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### **NEW LAWS - REPORTING CHILD ABUSE**

*By Jay Howell*

On a dark day in 1999, the Florida legislature substantially reduced the long standing Florida statutory policy to report all incidents of child abuse to the authorities. In the dark of night, and without the knowledge of the Florida's child advocates, pediatricians, social workers, and child protection leaders, the 1999 legislature removed the requirement that child abuse committed by a non-parent should be reported. As a result, the **only** incidents of child abuse that were required to be reported were those committed by a parent or other person responsible for the child's welfare. This left our state without a legal requirement to report abuse committed by strangers, the pedophile who lives down the street, the adult child molester who sexually assaults a young child and a broad scenario of other types of child physical abuse and sexual assault. Actually, national reporting statistics indicate that 80% of crimes committed against children are perpetrated by non-parents.

This year we begged the Florida legislature to restore the original reporting requirements so that **all** incidents of child abuse would be reported to the authorities. The 2012 Florida legislature came close to doing what we requested but was ultimately a couple bricks shy of the full load that was necessary to protect all of Florida's children.

The 2012 legislature did improve the reporting requirements by requiring that child abuse committed by an adult other than a parent or caregiver shall be reported. In addition, the legislature amended the statute to now require that all cases of child sexual assault, whether committed by adults or juveniles, shall be reported. These were significant steps in the right direction. Jacksonville representative Mike Weinstein assisted us in our efforts to close these loopholes.

However, despite our urgings to the contrary, the legislature left a gap in the reporting requirements.

Physical abuse that is perpetrated upon a child is required to be reported only if the perpetrator is an adult (a person 18 years of age or older). Any "child on child" physical abuse is not required to be reported under our new laws. An incident involving a 10 year old child who is attacked with a baseball bat by a 15 year old at school would not be subject to mandatory reporting. An incident where a toddler is struck on the head by a 17 year old babysitter would not be subject to mandatory reporting. An incident involving a 12 year old girl who is stabbed by a 16 year old neighbor boy would not be subject to mandatory reporting. An incident involving an 8 year old foster child who is intentionally burned by a 17 year old child in the same foster group home would not be subject to mandatory reporting.

When I pointed these examples out, they were categorized as "extreme". The Department of Children and Families maintained that it would also mean that school yard fights would need to be reported and the department did not want to handle those reports. Still, child abuse remains an under-reported crime.

So, we have moved forward to close some of the loopholes in child abuse reporting. One might assume that all responsible adults in our society would advocate for the reporting of **all** incidents of child abuse. However, as you can see by the battles ensued this legislative session; there are powerful sources that successfully resist efforts to report all incidents of child abuse. You can find the new law on the Florida House and Senate websites as [cs/cs/cs/](#) for HB 1355