

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1676

SPONSOR: Committee on Children and Families and Senator Forman

SUBJECT: Cross-Reporting of Family Violence

DATE: April 20, 1999 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barnes	Whiddon	CF	Favorable/CS
2.				
3.				
4.				
5.				

## I. Summary:

CS/SB 1676 adds “animal control officer” to the list of occupational groups that must report child abuse, abandonment, or neglect and to the list of occupational groups that must report abuse, neglect, or exploitation of disabled adults or elderly persons. The bill specifies that a person who is required to report or investigate child abuse, neglect, or abandonment or abuse, neglect, or exploitation of a disabled adult or elderly person and who knows of or reasonably suspects that abuse, maltreatment, neglect, or abandonment of an animal has taken place must report that abuse of an animal to the local animal control officer or other agent appointed pursuant to ch. 828, F.S. The bill specifies the information that must be included in the report.

This bill substantially amends sections 39.201, 415.1034, 828.073, and creates sections 39.208 and 415.1114, Florida Statutes.

## II. Present Situation:

Section 39.201, F.S., 1998 Supp., requires that any person who knows of or suspects child abuse, neglect, and abandonment are required to report it. The section delineates a list of persons specifically who must report. It includes health professionals, certain hospital workers, social workers, school personnel, persons who work with children in day care, foster care, residential services or institutions, and law enforcement officers.

Section 415.1034, F.S., requires that any person who knows, or has reasonable suspicion that a disabled adult or an elderly person has been or is being abused, neglected, or exploited must immediately report such knowledge or suspicion to the central abuse registry and delineates a list of persons who are mandated to report.

Section 415.102, F.S., defines “abuse” of disabled adults and elderly persons as the nonaccidental infliction of physical or psychological injury or sexual abuse upon a disabled adult or an elderly person by a relative, caregiver, or household member, or an action by any of those persons which

could reasonably be expected to result in physical or psychological injury, or sexual abuse of a disabled adult or an elderly person by any person.

Chapter 39.01, F.S., 1998 Supp., defines “abuse” as any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. It also includes omissions on the part of caregivers.

Chapter 828, F.S., relates to local animal control or cruelty ordinances. Section 828.27 (1)(b), F.S., defines “Animal control officer” as any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and may issue citations pursuant to ch. 828, F.S.

County animal control officers are required to complete a 40-hour minimum course training including such topics as: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. Animal control officers who were authorized before January 1, 1990, are not required to complete the course.

The Children’s Division of the American Humane Association (AHA) has worked for over a century to help improve and enhance public child welfare systems and private child-focused agencies in their responses to the plight of abused and neglected children. The American Humane Association reports that because children learn from adult role models and the society they live in, a home with violence, abuse, or neglect produces children who may pass these behaviors on to the next generation. The AHA’s Internet web page includes the following information related to the nexus of animal and human mistreatment. They cite research that reports a strong correlation between substantial animal abuse in childhood and later personal violence to humans.

- In a study of men imprisoned for violent crimes versus a group of non-incarcerated, nonviolent individuals, 25 percent of the violent criminals reported “substantial cruelty” towards animals in their childhood, while none of the non-incarcerated men reported a history of animal cruelty.
- In a study of 57 families being treated for incidents of child abuse, 88 percent also abused animals. In two-thirds of the cases, it was the abusive parent who had killed or injured the animals to control a child. In one-third, the children had abused the animals, using them as scapegoats for their anger.
- “ In 88 percent of families (receiving services from the N.J. Division of Youth and Family Services) where physical abuse occurred, animals in that home were also abused. In about two-thirds of the cases, the abusive parent had killed or injured the animal to discipline the child” (Deviney, Dickert, & Lockwood, 1983).
- Hellman and Blackman noted the frequent association between criminal violence in adulthood and a triad of symptoms: excessive bed-wetting, fire-setting, and animal abuse during childhood . . . animal abuse is so common among this type of criminal, the FBI’s profiles of serial killers include histories of animal abuse.

- Twelve-year-old Eric Smith strangled his neighbor's cat with a garden hose, which was dismissed as a prank. One year later, he murdered four-year-old Derrick Robie (Denver Post, Associated Press, 8/15/93).
- Jeffrey Dahmer impaled frogs and cats and decapitated a dog as a child. As an adult, he killed and dismembered 17 people (various media reports).

### **III. Effect of Proposed Changes:**

CS/SB 1676 amends s. 39.201, F.S., 1998 Supp., to add "animal control officer" to the list of occupational groups that must report child abuse, abandonment, or neglect. The reporters in the specified occupational categories are required to provide their names to abuse hotline staff when reporting.

The bill creates s. 39.208, F.S., specifying that a person who is required to report or investigate child abuse, neglect, or abandonment and who knows of or reasonably suspects that cruelty, abuse, abandonment, or neglect of an animal has taken place must report that abuse of an animal to the local animal control officer or other agent appointed pursuant to ch. 828, F.S. The bill specifies information to be included in the report.

The bill creates s. 415.1114, F.S., specifying that a person who is required to report or investigate abuse, neglect, or exploitation of a disabled adult or elderly person and who knows of or reasonably suspects that cruelty, abuse, abandonment, or neglect of an animal has taken place must report that abuse of an animal to the local animal control officer or other agent appointed pursuant to ch. 828, F.S. The bill specifies information to be included in the report.

The bill amends s. 828.073, F.S., 1998 Supp., by requiring that persons who are authorized to enforce the provisions of ch. 828, F.S., pertaining to animals in distress must report known or suspected cases of child abuse, neglect, or abandonment; known or suspected cases of abuse, abandonment, exploitation, involving a disabled adult or elderly person; or cases of domestic violence associated with these children, disabled adults, or elderly persons to the Department of Children and Family Services.

The bill does not include any other provisions that would enhance the abilities of the animal control officers in recognizing or dealing with child abuse or neglect problems; abuse, neglect, or exploitation of disabled adults or elderly persons; or family violence issues. The bill does not offer any policy changes that would reinforce the linkages between domestic violence, child abuse, abuse of disabled adults or elderly persons, juvenile delinquency, and animal cruelty. The bill does not mandate professional interventions or mental health treatment for perpetrators of malicious cruelty.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

There may be some costs associated with departmental staff conducting training and public education activities related to the implementation of CS/SB 1676.

The Department of Children and Family Services reports that this bill could result in increased calls to the abuse hotline because, out of confusion, many persons will call the hotline to report animal abuse.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

