

Giving Heed to The Little Voice

TYLA Project Sheds Light on Child Abuse

BY PATRICIA L. GARCIA

The little voice tells you something isn't right.

The little voice wakes you and keeps you up at night.

The little voice makes you look at the bruises on my arm.

The little voice makes you wonder who would do me harm.

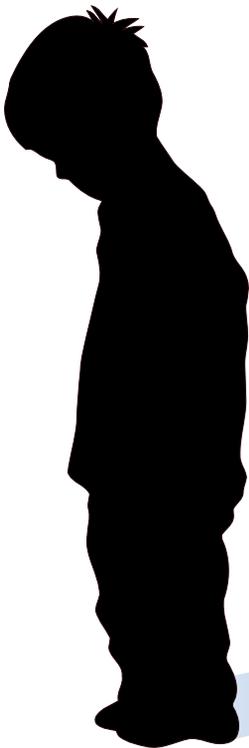
The little voice grows louder as each day passes by.

The little voice makes you notice each tear that I don't cry.

The little voice speaks out loud because it knew it was right.

The little voice belonged to you and it saved my life.

— Anonymous



When he was 6 years old, Victor Rivers witnessed his father brutally beat his pregnant mother. In a futile attempt to stop the violence, Rivers jumped on his father's back, but the damage to his unborn brother was done. Months later, Robert was born with such severe disabilities that he was immediately placed in an assisted living facility. He did not live past the age of 9.

Though now a successful Hollywood actor, Rivers has been shaped by the incident. Known as a cinematic bad guy in movies such as *Blood In/Blood Out* and *The Mask Of Zorro*, Rivers is a real-life advocate and spokesperson for survivors of abuse. "If we want to break the cycle of violence, then we have to break the cycle of silence," Rivers says in *The Little Voice: Recognizing Child Abuse and Your Duty to Report It*, a 35-minute video created by the Texas Young Lawyers Association to educate the public and professionals about how to recognize abuse and what to do if abuse is suspected. *The Little Voice* project also includes English and Spanish public service announcements and written materials.

"Child abuse is not a pretty subject, but it does happen," says TYLA Director **Natasha Brooks**, of Midland, who served

"Child abuse is not a pretty subject, but it does happen. People turn a blind eye to child abuse because they think, 'It's not my business,' but it's an issue that does impact us all."

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TYLA Director

as a co-chair on the project. "People turn a blind eye to child abuse because they think, 'It's not my business,' but it's an issue that does impact us all."

The Little Voice incorporates the stories of three victims, including Victor Rivers, with information from judges, attorneys, counselors, and advocates from Prevent Child Abuse Texas and the Texas Department of Family and Protective Services Child Protective Services (CPS) department, who explain what abuse is and the different types of abuse. The video includes signs of child

abuse and what to do if you suspect abuse. Outcry witnesses — those to whom a child reveals abuse — are also covered in the video.

There are several things to keep in mind if a child has confided in you about abuse. What the child may tell you may catch you off guard or even make you feel uncomfortable, but advocates say it is important to simply listen to the child. "The most important thing that you need to do is listen and allow the child to get their story out," says McAllen TYLA Director **Rebecca Vela**, who also served as a co-vice chair on the project. "It is a difficult thing for a victim to come forward, so if they



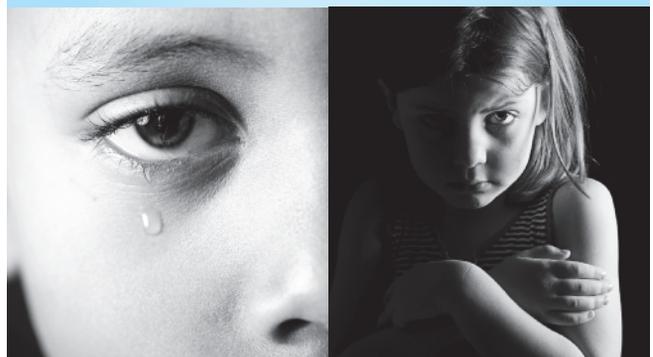
The Little Voice

Recognizing Child Abuse and Your Duty to Report It

WARNING SIGNS

The following are the most common warning signs of child abuse:

- Child seems detached or avoids caregiver;
- Child is withdrawn, fearful, and/or shows extreme behaviors;
- Frequent and/or unexplained injuries, bruises, welts, or cuts. Injuries may also appear to have a pattern such as a hand or a stick mark;
- Child is often dirty, smells bad, or is in clothing inappropriate for the temperature;
- Frequent illness or injuries that are left untreated;
- Sudden and unexplained injuries that are left untreated;
- Sudden and unexplained change in school performance, participation, and attendance;
- Child threatens or attempts to run away or commit suicide;
- Unusual knowledge or interest in sexual acts; and
- Behavior that is inappropriately adult or inappropriately infantile.



tell you about abuse, you simply have to listen to what they have to say.”

Some victims may be reluctant to report abuse because their parent, another family member, or caregiver is abusing them, or they may be ashamed by the abuse. Victims often grapple with the decision to tell somebody about their situation, so it's important to take all reports of abuse seriously, says 417th District Court Judge **Cyndi Wheless** in the video. Not believing a victim — as unbelievable as their story is — can cause the child to never open up again. “No matter how fantastical the story sounds, that's only because you are coming at it from, maybe, a functional family, where none of that behavior occurred,” Wheless



In support of *The Little Voice*, members of the Texas Young Lawyers Association formed Team TYLA and walked in the 20-mile Prevent Child Abuse Texas Walk to Action on Nov. 6 in San Antonio. The San Antonio Young Lawyers Association provided support to Team TYLA, which raised \$7,000 for Prevent Child Abuse Texas. Prevent Child Abuse Texas is a statewide non-profit organization working to prevent child abuse and neglect in all its forms throughout the state. Pictured, from left, are TYLA Treasurer Alyssa J. Long, Director Kimberly Smith, Director Kirby Hopkins, former TYLA President Sylvia Cardona, Cody Bowman, TYLA President-elect Natalie Cobb Koehler, TYLA President Jennifer Evans Morris, TYLA Secretary Kristy Sims Piazza, and TYLA Immediate Past President Cori Harbour.

says. One victim in the video talked about his experience with telling a person about the abuse he endured: “There's nothing worse in the world than to finally work up all that courage to go and talk to someone and have them simply blow it off.”

If you are uncomfortable with what the child is telling you, it's okay to ask the child's permission to bring in another adult who can help. What's important for you to say is, “This is important information that you are telling me, and I really want to make sure that you are being

heard, so I'm going to bring in someone else who is equipped to help you.”

The Little Voice was a natural project for TYLA, as well as for President **Jennifer Evans Morris**, of Dallas, who is passionate about fighting domestic abuse and child abuse. She is active with Community Partners of Dallas and Attorneys Serving the Community, organizations committed to helping those who have suffered abuse. “I have always wanted to do something tangible to help abused and neglected children. I promised myself that if I ever got into a position where I could actually make a difference, I would. TYLA has given me the greatest gift of being able to make an impact in a very large way.”

While *The Little Voice* is geared to those who work with children, it also addresses the public's duty to report suspected abuse. While professionals are held to a different standard than the public, anyone who suspects abuse is required by Texas Family Code Section 261.101 to report the situation. Professionals such as teachers, doctors, and daycare workers are required to make a verbal report of suspected abuse within 48 hours. Professionals cannot delegate to or rely on another person to make the report. TYLA Secretary **Kristy Sims Piazza**, of Plano, says people, in general, are not aware of their responsibility to report suspected cases of child abuse. “I deal with these kind of issues every day and I find that most experts don't know their duty. If we have professionals out there who aren't aware of their duty to report, then there are even more members of the public who are not aware.”

Not reporting suspected abuse has negative consequences, not only for a victim, but also for a person who chooses not to report. According to the Texas Family Code, failure to report suspected child abuse or neglect can result in a Class B misdemeanor (punishable by imprisonment of up to 180 days and/or a fine of up to \$1,000). Professionals face a higher punishment

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— a felony. “You won’t get in trouble if you report suspected child abuse and it turns out that abuse is not the case,” Brooks says. “Reporting can only bring positive results. But not reporting can result in you getting in trouble, and possibly, a child suffering.” (Reports are kept anonymous. However, it is best to include your name so investigators can contact you if they have more questions.)

TYLA’s Family Law, Seniors & Children’s Rights Committee received a generous grant from the Texas Bar Foundation to create the project. Piazza and President-elect **Natalie Koehler** served as the project’s executive committee advisers; Brooks, **Kelly Burris**, **Geoff Gannaway**, **Jobe Rodgers**, and **Paul Tu** served as co-chairs. **Jeff Armstrong**, **Giugi Carminati**, **Adrienne Clements**, **Cameron Cox**, **Lacy Durham**, **Erin O’Driscoll**, **Ken Riney**, **Kim Smith**, and Vela served as vice chairs. The video was produced by Left Brain Creative, which also produced TYLA’s recent video *R U Safe? Protecting Yourself in Cyberspace*.

TYLA premiered the video at the 25th annual Conference on the Prevention of Child Abuse and plans to roll out the video to the Court Appointed Special Advocates Association and the Dallas and Fort Worth independent school districts. Another planned rollout is at the Modern Family Fest, benefiting Friends of Wednesday’s Child on May 15, 2011, in Dallas.

The goal is to show the video and PSA to as many Texans as possible and to make people aware of what role they can play in preventing and ending child abuse. “What’s more important than helping a child get out of a terrible, abusive situation?” asks Paige McDaniel, president and CEO of Community Partners of Dallas, in the video. “Is there a single thing more important in your life than that?”

For more information, call (800) 204-2222, Ext. 1529, or visit tyla.org/thelittlevoice.

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is associate editor of the *Texas Bar Journal*.



IF YOU SUSPECT CHILD ABUSE

Contact your local police or sheriff’s department, local Child Protective Services, or Children’s Advocacy Center, or call the Texas Abuse Hotline at **(800) 252-5400**; or visit <http://txabusehotline.org>. The Texas Child Abuse Hotline (available 24 hours a day, seven days a week) can be reached at **(800) 252-5400** or <http://txabusehotline.org>.

The Little Voice

Recognizing Child Abuse
and Your Duty to Report It

FREQUENTLY ASKED QUESTIONS

What information is helpful to have when making an abuse or neglect report?

The name, age, address of child; your name and contact information; description of the situation and the child; current injuries, medical problems, or behavioral problems; explain how you know about the situation; any additional information that will help identify or locate the child.

Will the person know I’ve reported him/her?

Your report is confidential and is not subject to public release under the Open Records Act. You are immune from civil or criminal liability for any report made in good faith. Your identity is kept confidential. DFPS staff is required by law to keep the reporter’s identity confidential (Texas Family Code, Section 261.101 (d)).

Why am I asked for my name and contact information when reporting?

This allows field investigators to ask follow up questions if needed.

Will anyone know my identity?

Your identity as a reporter may be revealed only to a judge or law enforcement personnel in certain situations.

How should I report if I want to remain anonymous?

To remain anonymous, call the hotline at (800) 252-5400.

What if I am not sure of abuse?

If you have reason to suspect abuse, but are not positive, make the report. If you have doubts about whether or not it is abuse, call the hotline. They will advise you whether the signs you have observed might suggest that abuse has occurred.

How can I find out what happened with my report?

CPS may inform you about the status, but if you do not hear anything, call CPS and request the information.

What if I reported and nothing happened?

If the outcome of a report is “allegations unfounded,” it does not mean abuse did not happen; it means that there was insufficient evidence to support charges. The CPS case may remain open while services are provided; the reports may still be under investigation. *Remember: Even if the child is not removed, your report may help establish a pattern that will help a child. Continue to document new evidence of abuse and make a second report if you have reason to suspect continuing abuse.*