
Florida Department of Children and Families' Annual Report to the Legislature on False Reporting

2016-17 State Fiscal Year



Mike Carroll
Secretary

Rick Scott
Governor

MISSION: To work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency

I. Purpose

The Department of Children and Families (Department) is directed by section 39.205(7), Florida Statutes (F.S.), to provide the Legislature an annual accounting of the number of suspected false reports referred to law enforcement by child protective investigators each year.

Unwarranted child abuse investigations are problematic because families are undeservedly inconvenienced by the intrusion into their personal lives. In addition, staff time and agency resources could be better utilized to serve families and children in real need.

A “false report” is defined in section 39.01(27), F.S., as any allegation of abuse, neglect, or abandonment of a child reported to the Florida Abuse Hotline (Hotline), which is maliciously made for the purpose of:

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

Calls made in good faith to the Hotline based upon a reporter having a reasonable cause to suspect a child has been maltreated, but that are subsequently determined by the child protective investigator to have no basis in fact (no credible evidence of maltreatment), are very different from a false report that is purposefully initiated to harass a family or result in personal gain for the reporter or another individual. Over the past year, 82,421 (49%) investigations received were closed with “No Indicators” of maltreatment, but only in a small percentage of investigations (generally less than 1%) does the child protective investigator obtain sufficient evidence to warrant a referral to law enforcement for false reporting. While investigators generally believe larger numbers of reports are intended to harass individuals, the challenge of proving malicious intent limits the number of referrals to law enforcement for criminal investigation.

II. Background

The Department has been compiling and submitting annual reports on false reporting since 1998. In 2012, the Florida Legislature amended section 39.205(8), F.S., to reduce the negative effect of false reporting on families by allowing the child protective investigator to discontinue the investigation upon determining that the report was made for malicious purposes. The quicker cessation of investigative activities results in less intrusion into families’ lives (e.g., fewer interviews, etc.) and a timelier notification that the investigation is being closed as a false report. This results in less worry and stress for the alleged maltreating caregiver and frees up the investigator to move on to other legitimate investigations.

Although Florida imposes some of the toughest penalties nationwide for any person who files or counsels another to make a false report, very few criminal prosecutions result from investigators referring suspected reports to law enforcement. To date, over the past eight years, child protective investigators have referred 195 cases to law enforcement as suspected false reports. Of that number, only 31 (16%) resulted in criminal investigations. This points to

the difficulties both child protective investigators and law enforcement personnel encounter in obtaining sufficient evidence to establish the reporter's actions were motivated by malicious intent. In many instances, individuals making false reports know enough about negative family conditions (e.g., the child has suffered an *accidental* injury, or the home is extremely cluttered or dirty but not hazardous, etc.) to create some degree of legitimacy to the reported concerns. In short, false reporters are generally resourceful enough to "cover up" their ulterior motives, creating a significant barrier to those responsible for investigating and enforcing false reporting penalties.

III. False Report Chart – Data Elements

The statewide chart contains the following data elements associated with the handling of suspected false reports by child protective investigators:

Column 1 - Region and Circuit identifier.

Column 2 - Number of Investigations. Data is provided on the 'Total Reports' closed during FY 2016-17, the number of reports 'Closed [with] No Indicators' (e.g., unfounded closure findings), and the number of 'Suspected False Reports' within the No Indicator closure category.

Column 3 - Internal Reviews. Data is provided on the type of staffing the child protective investigator participated in prior to additional actions being taken on suspected false reports. Typically, the investigator will consult with his or her immediate supervisor (Child Protective Investigator Supervisor, or CPIS) or legal counsel to determine the most appropriate follow-up for a suspected false report.

Column 4 - Warnings Issued. Data is provided on the number of verbal or written warnings issued to individuals suspected of making false reports. Warnings are typically issued when the investigator suspects it is a reporter's first instance of making a false report or when sufficient evidence is lacking to support a request for a criminal investigation.

Column 5 - Administrative Fines. Data is provided on the number of administrative fines levied against individuals determined to have made a false report and the amount collected by the Department.

Column 6 - Referred to Law Enforcement or State Attorney/Attorney General. Data is provided on the number of reports referred for criminal investigation/prosecution. If known, the outcome (e.g., conviction or dismissal, etc.) is provided as well.

IV. Data on Suspected False Reports by Circuit and Region

Suspected False Reports – Closed During July 1, 2016 through June 30, 2017												
Column 1	Column 2			Column 3		Column 4		Column 5		Column 6		
Region & Circuit	Number of Investigations ¹			Internal Reviews		Warnings Issued ²		Administrative Fines ²		Referred to Law Enforcement or State Attorney/Attorney General ²		
	Total Reports	Closed No Indicators ³	Suspected False Reports	CPIS ⁴ or Manager	Legal Counsel	Verbal	Written	Issued	Amount	Law Enforcement	SAO/AG	Prosecuted
Northwest												
1	8,348	4,553 (55%)	21	0	0	21	0	0				
2	3,680	2,473 (67%)	59	5	0	47	0	7 (pending)				
14	3,743	2,357 (63%)	82	7	0	64	0	11 (pending)				
Northeast												
3	2,479	1,230 (50%)	2	2	0	2	0	0				
4	13,270	6,595 (50%)	11	11	1	9	0	0		2		0
7	9,006	4,301 (48%)	6	6	0	6	3	0		0	3	0
8	4,278	2,135 (50%)	4	4	0	4	0	0		0	0	0
Central												
5	10,906	5,221 (48%)	7								2	2
9	14,301	6,979 (49%)	6									
10	8,886	4,505 (51%)	12							1		0
18	9,478	4,788 (51%)	8							2		0
Southeast												
15	9,166	4,443 (48%)										
17	11,469	4,761 (42%)										
19	4,999	2,349 (47%)										
Suncoast												
6	13,198	5,961 (45%)	15	15				0		15		0
12	6,508	2,843 (44%)	5	5				0		5		0
13	10,740	5,189 (48%)										
20	10,013	5,440 (54%)	5	5				0		1		0
Southern												
11	11,795	6,040 (51%)	61	38	7	1	1			2	1	0
16	506	258 (51%)										
FY 16-17	166,769	82,421 (49%)	304	98	8	154	4	18 (pending)		28	6	2
FY 15-16	161,312	77,292 (48%)	123	122	4	8	4			28	8	

¹ Data Source: Child Protective Investigations Trend Report Run: 02/10/2018

² Data Source: Regional Family Safety Program Offices

³ "Closed No Indicators" findings are more commonly referred to as "Unfounded" reports, in which there is no credible evidence to support any allegation of abuse, neglect or abandonment. The percentages are approximate, based on rounding.

⁴ CPIS is the acronym for Child Protective Investigator Supervisor

V. Summary

The chart above reflects the inherent challenges of prosecuting individuals suspected of making false reports to the Hotline. Of the 34 investigations referred to law enforcement or the state attorney's office (28 and 6, respectively), only two resulted in criminal convictions. The remaining 32 had no action taken. The competing need for agencies to focus on higher priority issues (i.e., dependency proceedings with serious maltreatment for child welfare and higher level felony cases for law enforcement/state attorney's office) further explains why there is a significant drop-off from the number of suspected false reports initially identified by child protective investigators and any subsequent actions taken by law enforcement.

One significant trend reported by the Northwest Region is the sizable increase in both verbal warnings and administrative fines issued this reporting period. Most of this increase is attributed to more direct contact between investigative staff and the regional office of the General Counsel, which also had the additional benefit of reducing the number of internal staffings investigators had to attend prior to seeking legal recourse for false reporting.

Additional options could be explored statewide to reduce the incidence of false reporting and the potential negative effects on Florida's families (e.g., loss of time at work, concerns about the family's reputation in the community, etc.) as a result of the subsequent investigation. While being sensitive to the discomfort and intrusion felt by families involved in a false report, it is also important to note that the overwhelming majority of child abuse investigations are clearly warranted and appear to be made in good faith. Of the 82,421 reports closed with no indicators last FY, only 304 (.004%) were initially suspected of being false reports by child protective investigators. By allowing for the cessation of the investigative activities at the earliest point a determination has been made in regard to false reporting, Florida legislators have clearly minimized, to the degree possible, the potential for harm and distress after the initiation of a child protective investigation.