

SUMMARY OF RECOMMENDED CHANGES
March 8, 2016

Policy 5.3

Mandatory Reporting of Child Abuse, Abandonment, Neglect and/or Child in Need of Supervision and Care

Page	Current Policy:	Proposed Policy:	Item Number:	Rationale
1	MANDATORY REPORTING OF CHILD ABUSE, ABANDONMENT, NEGLECT AND/OR IN NEED OF SUPERVISION AND CARE	<u>MANDATORY REPORTS OF CHILD ABUSE, ABANDONMENT, NEGLECT OR NEED OF SUPERVISION</u>	1	Title change for conciseness
1	To comply with Florida law, which makes mandatory the reporting of child abuse, abandonment, and/or child neglect, all school personnel shall comply with the following provisions:	Delete and replace with: <u>A. Matters that Must be Reported. All school district personnel are required to report to the Department of Children and Families (“DCF”) any knowledge or reasonable cause to suspect the following matters:</u>	2	To clarify language
1	Any knowledge, or reasonable cause to suspect, that a child is or has been subject to abuse, abandonment, neglect or 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 supervision and care, shall immediately report such knowledge or suspicion to the Department of Children and Families toll free hotline number: 1-800-96 ABUSE((962-2873). Any knowledge, or reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child’s welfare, shall report such knowledge or suspicion to the Department of Children and Families toll free hotline number: 1-800-96ABUSE (962-	Delete and revise language place else where in policy: <ul style="list-style-type: none"> • <u>That a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare; or</u> • <u>That 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 supervision and care; or</u> • <u>that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child’s welfare; or</u> • <u>that a child is the victim of childhood sexual abuse or the victim of a known</u> 	3	To clarify language & make succinct

SUMMARY OF RECOMMENDED CHANGES
March 8, 2016

Policy 5.3

Mandatory Reporting of Child Abuse, Abandonment, Neglect and/or Child in Need of Supervision and Care

	<p>2873).</p> <p>Any person with knowledge, or suspicion, that a child is the victim of childhood sexual abuse or the victim of a known, or suspected juvenile sexual offender, as defined in chapter 39, F.S., shall report such knowledge or suspicion to the Department of Children and Families toll free hotline number: 1-800-96ABUSE (962-2873).</p>	<p><u>or suspected juvenile sexual offender.</u></p>		
1	<p>After the report has been made, reporters may notify the principal or the school based child abuse designee to ensure appropriate support. Principals and child abuse designees shall maintain the confidentiality of the reporter. School employees who have questions related to child abuse, abandonment, neglect, or a child in need of supervision and care shall consult with the school based child abuse designee.</p>	<p>Remove language; section will be fully addressed in the Child Abuse & Neglect Procedural Manual</p>	4	<p>To provide clear guidelines to school personnel</p>

SUMMARY OF RECOMMENDED CHANGES
March 8, 2016

Policy 5.3

Mandatory Reporting of Child Abuse, Abandonment, Neglect and/or Child in Need of Supervision and Care

2		Relocation of language to section B <u>B. How to Make Reports. Section 39.201(2)(a), Florida Statutes, provides that reports shall be made to DCF through its toll-free hotline number: 1-800-96 ABUSE (962-2873)</u>		Alignment to Florida Statute – Chapter 39.201(2)(a)
2	<p>Any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action. (F.S. 39.203(1))</p> <p>The following employees must provide their names at the time of making the report: Nurse, health or mental health professional, school teacher, school official and school personnel, social worker, day care center worker, other professional child care worker or law enforcement officer.</p>	<p><u>C. Confidentiality of Reporters' Names. District school teachers, district school officials, district school personnel, social workers, day care center workers, professional child care workers, law enforcement officers, physicians, nurses, health professionals and mental health professionals are among those persons required by Section 39.201(1)(d), Florida Statutes, to provide their names to DCF hotline staff. However, the names of reporters shall be held confidential and exempt from disclosure as provided by Section 39.202, Florida Statutes.</u></p>	5	To clarify language

SUMMARY OF RECOMMENDED CHANGES
March 8, 2016

Policy 5.3

Mandatory Reporting of Child Abuse, Abandonment, Neglect and/or Child in Need of Supervision and Care

2	<p>Penalties:</p> <p>Florida Law provides: "A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree punishable as provided in s. 775.082, s. 775.083 or s. 775.084." (FS39.205 (1)).</p>	<p>Delete and replace language</p> <p><u>D. Criminal Penalties for Failure to Report.</u></p> <p><u>A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willingly fails to do so, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree pursuant to Section 39.205(1), Florida Statutes, which is punishable as provided in Sections 775.082, 775.083 or 775.084.</u></p>	6	To clarify language
3	<p>In addition, the Department may impose a fine, not to exceed \$10,000 for each violation, upon a person who knowingly and willfully makes a false report of abuse, abandonment, or neglect of a child, or a person who counsels another to make a false report. (FS 39.206(1)).</p>	<p>Delete and replace language</p> <p><u>E. Administrative Fines for False Reports.</u></p> <p><u>Section 39.206(1). Florida Statutes entitles DCF to impose a fine, not to exceed \$10, 000 for each violation, upon a person who knowingly and willfully makes a false report of abuse, abandonment or neglect of a child, or upon a person who counsels another to make a</u></p>	11	To clarify language and provide information regarding penalties for false reports

SUMMARY OF RECOMMENDED CHANGES
March 8, 2016

Policy 5.3

Mandatory Reporting of Child Abuse, Abandonment, Neglect and/or Child in Need of Supervision and Care

		<p><u>false report. In addition, a person who knowingly and willfully makes a false report may be civilly liable under Section To provide information regarding penalties for false reports 39.206(10), Florida Statutes, for damages suffered, including reasonable attorney fees and cost, as a result of the filing of the false report</u></p>		
3	<p>Any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action. (F.S. 39.203(1))</p>	<p>Revise and relocate</p> <p><u>F. Immunity for Reporters. Any person reporting in good faith to DCF or any law enforcement agency any instance of child abuse, abandonment or neglect shall be immune under Section 39.203(1), Florida Statutes, from any civil or criminal liability which might otherwise result by reason of such action. Section 39.203(2), Florida Statutes, provides that no employee of a facility serving children may be subjected to reprisal or discharge because of his or her actions in reporting abuse, abandonment or neglect.</u></p>	12	To clarify language

SUMMARY OF RECOMMENDED CHANGES
March 8, 2016

Policy 5.3

Mandatory Reporting of Child Abuse, Abandonment, Neglect and/or Child in Need of Supervision and Care

4	New section added to policy	<u>G. Training for District Personnel. All school district personnel, including but not limited to: instructional including substitutes teachers and non-instructional staff, school-based administrators, school-based support staff including clerical, custodial and food service, district level personnel, bus drivers and attendants and all staff that interact with students shall annually complete the DCF training on Reporting of Child Abuse and Neglect to the Florida Abuse Hotline.</u>	13	To educate all Broward County Public Schools employees on the child abuse reporting process
---	-----------------------------	---	----	---