disclosed pursuant to:

- A criminal investigation;
  - A court order;
  - Purposes consistent with Texas Family Code provisions on child abuse and neglect, and applicable state and federal law; and
  - Rules adopted by an investigating agency.
- [https://www.dfps.texas.gov/Child\\_Protection/Child\\_Safety/report\\_abuse.asp](https://www.dfps.texas.gov/Child_Protection/Child_Safety/report_abuse.asp)