Florida
Child Abuse Reporting

Who do I contact to report an incident in Florida?
Florida Department of Children and Families.

Florida Abuse Hotline: 800-962-2873
Online reporting: https://reportabuse.dcf.state.fl.us/

If you believe a child is in immediate danger, call 911.
Fla. Stat. §39.201(1)(a).

How much time do I have to report an incident?
Reports shall be made immediately.
Fla. Stat. §39.201(2)(a).

What is reportable?
Child abuse[i], abandonment[ii], or neglect[iii] 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. **Fla. Stat. §39.201(1)(a)**.

Who is a mandatory reporter in Florida?
Any person who knows or has reasonable cause to suspect that a 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.. **Fla. Stat. §39.201(1)(a)(2)**.

Additionally, individuals in the following professions are required to give their names when reporting known or suspected child abuse: physicians, osteopathic physicians, medical examiners, chiropractic physicians, nurses, or hospital personnel engaged in the admission, examination, care, or treatment of persons; health or mental health professionals other than one listed in subparagraph 1.; practitioners who rely solely on spiritual means for healing; school teachers or other school officials or personnel; social workers, day care center workers, or other professional child care, foster care, residential, or institutional workers; law enforcement officers; judges, or animal control officers as defined in §828.27(1)(b). **Fla. Stat. §309.201(1)(b)**.

An additional report of child abuse, abandonment, or neglect is not required to be made by: A professional who is hired by or who enters into a contract with the department for the purpose of treating or counseling a person as a result of a report of child abuse, abandonment, or neglect if such person was the subject of the referral for treatment or counseling; An officer or employee of the judicial branch when the child is currently being investigated by the department, when there is an existing dependency case, or when the matter has previously been reported to the department if there is reasonable cause to believe that the information is already known to the department. This subparagraph applies only when the information related to the alleged child abuse, abandonment, or neglect has been provided to such officer or employee in the course of carrying out his or her official duties; An officer or employee of a law enforcement agency when the incident under investigation by the law enforcement agency was reported to law enforcement by the central abuse hotline through the electronic transfer of the report or telephone call. The

department's central abuse hotline is not required to electronically transfer calls or reports received under sub-subparagraph (1)(a)1.b. to the county sheriff's office if the matter was initially reported to the department by the county sheriff's office or by another law enforcement agency. This subparagraph applies only when the information related to the alleged child abuse, abandonment, or neglect has been provided to the officer or employee of a law enforcement agency or central abuse hotline counselor in the course of carrying out his or her official duties. **Fla. Stat. §309.201(2)**

Are Clergy mandatory reporters in Florida?
Yes. Florida law requires *any person* who knows or has reasonable cause to suspect child abuse to report such abuse. **Fla. Stat. §39.201(1)(a)**.

Is there an exception for penitential communication in Florida?
Yes. Communications between a member of the clergy and a person are confidential and privileged "if made privately for the purpose of seeking spiritual counsel and advice from the member of the clergy in the usual course of his or her practice or discipline and not intended for further disclosure except to other persons present in furtherance of the communication." **Fla. Stat. §90.505**.

Furthermore, "[t]he privileged quality of communication between husband and wife and between any professional person and his or her patient or client, and any other privileged communication except that between attorney and client or the privilege provided in s. 90.505, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, abandonment, or neglect and shall not constitute grounds for failure to report as required by s. 39.201 regardless of the source of the information requiring the report, failure to cooperate with law enforcement or the department in its activities pursuant to this chapter, or failure to give evidence in any judicial proceeding relating to child abuse, abandonment, or neglect**." Fla. Stat. §39.204**.

Where can I find Florida law on child abuse?
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0039/0039.html

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[i] "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 the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. 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." **Fla. Stat. §39.01(2)**.

[ii] "Abandoned" or "abandonment" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, makes no provision for the child's support and has failed to establish or maintain a substantial and positive relationship with the child. For purposes of this subsection, "establish or maintain a substantial and positive relationship" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular 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 to establish or maintain a

substantial and positive relationship with a child. The term does not include a surrendered newborn infant as described in s. 383.50, a "child in need of services" as defined in chapter 984, or a "family in need of services" as defined in chapter 984. The incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment. **Fla. Stat. §39.01(1)**.

[iii] "Neglect of a child" means: 1) A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or 2) a caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Except as otherwise provided in this section, neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child. **Fla. Stat. §827.03(1)(e)**.