

**Department of Children and Families
Annual Report to the Legislature
False Reports of Child Abuse, Neglect or Abandonment
Referred to Law Enforcement
FY 2005-2006
March 2007**

I. Statutory References:

S. 39.206(4), F.S. : The department shall establish procedures for determining whether a false report of child abuse, abandonment, or neglect has been made and for submitting all identifying information relating to such report to the appropriate law enforcement agency and shall report annually the number of reports referred.

S. 39.01(28), F.S. : "False report" means a report of abuse, neglect, or abandonment of a child to the central abuse hotline, which is maliciously (*emphasis added*) made for the purpose of:

- (a) Harassing, embarrassing, or harming another person;
- (b) Personal financial gain for the reporting person;
- (c) Acquiring custody of a child; or
- (d) Personal benefit for the reporting person in any other private disputes involving the child.

The term "false report" does not include a report of abuse, neglect or abandonment of a child made in good faith to the central abuse hotline.

II. Background:

Approximately 31 states have penalties in law for false reporting. Generally the standards are "knowingly and willfully". Some of the states have misdemeanor penalties or simple fines. Florida is one of nine states with a felony penalty as well as civil liability and administrative fines.

Florida law provides three avenues for an individual alleged to have perpetrated abuse or neglect to seek remedies if it can be proven that the report was made maliciously.

- Criminal penalty pursued by the state attorney for false reporting or advising another to make a false report, prosecuted as a felony of the third degree;
- Civil liability for damages, including attorney fees and costs; and
- Departmental imposition of an administrative fine, not to exceed \$10,000, as authorized by Chapter 39, F.S., and subject to the hearing and other

Filing A False Report To Dcf

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