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# I. PROCEDURES FOR STAFF AND VOLUNTEER WORKERS WITH CHILDREN & YOUTH

# A. **PURPOSE**

First United Methodist Church of Houston and its affiliates (hereafter referred to as the "Church") are committed to providing a safe and secure environment for all children, youth, and volunteers who participate in ministries and activities sponsored by the Church. (The term "Church" encompasses First United Methodist Church of Houston and all its subsidiaries and activities, including Quillian Center and Neighbors In Action). The following procedures reflect our congregation's commitment to preserving this Church as a holy place of safety and protection for all who enter and as a place in which all people can experience the love of God through relationships with others.

The Church hereby establishes these policy and procedures for the prevention of child abuse and/or neglect within children's and youth programs and activities sponsored and/or supervised by the Church. The purpose of these procedures is:

- 1. to protect the children and youth who participate in the activities of this Church, especially from the risk of abuse and neglect.
- 2. to protect the persons who work with children and youth in this Church from the risk of accusation of abuse and neglect and to protect the Church's integrity both internally and within the community.

### 1. Applicability

This procedure shall apply to all activities involving children/youth, which are sponsored and/or supervised by the Church. All workers assigned to such activities by the Church shall comply with and conduct themselves according to this procedure and any related policies and procedures. Any worker failing to comply with or conduct themselves according to these procedures shall be subject to disciplinary action, which may include dismissal from employment and/or work with any child/youth. Any such worker shall also be subject to the church reporting inappropriate conduct to law enforcement, as appropriate.

## 2. Safe Sanctuary Definitions

- A. Children/Youth As used in this procedure manual, children/youth shall include all minors from birth through their eighteenth birthday who are engaged in a program or activity sponsored and/or supervised by the Church.
- **B.** Worker As used in this manual, Worker shall include any person, regardless of age, who performs full-time, part-time work in the Church and has contact with children/youth. This includes paid and/or volunteer work.
- **C.** Safe Sanctuary Worker As used in this instrument, a Safe Sanctuary Worker refers to a worker who has completed the requirements set forth herein.
- **D.** Abuse and/or Neglect See Appendix A for definitions used in this procedure that are taken from "Section 261.001 of the Texas Family Code".

## 3. Authority

These procedures will be implemented and maintained under supervision of the Senior Pastor of the Church and in coordination with the Board of Trustees. Amendments to these procedures may be made from time to time, as necessary, by the Board of Trustees. The Board of Trustees and other committees deemed responsible by the Senior Pastor will be informed of all amendments and/or revisions.

# B. REQUIREMENTS & STANDARDS

## 1. Selection and Qualification of Children/Youth Workers

### a. Submission of Application

Each person desiring to work with children/youth will be required to complete an application. The application will be completed and returned to the designated Director/Supervisor.

### b. Screening

- 1. Each person completing an application for child/youth work shall be required to undergo a criminal background check and a social security number verification prior to beginning volunteer assignment or employment. These checks will be performed by the Director of Operations and will be retained with the Applicant's signed application in a secure, confidential file.
- 2. The responsible Director/Supervisor shall personally interview each applicant and discuss with those persons the information in this policy.
- 3. At the discretion of the appropriate Director/Supervisor references may be requested on any Applicant. A written copy of the reference response and Volunteer Profile is to be kept in the Director's/Supervisor's office in a confidential manner.
- 4. Members and volunteers of First United Methodist Church of Houston and Missions (does not apply to Quillian Center or Neighbors in Action Workers) cannot become a Safe Sanctuary Worker until they have been a member of First United Methodist Church of Houston for a minimum of six (6) months or the appropriate Director or Senior Pastor has secured in writing a statement from the Pastor of the church in which the volunteer was formerly a member that he or she left in good standing, with no concerns or accusations, and had completed the appropriate training at that former church.

### c. Qualifications

- 1. Any person who has not met all of the background check requirements may not work with children/youth.
- 2. Any person who has not met all of the training requirements may not work with children/youth.
- 3. A person desiring to work with children/youth is required to attend a Safe Sanctuary training seminar and sign a Participation Covenant that they will abide by the Safe Sanctuary Policies and Procedures. All training requirements, including sexual ethics training, will be completed prior to beginning an assignment with children/youth. Any person who has completed all of the application, screening and training requirements will be referred to as "Safe Sanctuary Worker."

4. Any person who is a survivor of child abuse must meet with the appropriate Revised 8/2017

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Director/Supervisor prior to working with the children/youth. The Director/Supervisor, with clergy consultation as needed, shall determine, from the screening procedure and interview, if the Worker may work with the children/youth and any restrictions to that work.

- 5. Adult supervision will be required at all times for all Workers under 18.
- **d. Prohibited Workers** Persons having a criminal history of any of the following types of offenses shall not be allowed to serve in any ministry with children and youth:
  - Persons who have been convicted of, placed on regular or deferred adjudication, received pre-trial diversion, pled guilty, pled nolo contendere to any offense involving sexual contact or child abuse, whether physical, emotional, sexual, or neglectful
  - Violent offenses, including murder, rape, assault, domestic violence, etc..
  - Persons having a Criminal History of DUI or DWI conviction within the last five (5) years immediately prior to application shall not be allowed to act as a driver.
  - Persons having a Criminal History of a drug related conviction within five (5) years immediately prior to application shall not be allowed to participate in the event.
- e. All Volunteers will undergo a criminal background check, and a motor vehicle records check at least every two years.
- **f.** At the discretion of the Senior Pastor, interim background checks and substance abuse checks may be done at anytime.

#### 2. Rules of Behavior

#### a. Team Approach

Workers, with the exception of the "Parental Permission" exception set forth in Section c below, must observe the "Two Adult (non-related) " rule (2 workers per classroom, 2 workers within line of sight). Whenever reasonable, a minimum of two adult (non-related) workers shall be present during any children/youth activity.

Workers shall also follow the three years older rule which requires at least a threeyear difference between the ages of the Leaders and the children / youth. The three year differences in ages shall apply between the Leader and the oldest age of the children / youth. Persons being closer in age to the children / youth may be acceptable Assistant Leaders.

1. In all instances where two adults (non-related) are not present, an "open

door" policy will be observed. Any one-to-one mentoring or consulting by a Worker shall be conducted in sight of another Worker. Understanding that there is safety in numbers, one Worker can be in contact with multiple youth (6th-12th grade) so long as he or she is in the line of sight of other Workers.

2. Restroom Procedures for Elementary Children: It is recognized by the Church that there are substantially more female Workers than Male workers. Because of the large number of female Workers versus male Workers, it will be necessary for female Workers to take male and female children to the restroom. A male Worker is never allowed to take a female to the restroom. Workers are encouraged to accompany younger children to the restroom, keeping in mind the Two Adult Rule (non-related) and team approach. Only adult Workers may accompany a child to the restroom and, then, only after notifying another Safe Sanctuary Worker. At the teacher's discretion, children in 3<sup>rd</sup>-5<sup>th</sup> grade may go to the restroom with a buddy of the same sex.

### b. Host Families

Host Family is defined as a family that has agreed to host a Church event at their home or at a location away from the Church. Any host family must complete the background check information and be provided a copy of this policy. A signed agreement from the Host Family stating they have read and will follow these Safe Sanctuary policies is required. The appropriate Church employee shall distribute and secure the information. No family will be allowed to be a Host Family unless every adult in the family meets the criteria for Workers in this policy.

### c. Parental Permission

- 1. Workers are to obtain written parental permission prior to spending time with children/youth alone. Verbal parental permission to spend time with children/youth is not allowed. Such Workers should also notify their group leader prior to such a situation: example, mentoring a youth at Starbucks, or picking a child up needs written approval.
- 2. Activities involving transportation provided by the church, parents of participating children/youth or Workers, or activities off the church property will require a signed parent permission form to be returned to the group leader prior to the activity. A new signed permission form will be required yearly.

### d. Overnight or Off Church Property Activities – All overnight or off property

activities require the prior permission of the appropriate Director/Supervisor and written permission of the parents.

e. Supervision - All children's/youth activities will include adequate adult supervision from no less than 15 minutes prior to scheduled start until all children/youth are in custody of their parents (or as prior arranged by their parents with a parent permission form). Program Staff and Administrators of the Church, as appropriate, will supervise ongoing programs and may make unannounced visits into classrooms or other program sites.

## f. Corporal punishment of any kind is prohibited.

**g. Reporting** - Any inappropriate conduct or relationship between anyone and a member of any children's/youth group must be reported to the appropriate Director/Supervisor and Senior Pastor immediately and addressed according to the procedures of the Safe Sanctuary policy (Section I, D).

# C. WORKER TRAINING

- a. All Workers will be required to complete a Safe Sanctuary training seminar. Staff will receive training annually. Volunteers will receive annual training from the age level Directors/Supervisors. Upon being selected for a volunteer or employment position, staff/volunteers will be required to complete Safe Sanctuary training prior to beginning their assignment / employment. All workers shall receive annual training on any changes to this policy and any new information as needed for compliance with the safe sanctuary policies of the Texas Annual Conference of the United Methodist Church. Directors/Supervisors are responsible for the attendance at this training of all Workers in their ministry area.
- **b.** The training seminar will include, but not be limited to, the following:
  - 1. All workers will be given Texas' legal definition of child abuse from the Texas Family Code.
  - All workers will receive written information describing Texas' laws regarding the reporting of suspected child abuse. (https://www.dfps.state.tx.us/Contact\_Us/Report\_Abuse.asp)
  - 3. All workers will be trained in identifying child abuse.
  - 4. All workers will be given a copy of the Safe Sanctuary Policy, Sexual Ethics Policy and Procedures and be trained in all policies and procedures as related to their ministry area.
- **c.** Upon completion, each worker will sign a Participation Covenant Statement that they will abide by the Safe Sanctuary Policy, Sexual Ethics Policy and Procedures and that they have received and read the information described above. Workers who have completed all the application, screening and training requirements will be designated "Safe Sanctuary Worker."

# D. RESPONDING TO ALLEGATIONS OF ABUSE AND/OR NEGLECT OF CHILDREN/YOUTH

## 1. Reporting

- When a worker or anyone suspects that child abuse or neglect has taken place, they should immediately contact the Senior Pastor and appropriate Director/Supervisor. The employee must first call 911 if there is an emergency situation, if not, a phone call needs to be made to report the abuse to the appropriate local law enforcement agency and/or Department of Family Protective Services (1-800-252-5400). The initial verbal report should be followed up with a written report to the appropriate Senior Pastor and Director/Supervisor. When reporting to the authorities the worker needs to have the following information:
- name of the adult leader observing or receiving the disclosure of abuse, including the date, time and place and any action taken by this person.
- The alleged victim's name, age and date of birth.
- Any statement made by the alleged victim.
- Name of the respondent, the date, time and place of any conversation or any statement made by the respondent.
- Any action taken, i.e. suspension of the respondent.
- Date and time of call to the appropriate agency, name of worker spoke to, content of that conversation and case number assigned.
- Date and time of call to law enforcement agency, name of officer spoken o and content of that conversation.
- Date and time of any other contacts made regarding this incident.
- a. The Worker will keep all information pertaining to the abuse/neglect incident confidential, communicating about the incident with no one except the appropriate Regulatory or Law Enforcement Authorities, the appropriate Director/Supervisor and the Senior Pastor.

## 2. Response

- a. Should child abuse or neglect allegations occur:
  - 1. The person suspected of abuse shall be removed with dignity from further contact with children and youth until an appropriate investigation has taken place and the issue is resolved.
  - 2. Workers will treat each allegation seriously with confidentiality and respect for the privacy of all involved persons.
  - 3. Workers will cooperate fully with civil authorities.
  - 4. Workers will extend genuine care to all victims of child abuse/neglect.
  - 5. In the presence of another person notify the parents or guardians of the

child of the allegations. He/she should lovingly and carefully reach out to the victim and the victim's family, extending all pastoral resources that are available. He/she should never respond in a negative or non-supportive manner to the alleged victim.

- **b.** If, after an initial investigation there is believed to be justification to notify authorities about possible child abuse or neglect allegations, the appropriate Director and the Senior Pastor will:
  - 1. Make certain that all efforts at handling the incident are documented in writing, including dates and times.
  - 2. Work in cooperation with the PPRC and any civil authorities shall assemble a response team that will investigate the allegation and develop specific recommendations that are appropriate for each case.
  - 3. Resolve allegations of abuse and or neglect within the shortest time needed to conduct a thorough investigation.
  - 4. Respect the confidences and sensitivities of all persons involved.
  - 5. As appropriate investigate any allegations involving clergy in accordance with the latest publication of The Book of Discipline of the United Methodist Church.
  - c. Non-retaliation
    - 1. This procedure prohibits retaliation against anyone who, in good faith, reports allegations of sexual abuse or neglect or assists in investigating charges.
    - 2. Anyone found to have participated in retaliatory actions will be subject to disciplinary action which may include termination as a volunteer or employee of First United Methodist Church of Houston.

## II. OTHER PROCEDURES

# A. EARLY CHILDHOOD PROTECTION PROCEDURES (DOWNTOWN)

These procedures cover the activities in the Early Childhood areas of the Church.

#### 1. Drop Off and Pick Up

- **A.** All parents or guardians leaving children in the Early Childhood areas shall follow these procedures to assure proper claiming of children.
  - Upon arriving to the Early Childhood areas, each parent/guardian shall check in their child on the computer check in system, which will print an identifying claim tag and a matching child's security label.
  - The tag shall be placed on the back of the child's clothing and the parent/guardian will take the claim tag to use for later picking up the child.
- **B.** Upon pick-up, the parent/guardian will present the claim tag to the Front Desk Staff who will then allow the parent/guardian into the Early Childhood area. Only one parent will be allowed in the classroom at one time. The parent/guardian will go to their child's classroom, and present the claim tag. The EC Teacher will verify the claim tag, by matching security codes. The Teacher will also give the child's personal items to the parent/guardian. As the parent/guardian and child exit the Early Childhood area, the Front Desk Staff will take both adult claim tag and child security label, as proof of sign out.
- **C.** No one under the age of 16 will be allowed to pick up any child from the early childhood center at any given time.

### 2. Personal Items

- A. The parent/guardian should label all personal items for the child, including diaper bags, blankets, clothing, and pacifiers with the child's first and last name. Permanent, waterproof labels are preferred.
- **B.** It is recommended that no personal toys or valuable items be left at the Early Childhood areas. The Early Childhood areas do not assume responsibility for any personal items left in the Early Childhood areas.

### 3. Restrictions

- A. Only trained, assigned EC Teachers/Volunteers will be allowed in the Early Childhood areas. No other individuals are allowed in the Early Childhood Center without an identified need and the approval of the Early Childhood Director or EC Coordinator.
- B. No Teacher/Volunteer may remove a child from the Early Childhood areas.

**C.** No one may claim a child from the Early Childhood areas without a claim tag. If the claim tag is lost, only a Director/Pastor may approve release of a child. A picture ID may be required to match the check –in on the computer check in system.

## 4. Staffing

- **A.** The Early Childhood areas will follow the Team Approach, as identified in the Safe Sanctuary Procedures.
- **B.** All Early Childhood Teachers/Volunteers shall be subject to the requirements of the Safe Sanctuary Procedures.
- **C.** Restroom procedures:
  - 1. It is recognized by the Church that there are substantially more female Teachers than male Teachers. Because of the large number of female Teachers versus male Teachers, it will be necessary for female Teachers to take male and female children to the restroom. A male Teacher shall never be allowed to take a female to the restroom.
  - 2. Only adult Teachers may accompany a child to the restroom and, then, only after notifying the area supervisor or other Teacher.
  - 3. When a child is going to be left in the Early Childhood areas for only a short time, parents/guardians should be encouraged to take the child to the restroom prior to check-in.

# A. EARLY CHILDHOOD PROTECTION PROCEDURES (WEST CHASE)

These procedures cover the activities in the nursery and toddler areas of the Church.

### 1. Drop Off and Pick Up

- **A.** All parents or guardians leaving children in the Early Childhood areas shall follow these procedures to assure proper claiming of children.
  - Upon arriving to the Early Childhood areas, each parent/guardian shall check in their child on the computer check in system, which will print an identifying claim tag and a matching child's security label.
  - The tag shall be placed on the back of the child's clothing and the parent/guardian will take the claim tag to use for later picking up the child.
- **B.** Upon pick-up, the parent/guardian will present the claim tag to the Front Desk Staff who will then allow the parent/guardian into the Early Childhood area. Only one parent will be allowed in the classroom at one time. The parent/guardian will go to their child's classroom, and present the claim tag. The EC Teacher will verify the claim tag, by matching security codes. The Teacher will also give the child's

personal items to the parent/guardian. As the parent/guardian and child exit the Early Childhood area, the Front Desk Staff will take both adult claim tag and child security label, as proof of sign out.

**C.** No one under the age of 16 will be allowed to pick up any child from the early childhood center at any given time.

## 2. Personal Items

- **A.** The parent/guardian should label all personal items for the child, including diaper bags, blankets, clothing, and pacifiers with the child's first and last name. Permanent, waterproof labels are preferred.
- **B.** It is recommended that no personal toys or valuable items be left at the nursery. The nursery does not assume responsibility for any personal items left in the nursery.

## 3. Restrictions

- **A.** Only trained, assigned Workers will be allowed in the nursery or toddler areas. No other individuals are allowed in the nursery or toddler areas without an identified need and the approval of the nursery supervisor.
- B. No Worker may remove a child from the nursery or toddler areas.
- **C.** No one may claim a child from the nursery or toddler areas without a claim tag. If the claim tag is lost, only a Director/Pastor may approve release of a child. A picture ID may be required to match the sign-in on the daily roster.

## 4. Staffing

- **A.** The nursery and toddler areas will follow the Team Approach, as identified in the Safe Sanctuary Procedures.
- **B.** All nursery and toddler area Workers shall be subject to the requirements of the Safe Sanctuary Procedures.
- **C.** Restroom procedures:
  - 1. It is recognized by the Church that there are substantially more female Workers than male Workers. Because of the large number of female Workers versus male Workers, it will be necessary for female Workers to take male and female children to the restroom. A male Worker shall never be allowed to take a female to the restroom.
  - 2. Only adult Workers may accompany a child to the restroom and, then, only after notifying the area supervisor or other Worker.
  - 3. When a child is going to be left in the nursery or toddler area for only a short time, parents/guardians should be encouraged to take the child to the restroom prior to check-in.

# **B** TRANSPORTATION PROCEDURES

The following procedures are for providing transportation for children/youth to and from activities sponsored and/or supervised by the Church. These procedures relate to transportation provided by the Church, parents of participating children/youth, and children/youth Workers to church activities off the Church property.

## 1. Vehicle Requirements

- **a.** These vehicle requirements pertain to all vehicles owned or used by the Church, including those leased by the Church or provided by parents of participating children/youth, those provided by child/youth Workers and any external commercial vehicle provided for transportation of the children/youth.
- **b.** All vehicles shall be in good running order and possess a current registration plate, a safety inspection sticker and passenger restraints.
- c. All vehicles will have insurance coverage as required by Texas state law.
- **d.** All vehicles will be multi-passenger. No motorcycles, scooters, or mopeds will be allowed. No vehicle will be allowed to carry more than the passenger capacity as specified by the vehicle manufacturer.

## 2. Qualification of Drivers

- **a.** All drivers will be Workers or parents (as qualified by these procedures), parents of participating children/youth or licensed commercial drivers. All drivers will be pre-approved by the appropriate Director.
- **b.** All drivers will have a current valid state driver's license with the classification for the vehicle driven. The age of the driver must be at least 25 and not older than 75. Any exceptions must first be cleared by the CFO / Director or Finance.
- c. All drivers who are Workers will be subject to periodic checks of their motor vehicle record.
- **d.** All drivers may be required to provide a copy of a driver's license and insurance policy.

## 2. General Rules

- **a.** The use of alcohol, tobacco and any substance that affects driving ability is strictly prohibited. This includes prescription drugs.
- **b.** Unless otherwise approved by the appropriate Church employee and the parents so informed, all transportation subject to these procedures will begin and terminate at the Church property.
- **c.** All drivers will obey all traffic laws, absolutely no speeding or reckless driving is allowed. Failure to do so shall disqualify them from driving for Church related activities.
- d. Signed Parent Permission Forms will be obtained from each child/youth prior to being

allowed in the vehicle. If the child/youth does not have a completed permission form he/she will not be permitted in the transportation arranged by the Church. The permission forms are to be collected and checked by the group leader prior to leaving the Church property. Upon return to the Church or school, the forms will be provided to the appropriate Director/Supervisor.

- e. No driver is to transport any child/youth alone. If possible, the Team Approach, as defined in the Policy, is to be used, and driver must be the same sex of child unless two people on staff are together. If that is not possible, written permission of the parent and notification of the group leader is required.
- f. Drivers who will transport passengers under the age of 18 must be qualified under the Safe Sanctuary Program.
- **g.** While the vehicle is in motion, driver's use of cell phones, other personal electronic devices and eating are prohibited.
- h. Drivers may not drive longer than four (4) continuous hours without a break.
- i. Whenever possible, passengers are to load/unload through side passenger doors and on curb side only.

# C. PROCEDURES FOR CHILDREN/YOUTH OVERNIGHT ACTIVITIES

These procedures cover children/youth activities, which require an overnight stay and are sponsored and/or supervised by the Church.

## 1. Applicability

These procedures cover any activity sponsored and/or supervised by the Church, which require an overnight stay. This includes, but is not limited to, camping, lock-ins, hotels/motels, and overnight stay in a personal dwelling.

## 2. Approvals

- **a.** A signed Parent Permission form will be required of each child/youth prior to the activity. These will be collected and approved by the group leader prior to the activity. Following the activity, the forms will be given to the appropriate Director/Supervisor.
- **b.** Any overnight activity requires the prior approval of the appropriate Director/Supervisor.
- **c.** Any overnight activity covered in (1. Applicability), requires that both the host family and the guest family sign permission forms and agree with the Rules of Conduct required on all such activities (3. below) as well as Rules of Behavior Team Approach (page 7, 3.a).

## 3. Rules of Conduct

- **a.** All persons are to abide by the procedures of the Safe Sanctuary Policy, including the Team Approach for supervision.
- **b.** None of the children/youth will be allowed away from the designated overnight area without prior permission of the group leader and the parents' signed permission.
- c. No child/youth is to be left alone in a room except the restroom.
- d. No couple of the opposite sex is to be left unsupervised.
- e. Separate sleeping areas will be provided for members of the opposite sex.
- **f.** In hotels/motels and personal dwellings a minimum of three youth to each room with four being preferred. Properly trained workers or approved parents will provide adequate and appropriate supervision.
- **g.** When staying in a hotel, adults shall sleep in separate rooms from children / youth; or if necessary for children / youth to share a room with an adult, adults shall sleep in separate beds from children / youth so long as any one adult shall not be alone with any one child / youth.

#### First United Methodist Church Of Houston & Affiliates Abuse and/or Neglect Definitions from "Section 261.001 of The Texas Family Code" Appendix A

#### Physical Abuse

Physical injury that results in substantial harm to a child, or genuine threat of substantial harm from physical injury to a 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 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 a child.

#### **Neglectful Supervision**

Placing a child in or failing to remove the child from a situation that reasonable persons 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 substantial risk of immediate harm to the child; placing a child in or failing to remove a child from a situation in which the child would be exposed to substantial risk of sexual conduct harmful to the child.

#### Sexual Abuse

Sexual conduct harmful to a child's mental, emotional, or physical welfare; 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, Texas Penal Code; causing, permitting, 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, Texas Penal Code, or pornographic.

### **Physical Neglect**

The failure to provide the 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 have been offered and refused.

#### **Medical Neglect**

The failure to seek, obtain, or follow through with medical care for the child, with the failure resulting in or presenting a substantial risk of death, disfigurement, bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or function of the child.

#### Abandonment

Leaving a child in a situation where the child would be exposed to a substantial risk of physical harm, without arranging for necessary care for the child, and a demonstration of intent not to return by a parent, guardian, or managing or possessory conservator of the child.

#### Emotional Abuse

Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, 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.