

# Reporting Child Abuse: What it Means to be a Mandated Reporter

Presented by Charles Puckett  
Circuit 7 Family Safety Operations Manager

# Definitions



- Parent:
  - A woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1).
  - If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child.
  - The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent.

# Definitions

## □ Caregiver:

- The parent (even if the parent is a minor), legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare as defined in subsection [s. 39.01(10), F.S.]

## □ Child:

- Any born, unmarried person less than 18 years old who has not been emancipated by order of the court.

## ● Legal Custodian;

- An **ADULT HOUSEHOLD MEMBER** found in the home continually or at regular intervals;
- **ANOTHER ADULT** entrusted with, or voluntarily assumed responsibility for the care of the child;
- **ANOTHER CHILD** who is an **employee or volunteer** of a daycare, private school, agency, summer camp or similar facility when given sole responsibility for the care of the child.

# Other Persons Responsible for a Child's Welfare

- Includes the child's legal guardian, legal custodian, or foster parent; an employee of a private school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care.
- For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity. [*s. 39.01(47), F.S.*]

## When Will the Hotline Accept a Report?

- ❑ There is reasonable cause to suspect that a **child** (under age 18),
- ❑ Who can be **located in Florida**, or is temporarily out of the state but expected to return in the immediate future,
- ❑ Has been **harmed** or is believed to be **threatened with harm**
- ❑ From a **person responsible for the care of the child.**



# What Needs to Be Reported?

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# Abuse

## Abuse

- Any willful or threatened act or omission that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.

## However . . .

- Abuse of a child includes acts or omissions.
- Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child. [*s. 39.01(2), F.S.*]

# Discipline versus Abuse

- Discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:
  - Sprains, dislocations, or cartilage damage.
  - Bone or skull fractures.
  - Brain or spinal cord damage.
  - Intracranial hemorrhage or injury to other internal organs.
  - Asphyxiation, suffocation, or drowning.
  - Injury resulting from the use of a deadly weapon.
  - Burns or scalding.
  - Cuts, lacerations, punctures, or bites.
  - **Significant** permanent or temporary disfigurement.
  - Permanent or temporary loss or impairment of a body part or function.
  - **Significant** bruises or welts.

# Neglect

## Neglect

- Any act or omission where a child is deprived of, or allowed to be deprived of, necessary supervision, food, clothing, shelter or medical treatment, or is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

## However . . .

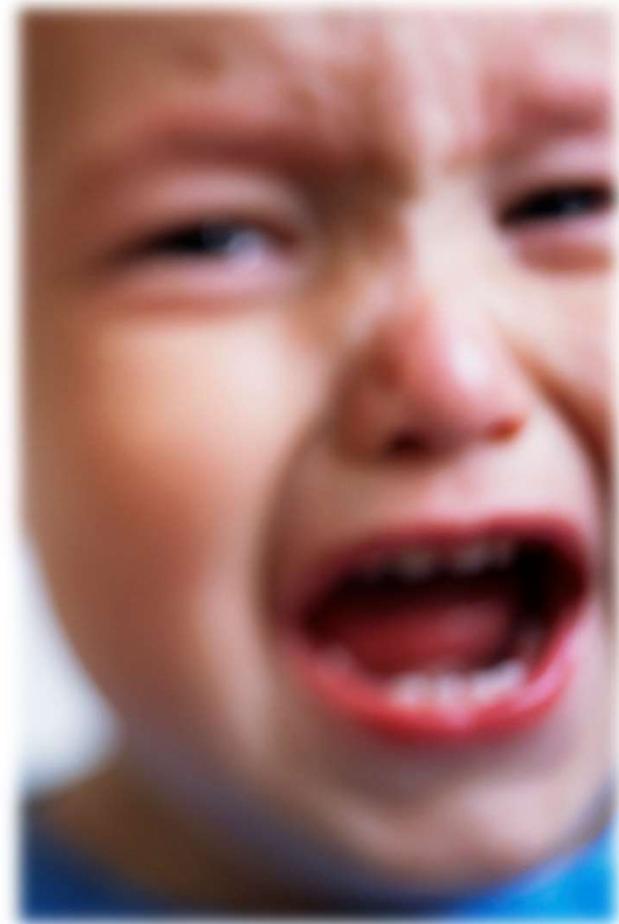
- The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by the caretaker responsible.

# Abandonment

- The parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations.
- The term “abandoned” does not include an abandoned newborn infant, “child in need services,” or a “family in need of services.”
- The incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment.

# Threatened Harm

- A situation, circumstances or behavior which leads a prudent person to have reasonable cause to suspect abuse or neglect has occurred or may occur in the immediate future if no intervention is provided.



# Juvenile Sexual Abuse

- ❑ A child who engages in any sexual behavior which occurs without consent, without equality, or as a result of coercion.
- ❑ A child who is alleged to have committed any violation of law or delinquent act involving juvenile sexual abuse.
- ❑ The department is required to track these “child on child sexual abuse” incidents.
- ❑ Law Enforcement in the county where the incident occurred will investigate.
- ❑ The Hotline is **required** by statute to transfer all callers with this allegation to the Sheriff’s Department.
- ❑ If the children are **under the age of 18**, a report will be accepted to assess the need for services.

# Human Trafficking

- Human trafficking of a child is the recruitment, harboring, transportation, provision or obtaining of a child for labor or services through force, fraud, or coercion.
- Sex trafficking is a commercial sex act which includes prostitution, pornography, and exotic dancing.
- **A report for this maltreatment may be accepted even if the alleged perpetrator is not a caregiver.**

# THE FLORIDA ABUSE HOTLINE

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*Mission: To provide quality customer service while assessing abuse and neglect to ensure protection of Florida's vulnerable persons.*

# How to Report Abuse

## ☐ TELEPHONE:

☐ 1-800-96-ABUSE  
(1-800-962-2873)

## ☐ TDD (Telephone Device for the Deaf):

☐ 1-800-453-5145

## ☐ FAX:

☐ 1-800-914-0004

## ☐ WEB:

☐ <https://reportabuse.dcf.state.fl.us/account-manager/false-reporting-disclaimer/>



# TIPS FOR SUCCESSFUL REPORTING

- Be sure to include the following information:
  - ▣ Victim name and Date of Birth
  - ▣ Alleged perpetrator name and the relationship of the alleged perpetrator to the victim.
  - ▣ Reporter name (**required for mandatory reporters**).
  - ▣ Addresses for subjects, including a numbered street address, apartment or lot number.
  - ▣ Telephone numbers, including area code.
  - ▣ Social Security numbers, if available.
  - ▣ A brief, description of the abuse, neglect, abandonment, including physical, mental or sexual injuries, if any.
  - ▣ Names and telephone numbers and/or addresses of witnesses and others involved.
  - ▣ A brief description of the victim's disability or infirmity (required for vulnerable adults).
  - ▣ Do not use profession-specific language; i.e., "fx" for fracture.

# Confidentiality

- All reports of child abuse and neglect are confidential and access to these reports is limited.
  - Counselors will not acknowledge the existence of any report, acknowledge that they have spoken to a caller on a previous occasion, nor release any information provided by a caller or contained in a report.
- No reports are released by the Hotline. Any person with a statutory right to a report copy must contact the local investigative office.
  - Callers will be clearly told whether or not the information provided is being accepted as a report for investigation. A referral may be provided if appropriate.

# Florida Statutes Relating to Reporting

- ❑ Florida Statute 39.201(1)(a) requires ANY person who has REASONABLE CAUSE to suspect that child abuse is occurring is required to report.
- ❑ Florida Statute 39.201(1)(b) defines mandated reporters.
- ❑ The name of the reporter shall be entered into the record of the report but shall be held confidential as provided in s. 39.202, F.S.
- ❑ Any person who knows of abuse and fails to report or prevents another from reporting is guilty of a **third degree felony**

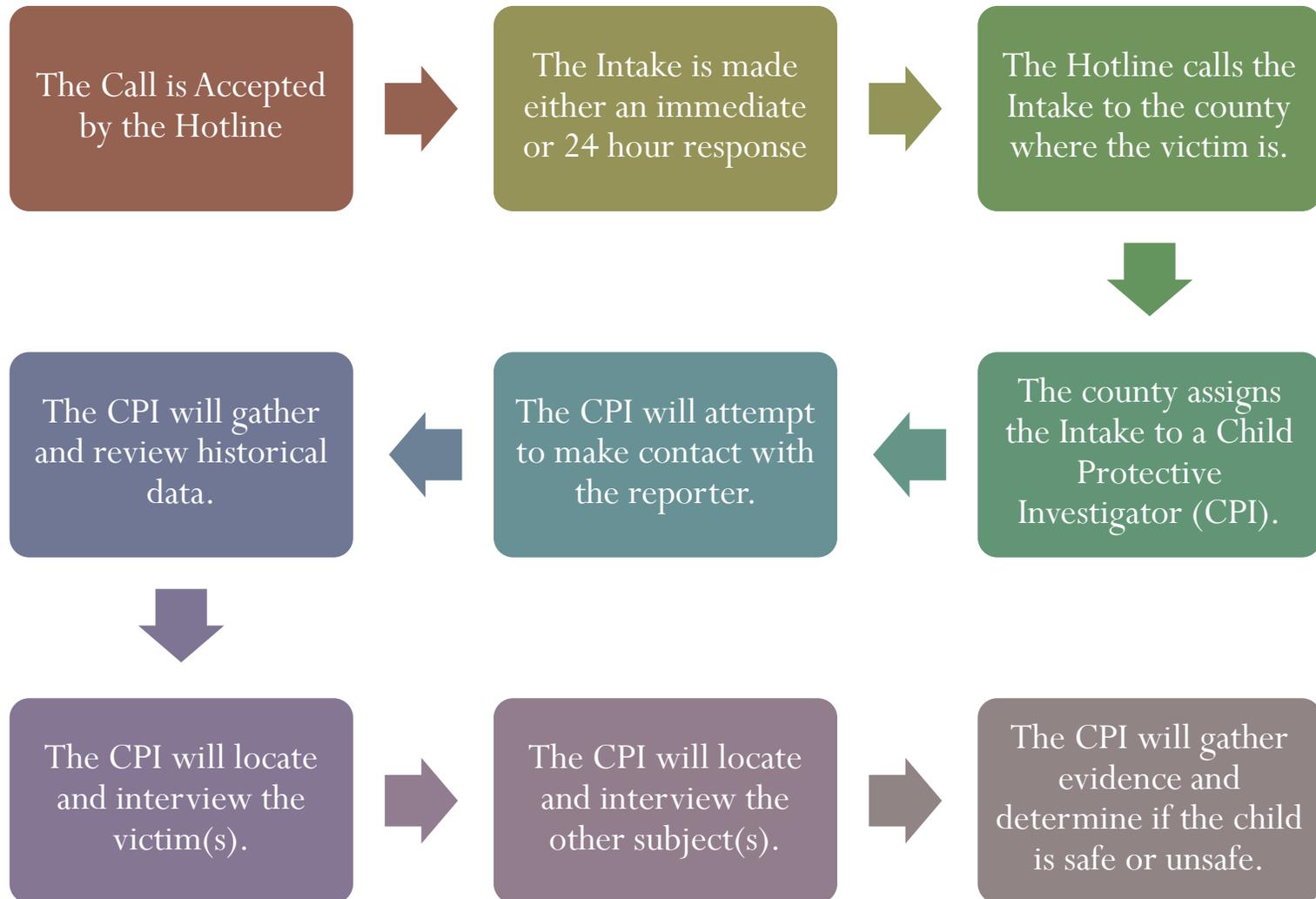
# ARE YOU A MANDATORY REPORTER?

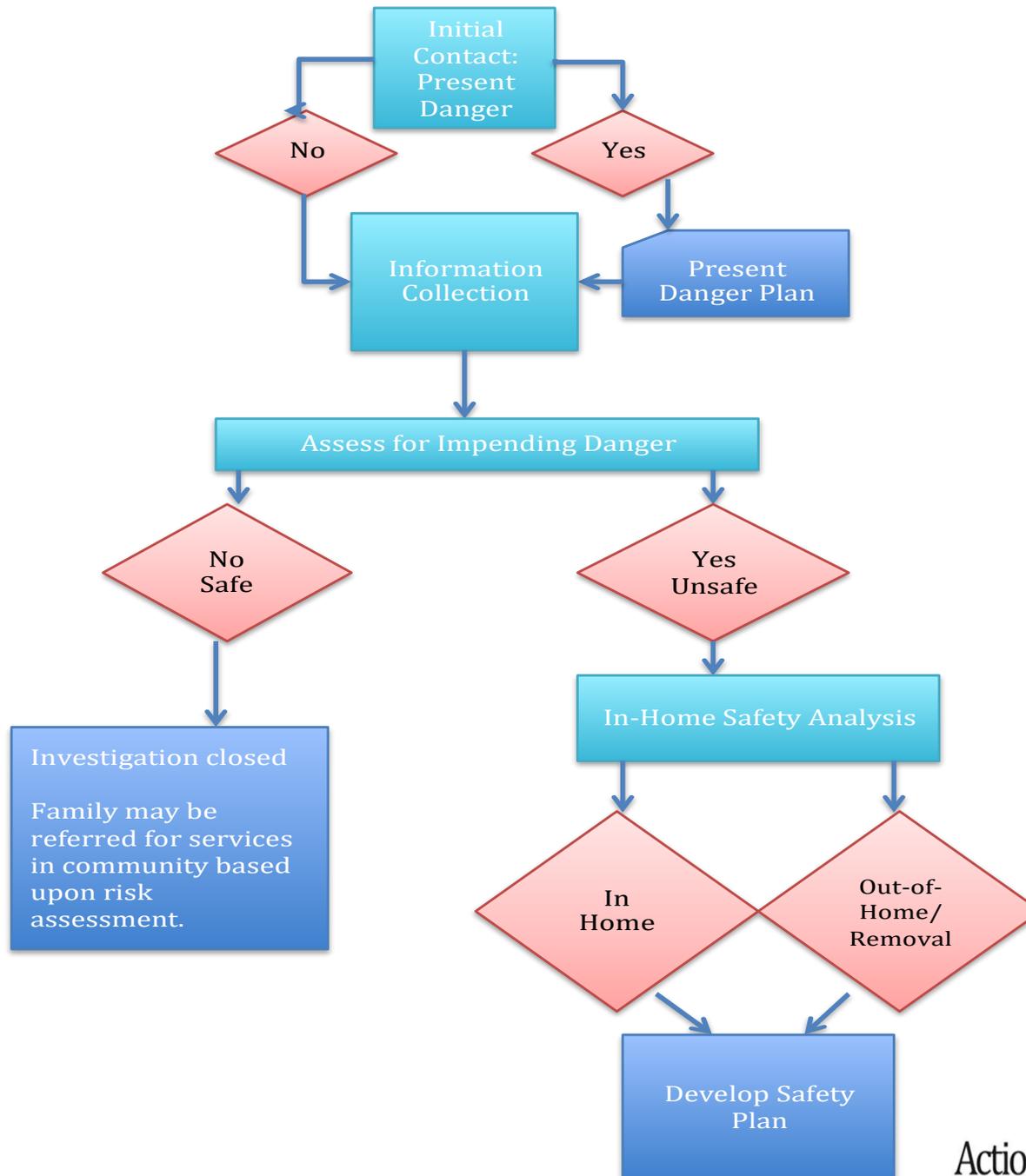
- Physician
- Osteopath
- Medical Examiner
- Chiropractic Physician
- Nurse
- Hospital personnel engaged in the admission, examination, care or treatment of children
- Health Professional
- Mental Health Professional
- Practitioner who relies solely on spiritual means for healing
- School Teacher
- School Official or Personnel
- Social Worker
- Day Care Center Worker
- Professional Child Care Worker
- Foster Care Worker
- Residential Care Worker
- Institutional Worker
- Law Enforcement
- Judge

# Who Will Know You Called?

- The reporter's name may not be released to any person except DCF employees responsible for investigations, the abuse hotline, law enforcement, child protection team, or state attorney, without the written consent of the person reporting.
  - ▣ However, parents often suspect school employees.
  - ▣ Why do you think this is?
- The reporter may be subpoenaed when deemed necessary by the court, the state attorney, or the department, provided the fact that such person who made the report is not disclosed.
- You may request to be contacted by the investigator.
- If you are reporting in official capacity, you may request a written summary of the findings (which you would receive within 10 days of the investigation being closed).

# What Happens After the Call is Made?





# False Reporting

- ❑ Florida Statute protects mandated reported **AS LONG AS** the report was made in good faith.
- ❑ **Knowingly and willfully** making a false report is a 3rd degree felony.
  - ❑ This can result in a fine or imprisonment if convicted.



# Questions?

- **Shelby Best**, Family Safety Specialist (East Volusia)
  - 386-341-4982
- **Vickie Williams**, Family Safety Specialist (Putnam and West Volusia)
  - 386-316-2035
- **Marloe Northrup**, Family Safety Specialist (St. Johns and Flagler)
  - 904-219-8956
- **Jackie Davis**, Program Administrator, (East Volusia)
  - 481-8806
- **Jackie Weber**, Program Administrator, (Putnam and West Volusia)
  - 386-451-2859
- **Crystal Tyler**, Program Administrator, (St. Johns and Flagler)
  - 904-699-5431