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WE ARE . . . PENN STATE

By Jay Howell

Issues concerning the reporting of child abuse are on the forefront. The debacle at Penn State and the disturbing allegations at Syracuse have highlighted one of the major issues in child protection – the duty to report child abuse. At the core of every state’s child protection plan is the law that requires people to report child abuse to the state’s Children and Families 800 Hotline.

As it turns out, Pennsylvania’s child abuse reporting law is weak. Florida used to have one of the strongest laws in the country, but unfortunately, like the student cheer at the Nittony Lions football games, we are . . . Penn State.

From the late 1970s to 1999, Florida had one of the best child abuse reporting statutes in the country. In substance, it simply said that anyone who had reasonable cause to suspect that a child was abused, abandoned, or neglected had a duty to report this information to the state Children and Families statewide 800 Hotline. In the dark of night, in 1999, the Florida legislature gutted this fundamental protection for children. Without public comment and the opportunity for Florida child protection professionals to weigh in on the consequences of the change, the legislature weakened and undermined

the duty to report child abuse, by only continuing to require reports of child abuse where the **potential abuser was a parent, guardian, or other caretaker of the child**. Simply stated, our Florida law no longer requires individuals who have reasonable cause to suspect that a child is abused, abandoned, or neglected to report it to the State Child Abuse Hotline. Here is some history.

The original abuse reporting law simply required any person to report child abuse, abandonment, or neglect. For 35 years this was our public and statutory policy here in Florida. However, in 1999 the Florida legislature amended the child abuse reporting statute to require only that persons who had reasonable cause to suspect that a child was abused, abandoned, or neglected **by a parent, legal custodian, caregiver, or other person responsible for the child's welfare**, should report to the state child abuse hotline. The child abuse reporting statute was moved, and Florida Statute §39.201 replaced the former abuse reporting statute.

The consequences of this statutory change were comprehensive and lethal. If a 12-year-old girl reports to a neighbor, a teacher, a pediatrician, a relative, or anyone else that she has been lured into the home of a pedophile living at the end of her street and sexually assaulted, there is currently **no requirement that such a crime be reported**.

If a 10-year-old boy reports to his teacher, his counselor, his relative, a law enforcement officer, his pediatrician, or anyone else, that he is being fondled on the school bus by an older and physically bigger child during the bus ride to and from

school, **there is no requirement that such crime be reported.**

If a teacher, school counselor, pediatrician, neighbor, relative, or anyone else learns that a 13-year-old girl is being actively solicited for sexual activity on the internet by a 43-year-old predator that is residing in Virginia, **there is no duty to report.**

If a 13-year-old girl reports that she is being forced into sexual activity by a 15 year old boy living in the neighborhood, **there is no duty to report that crime.**

The U.S. Department of Justice reports that incidents of child abuse committed by parents and other caretakers make up only 19% of violent crimes against minors. The largest category of those known to police who commit offenses against children comprises non-caretaker acquaintances (63%). So, as of 1999, Florida is not requiring reports of abuse of most crimes committed against children.

Obviously, there is no mature rationale which suggests that significant crimes committed against children should not be reported. While it is true that the Department of Children and Families only **investigates** cases of child abuse committed by caretakers, and Florida law enforcement investigates non-caretaker cases, that does not justify eliminating the duty to report non-caretaker crimes.

The legislative solution is simple. The words "by a parent, legal custodian, caregiver, or other person responsible for the child's welfare" need to be stricken from Florida Statute §39.201(1)(f). The proposed change I suggest would continue the current statutory requirement that any **non-custodial** calls to the hotline would be electronically forwarded to law enforcement. The only change would be in the reporting

section, 39.201(1), where we would be mandating that **all** incidents of child abuse be **reported** to the Hotline - just like it was done in our state from the mid 70's to 1999.

Common sense, good judgment, and our often expressed care for the most vulnerable population in Florida clearly dictate that it is time to patch this glaring crevice in Florida's child protection system.

I have contacted six Florida legislators and the Department of Children and Families regarding this void in child abuse protection. To date I have had no response.

If we don't take this fundamental step to report all child abuse, what does that say about us?