Assembly Bill 2085 General Neglect Decision Tree for Mandated Reporters

Introduction

The following questions can help a Mandated Reporter decide what action to take if concerned that general neglect of a child may be occurring as a result of a parent/caregiver's actions or inactions. After completing Recommended Decision-Support Steps in the Assembly Bill (AB) 2085 Mandated Reporter Training Supplement, answer the questions embedded in the General Neglect Decision Tree for **each general neglect concern** that you have about a specific child.

The questions contain many common phrases that are interpreted in various ways. Please use the definitions provided in the "Definitions" section when answering the questions.

Note: Mandated Reporters are not required by law to use this General Neglect Decision Tree. Indication that "A report to the DCFS Child Protection Hotline is *not* required" or a recommendation to link a family to services and support is not necessarily conclusive and does not prohibit Mandated Reporters from contacting the DCFS Child Protection Hotline. Clear and present concerns about child safety should always be directed to the DCFS Child Protection Hotline, and Mandated Reporters should consult with their organizational leadership with any questions regarding this Decision Tree.

General Neglect Definition

For reference, under AB 2085, the definition of general neglect in California now includes:

(1) Parent/caregiver's negligent failure to provide adequate food, clothing, shelter, medical care, or supervision.

(2) No physical injury to the child has occurred.

(3) Child is at **substantial risk** of suffering **serious physical harm** or **serious illness**.

- Substantial risk means that without intervention, child is likely to experience serious harm in the future.
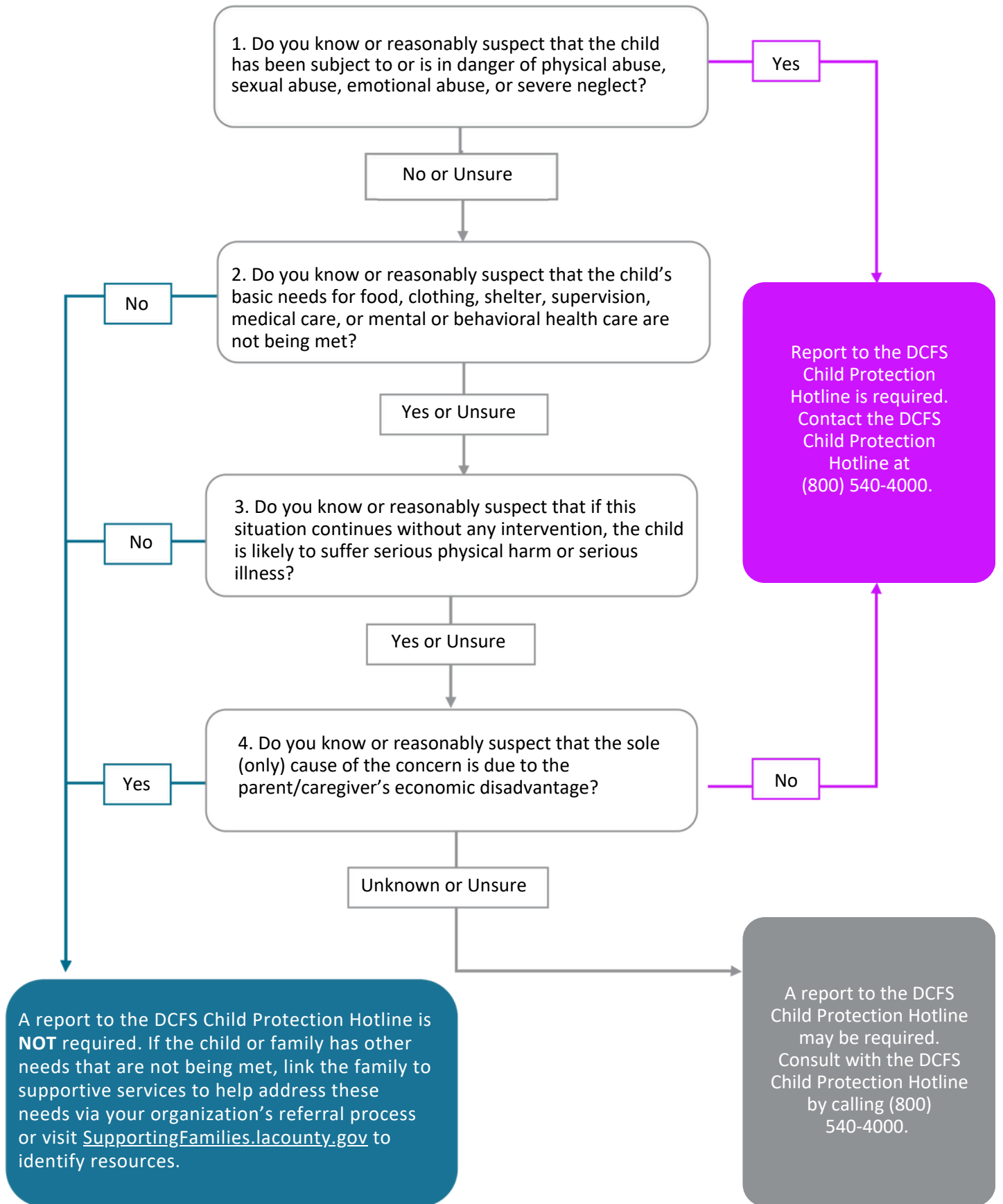
(4) Parent's economic disadvantage is not general neglect.

AB 2085 General Neglect Decision Tree

1. Do you know or reasonably suspect that the child has been subject to or is in danger of physical abuse, sexual abuse, emotional abuse, or severe neglect?

Yes →

No or Unsure
↓

2. Do you know or reasonably suspect that the child's basic needs for food, clothing, shelter, supervision, medical care, or mental or behavioral health care are not being met?

← **No**

Yes or Unsure
↓

3. Do you know or reasonably suspect that if this situation continues without any intervention, the child is likely to suffer serious physical harm or serious illness?

← **No**

Yes or Unsure
↓

4. Do you know or reasonably suspect that the sole (only) cause of the concern is due to the parent/caregiver's economic disadvantage?

← **Yes**

No →

Unknown or Unsure
↓

Report to the DCFS Child Protection Hotline is required. Contact the DCFS Child Protection Hotline at (800) 540-4000.

A report to the DCFS Child Protection Hotline is **NOT** required. If the child or family has other needs that are not being met, link the family to supportive services to help address these needs via your organization's referral process or visit SupportingFamilies.lacounty.gov to identify resources.

A report to the DCFS Child Protection Hotline may be required. Consult with the DCFS Child Protection Hotline by calling (800) 540-4000.

Definitions

The following definitions explain key words used in the questions above. Use these definitions when answering the questions included in the AB 2085 General Neglect Decision Tree.

Note: Answering "yes" to any of the questions below indicates that you know or have reasonable suspicion that the answer is likely true. A suspicion would be considered reasonable if another person with your education, training, and experience would come to the same conclusion.

1 **Do you know or reasonably suspect that the child has been subject to or is in danger of physical abuse, sexual abuse, emotional abuse, or severe neglect?**

Danger: Harm to a child's health and/or safety is the likely outcome if there are not immediate changes.

Physical abuse: The child has a current or previously unreported injury or impairment; AND:

- The parent/caregiver deliberately caused the injury or impairment; OR
- There is reason to be suspicious that a parent/caregiver caused it and it was non-accidental; OR
- There is reason to be suspicious that the parent/caregiver recklessly permitted the child to be placed in the situation that caused injury or impairment.

Sexual abuse: An adult parent/caregiver or any other member of the child's home has involved a child in sexual activity including but not limited to intercourse; oral sex; anal penetration; digital or object penetration; grooming; inappropriate touching; or repeated, intentional exposure of the child to sex acts or sexually explicit material.

Emotional abuse: Parent/caregiver action or inaction, statement, or threat has led or is likely to lead to child's emotional symptoms (e.g., severe anxiety, depression, withdrawal); behavioral concerns (e.g., aggressive behavior toward self or others); and/or adverse impact on the child's emotional development.

Severe neglect: Parent/caregiver negligently fails to protect child from severe malnutrition or medically diagnosed non-organic failure to thrive; and/or parent/caregiver willfully causes or permits the child's person or health to be placed in danger through not providing adequate food, clothing, shelter, or medical care.

2 **Do you know or reasonably suspect that the child's basic needs for food, clothing, shelter, supervision, medical care, or mental or behavioral health care are not being met?**

Food: The child is consistently not receiving enough food to meet their nutritional needs.

Clothing: The child is consistently lacking clothing needed for the current environment or weather conditions.

Shelter: The child is consistently living in conditions that are unsafe or unsanitary.

Supervision: The child is left alone or is without appropriate supervision, based upon the child's age, developmental status, and maturity level.

Medical care; mental or behavioral health care: The child is not receiving needed medical, mental, or behavioral health care.

3 **Do you know or reasonably suspect that if this situation continues without any intervention, the child is likely to suffer serious physical harm or serious illness?**

Physical harm: The child has a current or previously unreported injury or impairment that the parent/caregiver caused, OR there is reason to be suspicious that a parent/caregiver caused it, OR it was non-accidental.

Illness: Impairment of physical or psychological functioning to the point that the child requires medical attention or mental health treatment.

This includes times where a parent/caregiver willfully or negligently causes or permits the child to be placed in a situation in which the child's health or safety is endangered.

4 **Do you know or reasonably suspect that the sole (only) cause of the concern is due to the parent/caregiver's economic disadvantage?**

Economic disadvantage refers to situations where families do not have enough money or resources to meet their daily basic needs. A parent/caregiver's economic disadvantage does not constitute general neglect, and conditions related to financial difficulty *cannot be the sole (only) basis* for report to be made to the DCFS Child Protection Hotline (CPH).

If any other situations in *addition* to the economic disadvantage could be causing the concern, answer "No" to this item.