

# THE REPORTING PROCESS

## What does Florida law require?

F.S. 39.201 (1) (a): “Any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare, as defined in this chapter, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion....”

## What if I’m not sure whether a concern rises to the level of suspected child maltreatment?

You may want to speak discreetly with other teachers or staff who have contact with this student. Ask whether they have observed any changes or have any concerns. You also might wish to discuss your concerns with the child abuse designee at your school, who has had additional training and experience regarding child abuse. Remember, though, that you cannot pass your legal obligation to another person. If a group of people decides that a report should be made, be very clear as to who will actually make the report and follow-up to be sure that it’s done.

## How do I make a report?

F.S. 39.201 (2) (a): “Each report of known or suspected child abuse, abandonment, or neglect...shall be made **immediately** to the department’s central abuse hotline on the single statewide toll-free telephone number.” **1-800-96-ABUSE**”.

F.S. 39.201 (2) (b): “If the report is of an instance of known or suspected child abuse by someone other than a parent, legal custodian, caregiver, or other person responsible for the child’s welfare..., the call shall be immediately to the Department of Children and Families central abuse hotline.

You must complete a written report (Form 4002B) which may be obtained from the child abuse designee at your school.

## **What are my reporting options?**

You have three options for reporting maltreatment to the abuse hotline:

- Telephone: **1-800-96-ABUSE** and make an oral report OR
- FAX: When you telephone the hotline, you will be given directions about faxing your written report. Attach confirmation that your fax was received to your written report form. Faxed messages are retrieved every fifteen minutes
- Web-based reporting at [www.myflfamilies.com](http://www.myflfamilies.com).

## **Does the hotline have to accept my report?**

As long as your report meets the statutory definition of child abuse, abandonment, or neglect, the report shall be accepted for protective investigation. If you are informed that the hotline cannot accept your report, you should consult with the school-based child abuse designee. The designee will either explain how your concerns fail to meet the hotline's statutory definition, or may help you to reframe your concerns in a way that does fit the definition.

## **Do I have to identify myself?**

**Yes.** F.S. 39.201 (1) (b): "Reporters in the following occupation categories are required to provide their names to the hotline staff: ...4. School teacher or other school official or personnel... The names of reporters shall be entered into the record of the report, but shall be held confidential..."

## **Do I have to have prior approval from my principal to make a report or notify my principal that I have made a report?**

**No.** Board policy does not require that you receive any approval prior to reporting or that you notify the principal, or the child abuse designee, that you made a report. However, you are encouraged to provide notification after the report has been made so that administration and the child abuse designee may provide proper support for the student and the investigative process.

## **If I notify the principal or the child abuse designee that I made a report to the hotline, will the school maintain my confidentiality?**

**Yes.** Board policy states: "Principals and child abuse designees shall maintain the confidentiality of the reporter."

## **Who will investigate my report?**

Currently, the **Broward Sheriff's Office, Child Protective Investigations Section**, is the authorized agent of the Florida Department of Children and Families for the purpose of conducting child abuse investigations in Broward County. Reports involving adult disabled students will be investigated by Adult Protective Services, Broward Department of Children and Families.

## **Am I required to speak with an investigator?**

**Yes.** You are required to cooperate with child abuse investigations. If an investigator wishes to speak with you about a student or family, please share your information or observations in as objective fashion as possible. If you have had contact with the student or family, you may be asked to talk to the investigator, even if you were not the reporter of the suspicions.

## **Who can take a child into custody?**

Under s. 39.401, a child alleged to be dependent may only be taken into custody by a law enforcement officer or an authorized agent of the Florida Department of Children and Families. In Broward County, the authorized agent is the Broward Sheriff's Office. There must be cause to support that:

- the child has been abused, neglected, or abandoned, or is suffering from or in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;
- the parent or legal custodian of the child has violated a condition of placement imposed by the court; or
- the child has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

## **Can I be sued for making a report?**

**No.** F.S. 39.203 (1) (a): “Any person...reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.”

## **What if I don't report?**

There is a **legal penalty for failure to report.** F.S. 39.205 (1): “A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree....”

Punishment for conviction on a third degree felony charge includes imprisonment of up to five years and/or a fine of up to \$10,000.