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

## 2017-18 State Fiscal Year



Chad Poppell  
Secretary

Ron DeSantis  
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 required 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. Child abuse investigations initiated as a result of false reporting undeservedly inconvenience the personal lives of families and introduces a level of intrusion which diminishes the family's sense of trust in government. Responding to false reports also increases the strain on agency resources and hinders the department from serving 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.

Last fiscal year, 78,496 (41%) of the 189,429 child protective investigations throughout the state were closed with *No Indicators* of maltreatment and only 577 (0.74%) reports were initially suspected by the child protective investigator as being a false report; but only in a small percentage of these investigations (5.37% of those suspected as being false or 0.04% of all investigations) did the child protective investigator obtain sufficient evidence to warrant a referral to law enforcement for false reporting. Although many investigators believe the percentage of false reporting to be higher, the challenge of gathering sufficient evidence to prove the reporter's malicious intent often limits the number of referrals to law enforcement for criminal investigation. A call to the Hotline made in good faith by a reporter having a reasonable cause to suspect a child has been maltreated but subsequently determined to have no basis in fact (i.e., no credible evidence of maltreatment), is not considered a *false report*.

## II. Background

In 1998, the definition and annual requirements for false reporting were added to Chapter 39, F.S. In 2012, the Florida Legislature amended section 39.205(8), F.S., allowing the child protective investigator to discontinue the investigation upon determining that the report was made for malicious purposes. The quick cessation of investigative activities results in less intrusion into families' lives (e.g., fewer interviews, etc.) and hopefully minimizes the potential negative impact to families from false reporting. This abbreviated closure also frees up the investigator to move on to other legitimate investigations. However, as reflected in the chart below, there are procedural challenges at the local level to fully utilizing this administrative closure as reported by child protective investigators. These hindrances include the number of staffings required to obtain approval to discontinue the investigation and the reluctance of child protective investigator supervisors to concur that the sufficiency of the evidence gathered by the child protective investigator supports the determination of a false report.

In many instances, individuals making false reports know enough about adverse 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. Additionally, when investigations meet the criteria for false reporting and are subsequently referred to law enforcement as required by statute, the number of criminal prosecutions is extremely low. Last fiscal year, only one of the 31 cases referred to law enforcement or the state attorney's office resulted in prosecution for false reporting. This illustrates 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.

### III. False Report Chart – Data Elements

The chart on the next page encompasses 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 2017-18, 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 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 presented as well.

#### IV. Data on Suspected False Reports by Circuit and Region

Suspected False Reports – Closed During July 1, 2017 through June 30, 2018												
Column 1	Column 2				Column 3		Column 4		Column 5		Column 6	
Region & Circuit	Number of Investigations <sup>1</sup>				Internal Reviews <sup>2</sup>		Warnings Issued <sup>2</sup>		Administrative Fines <sup>2</sup>		Referred to Law Enforcement or State Attorney/Attorney General <sup>2</sup>	
	Total Reports	Closed No Indicators <sup>3</sup>	Suspected False Reports		CPIS <sup>4</sup> or Manager	Legal Counsel	Verbal	Written	Issued	Amount	Law Enforcement	SAO/AG Prosecuted
<b>Northwest</b>												
1	10,299	4,268 (41%)	51		59	0	56	0	1	(pending)		
2	4,150	2,094 (50%)	121		45	0	39	0	0			
14	4,619	2,391 (52%)	91		47	0	40	0	0			
<b>Northeast</b>												
3	2,771	1,096 (40%)	0		0	0	0	0	0			
4	16,626	6,155 (37%)	2		2	0	0	0	0		0	2 0
7	10,188	4,262 (42%)	8		7	1	0	0	0		0	1 0
8	4,804	2,259 (47%)	4		4	0	2	0	0		2	0 1
<b>Central</b>												
5	13,805	5,492 (40%)	1		1	0	0	0	0		0	0 0
9	14,372	6,856 (48%)	6		2	0	0	0	0		0	
10	9,768	4,086 (42%)	4		3		0	0	0		2	0
18	10,768	4,571 (42%)	0									
<b>Southeast</b>												
15	10,064	3,759 (37%)	112		2			1	0		0	
17	12,914	4,709 (36%)	8									
19	5,733	2,078 (36%)	46									
<b>Suncoast</b>												
6	14,847	5,818 (39%)	18		18		11		0		18	0
12	7,168	2,708 (38%)	3		3		3		0		3	0
13	12,055	4,927 (41%)	12		9		3		0		0	
20	11,000	4,994 (45%)	3		3		3		0		1	2 0
<b>Southern</b>												
11	12,910	5,738 (44%)	84		74		0		0		0	
16	568	235 (41%)	3		3							
<b>FY 17-18</b>	<b>189,429</b>	<b>78,496 (41%)</b>	<b>577</b>		<b>282</b>	<b>1</b>	<b>157</b>	<b>1</b>	<b>1</b>	<b>(pending)</b>	<b>26</b>	<b>5 1</b>
<b>FY 16-17</b>	<b>166,769</b>	<b>82,421 (49%)</b>	<b>304</b>		<b>98</b>	<b>8</b>	<b>154</b>	<b>4</b>	<b>18</b>		<b>28</b>	<b>6 2</b>

<sup>1</sup> Data Source: Child Protective Investigations Trend Report Run: 01/10/2019

<sup>2</sup> Data Source: Regional Family Safety Program Offices

<sup>3</sup> 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.

<sup>4</sup> CPIS is the acronym for Child Protective Investigator Supervisor

#### V. Summary

This year, the department saw a significant decrease in administrative fines issued in the Northwest Region since the last report. This number has declined as rulings from prior hearings are still pending and child protective investigators have relied more heavily on issuing warning letters due to the various levels of involvement required once administrative action is pursued.

Since the department began reporting to the legislature on false reports in 2003, child protective investigators have referred 254 cases to law enforcement as suspected false reports. Of that number, 31 (12%) resulted in criminal convictions. The competing need for agencies to focus on higher priority issues (i.e., dependency proceedings with serious maltreatment 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.

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 reports appear to have been made in good faith warranting the department's involvement. 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.