



***Domestic Violence,
Mandated Reporting and
Child Welfare***

RECENT EFFORTS TO REFORM
THE SYSTEM

Land Acknowledgement

We acknowledge that we are on the traditional territory and homelands of California Native Peoples. These Nations include federally recognized tribes and many other non-recognized tribes that are all culturally diverse. We thank these Nations and we keep them in our hearts and thoughts as we are in this space today, this week, and every day.



***California's Mandatory
Reporting of Known or
Suspected Child Abuse
Law***

Mandatory Reporting of Known or Suspected Child Abuse or Neglect

- The California Child Abuse and Neglect Reporting Act (“CANRA”), is at California Penal Code §§ 11164-11174.3
- CANRA requires mandated reporters to report known or reasonably suspected abuse or neglect of children under the age of 18.



Some Issues with CANRA

- **Even though mandatory reporting of child abuse is NOT an evidence-based practice:**
 - *CANRA has **49** categories of mandated reporters despite evidence that creating more reporters does not lead to increased safety*
 - *CANRA creates **criminal liability** (misdemeanor) for failure to report despite evidence that it leads to over-surveillance and reporting*
 - *CANRA requires reporting only to the county child welfare and does not address connection with services or support and the two are not the same*

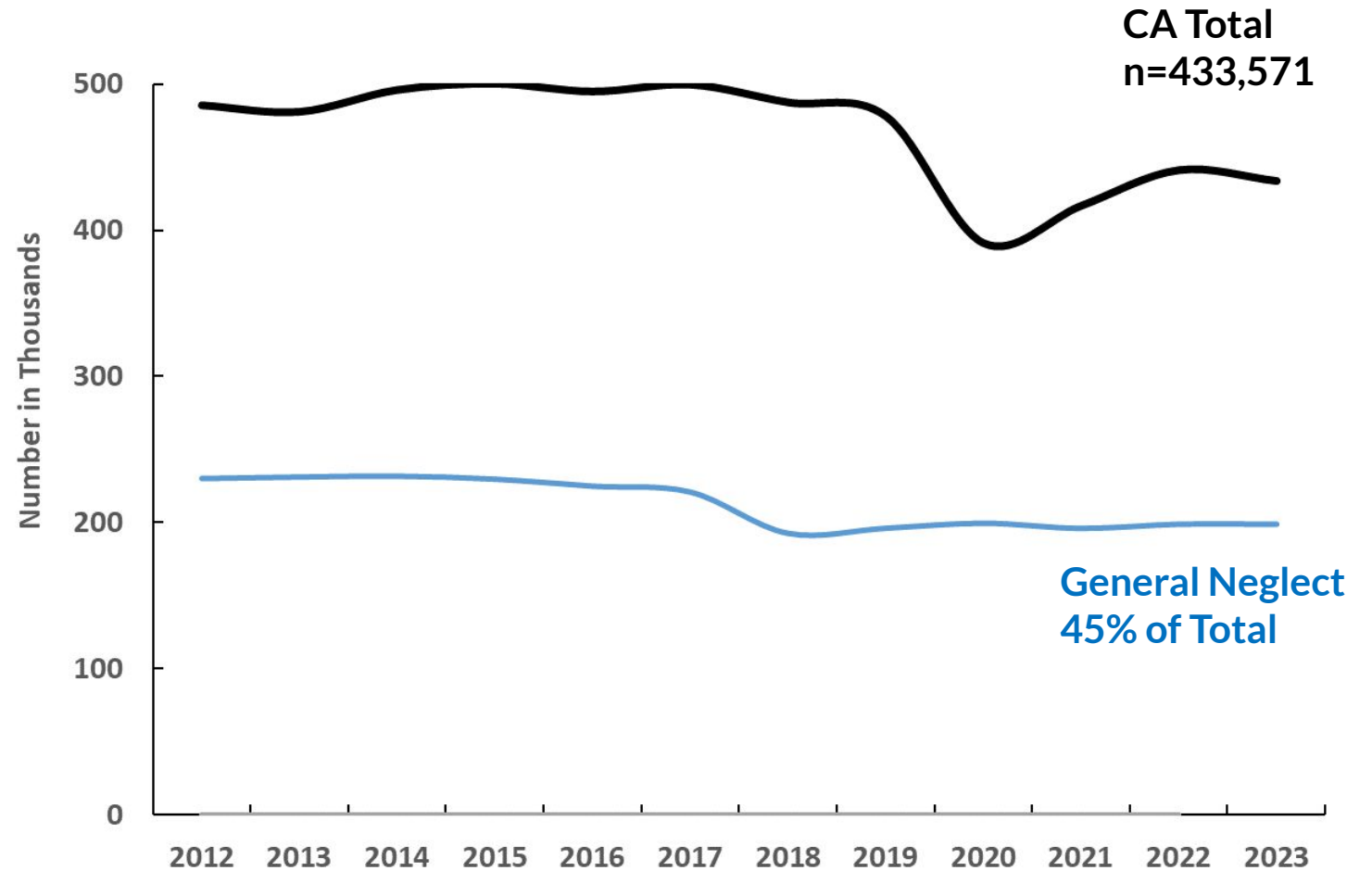


The Impact of CANRA
(Special thanks to the MRCS
Task Force for the following 4
slides)

General Neglect is the #1 allegation

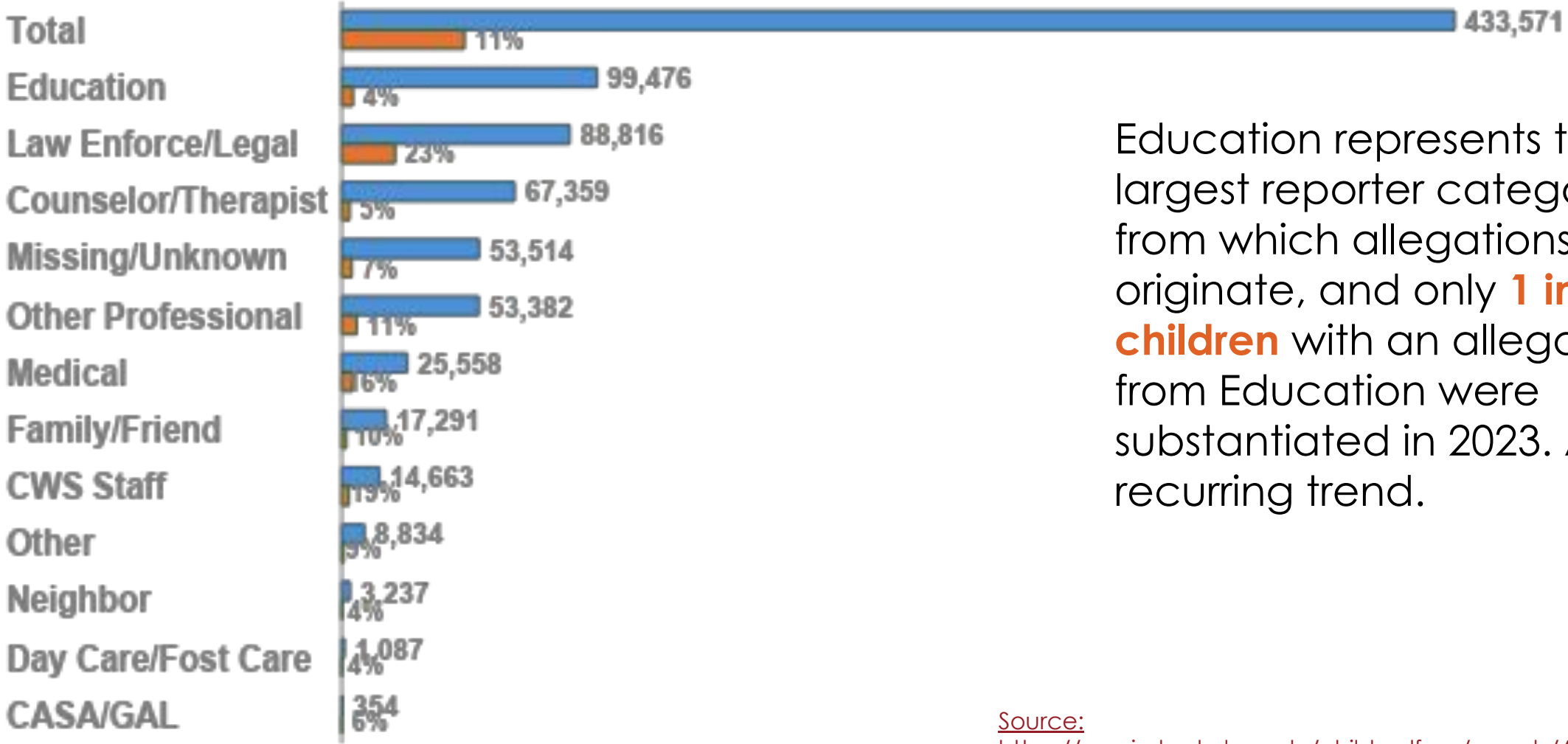
- **45%** of all children with an allegation of maltreatment are related to general neglect.
- General neglect is defined as “the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred but the child is at substantial risk of suffering serious physical harm or illness. “General neglect” does not include a parent’s economic disadvantage.
- General neglect is a “catch-all” allegation that is often driven by racism, bias, and the absence of economic opportunity and resources. It can also include issues related to domestic violence, substance abuse, and mental health.

Children with an Allegation of Maltreatment



In 2023, only 1 in 9 children with an allegation of abuse and/or neglect was substantiated in California

Children with one or more Allegations in 2023 by Reporter Type & Percent Substantiated

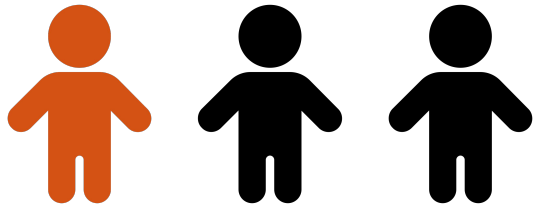


Education represents the largest reporter category from which allegations originate, and only 1 in 25 children with an allegation from Education were substantiated in 2023. A recurring trend.

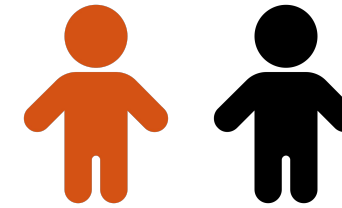
Source: <https://ccwip.berkeley.edu/childwelfare/reports/Allegation/STSG/r/ab636/l>



Black/African American, Native American, and Latino families are significantly more likely to be reported to child abuse hotlines



One in three children in the U.S. is subject to an investigation of child abuse by the time they turn 18.¹

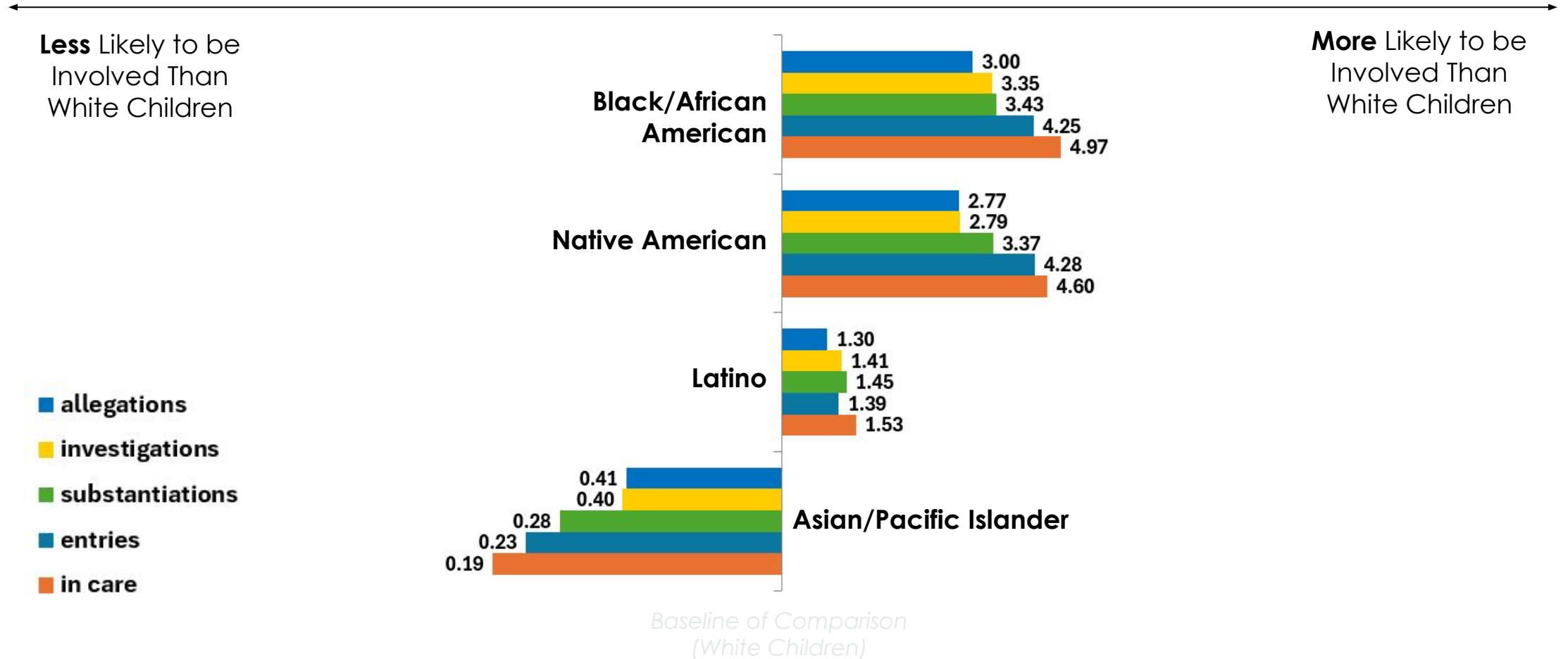


One in two Black and Native American children in California is subject to an investigation of child abuse by the time they turn 18.²

¹ American Journal of Public Health, 2017
² California Legislative Analyst's Office, 2024

General Population Disparity Indices for 2023

Black and Native American children are more likely to be involved in the child welfare system than white children from Allegations through In Care.





Legislative Efforts

AB2085 - Signed into law

- (b) “General neglect” means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred but the child is at **substantial** risk of suffering **serious** physical harm or illness. “General neglect” **does not include a parent’s economic disadvantage.**
- BUT:
- *No definition of economic disadvantage*
- *No definition of “substantial risk of suffering serious physical harm.”*
- *Efforts to impact the All County Letter on behalf of survivors failed*

AB1799 – Changes General Neglect Reporting in CANRA

- *(l) A mandated reporter may, but is not required to, report a case of general neglect, as defined in Section 11165.2, pursuant to Section 11165.9.*
- *Status: Passed Senate Public Safety, in Senate Appropriations Comm*

SB1126 – Clarifies Reporting Domestic Violence in CANRA

- *(b) The fact that a child witnessed domestic violence or was present during a domestic violence incident does not require a mandated reporter to report child abuse or neglect.*
- *Status: Withdrawn from Senate Floor due to lack of support and nature of requested amendments*

A large, light pink brushstroke graphic that serves as a background for the text. The stroke is thick and has a textured, hand-painted appearance, with the color fading slightly towards the edges.

***Mandatory
Report to Community
Support Task Force
Recommendations
(Slides courtesy of the MRCS
Task Force)***



North Star: Keep children and families together, safe, well, and strengthened by the resources they need to thrive

We Believe That ...

All children deserve the right to grow up free from harm in their own family and thriving in their own strong communities that are well resourced

Parents want to do what is best for their children and sometimes need help because they may lack the networks, supports, and services needed to bring about what they want for their children and their families

Moving from mandated reporting to community supporting will greatly help California children grow up healthy, happy, and free from harm

The child welfare system must be free from racial and cultural bias. The structure of the current system results in a disproportionately negative impact on African American, Native American/Indigenous People, and Latino families. This must be fixed by better understanding how mandated reporting contributes to racism, and by recommending actions for change

Communities must be well-resourced to be able to provide quality services to help families stay together and keep children well and safe

The current child welfare mandated reporting system steals hope and personal power from families, minimizing their natural ability and strength to keep their children well and safe. This is especially true for African American, Native American/Indigenous People, and Latino families who disproportionately experience the trauma of intrusive investigations and sometimes harmful separation

Families and communities are the best agents of their own change and must be respected and trusted

MRCSS Task Force Recommendations

- **Recommendation 1:**

The California Child Welfare Council (CWC), through its Prevention and Early Intervention (PEI) Committee, shall establish a Mandated Reporting Advisory Committee (MRAC) to ensure the transformation of Mandated Reporting to Community Supporting continues and disparities in the child welfare system are eliminated

- **Recommendation 2:**

Request the California Department of Social Services (CDSS), in collaboration with the Mandated Reporting Advisory Committee (MRAC), to continuously monitor disparities in the child welfare system

MRCIS Task Force Recommendations (continued)

- **Recommendation 3:**

The California Department of Social Services (CDSS) shall ensure the implementation of AB 2085 in all California Counties and Tribes until such time that Recommendation #5 is implemented and General Neglect is removed as a mandated reporting requirement.

- **Recommendation 4:**

In alignment with the Legislative Analyst Office (LAO) report, *California's Child Welfare System: Addressing Disproportionality and Disparities*, encourage the LAO to continue analyzing disparities in the Mandated Reporting system to determine if narrowing mandated reporter categories in the Child Abuse and Neglect Reporting Act (CANRA) negatively impacts child safety.

MRCIS Task Force Recommendations (continued)

- **Recommendation 5:**

Support the amendment of the Child Abuse and Neglect Reporting Act (CANRA) to remove the reporting requirement of *General Neglect* for Mandated Reporters

- **Recommendation 6:**

Support the amendment of the Child Abuse and Neglect Reporting Act (CANRA) to revise and clarify the definition of *Severe Neglect* to be aligned with the definition of Severe Neglect utilized in the [California Structured Decision Making \(SDM\) Tool](#)

MRCSS Task Force Recommendations (continued)

- **Recommendation 7:**

Encourage the California Department of Social Services (CDSS), in collaboration with the Mandated Reporting Advisory Committee (MRAC) and Counties, to implement a two-year pilot that provides Mandated Reporters with immunity from liability as identified in [Penal Code Section 1116 \(C\)](#) when there is a demonstrated use of a child abuse and neglect decision-making process that indicates a child's safety is not at risk and a report is not required.

- **Recommendation 8:**

Support the amendment of Child Abuse and Neglect Reporting Act (CANRA) to require all Mandated Reporters in California receive standardized training on child abuse and neglect

MRCSS Task Force Recommendations ***(continued)***

- **Recommendation 9:**

Require the CDSS Office of Child Abuse Prevention (OCAP) to develop, with participation of individuals with lived expertise, a standardized curriculum for Mandated Reporters

- **Recommendation 10:**

Encourage the California Department of Social Services (CDSS), in collaboration with the Mandated Reporting Advisory Committee (MRAC), to develop a Mandated Reporter web page specific to Child Abuse and Neglect Reporting

MRCSS Task Force Recommendations (continued)

- **Recommendation 11:**
Require the California Department of Social Services (CDSS) to incorporate an assessment of the capacity of community supports and services
- **Recommendation 12:**
Consistent with the [PEI Community Pathway Recommendations](#), the California Department of Social Services (CDSS) shall be required to ensure Counties' Comprehensive Prevention Plans (CPP) incorporate information and education specific to Mandated Reporters regarding the implementation of and access to Community Pathways and/or community resources available to support families in their communities

MRCSS Task Force Recommendations (continued)

- **Recommendation 13:**

Require the California Department of Social Services' (CDSS) to ensure recommendations from the Mandated Reporting to Community Supporting (MRCSS) Task Force and any subsequent policy reforms related to Mandated Reporting are enacted and efforts necessary to ensure continued transformation of the Mandated Reporting system are advanced.

- **Recommendation 14:**

Ensure the creation and implementation of a statewide narrative change initiative that acknowledges the harm committed by mandated reporting and the child welfare system, especially to Black/African American and Native American/Indigenous families and shifts beliefs and behaviors toward families and communities safely caring for their children. This work shall incorporate the participation of individuals with lived expertise and community members representative of diverse perspectives throughout the process.



Questions?



Thank you