

# Mandatory Reporting Requirements: Children Florida

*Last Updated: March 2020*

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> <li>• Physicians;</li> <li>• Osteopaths;</li> <li>• Medical examiners;</li> <li>• Chiropractors;</li> <li>• Nurses;</li> <li>• Hospital personnel;</li> <li>• Healthcare professional or mental health professionals;</li> <li>• Practitioners who rely solely on spiritual means for healing;</li> <li>• School teachers or other school officials or personnel;</li> <li>• Social workers;</li> <li>• Day care center workers, or other professional, child care worker, foster care worker, residential worker or institutional worker;</li> <li>• Law enforcement officers;</li> <li>• Judges;</li> <li>• Animal control officer</li> <li>• 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 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;</li> <li>• Any person who knows or has or reasonable cause to suspect that a child is abused by an adult other than a parent, legal custodian, caregiver or other person responsible for the child's welfare; and</li> <li>• Any person who knows or has or reasonable cause to suspect that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender.</li> </ul>
When is a report required and where does it go?	<p><b>When is a report required?</b></p> <ul style="list-style-type: none"> <li>• A person is required to report immediately to the Department of Children and Family Services' central abuse hotline (1-800-962-2873), through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect, that any of the following has occurred:             <ul style="list-style-type: none"> <li>• Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when 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 such supervision and care.</li> </ul> </li> </ul>

- Child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.
- Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse shall report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department

**Where does it go?**

- Reports shall be made to the Department of Children and Family Services' central abuse hotline (1-800-962-2873), Florida Relay (711), teletype (711 or 1-800-955-8771), via facsimile (1-800-914-0004), or web-based report (<https://reportabuse.dcf.state.fl.us/Child/ChildForm.aspx>) (unless the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency). Reports in Spanish or Creole shall be made to 1-800-962-2873, or teletype use 711 or 1-800-955-8771 Any person required to report or investigate cases of suspected child abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect shall report his or her suspicion to the appropriate medical examiner.

What definitions are important to know?

- **“Abandoned” or “abandonment”** means a situation in which the parent or legal custodian of a child, or the caregiver, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. Such relationship includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child’s welfare may support a finding of abandonment. The absence of a parent, legal custodian, or caregiver responsible for a child's welfare, who is a servicemember, by reason of deployment or anticipated deployment as defined in 50 U.S.C. s. 3938(e), may not be considered or used as a factor in determining abandonment. **“Abuse”** means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. 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.
- **“Child” or “youth”** means any unmarried person under the age of 18 years who has not been emancipated by order of the court.
- **“Harm”** to a child's health or welfare can occur when any person:
  - Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury;
  - Commits, or allows to be committed, sexual battery, or lewd or lascivious acts, against the child;
  - Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging,

	<p>or forcing a child to solicit for or engage in prostitution, or engage in a sexual performance;</p> <ul style="list-style-type: none"> <li>• Exploits a child, or allows a child to be exploited;</li> <li>• Abandons the child;</li> <li>• Neglects the child;</li> <li>• Exposes a child to a controlled substance or alcohol;</li> <li>• Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child;</li> <li>• Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child;</li> <li>• Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another;</li> <li>• Has allowed a child's sibling to die as a result of abuse, abandonment, or neglect; or</li> <li>• Makes the child unavailable for the purpose of impeding or avoiding a protective investigation unless the court determines that the parent, legal custodian, or caregiver was fleeing from a situation involving domestic violence.</li> </ul> <p>• <b>“Neglect”</b> occurs when a child is deprived of, or is allowed to be deprived of, necessary 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. 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 such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, a court may order services to be provided, when the health of the child so requires.</p>
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> <li>• Reports must be submitted immediately and can be oral, written, or electronically transmitted.</li> <li>• If the report is of an instance of known or suspected child abuse, these reporting provisions do not apply to health care professionals or other persons who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of medical services.</li> <li>• The department's central abuse hotline shall be able to receive all reports of known or suspected child abuse, abandonment, or neglect, by any person, at any hour of the day or night, any day of the week.</li> </ul>
<p>What information must a report include?</p>	<ul style="list-style-type: none"> <li>• A report must contain the name of the reporter if the reporter is one of the following: <ul style="list-style-type: none"> <li>• Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;</li> <li>• Other type of health or mental health professional;</li> <li>• Practitioner who relies solely on spiritual means for healing;</li> <li>• School teacher or other school official or personnel;</li> <li>• Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;</li> <li>• Law enforcement officer; or</li> <li>• Judge.</li> </ul> </li> <li>• Other reporters will be asked, but not required, to provide their names.</li> </ul>

- Reporters contacting the Florida Abuse hotline should expect to be asked for the following information:
  - Demographical information of the person's involved in the situation being reported. This includes the names, ages or approximate age, dates of birth (if known), race, gender, social security number (if known).
  - Addresses or other means to locate the subjects of the report, including current location. Some common means to locate may include, but not be limited to:
    - Home Address
    - Phone number
    - School Name, Address, and Phone Number
    - Parents/Caregivers Work Location, Address, Phone Number
    - Directions to the Home
  - Information regarding disabilities and/or limitation of the victims.
  - Relationship of the alleged perpetrator to the child.
  - Specifics of the incident being reported. Some common questions asked by the Hotline Counselor include:
    - What happened to the victim?
    - Who caused the harm?
    - What were the affects to the victim?
    - Any known history, frequency, etc. of the same or similar incidents.

Anything else I should know?

- The department shall voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline which relate to suspected or known child abuse, neglect, or abandonment. The department shall maintain an electronic copy of each fax and web-based report. The recording or electronic copy of each fax and web-based report shall become a part of the record of the report but, notwithstanding s. 39.202, shall be released in full only to law enforcement agencies and state attorneys for the purpose of investigating and prosecuting criminal charges pursuant to s. 39.205, or to employees of the department for the purpose of investigating and seeking administrative penalties pursuant to s. 39.206. Nothing in this paragraph shall prohibit the use of the recordings, the electronic copies of faxes, and web-based reports by hotline staff for quality assurance and training.
- A professional who is hired by or enters into a contract with the department for the purpose of treating or counseling any person, as a result of a report of child abuse, abandonment, or neglect, is not required to again report to the central abuse hotline the abuse, abandonment, or neglect that was the subject of the referral for treatment.
- Any person required to report who knowingly and willingly fails to do so commits a felony in the third degree.
- Any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, abandonment, or neglect, except communications between attorney and client, shall not be privileged and thus shall not constitute grounds for failing to make a mandated report.
- Any Florida College System institution, state university, or nonpublic college, university, or school, whose administrators knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or during an event or function sponsored by the university,

	<p>college, or school, or who knowingly and willfully prevent another person from doing so, shall be subject to fines of \$1 million for each such failure.</p> <ul style="list-style-type: none"><li>• Any Florida College System institution, state university, or nonpublic college, university, or school, whose law enforcement agency fails to report known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or during an event or function sponsored by the university, college, or school, shall be subject to fines of \$1 million for each such failure assessed.</li><li>• A person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the third degree. Anyone making a report who is acting in good faith is immune from such liability.</li></ul>
Statutory citation(s):	<ul style="list-style-type: none"><li>• Fla. Stat. §§ 39.01, 39.201-206.</li></ul>