

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 18

December 20, 2022

**SUBJECT: CALIFORNIA ASSEMBLY BILL 2085; AND, REPORTING
SUSPECTED CHILD ABUSE REPORT INVESTIGATIONS –
REVISED**

PURPOSE: On September 29, 2022, Governor Newsom signed Assembly Bill (AB) 2085 into law. Effective January 1, 2023, AB 2085 will, for the purposes of child abuse/neglect reporting requirements, limit the definition of general neglect to only include circumstances where the child is at a substantial risk of suffering serious physical harm or illness, and will provide that general neglect does not include a parent's economic disadvantage.

General neglect investigations are the responsibility of the Department of Children and Family Services. Although the Department typically does not respond to calls for general neglect, this Order serves to differentiate and define neglect as it pertains to child abuse in the Department Manual.

PROCEDURE: Department Manual Section 4/218.53, *Reporting Suspected Child Abuse Report Investigations*, has been revised. Attached is the revised Manual section with the revisions indicated in italics.

AMENDMENTS: This Order revises Section 4/218.53 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 18, 2022**

218.53 REPORTING SUSPECTED CHILD ABUSE REPORT INVESTIGATIONS.

California law specifies that certain professionals, as well as employees of designated organizations, and agencies (mandated reporters), as specified in *California* Penal Code Section 11165.7 (e.g., health care professionals, school officials), shall report suspected child abuse and neglect to any of the following:

- Any law enforcement agency; or,
- The county welfare department [e.g., Department of Children and Family Services (DCFS)].

California Penal Code Section 11165.2 differentiates and defines neglect as:

- **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.*

*Note: General Neglect does **not** include a parent’s economic disadvantage.*

- **Severe Neglect.** *“The negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed, non-organic failure to thrive,” and, “those situations of neglect where any person having the care or custody of a child willfully causes or permits the person, or health of the child, to be placed in a situation such that their person or health is endangered.”*

Note: Endangered, as proscribed by Section 11165.3 PC, includes the intentional failure to provide adequate food, clothing, shelter, or medical care.

Note: The Child Abuse and Neglect Reporting Act requires a mandated reporter [as defined in Penal Code Section 11165.7(a)], to make a report to a specified agency whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows, or reasonably suspects has been the victim of child abuse or neglect. Existing law provides that “child abuse or neglect” for these purposes includes “sexual assault,” that includes, among other things, the crimes of sodomy, oral copulation, and sexual penetration.

The Remainder of this Section Remains the Same