

See als FS 39.205

Chapter 24

FAC 65C-29.010

FALSE REPORTS

24-1. Purpose. “False Reports” are reports made to the Abuse Hotline for the expressed purpose of harassment of an individual/family (e.g., embarrass, make anxious or harm another party, etc.) or for the personal benefit on the part of the reporter or another person (financial gain, obtain child custody, etc.). In contrast to patently unfounded reports which are reported to the Hotline in “good faith” (i.e., a logical explanation can be ascertained as to why the reporter had reasonable cause to suspect maltreatment), a false report has no initial basis in fact (i.e., facts or information supporting suspicion) and, therefore, is not made in good faith.

24-2. Criteria for Determining a False Report. To determine whether or not a report has been made maliciously, the child protective investigator will consider the following factors in the decision:

a. There is a pattern of previous reports in which false reporting was suspected but not determined.

b. There is a pattern of reports with no credible evidence to support any of the alleged maltreatments.

c. The facts obtained during the current investigation do not provide any credible evidence to support the most recent allegations.

d. The reporter, if known, has made contradictory statements regarding the circumstances surrounding the alleged maltreatments.

e. The alleged perpetrator provides a plausible reason why the report was made for personal gain or in retaliation, which is corroborated by other family or collateral sources.

24-3. Procedures.

a. At any time throughout the course of the investigation the child protective investigator suspects that the investigation resulted from a false report, the investigator should staff the case with his or her supervisor to evaluate whether or not there is sufficient information or evidence to support consulting with legal counsel to initiate further actions (e.g., “warning” letter to reporter listing potential sanctions for filing a false report, administrative fine, criminal prosecution, etc.).

b. The child protective investigator shall seek the consent of the alleged perpetrator prior to legal counsel referring the report to law enforcement for consideration of a criminal investigation.

c. The investigator may discontinue all investigative activities at the point the alleged perpetrator gives his or her consent AND the investigator has forwarded the report on to law enforcement for review of a criminal investigation.

d. If it is determined that there are not sufficient grounds to refer the report to law enforcement for criminal investigation, but the department or its authorized agent strongly suspects the report was made maliciously, in retaliation, or for personal gain, the agency should send a letter to the reporter informing the individual of the penalties associated with the filing of a false report.

e. If a child is suspected of making a false report, the department or its authorized agent shall first consider a referral for counseling or other therapeutic interventions prior to referring the report to law enforcement for criminal investigation.

24-4. Supervisor. Supervisor Consultation will be provided to affirm:

a. That the investigator has completed sufficient investigative activities to determine that no child maltreatment occurred.

b. That the investigator has sufficiently established facts to support that a false report was made to the Hotline.

24-5. Documentation.

a. The investigator will document the staffing with his or her supervisor and/or legal counsel to consider referring the report to law enforcement as a false report in case notes within two business days.

b. The investigator will document the time, date and law enforcement personnel contacted when the report was referred for consideration of criminal investigation.

c. The supervisor will document the consultation using the "Closure" supervisor consultation module within two business days.