



# FLORIDA STATE UNIVERSITY

## Protection of Vulnerable Persons Act

Florida has the strictest mandatory child abuse reporting law in the nation. On 10/1/2012, Florida's Protection of Vulnerable Persons Act, Florida Statutes Section 39.201, became law.

The law requires **everyone in the state of Florida to personally report** any type of child abuse (including neglect and abandonment), whether committed by a caretaker or not, to the FL Department of Children and Families (DCF).

- Failure to report is a 3<sup>rd</sup> degree felony punishable by up to five years in prison and up to a \$5,000 fine.
- There is a one million dollar fine if University administrators fail to properly report incidents occurring on University property or during University sponsored events.
- The law requires reporting of sexual abuse committed by another child (juvenile sexual offender).
- The report must be made "immediately." Immediately means immediately—the only delay allowed is to gather information necessary to make the report, and even that should be expedited.
- Keep a copy of your report, or document that you made the report and to whom you made it (the DCF operator should give you a name and ID number). Fax reports are recommended, because multiple parties can report via the same fax. Ensure you get a confirmation/receipt.
- If you find out about an incident of child abuse, and you know that others have already reported the incident to DCF, **you must still report.**
- If the child is in immediate danger, call 911 first, then report to DCF. If there is no immediate danger, complete your report to DCF. Then call FSUPD, (850) 644-1234, to alert them of your report (if the incident occurred on University property or during University sponsored events).
- If the abuse is sexual in nature, you must also report to the Title IX Office, (850) 644-6271, or the Office of Equal Opportunity and Compliance, (850) 645-6519, to meet your Title IX reporting obligations.
- Call the Office of General Counsel or HR if you need assistance coordinating a report with multiple parties.
- Spend a few minutes on the DCF website so you know how to navigate it. Given the immediacy requirement, it is not ideal to be using the system for the first time when you need to make a report.

### What Triggers your Reporting Obligation?

Your duty to report is triggered if you:

- ✓ see,
- ✓ know, or
- ✓ have a reasonable suspicion

that a child is being abused.

"Reasonable suspicion" is a very low standard—less than probable cause.

"Child" is anyone under the age of 18, even if the child's 18<sup>th</sup> birthday is the next day.

"Abuse" means act or threatened act that results in physical, mental, or sexual injury or harm that is likely to cause the child's physical, mental, or emotional health to be significantly impaired.

### When in Doubt—Report!

Let DCF tell you that a report is not necessary or that they are refusing your report, and **make them put that in writing.**

If you report in good faith and end up being wrong, you are immune from criminal prosecution and civil liability.



DCF Website: <https://reportabuse.dcf.state.fl.us/>

DCF Abuse Hotline: 1-800-962-2873

If you have questions regarding the above information, please call Renisha Gibbs, Associate Vice President, at (850) 644-8082 or Robert Large, Associate General Counsel, at (850) 644-4440.