

Annual Report to the Legislature
False Reports of Child Abuse, Neglect or Abandonment
Referred to Law Enforcement
FY 2008-2009
March 2010

I. Background:

The Department of Children and Families (Department) is directed by s. 39.205(4), F.S., to provide the legislature with an annual accounting on the number of child abuse reports referred to local law enforcement as suspected false reports. Prior to 2008, the annual reports submitted by the Department varied considerably in content and style. In October 2007, Florida Senate 'Interim Project Report 2008-105' specifically recommended that seven (7) discrete data elements comprise the substance of the annual report. In 2008, SB 1044 contained language requiring the Department to routinely include these seven data elements in the annual report but the proposed legislation was not enacted. The Department has decided to include those data elements in this, and subsequent reports, even though they are not statutorily required.

II. Data Elements:

Data on suspected false reports by state, region and circuit breakouts is presented in a chart on page 4 of this document. The definitions for each data element are as follows:

(1) The overall number of investigations which were conducted as a result of a report of child abuse, neglect, or abandonment.

After the circuit identifier, column one of the chart reflects all child protective investigations closed from July 1, 2008 through June 30, 2009. This data was extracted from the Child Protective Investigator Trend Report in the Florida Safe Families Network (FSFN). FSFN is the Department's statewide automated child welfare information system (SACWIS) and is the file of record for all child protective investigations and case management functions conducted in the state of Florida.

(2) The number of abuse reports closed with no findings of alleged maltreatment.

This number is a subset of all reports identified in (1) above and is extracted from the Child Protective Investigator Trend Report for closed investigations with 'No Indication' findings for the time period July 1, 2008 through June 30, 2009.

In Florida, investigators assign one of three findings - Verified, Not Substantiated (formerly Some Indication) or No Indication - to each maltreatment allegation contained in the report. Reports frequently contain several allegations (e.g., a child is suspected of being intentionally burned by a cigarette (Allegation 1: Burns) and the caregiver fails to seek medical treatment for the injury (Allegation 2: Medical Neglect). **Each report is categorized by the most serious finding it contains.** In the above example, if the investigation revealed that the alleged burn was accidental and not inflicted (a 'No Indication' finding) but the child should have received medical attention due to the severity of the injury but the parent failed to take the child for appropriate medical

treatment (a 'Verified' finding) then the overall report would be categorized by the more serious level of finding – 'Verified'.

Similarly, if a report contains three maltreatments (e.g., physical injury, sexual abuse and medical neglect) with no evidence for two of the maltreatments ('No Indication' findings) and significant but inconclusive evidence for the third maltreatment (a 'Not Substantiated' finding) the overall report is categorized as a 'Not Substantiated' report (the most serious finding). To summarize, the hierarchy by "most serious finding" is Verified, Not Substantiated, and No Indication.

(3) The number of suspected false reports.

The third column under the 'Investigations' heading indicates the number of *suspected* false reports for all closed investigations for the time period July 1, 2008 through June 30, 2009. This information was obtained in two ways. First, the Family Safety Program Office data unit completes an ad hoc data extract from FSFN. Second, this initial data run is then forwarded to the respective circuits for review and validation.

Prior to case closure, when a child protective investigator suspects the investigation might have been the result of a false report to the Florida Abuse Hotline the investigator documents his/her concern in FSFN by checking a dropdown box – 'Referral to State Attorney as Possible False Report' – found on the "Recommended Disposition" tab of the Child Safety Assessment. This data field was specifically designed to denote potentially false reports. This marker provides the largest subset of *suspected* false reports and is only a preliminary assessment by the investigator that the report may have been made maliciously for the purpose of harassment, financial gain, acquiring custody of a child, or for the personal benefit of the party reporting.

Even though a relatively low number of these "earmarked" reports eventually result in administrative fines or criminal prosecution this designation helps alert investigators in subsequent reports to the consideration of on-going harassment to the family.

(4) The number of staffings.

Column four is a subset of column three and represents the number of *suspected* false reports that investigators determine warrant a higher level review by management and/or legal counsel for the consideration of further action. Based on the result of this staffing, a determination is made to:

- (1) verbally advise the reporter of the potential administrative fines, civil and/or criminal penalties which may result from calling in a false report (as directed by CFOP 175-21 'Investigative Response'),
- (2) send a 'Warning Letter' via certified mail to the reporter detailing the above sanctions for intentionally filing a false report,
- (3) refer the matter to the circuit administrator for consideration of levying an administrative fine, or
- (4) refer to law enforcement for criminal investigation.

(5) The number of false reports reviewed for potential administrative fines.

This number is a subset of all investigations initially identified as potentially false reports and is provided to the Family Safety Program Office by circuit administration for each respective area.

(6) The number of administrative fines levied and collected.

This number is a subset of all reports identified in (5) above and is provided to the Family Safety Program Office by circuit administration for each respective area.

(7) The number of false reports referred to law enforcement for criminal prosecution.

This number is a subset of all investigations initially identified as potentially false reports and is provided to the Family Safety Program Office by circuit administration for each respective area.

(8) The number of false reports resulting in criminal prosecution.

This number is a subset of all reports identified in (7) above and is provided to the Family Safety Program Office by circuit administration for each respective area.

III. Analysis

The Department has been reporting to the legislature on false reports since 2003. Over that time period, the number of administrative and criminal sanctions for filing a false report has remained minimal in comparison to the overall number of false reports suspected.

To explore the cause of the low numbers reported for data elements 5 - 8, the Florida Senate '*Interim Project Report 2—8-105*' conducted interviews with counsel from the Department's Children's Legal Services and the Office of the State Attorney. In regard to the low number of administrative fines pursued by the Department, the respondents stated the workload associated with preparation and pursuit of this effort consumes a substantial amount of attorney time (see footnote 51 in the report). Correspondingly, the Felony Bureau Chief of the Office of the State Attorney mentioned that the improbability of conviction (page 4 of the report) deterred efforts at prosecution. The "improbability of conviction" relates to the difficulty in meeting the evidentiary standards for proving that a report was not made "in good faith."

When the broadest range of suspected false reports are taken into consideration (those representing an investigator's initial impression - column 3), the incidence of suspected false reports to the total number of families involved with the Department and Sheriffs Office's represents less than one-tenth of 1% of all investigations (177 out of 156,609). While continuing to recognize and appreciate the frustration individual families may experience as a result of a false report, it is also important to consider that diverting more time and attention to address these relatively low numbers may not be the most productive use of limited resources.

IV. Chart of False Reports by Circuit and Region:

| False Reports - July 1, 2008 through June 30, 2009 | | | | | | | | | |
|--|---------|----------------|----------------|-----------------------|--------------------|--------------------------|----------------------------|-----------------------------|------------------------------|
| Region | Circuit | Investigations | | | Staffing | Administrative Fines | | Criminal Prosecution | |
| | | Total Reports | Closed No Ind. | Suspected False Rpts. | Managers/ Legal | Reviewed for Admin. Fine | Fines levied and Collected | Referred to Law Enforcement | Number Criminally Prosecuted |
| Northwest | 1 | 7899 | 4577 | 19 | 19 | 6 | 1 (\$20,000) | 0 | 0 |
| | 2 | 2978 | 1809 | 4 | 4 | 3 | 1* | 4 | 1 |
| | 14 | 3517 | 1694 | 10 | 9 | 6 | 0 | 6 | 2** |
| Northeast | 3 | 2109 | 1550 | 24 | 4 | 2 | 0 | 1 | 0 |
| | 4 | 11545 | 5878 | 6 | 6 | 5 | 0 | 3 | 0 |
| | 7 | 8530 | 5443 | 6 | 1 | 0 | 0 | 0 | 0 |
| | 8 | 4083 | 2388 | 18 | 7 | 6 | 0 | 0 | 0 |
| Central | 5 | 10660 | 4986 | 5 | 2 | 0 | 0 | 2 | 2 (\$1,000/each) |
| | 9 | 14279 | 6986 | 4 | 3 | 0 | 0 | 0 | 0 |
| | 10 | 7437 | 3971 | 5 | 5 | 0 | 0 | 5 | 0 |
| | 18 | 9334 | 4753 | 3 | 3 | 0 | 0 | 0 | 0 |
| | 19 | 4579 | 2187 | 4 | 3 | 2 | 0 | 3 | 0 |
| Southeast | 15 | 9252 | 4592 | 30 | 2 | 0 | 0 | 2 | 0 |
| | 17 | 11193 | 5270 | 2 | 2 | 0 | 0 | 0 | 0 |
| Southern | 11 | 10959 | 6108 | 9 | 9 | 0 | 0 | 0 | 0 |
| | 16 | 585 | 237 | 0 | 0 | 0 | 0 | 0 | 0 |
| Suncoast | 6 | 13537 | 6406 | 4 | 2 | 0 | 0 | 0 | 0 |
| | 12 | 6090 | 2687 | 1 | 1 | 0 | 0 | 1 | 1 arrest*** |
| | 13 | 9737 | 4291 | 13 | 13 | 1 | 0 | 0 | 0 |
| | 20 | 8306 | 4998 | 10 | 10 | 0 | 0 | 0 | 0 |
| Totals | | 156609 | 80811 | 177 | 105 | 31 | 2 | 27 | 6 |

* The administrative fine is in process.

** The two individuals prosecuted are responsible for 5 of the 10 suspected false reports in this circuit.

*** The charge of filing a false report was subsequently dropped by the SAO.