

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

2018-2019 State Fiscal Year



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Secretary**

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Governor**

The mission of the Department of Children and Families is 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 report annually to the Legislature the number of identified false reports referred to law enforcement by the department or its authorized agent(s). Child abuse investigations initiated as a result of false reporting undeservedly inconvenience the personal lives of families and introduces a degree of intrusion which diminishes the family's sense of trust in government. False accusations can affect an individual's career and/or status quo within their community. Additionally, from the department's perspective, responding to false reports increase the strain on agency resources and hinders the department from serving families and child in real need.

A false report is defined in s. 39.01(27), F.S., as a report of abuse, neglect, or abandonment of a child to the central abuse hotline, in which the report 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.

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 are not the same as false reports. False reports have the specific motivation of being contrived without merit to harass a family or to result in personal gain for the reporter or another individual.

II. Background

In 1998, the definition and annual requirements for false reporting were added to Chapter 39 of the Florida Statutes. In 2012, the Florida Legislature amended s.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 the investigative activities results in less intrusion into families' lives 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.

While s. 39.205(8), F.S., was instrumental in reducing the level of family intrusiveness and time wasted by the department, procedural challenges at the operations level, as illustrated by the chart on page four, continue to hinder the department from fully utilizing the administrative closure as reported by child protective investigators. These challenges include the number of staffing's 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.

III. False Report Chart-Data Elements

The chart below 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 fiscal year 2018-2019, the number of reports closed with No Indicators (e.g., unfounded closure findings) of maltreatment 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 5- Administrative Fines. Data is collected 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 to criminal investigation and/or prosecution. If known, the outcome (e.g. conviction, dismissal, etc.) is presented as well.

IV. Data on Suspected False Reports by Circuit and Region

| Suspected False Reports – Closed During July 1, 2018 through June 30, 2019 | | | | | | | | | | | | |
|--|---------------------------------------|-----------------------------------|-------------------------|--|---------------|-----------------------------|-----------|-----------------------------------|--------|---|-------------|-----------------|
| Column 1 | Column 2 | | | Column | | Column 4 | | Column 5 | | Column 6 | | |
| Region & Circuit | Number of Investigations ¹ | | | Staffings ² (Internal Review) | | Warning Issued ² | | Administrative Fines ² | | Criminal Investigation/Prosecution ² | | |
| | Total Reports | Closed No Indicators ³ | Suspected False Reports | CPIS ⁴ or Manager | Legal Counsel | Verbal | Written | Issued | Amount | Law Enforcement | SAO Charged | Court Sanctions |
| Northwest | | | | | | | | | | | | |
| 1 | 10,440 | 3,732 (36%) | 19 | 19 | 19 | 0 | 19 | 0 | | 0 | 0 | 0 |
| 2 | 4,425 | 2,104 (48%) | 1 | 13 | 12 | 0 | 12 | 0 | | 0 | 0 | 0 |
| 14 | 4,084 | 1,699 (42%) | 1 | 43 | 39 | 0 | 37 | 0 | | 0 | 0 | 0 |
| Northeast | | | | | | | | | | | | |
| 3 | 2,791 | 1,140 (41%) | 1 | 1 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| 4 | 14,209 | 5,936 (42%) | 2 | 2 | 0 | 0 | 0 | 0 | | 1 | 0 | 0 |
| 7 | 28,330 | 4,166 (15%) | 7 | 1 | 0 | 0 | 0 | 0 | | 4 | 0 | 0 |
| 8 | 5,026 | 2,305 (46%) | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| Central | | | | | | | | | | | | |
| 5 | 13,655 | 7,076 (52%) | 6 | 6 | 1 | 6 | 1 | 0 | | 6 | 0 | 0 |
| 9 | 17,806 | 6,471 (36%) | 6 | 6 | 0 | 6 | 0 | 0 | | 6 | 0 | 0 |
| 10 | 10,042 | 3,987 (40%) | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| 18 | 11,274 | 4,818 (43%) | 4 | 4 | 0 | 4 | 0 | 0 | | 4 | 0 | 0 |
| Southeast | | | | | | | | | | | | |
| 15 | 10,322 | 3,268 (32%) | 157 | 154 | 9 | 15 | 21 | 0 | | 67 | 19 | 4 |
| 17 | 26,711 | 4,885 (18%) | 8 | 58 | 0 | 41 | 0 | 0 | | 26 | 0 | 0 |
| 19 | 5,833 | 2,059 (35%) | 36 | 30 | 10 | 21 | 5 | 0 | | 23 | 5 | 0 |
| Suncoast | | | | | | | | | | | | |
| 6 | 14,675 | 5,818 (40%) | 6 | 5 | 0 | 0 | 0 | 0 | | 5 | 4 | 0 |
| 12 | 7,385 | 2,467 (33%) | 14 | 13 | 0 | 2 | 0 | 0 | | 13 | 1 | 0 |
| 13 | 12,312 | 4,927 (40%) | 9 | 9 | 0 | 1 | 0 | 0 | | 3 | 0 | 0 |
| 20 | 11,101 | 4,994 (45%) | 4 | 4 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| Southern | | | | | | | | | | | | |
| 11 | 13,982 | 5,437 (39%) | 41 | 38 | 3 | 0 | 0 | 0 | | 1 | 0 | 0 |
| 16 | 625 | 209 (33%) | 1 | 1 | 0 | 0 | 0 | 0 | | 1 | 0 | 0 |
| FY 18-19 | 225,028 | 77,498 (34%) | 323 | 407 | 93 | 96 | 95 | | | 160 | 29 | 4 |

¹Data Source: Child Protective Investigator Trend Report *Last Updated: 1/10/2020

²Data Source: Regional Family Safety Program Offices

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

⁴CPIS is the acronym for Child Protective Investigator Supervisor.

V. Summary

For fiscal year 2018-2019, there was an increase in the total number of intakes received; yet a slight decrease in the total of investigations closed with No Indicators in comparison to the prior fiscal year. The number of suspected false reports drastically declined from 577 in fiscal year 2017-2018 to 323 in fiscal year 2018-2019. On the other hand, more written warnings were issued during this period and there was an increase in investigations sent to law enforcement for review. The above chart depicts the scarcity of successful prosecutions on individuals suspected of making false reports to the Florida Abuse Hotline. Moreover, the ability for child protective investigators to cease investigative activities upon the determination of a false report, as provided by s. 39.205(8), F.S., does continue to lessen the intrusiveness of a child protective investigation for those families being harassed by individuals filing false reports.