



Child Abuse and Neglect in Florida – A Guide for Professionals

From July 2006 to June 2007, over 326,775 reports of child abuse and neglect were received; however, for every case of child abuse reported, two are not reported. Professionals in daily contact with children are the first line of defense against child abuse and neglect. Their suspicions often result in verified abuse or neglect. This document provides guidelines for recognizing and reporting abuse and neglect.

The Law

Chapter 39, Part II, Florida Statutes, protects children from abuse, neglect, or threatened harm. Section 39.201 establishes a central abuse hotline (1-800-96-ABUSE) to receive reports of abuse, neglect, or threatened harm. The law requires the Department of Children and Families to investigate these reports.

Child abuse is any intentional mental or physical injury, sexual battery/ molestation, or sexual exploitation by the parents or other persons responsible for the child's welfare. Child neglect is failure to provide adequate food, clothing, shelter, health care or supervision.

Other people responsible for a child's welfare include anyone in whose care a child has been placed, household and family members.

Reporting Abuse

NOTE: Children are defined as unmarried persons under the age of 18 years who have not been emancipated by order of the court.

Anyone who knows or has reasonable cause to suspect child abuse, neglect, or threatened harm is required to report it.

A person who does not report, or prevents another person from reporting commits a first degree misdemeanor, and may be prosecuted. Any person who knowingly makes a false report, or who tells another to make a false report, is guilty of a third degree felony, punishable by up to 5 years. The Department may charge a fine up to \$10,000, also.

A false report is one which is not true, and intended to harm by harassing, embarrassing, gain financially, acquiring custody or personal benefit.

Any person taking a child, who is in immediate danger, into protective custody must immediately notify the Department of Children and Families. A physician may authorize an examination for a child without the consent of the parents or guardians, if he or she suspects an injury was caused by abuse.

In addition, the law directs any reporter who believes that a child died as a result of abuse or neglect to report this suspicion to the medical examiner. The medical examiner, in turn, must investigate and report his findings in writing to the local law enforcement agency, state attorney's office and Department of Children and Families.

Protection from Liability and Confidentiality

Florida law protects reporter's identity. Anyone reporting "in good faith" is immune from civil or criminal liability. The reporter's name will not be released to anyone other than law enforcement, protective investigator, state attorney, and/or child protection team without the reporter's written consent.

The Florida Statutes require professionals to report abuse, neglect and exploitation of children. Professionals must give their names when reporting.

Privileged Communication

In matters of abuse, neglect, or threatened harm, Florida law does not recognize privileged communication between husband and wife, or patient and client. Privileged communication may not excuse failure to report, or give evidence in legal proceedings. The exceptions are communication between an attorney and a client involved with the court regarding an abuse/neglect report, and communication between clergy and person counseled.

When to Report Suspected Abuse or Neglect

Physical abuse is easy to recognize. Injury may be the result of one incident, or may occur repeatedly. It can range from minor to fatal.

The following guidelines will help professionals decide if an incident of corporal punishment is abuse.

- Any injury beyond normal discipline that requires medical treatment;

- Old and new bruises on a child 5 years and under;
- Punishment consisting of hitting with a closed fist or an object, kicking, causing burns or throwing the child;
- **Sexual abuse** is sexual contact between a child and an adult or other child. It may or may not involve physical contact or violence. Non-physical sexual abuse may mean indecent exposure or taking pictures of nude children. Non-violent abuse means fondling, touching sexual organs, sex play. Violent sexual abuse means forcible rape, sodomy, oral sex.

Identifying sexual abuse is difficult when an abuser uses threats, bribery or similar methods to persuade the child to participate in sexual activity. The child may be told that such activity is okay, or the abuser wants to teach the child about sex. An abuser may tell the child that the way to show love and affection for a parent or relative is through sex. In such cases, the child does not report the abuse. The child may feel he or she has acted willingly. If the abuse is discovered, the child may feel guilty about getting a friend or relative in trouble. Professionals must be alert to hidden clues indicating that a child may be sexually abused, and sensitive when questioning the child.

Neglect is failure to provide a child's needs: adequate food, health care, clothing, supervision and shelter. **Emotional abuse** or neglect may be ignoring, threatening, terrorizing, or rejecting the child.

Suspected abuse should be reported as quickly as possible.

Proof of abuse or neglect is not required to make a report; only "reasonable cause to suspect" is required. It is the responsibility of the protective investigator to determine if abuse or neglect is actually occurring, and to take protective action for the child. If additional incidents occur after the initial report has been made, make another report.

Any person who reports child abuse, abandonment or neglect may request, during the report, notification that an investigation occurred. Any profession listed in Section 39.201(1) making a report in his or her official capacity may also request a written summary of the outcome of the investigation. The Department will mail a notice to the reporter within 10 days after completing the investigation. All public agencies are required to cooperate with the Department to complete investigations.

How to Report Suspected Abuse or Neglect

Call the Florida Abuse Hotline at 1-800-96-ABUSE (1-800-962-2873). Web and fax reporting are available for reporting nonemergency situations, also. You may fax reports to (1-800-914-0004). Web reporting may be accessed at http://www.state.fl.us/cf_web/. The Hotline operates 24 hours 7 days a week. Reports should include the following:

- Names and addresses of child, parent(s), guardian(s) or other persons responsible for the child's welfare;
- Child's age, race, sex and other children in the home;
- Type and extent of alleged abuse, abandonment or neglect;
- Identity of abuser, if known;
- Reporter's name and telephone number;
- Other information reporter believes would be helpful; and,
- Child's current location.

A child protective investigator is assigned to investigate the report. The process includes an evaluation of the family situation and immediate safety of the child. A service counselor may be assigned to work with the family, teaching parenting skills and ways to cope with life's pressures.

At times, a child may be in immediate danger, or the parents may not cooperate with efforts to improve the situation. In such cases, removal of the child may be required.

The Department of Children and Families depends on citizens to report child abuse, abandonment and neglect. Professional persons are legally and ethically obligated to report.

It is the responsibility of all citizens of the state of Florida to protect our children.

What To Do After The Report Is Made

- Comfort the child.
- Reassure the child that the people who investigate the situation want to help.
- Continue to observe the child and the child's behavior in case abuse happens again.

PHYSICAL AND BEHAVIORAL INDICATORS OF CHILD ABUSE AND NEGLECT

PHYSICAL INDICATORS	BEHAVIORAL INDICATORS
<p>PHYSICAL ABUSE</p> <ul style="list-style-type: none"> Unexplained bruises and welts: <ul style="list-style-type: none"> – in various stages of healing – objects used to cause injury – location of injuries – appearing at certain times Unexplained burns: <ul style="list-style-type: none"> – shape of burns Unexplained lacerations or abrasions 	<ul style="list-style-type: none"> On guard with adult contacts Fearful when other children cry Behavior extremes <ul style="list-style-type: none"> – aggressiveness or – withdrawal Frightened of parents Afraid to go home Reports injury by parents
<p>PHYSICAL NEGLECT</p> <ul style="list-style-type: none"> Consistent hunger, poor hygiene, inappropriate dress Consistent lack of supervision, especially in dangerous activities Untreated physical or medical problems Abandonment 	<ul style="list-style-type: none"> Begging, stealing food Extended stays at school (early arrival and late departure) Constant fatigue, listlessness or falling asleep in class Alcohol or drug abuse Delinquency (e.g., thefts) States there is no caretaker
<p>SEXUAL ABUSE</p> <ul style="list-style-type: none"> Difficulty in walking/sitting Torn, shredded or bloody underwear Bruises or bleeding in genitalia Sexually transmitted disease, especially in pre-teens Pregnancy 	<ul style="list-style-type: none"> Withdrawal, fantasy or childish behavior Odd, sophisticated, or unusual sexual behavior or knowledge Poor peer relationships Delinquency or runaway Reports sexual assault by caretaker
<p>EMOTIONAL MALTREATMENT</p> <ul style="list-style-type: none"> Speech Disorders Lags in physical development Failure-to-thrive 	<ul style="list-style-type: none"> Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, reluctance to play) Psychoneurotic Reactions (hysteria, obsession, compulsion, phobias) Behavior extremes: <ul style="list-style-type: none"> – compliant, passive; aggressive, demanding Overly adaptive behavior: <ul style="list-style-type: none"> – inappropriately adult or infant Development lags (mental, emotional) Attempted suicide