

**Texas SB 471 – Preventing Child Sexual Abuse and Maltreatment
Changes in the Law for Schools, Day Cares and Child Placing Agencies
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In 2009 the Texas Legislature passed Jenna’s Law, calling for each public school district to adopt and implement policy aimed at preventing child sexual abuse. This policy, according to the 2009 law, was to implement methods for increasing teacher, student and parent awareness regarding sexual abuse of children.

In mid-June 2011, the Governor of Texas signed SB 471 into law, amending current law related to public schools, charter schools, day care centers and child placing agencies. SB 471 amendments require child abuse and neglect *training* and *policies* in schools and child care facilities. Though impacted entities are clearly identified, lawmakers addressed the challenge of ‘how’ to require the desired change, given that public schools comply with requirements found in the Texas Education Code, while Day Care Centers and Child Placing Agencies comply primarily with the Human Resources Code. SB 471 makes modifications to both the Education Code and the Human Resources Code – but amendments to the respective Codes are not identical. The amendments are analyzed in two separate sections in this writing: one for schools, and another for child-care entities.

MinistrySafe and Abuse Prevention Systems provide ministry-based and secular trainings and policies to hundreds of entities (in Texas and elsewhere) that provide services to children. As attorneys, we closely follow changes in Texas law related to our realm of practice: child sexual abuse litigation and prevention. Our goal is to provide excellent training and tools consistent with existing and emerging legal requirements, both live and online. To learn more about online sexual abuse awareness training, tracking systems, sample policies, HR screening forms and additional resources available through membership, go to www.MinistrySafe.com or www.AbusePreventionSystems.com.

CHANGES IN THE LAW FOR SCHOOLS

SB 471 amends the 2009 legislation (Jenna’s Law) and provides new requirements with references to code sections in the Texas Family Code. Schools must understand the new requirements outlined in SB 471 to correctly implement the required training and policies. To access a copy of SB 471 with section-by-section analysis *tailored for schools* and *charter schools*, click [HERE](#).

DAY CARE CENTERS and CHILD PLACING AGENCIES

SB 471 refers to existing legal requirements before creating additional requirements for Day Care Centers and Child Placing Agencies related to awareness and prevention of child abuse. Day Care Centers and Child Placing Agencies must understand new requirements outlined in SB 471 to correctly implement the required training and policies. To access a copy of SB 471 with section-by-section analysis *tailored for Day Care Centers* and *Child Placing Agencies*, click [HERE](#).

ADDITIONAL OBSERVATIONS

Given reports of sexual abuse in Texas schools over the past five years, this piece of legislation is needed. Thankfully, the Texas legislature does not join the ranks of others relying upon a different or more thorough criminal background check as a ‘silver bullet’ for child abuse prevention. According to repeated academic and law enforcement studies, less than 10% of sexual abusers will EVER encounter the criminal justice system. For the remaining 90% (or more) who abuse children, a more stringent criminal background check reveals *nothing*.

Though *appropriate* criminal background checks are necessary, the problem of child sexual abuse is best addressed by safety systems based on education and training: raising awareness of the frequency, indications of and methods to prevent sexual abuse, as well as ‘grooming behaviors’ of sexual abusers. SB 471 requires this type of training.

Private schools should take note. **Public schools enjoy protection from civil litigation that private schools do not.** SB 471 is an expansion of Jenna’s Law, which created a new ‘standard of care’ for sexual abuse prevention in Texas schools. This standard of care defines what is *reasonable* for organized educational activities in our state. Because the same risks exist in private schools, private school behavior will be judged by the same standard of care laid out in Jenna’s Law and SB 471.

Unlicensed Day Cares should take note, as well. Many churches provide day care services, but have modified their program so as to avoid the requirement of licensure (i.e. reduced the number of days per week that care is available). SB 471 creates a ‘standard of care’ for sexual abuse prevention for those entities that deliver day care related services. This standard of care defines what is *reasonable* for day care programs in the state of Texas – licensed or unlicensed. Because the same risks exist, an unlicensed Day Care will be judged by the standard of care laid out in SB 471.

About the authors:

Love & Norris, Attorneys at Law

Gregory Love and Kimberlee Norris have a nationwide sexual abuse litigation practice representing victims of sexual abuse throughout the country. In addition, they represent ministry and secular organizations such as schools, camps, churches, youth sports organizations, foster/adoption entities and para-church ministries.

MinistrySafe and Abuse Prevention Systems

In addition to an active law practice, Love and Norris are co-founders and Directors of MinistrySafe and Abuse Prevention Systems, entities dedicated to sexual abuse awareness and prevention. MinistrySafe and Abuse Prevention Systems provide Sexual Abuse Awareness Training (live and online) and assist schools, child placing agencies, child care entities and ministries in the design and implementation of safety systems which reduce the risk of child sexual abuse. Love and Norris are frequent speakers before educational entities, youth and children's ministries, day care, adoption and foster care organizations, and youth camps. Recent national and regional audiences have included the National Association of Church Business Administration (NACBA), Kanakuk Kamps, National Council for Adoption (NCFA), Presbyterian General Assembly, Church of the Nazarene, Youth Ministry Institute (NOBTS), Prevent Child Abuse Texas, Texas Alliance for Children, Young Life, and the American Camp Association (regionally and nationally).