

ANNUAL REPORT TO THE LEGISLATURE
FY 2012 – 2013
False Reports of Child Abuse, Neglect or Abandonment
Referred to Law Enforcement

I. Purpose

As directed by s. 39.205(7), F.S., the Department of Children and Families provides the legislature with the number of *suspected* false reports referred to law enforcement for a criminal investigation as a result of initiating a child protective investigation within the past year. Florida law defines “false report” as any allegation reported maliciously to the Florida Abuse Hotline expressly for:

- Harassing, embarrassing, or harming another person
- Personal financial gain for the reporting person
- Acquiring custody of a child
- Personal benefit for the reporting person in a private dispute

Reports made in good faith based upon an individual having a reasonable cause to suspect a child has been maltreated but which are subsequently determined by the child protective investigator to have no merit (i.e. unfounded reports) are not considered false reports.

II. Background

Both the definition of false reporting and the requirement for the Department to submit an annual report was added to Chapter 39 in 1998. Historically, the report has consistently identified two primary issues related to the handling of suspected false reports.

The initial challenge for both child protective investigators in handling suspected false reporting is establishing that the report was generated with malicious intent. Most reporters know enough about the family conditions of the individual being harassed to describe situations and events that on the surface, meet the statutory standard for a *reasonable cause to suspect* meriting the Department’s involvement. Furthermore, upon subsequent investigation the family’s circumstances are marginally problematic enough (e.g., a home is found to be very dirty or cluttered but not hazardous, etc.) to add some degree of legitimacy to the reported concern(s) which helps obscure the reporter’s ulterior motives. The difficulty in proving malicious intent applies to both law enforcement’s criminal investigation and the likelihood of a subsequent, successful prosecution by the state attorney’s office.

The relatively low referral and prosecution rates can also be attributed to agency’s having to justify re-allocating limited staff resources away from higher prioritized activities (e.g., investigating or prosecuting more serious crimes, etc.) to pursue those individuals responsible for filing false reports, especially in light of the overall difficulty (i.e., time and effort required) to successfully prosecute or levy an administrative fine.

III. Department and Legislative Action to Address False Reports

On the positive side, the Department has initiated several efforts over the years to reduce the incidence of false reporting based on how reports are processed at the Abuse Hotline and how child protective investigators respond after investigating a questionable or suspected false report.

Abuse Hotline

All individuals calling the Abuse Hotline to report allegations of maltreatment initially hear a pre-recorded message that informs the caller that:

- 1) Any person who willingly makes a false report is guilty of a third degree felony;
- 2) In addition to criminal penalties the Department may levy up to a \$10,000 administrative fine;
- 3) All calls to the Hotline are recorded; and
- 4) Any person making a call in “good faith” is immune from liability

Child Protective Investigation Procedures

While being involved in a child abuse investigation does initially alarm many parents, an investigation handled in a family centered, trauma informed manner should have minimal lasting impact on any child or on the family as a whole, regardless of the reason the family was reported to the Hotline. Investigators are trained to inform parents of their rights pursuant to s. 39.301(5), F.S., during their initial meeting as well as address any specific concerns or questions the parent might have about the investigative process or procedures.

To assist in the handling of false reports, effective July 1, 2012 the Florida legislature amended s. 39.205(8), F.S., allowing investigators to discontinue investigative activities when it is determined that an investigation was the result of a false report. The timely cessation of investigative activities helps address two key problems associated with false reporting, one from the Department’s perspective and one from the family’s.

From the Department’s perspective, the main concern about false reports has always been the misuse of an investigator’s valuable time. The ability to reduce unnecessary work is central to the Department being able to focus on the families and children most in need of protection and services. The obvious benefit to an investigator being able to shut down a false report is the time freed up to work other more serious and legitimate investigations.

From the family’s perspective, one of the more alarming aspects of being the subject of an investigation is the concern related to the social stigma attached to child abuse and possibility of the investigation harming their reputation or standing in the community. Cessation of investigative activities upon the determination of a false report helps minimize the intrusive aspects of the process as fewer collateral contacts (i.e., interviews with other family members, friends, neighbors and school or medical personnel) are likely to result so fewer individuals

outside the immediate family are made aware of the Department's involvement with the family.

IV. Data Parameters for Suspected False Reports

The initial data collection point for the annual report begins at the point when a child protective investigator denotes a *suspected* false report when documenting casework in the automated child welfare case record (Florida Safe Families Network). The investigator simply selects a coded dropdown box on the 'Recommended Disposition' tab of the 'Child Safety Assessment' instrument. This marker alerts any investigator assigned a subsequent investigation on the family to be especially aware of the possibility of a false reporting issue by comparing the identity of the reporters (in the new, current report vs. older, closed reports) and the closure history of any past reports (i.e., all unfounded reports).

The statewide chart (by region and circuit) included in this report contains the following data elements to show the handling of suspected false reports by child protective investigators.

Column 1: Region and Circuit identifier.

Column 2: Total investigations closed during FY 2012-2013. Number and percentage of 'No Indicator' (i.e. unfounded) closure findings. Number of investigations designated 'Suspected False Reports' by investigator (as described in introductory paragraph above).

Column 3: Number of suspected false reports staffed with managers and legal counsel in consideration of appropriate follow-up actions (i.e., collaborative decision to issue written or verbal warnings, initiate legal action to levy an administrative fine, or make a referral to law enforcement for criminal investigation, etc.)

Column 4: Number of written or verbal warning issued.

Column 5: Number of Administrative fines levied by the Department.

Column 6: Number of reports referred to law enforcement for criminal investigation, number of investigations law enforcement referred to SAO for criminal prosecution and any subsequent sanctions the court imposed on the individual convicted of filing a false report.

V. Data on Suspected False Reports by Circuit and Region

Suspected False Reports – Closed During July 1, 2012 through June 30, 2013											
Column 1	Column 2			Column 3		Column 4		Column 5	Column 6		
Region & Circuit	Number of Investigations*			Staffings (Internal Review)		Warning Issued		Administrative Fines Issued Amount	Criminal Investigation/Prosecution		
	Total Reports	Closed No Indicators**	Suspected False Reports	CPIS*** or Manager	Legal Counsel	Verbal	Written		Law Enforcement	SAO Charged	Court Sanctions
Northwest											
1	8,431	4,052 (48%)	16	12	11		10	1 (pending)	1		
2	3,156	1,781 (56%)									
14	3,577	1,980 (55%)	4	3							
Northeast											
3	2,120	1,086 (51%)	11	4	1		1		2		
4	12,449	5,492 (44%)	2								
7	8,802	4,149 (47%)	12	10	2		1		7	1	
8	4,104	1,765 (43%)	15	6	6		2				
Central											
5	10,568	4,894 (46%)	3	3							
9	14,855	7,226 (49%)	1	1							
10	8,087	3,586 (44%)	4	4					1		
18	9,143	4,508 (49%)	4	4	1						
Southeast											
15	9,623	4,567 (47%)	2	1							
17	11,502	4,422 (38%)	2								
19	4,586	2,070 (45%)	1	1							
Suncoast											
6	13,265	5,354 (40%)	4	1					1 (pending)		
12	6,187	2,562 (41%)									
13	10,042	4,451 (44%)									
20	9,076	4,226 (47%)	1								
Southern											
11	11,940	5,630 (47%)	25	23	14		3	3 (pending)	1		
16	552	254 (46%)	1	1	1			1 (pending)			
Totals	162,065	74,055 (46%)	108	74	36		17	5 (all pending)	13	1	

* Data Source: Florida Safe Family Network (FSFN) Data Repository Run Date: 02/26/2014

** 'No Indicators' findings are more commonly referred to as "Unfounded" reports. Reports in which there is no credible evidence to support any allegation of abuse, neglect or abandonment.

*** CPIS is the acronym for Child Protective Investigation Supervisor.

VI. Summary

The chart above clearly depicts the scarcity of successful prosecutions on individuals suspected of making false reports to the Florida Abuse Hotline. Of the 108 investigations initially identifying suspected false reporting only two (one pending in Circuit 6 and one in Circuit 7)

actually resulted in the individual being charged with the filing of a false report. Once again, the inherent challenges of proving malicious intent, the demonstration of actual harm caused by the reporting, and the need to continually prioritize work effort creates significant barriers for the Department, Law Enforcement and prosecutors in the Attorney General and State Attorney's Offices from vigorously pursuing false reporting. On the other hand, the ability for child protective investigators to cease investigative activities upon the determination of a false report, as provided by s. 39.205(8), F.S., does serve to lessen the intrusiveness of a child protective investigation for those families being harassed by false reporters.

Relative to all the discussion and attention that the issue of false reporting tends to generate, one positive aspect that is frequently overlooked is that the overwhelmingly majority of reports to the Abuse Hotline appear to be made in good faith. Of the 162,065 reports closed during the last fiscal year only 108 were earmarked by investigators as suspected false reports – that is less than one tenth of one percent. While not meaning to downplay the potential negative effects to those 108 families, it is also important to recognize the fact that Florida's ease and emphasis on child abuse reporting likely resulted in many more lives being affected in a positive manner by virtue of an individual reporting his or her legitimate concerns to the Abuse Hotline.