

December 22, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-105

The purpose of this All County Letter is to provide guidance to county child welfare services agencies and probation departments on [Assembly Bill 2085 \(Chapter 770, Statutes of 2022\)](#) and [Senate Bill 1085 \(Chapter 832, Statutes of 2022\)](#). Assembly Bill 2085 amended [Penal Code sections 11165.2, 11166, and 11167](#). The amendments to [Penal Code Section 11165.2](#) specify that “general neglect” does not include a parent’s economic disadvantage and that a child must be “at substantial risk of suffering serious physical harm or illness” to fall within the definition of ‘general neglect.’ Furthermore, Senate Bill 1085 amended [Welfare and Institutions Code sections 300 and 300.2](#) to prohibit a child from being found within the jurisdiction of the juvenile court solely based on indigence or other conditions of financial difficulty. These provisions became effective on January 1, 2023.



KIM JOHNSON
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

December 22, 2023

ALL COUNTY LETTER NO. 23-105

TO: ALL COUNTY WELFARE DIRECTORS
ALL EMERGENCY RESPONSE STAFF
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL CHIEF PROBATION OFFICERS

SUBJECT: ASSEMBLY BILL 2085 AND SENATE BILL 1085: CLARIFYING
THE DEFINITION OF "GENERAL NEGLECT" TO EXCLUDE A
PARENT'S ECONOMIC DISADVANTAGE

REFERENCE: [ASSEMBLY BILL \(AB\) 153 \(CHAPTER 86, STATUTES OF 2021\)](#),
[AND AB 2085 \(CHAPTER 770, STATUTES OF 2022\)](#);
[SENATE BILL 1085 \(CHAPTER 832, STATUTES OF 2022\)](#);
[WELFARE AND INSTITUTIONS CODE SECTIONS 224.1, 300,](#)
[AND 300.2](#);
[PENAL CODE SECTIONS 11165.2, 11165.7, 11166, 11167](#); AND
[PENAL CODE SECTIONS 11164 – 11174.3 \(CHILD ABUSE AND](#)
[NEGLECT REPORTING ACT\)](#);
[ALL COUNTY LETTER \(ACL\) NO. 22-23, AND ACL NO. 23-101](#);
[STRUCTURED DECISION-MAKING MANUAL OF POLICIES AND](#)
[PROCEDURES](#);

The purpose of this All County Letter (ACL) is to provide guidance to county child welfare services (CWS) agencies and probation departments on [Assembly Bill \(AB\) 2085 \(Chapter 770, Statutes of 2022\)](#) and [Senate Bill \(SB\) 1085 \(Chapter 832, Statutes of 2022\)](#). The AB 2085 amended [Penal Code \(PC\) sections 11165.2, 11166, and 11167](#). The amendments to [PC Section 11165.2](#) specify that "general neglect" does not include a parent's economic disadvantage and that a child must be "at substantial risk of suffering serious physical harm or illness" to fall within the definition of 'general neglect.' Furthermore, [SB 1085](#) amended [Welfare and Institutions Code \(WIC\) sections 300 and 300.2](#) to prohibit a child from being found within the jurisdiction of the juvenile court solely based on indigence or other conditions of financial difficulty. These provisions became effective on January 1, 2023.

BACKGROUND

The [Child Abuse and Neglect Reporting Act \(CANRA\)](#) ([PC sections 11164-11174.3](#)) requires mandated reporters¹ to report known or suspected child abuse or neglect to CWS or law enforcement agencies. “General neglect” is broadly defined as the negligent failure of a person having care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury has occurred to the child, but the child is at substantial risk of suffering serious physical harm or illness. Under this broad definition, the county child protection hotline may often receive calls alleging general neglect when one or more parents are struggling to meet the basic needs of the child(ren) in the home. Reports to CWS agencies related to general neglect may reflect home conditions tied to poverty or other conditions of financial difficulty, including inadequate food and lack of clothing/hygiene for a child. General neglect and poverty-related issues often intersect with racial disproportionality, where historically marginalized and underserved communities of color and tribal children and families continue to face systemic barriers and over surveillance that impede their access to essential resources, opportunities, and economic mobility.

Poverty is a risk factor for neglect, but poverty does not equate to neglect.² Because the general neglect definition is broad and has the potential to be misapplied, reports alleging general neglect may disproportionately impact families experiencing poverty and in need of economic supports. Impoverished families are believed to comprise the vast majority of children removed from home into foster care, and neglect is a factor in more than 60 percent of all removals, per federal data.³ The University of Wisconsin at Madison social work scholars obtained data finding that most families investigated by child welfare receive lifeline public benefits to survive.⁴ Child abuse hotlines across the country approximately receive 4.4 million referrals each year, with most referrals being reported as neglect. Safe & Sound, a nonprofit child advocacy organization whose mission is to prevent and reduce the impact of childhood abuse, neglect, and trauma by strengthening families and building communities, highlighted research findings identifying that more often than not, general neglect cases are tied to poverty.⁵ Additionally, some cases reported as neglect may be better addressed outside of the child welfare system.⁶

The changes under [AB 2085](#) and [SB 1085](#) specify that a parent’s economic disadvantage does not constitute general neglect, and conditions related to indigence or financial difficulty cannot be the sole basis for a child to be within the jurisdiction of the

¹ [PC § 11165.7](#): List of mandated reporters.

² HHS/ACF/Children's Bureau, Child Information Gateway, Acts of Omission: An Overview of Child Neglect

³ [Adoption and Foster Care Analysis and Reporting System \(AFCARS\), FY 2021 data](#)

⁴ [The Contemporary U.S. Child Welfare System\(s\): Overview and Key Challenges](#)

⁵ [The Path to Racial Equity in Child Welfare: Valuing Family and Community](#)

⁶ [The Path to Racial Equity in Child Welfare: Valuing Family and Community](#)

juvenile dependency court under [WIC section 300](#). Further, [AB 2085](#) codifies the requirement for a nexus between reportable general neglect and substantial risk of the child experiencing serious physical harm or illness. Please refer to [ACL No. 23-101](#) for SDM updates to the General Neglect category when screening reports at the hotline.

ASSEMBLY BILL 2085

This bill amended [PC sections 11165.2](#), [11166](#), and [11167](#). These changes clarify that:

- A child must be “at substantial risk of suffering serious physical harm or illness” to fall within the definition of ‘general neglect’.
- ‘General neglect’ does not include a parent’s economic disadvantage.

Consistent with the existing language in [PC section 11167\(a\)](#), [AB 2085](#) also made conforming changes to [PC section 11166](#) and [11167](#) to reflect that mandated reporters must make a report when they know or reasonably suspect a child has been the victim of abuse or neglect.

SENATE BILL 1085

This bill amended [WIC sections 300](#) and [300.2](#) to prohibit a child from being subject to the jurisdiction of the juvenile court solely due to indigence or other conditions of financial difficulty, including, but not limited to, poverty and the inability to provide or obtain clothing, home or property repair, or childcare. Furthermore, this bill codified in [WIC Section 300.2](#) the intent of the legislature that children are not separated from their parents based solely on conditions of financial difficulty. This is consistent with, and builds upon, existing language in [WIC section 300](#) that children shall not be found to be within the jurisdiction of the juvenile court due solely to the lack of an emergency shelter for the family.

OTHER CONSIDERATIONS

The changes made by [AB 2085](#) and [SB 1085](#) emphasize the importance of counties to explore sustainable ways to support families facing economic insecurity, provide concrete supports, and reduce unwarranted involvement in the child welfare system. The CWS and probation departments are encouraged to do the following:

1. **Referrals to Services:** Families in need should be referred to various services that can provide concrete economic supports. This could include referrals to public benefits programs, family resource centers, faith-based organizations, and other community programs.
2. **Support Families Experiencing Economic Insecurity:** Through cross-sector collaborative partnerships, counties should find sustainable ways to assist families who

are experiencing economic insecurity. The goal is to connect these families with services that can help alleviate the risk to children in such households.

3. Policy and Procedure Development: The CWS and probation agencies are encouraged to develop clear policies and procedures for determining what constitutes "economic disadvantage" and when a child may be at substantial risk of suffering serious physical harm or illness.⁷ Additionally, CWS and probation agencies should also address avenues of collaboration with mandated reporters to ensure child safety in the development of policies and procedures. Counties are encouraged to work with local education agencies, law enforcement agencies, medical providers, and other reporting organizations to ensure awareness of and compliance with the recent shift in the definition of reportable general neglect.

4. Community Pathway: California's vision for prevention includes the implementation of a community pathway for families to access services prior to a call being made to the child abuse hotline and for families to access services through community-based organizations which may be more appropriate than direct involvement with the local child welfare or probation agency in certain cases. The emphasis is not just on addressing immediate needs, but also on developing resources and support systems to help families achieve long-term economic security and overall well-being, including addressing underlying issues that might be leading to a family's economic insecurity, such as domestic violence and substance abuse.

In the case of an Indian child, the county CWS agency or probation department must collaborate and engage with the child's tribe or tribal representative and refer to tribal service providers who are able to offer culturally appropriate services designed to prevent the breakup of the Indian family.

This guidance also aligns with the recommendations issue brief, "[A Paradigm Shift from Mandated Reporting to Community Supporting](#)," commissioned by Office of Child Abuse Prevention (OCAP) and published by Safe & Sound in September 2022. The brief was developed to initiate a dialogue and inform policy makers, stakeholders, and county comprehensive prevention planning teams about strategies to shift our current system of mandated reporting to community supporting to keep families strong and together.

⁷ [Welfare and Institutions Code Section 300\(b\)\(1\)\(A-D\)](#): (b) (1) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of any of the following: (A) The failure or inability of the child's parent or guardian to adequately supervise or protect the child. (B) The willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left. (C) The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment. (D) The inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse.

In March 2023, the California Child Welfare Council, charged with monitoring and reporting on the extent to which CWS agencies and courts are responsive to the needs of children in their joint care, approved the Prevention and Early Intervention Committee's [Community Pathway Recommendations](#). California's vision for child, family and community well-being, centered on equity and social justice and respect for tribal sovereignty, requires an approach that is dependent upon the successful implementation of local Comprehensive Prevention Plans (CPPs) that keep children, youth, and families out of the child welfare system through supports provided by the California Family First Prevention Services (FFPS) Program and other resources. Local prevention plans will be most impactful if they include a Community Pathway that enables parents and families to access culturally derived, appropriate, relevant, and responsive services and supports, that are in their community, from organizations and community partners they know and trust.

The CWS agencies and probation departments are encouraged to review their existing policies and procedures to align with these legislative provisions and intent to mitigate racial disproportionality of marginalized communities of color. The CWS agencies and probation departments are further encouraged to take this opportunity to review their current mandated reporter training, look at additional training to social workers and probation officers, and other mandated reporters within the county, including educators, that would assist in shifting the paradigm, mitigate racial disproportionality of marginalized communities of color, and consider updating current tools to better align with these new laws. The CWS agencies and probation departments should share this information with tribes, and cross-sector partners and engage in conversations related to reforming the role of mandated reporters and allowing them to become community supporters to build a system of child well-being. Many community partners are already engaged in this work through Comprehensive Prevention Planning as outlined by [AB 153 \(Chapter 86, Statutes of 2021\)](#) and [ACL No. 22-23](#), which must include primary and secondary prevention strategies, services, and supports.

The CDSS is in the process of updating the free statewide California Mandated Reporter training, in addition to updating the Structured Decision-Making tools to align with these legislative provisions and will distribute these trainings and tools to counties when complete.

If you have any questions or need additional guidance regarding the information in this letter, please contact the Family Centered Safety and Support Bureau at (916) 651-6160 or by sending an email to childprotection@dss.ca.gov.

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If you have any questions or need additional guidance regarding the information related to the shift from mandated reporting to community supporting, contact the Office of Child Abuse Prevention at (916) 651-6566 or at OCAP-PND@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

cc: All Federally Recognized Tribes
All Child Abuse Prevention Council Directors