

**BROADENED OBLIGATION TO REPORT CHILD ABUSE, NEGLECT, ETC. TO THE DEPARTMENT OF CHILDREN AND FAMILIES (DCF) IS EFFECTIVE MONDAY, OCTOBER 1, 2012**

*(BY ASSISTANT GENERAL COUNSEL JOSEPH WHITE)*

This Legal Bulletin will serve as a reminder that recent statutory revisions to the mandatory reporting requirements to the Department of Children and Families (DCF) Abuse Hotline are effective October 1, 2012. Amendments to Section 39.201, Florida Statutes, add new subsections (1)(b) and (c), and expand the current obligation for “any person” to report to DCF’s abuse hotline. (CS/CS/CS HB 1355; Ch. 2012-155; [http://laws.flrules.org/files/Ch\\_2012-155.pdf](http://laws.flrules.org/files/Ch_2012-155.pdf) ). The current law requires reporting of known or reasonably suspected abuse, sexual abuse, neglect or abandonment committed by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare. The new provisions require reporting known or reasonably suspected child abuse or child sexual abuse committed by a non-caregiver adult that is not a parent, legal custodian, caregiver or other person responsible for the child’s welfare. The new requirements also mandate reporting of known or reasonably suspected childhood sexual abuse or child victimization by a known or suspected juvenile sex offender. The law authorizes reports by phone, fax, or via the Abuse Hotline’s web reporting option. Under new language in (2)(b) and (c), DCF is required to immediately transfer these reports of non-caregiver abuse to the appropriate sheriff’s office.

**Under the amendment to Section 39.205(1), it is a third degree felony to knowingly and willfully fail to report known or suspected child abuse, child sexual abuse, abandonment, or neglect, or to knowingly and willfully prevent another person from reporting. The mandatory reporting requirements apply to any person, including law enforcement officers. There are no exceptions for law enforcement officers who are actively engaged in direct investigation of the child victimization incident. Similarly, law enforcement officers are obligated to report even when they are aware that another agency is currently engaged in investigation of the offense.**

Strict compliance with the reporting requirements by law enforcement can lead to “circular reporting” among law enforcement agencies, with the attendant potential for duplication of investigative efforts. In order to address the implications of circular reporting, the Florida Sheriffs Association has developed a protocol, in cooperation with DCF, FDLE and the Florida Police Chiefs Association, to assure the most efficient means to get the needed information from DCF to law enforcement. DCF will use the information (caller’s name, contact information, abuse allegations, victim information, etc.) to create a Florida Administrative Message (FAM). DCF will then transfer the call and the FAM to the local Sheriff’s Office Communication Center. If the Sheriff’s Office Communications Center determines that the call “belongs” to a municipal police agency, the Sheriff’s Office will transfer the call (and the FAM) to the appropriate police department. This protocol will be supported by memoranda of understanding between the agencies. (A copy of the FDLE CJIS Memorandum regarding DCF Abuse Hotline FAM procedures is attached.) FDLE sworn members reporting an abuse incident should always provide DCF Hotline staff with the member’s name, agency, and contact information. Where applicable, sworn members should also provide the FDLE case number and disclose that fact the sworn member is reporting in the capacity of a law enforcement officer currently engaged in investigating the incident. (AGC Joe White.)



The Florida Department of Law Enforcement

## **Important Update:** Protection of Vulnerable Persons (House Bill 1355)



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CJIS Memorandum: 2012-13

### **Executive Summary:**

This information is being disseminated upon request of the Department of Children and Families (DCF). Effective October 1, 2012, individuals who suspect abuse or sexual abuse will be required to report it to the DCF Abuse Hotline. Law enforcement agencies should be aware of their responsibilities related to House Bill 1355.

On October 1, 2012, House Bill 1355: Protection of Vulnerable Persons will take effect. The purpose of the bill is to reform the Florida abuse reporting system to prevent sexual abuse from going unreported. This bill requires every individual who suspects abuse or sexual abuse to report it to the Department of Children and Families (DCF) Abuse Hotline. The full bill language can be accessed at the Florida Senate web site located at: <http://www.flsenate.gov/Session/Bill/2012/1355>.

### **What does the new law require?**

The new law requires DCF to maintain a record of all calls that come into the Abuse Hotline for caregiver and non-caregiver abuse allegations and report all allegations to the appropriate sheriff's office of jurisdiction.

### **Important Information for:**

Agency Administrators, Terminal Agency Coordinators, Local Agency Instructors (LAI), FCIC Users, Road Patrol Officers, Judges, Dispatchers

### **Who is responsible for reporting abuse allegations to DCF?**

The new law requires every non-caregiver to immediately report known or suspected child abuse by any individual responsible for the welfare of the child. This mandates reporting by professionals in fields of healthcare, educators, social workers, day care workers, law enforcement officers or judges. These mandated reporters must provide their names when reporting suspected abuse to the hot line. House Bill 1355 also specifically addresses the requirement by educational institutions and their law enforcement agencies to report known or suspected child abuse, abandonment, or neglect in certain circumstances or face civil penalties for each instance.

### **What is the time frame for law enforcement and other agencies to report non-caregiver abuse allegations to DCF?**

Immediately!

### **Are there any penalties for not reporting suspected abuse?**

Yes. The law includes penalties for individuals who failed to report abuse. It is a third degree felony and imposes fines for educational institutions whose administrators or law enforcement agencies fail to report abuse allegations.

### **How will DCF forward report allegations to law enforcement agencies?**

DCF will notify the sheriff's office of the appropriate county via a Florida Crime Information Center (FCIC) Florida Administrative Message (FAM). Each sheriff's office has identified the specific mnemonic/device designated to receive these FAMs. In addition, DCF will transfer calls from the abuse

hotline into the sheriff's office communication center for "in progress calls" that should have been directed to 911. This will allow for 24 hours a day, seven days a week monitoring of non-caregiver abuse calls at the sheriff's office. If the sheriff's office determines that the call should be directed to a municipal jurisdiction, the sheriff's office will transfer that call and forward the corresponding FAM to the appropriate police department.

#### **What impact will this law have on DCF and law enforcement agencies?**

The impact HB 1355 will have on DCF and law enforcement agencies is unknown at this time. The estimated increase the call volume will have on the abuse hotline is approximately 40,000 calls per year. In addition, law enforcement will probably experience an increase in call volume on abuse allegations and generated reports. Additionally, law enforcement agencies will need to closely monitor all FAMs received on the previously designated device to ensure the agency is properly alerted.

#### **Will agencies be required to have a Memorandum of Understanding (MOU) agreement between agencies?**

There is no mandatory requirement for MOU's between agencies; however, it is recommended that a specific form of communication and understanding is initiated between sheriff's offices and police departments if a MOU agreement is not created.

#### **What happens when a law enforcement agency reports the abuse allegations to DCF?**

DCF is obligated to report the abuse allegations to the sheriff's office of jurisdiction. DCF will document when allegations are submitted from a law enforcement agency and the reporting agency's case number will be included in the FAM message. Law enforcement agencies are responsible for determining the steps to follow if that agency, or an agency within its jurisdiction, is the original reporting agency.

#### **What information will the FAM include?**

The FAM will have a specific header in the subject line designating "FLORIDA ABUSE HOTLINE NOTIFICATION". The contents will include the following information:

- Types of abuse
- Incident location
- Apparent Perpetrator (AP)
- Victim (V)
- Reporting person (RPT) (unless reporting person requested to be confidential) or reporting agency and case number
- Allegations
- Reporting narrative
- Contact phone numbers and addresses if available, and
- DCF's reference number.

#### **What applications are in place to make the FAM message more visible within Communications?**

The "Florida Abuse Hotline Notification" FAM will use the "banner" function currently employed for "Amber Alert" FAMs. Agencies are responsible for implementing procedures that include timely monitoring and response to the FAM's distributed from DCF. NOTE: Only eAgent devices and appropriately programmed interfaces will trigger the "Banner Alert" associated with this FAM. If your agency has not designated an eAgent mnemonic (or other appropriately programmed interface) to receive these messages, and is expecting the "Alerts", please contact DCF and update your designated mnemonic.

**Will law enforcement agencies have access to DCF's case management system to view the report allegations?**

Yes. DCF is projected to have their case management system, Florida Safe Families Network (FSFN), available to law enforcement agencies submitting a request for access by January 1, 2013.

**Will there be any training available?**

Yes. DCF will provide webinar training for agencies to learn more about HB 1355 requirements and DCF policies, procedures and expectations. A FAM Tutorial is now available on DCF's Home page. <http://www.myflfamilies.com/service-programs/abuse-hotline/training>.

**Who can agencies contact for more information?**

Agencies can contact the Director Kim Barrett of the Florida Abuse Hotline DCF at [Kim\\_Barrett@dcf.state.fl.us](mailto:Kim_Barrett@dcf.state.fl.us) or (850) 487-6149.

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***Officers should consult with their agency legal advisors to confirm the interpretation provided in this Bulletin and to determine to what extent the information discussed will affect their activities.***