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TEXAS LAWYER

Commentary

April is Child Abuse Awareness Month – so is May, June ...

It is imperative that we join together as one Nation to combat child abuse in all of its forms — through neglect, mistreatment, or physical, emotional, or sexual abuse.

By **Elisa Reiter and Daniel Pollack** | April 29, 2021 at 04:58 PM



On March 31, 2021, President Biden signed a [Proclamation](#), noting in pertinent part, that “[d]uring National Child Abuse Prevention Month, and throughout the entire year, it is imperative that we join together as one Nation to combat child abuse in all of its forms — through neglect, mistreatment, or physical, emotional, or sexual abuse.” On April 8, 2021, Gov. Abbott signed a Texas [Proclamation](#). School is not only a place for education; it is a safe harbor for children who might be experiencing neglect, abuse or other hardships at home.

2020 was an unprecedented year. Instability and financial hardship have been exacerbated by the pandemic. [Bellwether Education](#) estimates that March 2020 was

likely the last time 3 million of the most educationally marginalized students had any in-person or remote classes. The [school lunch program](#) provided a means for those in need (estimated at 30 million students across the nation) to have a warm meal -- but that meant being at school. [Alternatives](#) did spring up in the course of the year, through guidelines provided by the CDC. [State truancy laws](#), geared to students being physically on-site and attending classes, may be in need of reform. For instance, a child who suffers from epilepsy has health issues that may have precluded attending class in person. Yet, such students may nonetheless find themselves facing charges for truancy, exposing both the students and the parents to quasi criminal actions and judicial sanctions.

The [National Domestic Violence Hotline](#) provides assistance, as do local programs such as [Genesis Shelter](#), [Family Compass](#), and [Family Place](#). While [calls to hotlines](#) may have decreased at the outset of the pandemic, something different was afoot. “Experts in the field knew that rates of Intimate Partner Violence had not decreased, but rather that victims were unable to safely connect with services.” Regarding children under the age of eighteen, the [CDC](#) analyzed data pertaining to Emergency Room visits and concluded that during the pandemic:

Despite decreases in the weekly number of ED visits related to child abuse and neglect, the weekly number of these visits resulting in hospitalization remained stable in 2020; however, the yearly percentage of ED visits related to child abuse and neglect resulting in hospitalization increased significantly among all age groups.

How do we account for the apparent disconnect between the number of actual reports of abuse and the number of individuals seeking assistance at an Emergency Room, estimated to have decreased between 20% to 70% during the pandemic? The delta is attributed to the lack of in-person contact between students and the schools they previously had contact with. There is a pervasive fall in the amount of real time data available to teachers, nurses, truancy officers and school counselors and social workers.

Looking ahead, the Kaiser Family Foundation [suggests](#) the following:

The coronavirus pandemic is an unprecedented event in most people's lifetimes, leading to extraordinary high risk to health and well-being. Children's lower risk of serious illness due to COVID-19 has led most discussion and policy debate over the pandemic to focus on adults at high risk, though the recent debate over school openings has shifted focus to children's health and well-being. With many schools re-opening, tracking cases and serious illness among children and understanding who is at highest risk can help policymakers design education and support systems to minimize exposure, risk, and illness. In addition, many children are already facing substantial access barriers, emotional strain, and financial hardship that could have long-term repercussions for their lives. This analysis underscores the importance of pursuing safe approaches to opening schools to balance physical and emotional health. Policies to facilitate enrollment in health coverage, ensure access to health services, particularly behavioral health services, as well as facilitate access to social services to support families with children, can help address some of the consequences children are currently facing.

In Texas, times are changing. The pandemic may have made us more sensitive to trauma, and those who have suffered trauma, such as child abuse or neglect. [Senate Bill 904](#) seeks to amend [Texas Family Code Section 107.004](#) to require trauma-based training for attorneys seeking court appointments to serve as attorneys ad litem in child protection cases. If Senate Bill 904 passes, attorneys representing children in child protection cases would need to not only obtain trauma-based training, including training regarding:

1. the symptoms of trauma and the impact that trauma has on a child, including how trauma may affect a child's development, emotions, memories, behavior, and decision-making;
2. attachment and how a lack of attachment may affect a child;
3. the role that trauma-informed care and services can have in a child's ability to build connections, feel safe, and regulate the child's emotions to help the child build resiliency and overcome the effects of trauma and adverse childhood experiences;

4. the importance of screening children for trauma and the risk of mislabeling and inappropriate treatment of children without proper screening, including the risk associated with increasing the use of psychotropic medication;
5. the potential for re-traumatization of children in the conservatorship of the Department of Family and Protective Services; and
6. the availability of:
 - (A) research-supported, trauma-informed, non-pharmacological interventions; and
 - (B) trauma-informed advocacy to increase a child's access, while the child is in the conservatorship of the Department of Family and Protective Services, to:
 - (i) [trauma-informed care](#); and
 - (ii) trauma-informed mental and behavioral health services.

“[Knowing what to expect](#) next gives children a sense of security.” There’s the rub. As we observe Child Abuse Prevention Month, we must acknowledge that we *simply do not know what to expect next*. If anywhere, children deserve to feel secure at home and in school. “[Home](#) is a child's first and most important classroom.” If [spanking](#) increases the likelihood of a child engaging in violent behavior in adulthood, [what impact](#) will the pandemic have on a generation of children who were already grappling with abuse, neglect and financial hardship? How can we help children beat the cycle of abuse? As [Amanda Gorman](#) wrote: “We will raise this wounded world into a wondrous one ... There is always light, if only we’re brave enough to see it. If only we’re brave enough to be it.” Like never before, it’s time to roll up our sleeves. Be aware. Volunteer. Donate.

Elisa Reiter is an attorney, Board Certified in Family Law and Child Welfare Law by the Texas Board of Legal Specialization. Contact: elisa@elisareiter.com.

Daniel Pollack is an attorney and professor at Yeshiva University’s School of Social Work in New York City. Contact: dpollack@yu.edu.