

ANNUAL REPORT TO THE LEGISLATURE
FY 2013 – 2014
False Reports of Child Abuse, Neglect or Abandonment
Referred to Law Enforcement

I. Purpose

The Department of Children and Families is directed by s. 39.205(7), F.S., to provide the legislature with the number of child abuse investigations referred each year to law enforcement for criminal investigation as suspected false reports. 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. 'No Indicator' Findings – often referred to as "Unfounded Reports") are not the same as false reports. Historically, over the past 30 years approximately 50% of the investigations conducted by the department have been closed as unfounded reports but only a very small percentage of unfounded reports (generally <1%) are determined to have been made with malicious intent.

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. This report has consistently pointed out the challenges in the handling and prosecuting of individuals suspected of making false reports.

The primary challenge for both child protective investigators and law enforcement personnel in moving forward with administrative or criminal sanctions for individuals suspected of making false reports is obtaining credible evidence to establish the report was made with malicious intent. Most reporters know enough about the family conditions to generate plausible allegations against the individual(s) being harassed. False reporters typically describe situations and events that ostensibly merit the Department's involvement. For instance, a reporter might allege a child has a black eye because the parent struck the child. When the investigator observes the child, there may be bruising around the eye but the cause of the injury is determined to be accidental. The fact that an actual injury was observed however, makes proving malicious intent nearly impossible even though the cause of the injury was entirely fabricated. This pattern (i.e., a "reasonable cause to suspect") is similarly found in neglect allegation when 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 only serves to obscure the reporter's ulterior motives. The issue of proving malicious intent is problematic for all three agencies involved – the Department of Children & Families, law enforcement, and the State Attorney Office.

III. Department and Legislative Action to Address False Reports

To reduce the incidence of false reporting over the years the Department has initiated several changes in 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

To lessen the anxiety about being the subject of a child protective investigation, investigators are trained to inform parents of their rights pursuant to s. 39.301(5), F.S., during their initial face to face meeting. The department has developed a pamphlet titled *Child Protection: Your Rights and Responsibilities* (CF/PI 175-32) which is left with the parent to address frequently asked questions about the investigative process and potential actions the department may have to take. There are currently three versions of the pamphlet in print: English, Spanish and Creole.

To further assist in alleviating the family's concerns about being the subjects of a false report, the Florida legislature amended s. 39.205(8), F.S., on July 1, 2012 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 the family get back to normal quicker and frees up the investigator to work other more serious and legitimate investigations. 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

Since 2007, child protective investigators have been able to denote a *suspected* false report 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 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: Two data elements – Region/Circuit identifiers.

Column 2: Three data elements - Total investigations closed during FY 2013-2014/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: Two data elements - Number of suspected false reports investigators staffed with a supervisor or manager/Number of suspected false reports staffed with legal counsel. These staffings generally involve consideration of appropriate follow-up actions by the investigator or the department (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: Two data elements - Number of verbal warnings issued to individual suspected of making a false report/Number of written warnings mailed out to individual suspected of making a false report.

Column 5: Two data elements - Number of Administrative fines levied by the Department against the individual determined to have made a false report/Amount of monetary fine levied against individual determined to have made a false report.

Column 6: Three data elements - Number of reports referred to law enforcement for criminal investigation by child protective investigators/Number of criminal investigations prosecuted by the State Attorney Office/Court imposed sanctions due to a conviction for filing a false report.

V. Data on Suspected False Reports by Circuit and Region

Suspected False Reports – Closed During July 1, 2013 through June 30, 2014												
Column 1	Column 2			Column 3		Column 4		Column 5		Column 6		
Region & Circuit	Number of Investigations*			Staffings (Internal Review) CPIS*** or Legal Manager Counsel		Warning Issued		Administrative Fines		Criminal Investigation/Prosecution		
	Total Reports	Closed No Indicators**	Suspected False Reports			Verbal	Written	Issued	Amount	Law Enforcement	SAO Charged	Court Sanctions
Northwest												
1	8,134	4,198 (51%)	2									
2	3,107	1,766 (56%)	4	4			4					
14	3,401	1,937 (56%)										
Northeast												
3	2,171	1,034 (47%)	9	4	4					1	1	
4	12,499	5,717 (45%)	4	1	1		1					
7	8,429	4,080 (48%)	12	5	5		2			3		
8	4,175	2,019 (48%)	5	1			1				1	
Central												
5	10,318	4,917 (47%)										
9	14,835	7,990 (53%)										
10	8,200	3,852 (46%)	1							1		
18	8,956	4,749 (53%)										
Southeast												
15	9,580	4,239 (44%)	2				1					
17	11,733	4,451 (37%)	4									
19	4,603	2,010 (43%)	1									
Suncoast												
6	12,903	5,406 (41%)	12	11						5		
12	6,348	2,644 (41%)	1	1						1		
13	10,207	4,570 (44%)										
20	9,153	4,199 (45%)	1	1								
Southern												
11	11,802	5,524 (46%)	7	7	5		3					
16	531	232 (43%)										
Totals	161,085	75,534 (46%)	65	35	15		12			11	2	

* Data Source: Florida Safe Family Network (FSFN) Data Repository Run Date: 02/13/2015

** '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 visually depicts the difficulty of successfully prosecuting individuals suspected of making false reports to the Florida Abuse Hotline. The challenges inherent in proving malicious intent combined with the need for agencies to address higher priority issues has historically resulted in a steep decline from the number of suspected false reports initially identified by child protective investigators compared to the number individuals actually charged or

successfully prosecuted for filing a false report. In the department's case, resources are generally focused on reports involving severe maltreatment and child deaths. In the case of law enforcement and State Attorney's Office, the handling of first and second degree felonies appropriately takes precedent over the handling of third degree felonies (i.e., filing of a false abuse report).

Additionally, the overwhelming majority of reports to the Abuse Hotline appear to be made in good faith. Of the 161,085 reports closed during the last fiscal year only 65 were earmarked by investigators as suspected false reports. That equates to approximately only one report out of nearly 2,500. While recognizing the potential intrusion to any family falsely reported, the vast majority of reports appear to be made in good faith. Due to the challenges and difficulty of identifying individuals who have made reports with malicious intent, false reporting appears to be a relatively minor but unavoidable consequence in a state which purposefully encourages reporting to protect its most vulnerable population from child abuse.