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

2015-16 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

ANNUAL REPORT TO THE LEGISLATURE
FY 2015 – 2016
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 an annual accounting of the number of suspected false reports referred to law enforcement by child protective investigators each year. These unwarranted child abuse investigations are problematic because families are undeservedly inconvenienced by the intrusion into their personal lives, and staff time and agency resources could be better utilized to serve families and children in real need.

Section 39.01(27), F.S., defines “false report” 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 to the Florida Abuse Hotline made in good faith based upon a reporter having a reasonable cause to suspect a child has been maltreated but which are subsequently determined by the child protective investigator to have no basis in fact (i.e., no credible evidence of maltreatment) are very different from a false report which is purposefully initiated to harass a family or result in personal gain for the reporter or another individual. 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. Additional factors contributing to this low rate will be discussed in the “*Summary*” section of this report.

II. Background

The Department has been submitting annual reports on false reporting since 1998. In 2012, the Florida Legislature amended s. 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 at any point it was determined that the report was made for malicious purposes. The earlier cessation of investigative activities results in less intrusion into families’ lives (e.g., fewer interviews, etc.) and a more timely 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.

While family disruption has been minimized and investigators are able to move on to other cases more quickly, few criminal prosecutions result from investigators referring suspected reports to law enforcement. Over the past seven years leading up to this report, child protective investigators referred 161 cases to law enforcement as suspected false reports. Of that number, 29 resulted in criminal investigations (18%). This points to the difficulty for both child protective investigators and law enforcement personnel 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 generate a seemingly legitimate report. In short, false reporters are generally resourceful enough to "disguise" their malicious intent behind a host of real family problems or circumstances.

III. Department Action to Address False Reports

Two changes related to the handling of false reports were made to the Florida Safe Families Network (FSFN) electronic case file since the last annual report. First, the notification tab on the 'Results' module was renamed "Referred to Law Enforcement or State Attorney for False Report" to more accurately reflect that, in some jurisdictions, child protective investigators refer directly to the state attorney's office instead of law enforcement per local agreements.

Second, FSFN functionality was developed and implemented to remove certain data entry and documentation requirements that were previously required for investigations involving suspected false reports. This new functionality should result in considerable time savings for investigators working false reports.

IV. 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 2015-2016, 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 Investigation 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 and amount collected by the Department against individuals determined to have made a false report.

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.

V. Data on Suspected False Reports by Circuit and Region

Suspected False Reports – Closed During July 1, 2015 through June 30, 2016												
Column 1	Column 2			Column 3		Column 4		Column 5		Column 6		
Region & Circuit	Number of Investigations*			Internal Reviews		Warnings Issued		Administrative Fines		Referred to Law Enforcement or State Attorney/Attorney General		
	Total Reports	Closed No Indicators**	Suspected False Reports	CPIS*** or Manager	Legal Counsel	Verbal	Written	Issued	Amount	Law Enforcement	SAO/AG	Prosecuted
Northwest												
1	8,320	4,193 (50%)	11	10	4					1	1	Pending
2	2,834	1,798 (63%)										
14	3,485	2,033 (58%)	6	6		1	1			4		
Northeast												
3	2,200	1,141 (52%)	10	10		1				4	2	None Filed
4	12,644	6,124 (48%)	5	5								
7	8,346	4,109 (49%)	8	8						3		
8	4,092	2,014 (49%)	2	2								
Central												
5	10,505	4,923 (47%)	1	1								
9	15,252	7,325 (48%)										
10	8,477	3,846 (45%)	1	1						1	1	None Filed
18	8,936	4,317 (48%)										
Southeast												
15	9,201	4,093 (44%)	1	1			1					
17	11,806	4,618 (39%)										
19	4,731	2,212 (47%)										
Suncoast												
6	14,478	5,504 (44%)	8	8		3				6		
12	6,331	2,716 (43%)	8	8		1				6	3	Pending
13	10,417	5,076 (49%)	1	1						1	1	None Filed
20	9,302	5,113 (5%)	2	2		2	2			2		
Southern												
11	11,498	5,888 (51%)	59	59								
16	456	249 (55%)										
FY 15-16	161,312	77,292 (48%)	123	122	4	8	4			28	8	
FY 14-15	158,545	74,199 (47%)	114	36	11	1	1			19	4	

* Data Source: Child Protective Investigation Trend Reports for Closed Investigations Run Date: 02/22/2017

** "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.

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

VI. Summary

The nominal prosecution of individuals suspected of making false reports is depicted in the chart above. Of the 36 investigations referred to law enforcement or the state attorney's office (28 and 8, respectively) four (4) are pending and the remainder had no action taken. The challenges inherent in proving malicious intent, combined with the need for agencies to focus on and address higher priority issues (e.g., dependency proceedings with serious maltreatment for child welfare and higher level felony cases for law enforcement and the state attorney's office, etc.), result in a significant drop-off from the number of suspected false reports initially identified by child protective investigators.

With the exception of Administrative Fines, the "total" numbers for the remaining false reporting activities (i.e., Internal Staffings, Warnings Issued, and Referrals to Law Enforcement or the State Attorney Office) increased significantly over the prior year (compare the bottom two rows of the chart: FY 15-16 vs. FY 14-15).

While it is important to track the incidence and handling of false reporting, it is also important to place the number of false reports in a proper context. Namely, that the overwhelming majority of reports closed out by child protective investigators appear to be made in good faith. Of the 161,312 reports closed during FY 15-16, only 123 were earmarked by investigators as suspected false reports. Those figures represent approximately one false report per 1,300+ closed investigations. While sensitive to the discomfort and intrusion felt by families involved in a false report, the overwhelming majority of investigations are clearly warranted. By allowing for the cessation of the investigative activities at the earliest point a determination has been in regard to false reporting, Florida legislators have clearly minimized, to the degree possible, the potential for harm and distress in these unavoidable situations.