



SYDNEY K. KAMLAGER

REPRESENTING SENATE DISTRICT 30



FACT SHEET: SB 1085 – Redefining Neglect

IN BRIEF

SB 1085 seeks to protect and keep families together by redefining the definition of neglect. When determining child “neglect” in Juvenile Dependency Court (Court) hearings, the overly broad definition can put families at risk. This bill will provide critical protection for California’s families vulnerable to separation based on factors such as poverty, homelessness, and a lack of access to basic resources.

BACKGROUND & PROBLEM

Child dependency proceedings are governed by California’s child dependency statutes, Welfare and Institutions Code (WIC) Section [300 et seq.](#) These statutes set the standards that county social service agencies must meet throughout dependency proceedings.

In cases of alleged neglect, county social workers initiate petitions through the Court. The Court then relies on the report and recommendations of social workers to determine “neglect” of a child. Currently, the definition of neglect is overly broad. It provides a social worker free reign to initiate the removal of a child from their parents for relatively minor circumstances relating to poverty. The definition in the WIC code should be refined so that conditions such as a partially empty refrigerator, damaged furniture, or temporary inability to afford childcare while working a low wage job will not alone result in the removal of a child from their parents. Poverty and a historical lack of access to resources, especially for racial minorities, should not be further adjudicated by our Court, separating families for unreasonable and arbitrary reasons.

While certain exceptions already exist for 1) lack of emergency shelter, 2) failure of parents to seek court orders for custody of the child, and even 3) adequate medical treatment based on religious or spiritual

considerations. Specific exceptions should also be included to consider conditions of poverty and lack of resources as a present reality for many parents.

SOLUTION

SB 1085 amends WIC Section 300 to address the overly broad definition of neglect and provide a more comprehensive outline. The statutes in place that created WIC Section 300, therefore outlining the definition of neglect, were chaptered in 1976. Since then there have been minor legislative changes to the language, however none have addressed the overarching definition of neglect. This bill will address this longstanding issue by both protecting vulnerable communities and allowing social workers to make more informed reporting of neglect.

More specifically, SB 1085 will effectively specify an exception for parents impacted by poverty. This will raise the standards statewide for considerations of “neglect” by social workers that initiate petitions separating children from their parents. We should stop punishing parents for being poor and do everything we can to assist the families that find themselves subjected to the system. Especially those that are vulnerable to implicit bias and arbitrary standards of “neglect,” particularly racial minorities disproportionately impacted by this issue. SB 1085 is a critical step in that direction.

FOR MORE INFORMATION

Balkis Awan

Balkis.awan@sen.ca.gov or (916) 651-4030

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