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

2014-15 State Fiscal Year



Mike Carroll
Secretary

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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

ANNUAL REPORT TO THE LEGISLATURE
FY 2014 – 2015
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 suspected false reports referred to law enforcement each year as a result of an unwarranted child abuse investigation. Section 39.01(27), F.S., defines “false report” as any allegation 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
- 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 credible evidence of maltreatment (i.e., “Unfounded” or “No Indicator” closure findings) are not the same as false reports contrived without merit to harass a family or to result in personal gain for the reporter or another individual. Approximately 50% of the investigations conducted by the Department each year are closed as unfounded reports but only a very small percentage (generally <1%) are determined to have been made with malicious intent. The incidence of unfounded reports and suspected false reports has remained consistent for more than a decade in Florida.

II. Background

Both the definition of false reporting and the requirement for the Department to submit an annual report were added to Chapter 39, F.S., in 1998. The Department’s annual report has illustrated the challenges in the handling and prosecuting of individuals suspected of making false reports.

Obtaining credible evidence to establish a report was made with malicious intent is the primary challenge for both child protective investigators and law enforcement personnel in attempting to apply sanctions leading to the reduction of false reporting. Many, if not most reporters, know enough about the families they are reporting on 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 the report was

made with malicious intent (e.g., the Reporter knew before calling the Hotline the injury was accidental in nature, etc.) nearly impossible – even though the cause of the injury was fabricated. This “reasonable cause to suspect” is similarly found in neglect allegations 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 and Families, law enforcement, and the State Attorney’s 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 Hotline and how child protective investigators respond after investigating a questionable or suspected false report.

Hotline

All individuals calling the 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 parents’ 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 reduce any potentially negative effects on families falsely reported for abuse, 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 facilitates the family getting immediate notification on how the investigation is being closed (i.e., less worry and stress about the outcome) and frees up the investigator to work other more serious and legitimate investigations. Termination of investigation activities also helps minimize the intrusive aspects of the investigative process (i.e., reduced social stigma) as fewer interviews with other family members, friends, neighbors and school or medical personnel are conducted.

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 check box (*Referral to State Attorney as Possible False Report*) on the 'Results' module/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 2014-2015/Number and percentage of 'No Indicator' (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's 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, 2014 through June 30, 2015												
Column 1	Column 2			Column 3		Column 4		Column 5		Column 6		
Region & Circuit	Number of Investigations*			Staffings (Internal Review) CPIS*** or Legal Counsel		Warning Issued		Administrative Fines		Criminal Investigation/Prosecution		
	Total Reports	Closed No Indicators**	Suspected False Reports	CPIS*** or Manager	Legal Counsel	Verbal	Written	Issued	Amount	Law Enforcement	SAO Charged	Court Sanctions
Northwest												
1	8,289	4,002 (48%)	4									
2	3,320	1,855 (56%)	1	1						1	1	
14	3,386	1,962 (58%)	1							1	1	
Northeast												
3	2,060	1,083 (53%)	1	1						1		
4	12,278	5,764 (47%)	6	3								
7	8,041	3,823 (48%)	12	1								
8	3,965	1,940 (49%)	3	1						1		
Central												
5	9,318	4,917 (47%)	3	3								
9	14,657	7,559 (52%)	5	3	1	1	1			1		
10	8,168	3,658 (45%)	13	3								
18	8,687	4,150 (48%)	3									
Southeast												
15	8,965	4,111 (46%)	8		5							
17	12,109	4,657 (38%)	8									
19	4,703	2,040 (43%)	4									
Suncoast												
6	12,582	5,451 (43%)	4	4						2		
12	6,109	2,426 (40%)	14							11	1	pending
13	10,417	4,761 (46%)	2	2								
20	8,734	4,507 (52%)	6									
Southern												
11	11,699	5,533 (47%)	14	14	4							
16	506	230 (45%)	2	2	1					1	1	pending
FY 14-15	158,545	74,199 (47%)	114	36	11	1	1			19	4	
FY 13-14	161,085	75,534 (46%)	65	35	15		12			11	2	

* Data Source: Florida Safe Families Network (FSFN) Data Repository Run Date: 02/16/2016

** "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.

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

VI. Summary

The chart above visually depicts the infrequency of successful prosecution of individuals suspected of making false reports to the Hotline. As mentioned previously, the challenges inherent in proving malicious intent, combined with the need for agencies to address higher priority issues (e.g., focusing on cases involving significant injury and maltreatment resulting in

dependency and criminal proceedings, etc.), have historically resulted in a sharp drop-off from the number of suspected false reports initially identified by child protective investigators (Column 2) and the subsequent prosecution for individuals having filed a false report (Column 6). In the Department's case, resources are generally focused on reports involving severe maltreatment and child deaths. Similarly, in the case of law enforcement and State Attorney's Offices, the handling of first and second degree felonies takes precedence over the handling of third degree felonies (i.e., filing of a false abuse report).

The most recent data shows the number of suspected false reports referred to law enforcement by child protective investigators from Fiscal Year 2013-2014 to Fiscal Year 2014-2015 nearly doubled (11 to 19). This significant increase, however, resulted in only two more instances of criminal prosecution, which again reflects the inherent difficulty of proving malicious intent on the part of the individual making the false report to the Hotline.

It is important to discuss false reporting in the context that the overwhelming majority of reports to the Hotline appear to be made in good faith. Of the 158,545 reports closed during the 2014-2015 fiscal year, only 114 were earmarked by investigators as suspected false reports. That equates to approximately only one report in 1,400 being problematic from a false reporting standpoint. While recognizing the potential intrusion to families involved in a false report, the overwhelming majority of investigations are clearly warranted. False reporting is an unavoidable consequence in a state that purposefully encourages reporting to protect its most vulnerable population from child abuse.