

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 003: Initial Response/Detention

Item 027: Child Abuse and Neglect Classifications

Suggested changes send to: [DSS PSOA Mailbox](#)

Issued: **May 2, 2011**

References: Penal Code Section 11165.1 to 11165.6
Welfare and Institutions Code § 300

Replaces Issue: **New**

Policy

To establish a consistent manner in assigning the appropriate abuse/neglect allegation to incoming reports received by the Child Protection Hotline (CPH).

Purpose

This policy will help staff to determine the appropriate abuse allegation, and supports the Department of Social Services' efforts to promote safety for children.

Introduction

When a CPH Social Worker (SW) receives a telephone, written or in-person report of child abuse, neglect or exploitation, there must be allegation(s) in the report which fall under specific criminal and/or civil codes. These codes define categories of parental and/or custodial behaviors that allow for the involvement of protective services agencies such as the Department of Social Services (DSS). The general categories include, but are not limited to, reasonable suspicion of physical, emotional and sexual abuse, neglect, and exploitation. Although many of the reports to the CPH contain specific allegations within the general categories, some reports do not present clear, current allegations. However, based on the family's history of prior child protective services intervention and/or dependency court supervision, suggesting high risk to the child, especially to a newborn, a referral can be opened for assessment and preventative protective services. SWs are obligated to determine whether or not the reports meet Penal Code criteria for Criminal Acts and are authorized to act on Welfare and Institution 300 codes to assess Risk and Safety of a child. Both MUST be taken into consideration when assessing a call.

NOTE:

- Anonymous calls must be given the same scrutiny and rigorous assessment as any other call and must be evaluated in the same manner.
- Calls from Law Enforcement in which they do not respond does not relieve the Department from its mandate to assess the children's risk and safety.

Additionally, it is important to clearly identify the types of calls which constitute appropriate child abuse referrals pursuant to state law and the Structured Decision Making (SDM) Hotline Tool. Below is a list of categories of allegations that, in and of themselves, do not constitute appropriate child abuse referrals and which, in some cases, should be directed to other agencies such as law enforcement and the Student Attendance Review Boards (SARB) for investigation. CPH SWs shall engage in an in-depth inquiry on the telephone with the reporting party in order to screen out inappropriate referrals and non-referral contacts. See [PPG 3-3-22](#) Evaluated Out Referrals, for a list of situations that, absent other factors, indicate a risk of abuse or neglect that will usually not constitute a basis for intervention.

Procedures

When a Report is Made to the Child Protection Hotline (CPH)

- CPH SW Responsibilities
 - Conduct an initial assessment of the telephone, written, or in-person response.
 - Determine the appropriate abuse allegation(s). Complete one Structured Decision Making (SDM) Hotline Tool and Decision Tree for each allegation. Once one decision tree indicates an immediate response time, it is not necessary to complete additional trees for the remaining allegations. The following definitions are to be used in conjunction with the SDM Online Help System, [Child Protection Hotline Basic Response Guide](#), and the [Child Protection Hotline Extended Response Guide](#) which contains more detailed definitions/questions of the following abuse categories. If the worker encounters any discrepancies with the following definitions in conjunction with the SDM Hotline tool, they need to consult with their supervisor)
 - **Child abuse** means the non-accidental commission of injuries against a person. In the case of a child, the term refers specifically to the non-accidental commission of injuries against the child by or allowed by a parent(s)/guardian(s) or other person(s) in whom the court has vested care, custody, and control of the child. The term includes emotional, physical, severe physical and sexual abuse.
 - **At-Risk, Sibling Abused** is to be used when a report has been made about a child alleging abuse and/or neglect, and the child's sibling(s) are also at-risk of abuse and/or neglect.
 - **Caretaker absence/incapacity** is specific to the caregiver's situation rather than to the child's and may be used in addition to general neglect or substantial risk of harm allegations. This allegation type shall be used in either of the following circumstances:
 - **Caretaker absence:** The child's parent has been incarcerated, hospitalized or institutionalized and cannot arrange for the care of the child; parent's whereabouts are unknown or the custodian with whom the child has been left is unable or unwilling to provide care and support for the child.
 - **Caretaker incapacity:** The child's parent or guardian is unable to provide adequate care for the child due to the parent or guardian's mental illness, developmental disability or substance abuse.
 - **Emotional abuse** is non-physical mistreatment, the results of which may be characterized by disturbed behavior on the part of the child, such as severe withdrawal, regression, bizarre behavior, hyperactivity, or dangerous acting-out behavior. Such disturbed behavior is not deemed, in and of itself, to be

evidence of emotional abuse. Exposure to repeated violent, brutal or intimidating acts among household members (domestic violence) is emotional abuse.

- **Exploitation** is “to make unethical use of for one’s own advantage or profit,” and it is clear that exploitation can include other areas of abuse as well.
 - **Sexual exploitation** is the most widely recognized form of exploitation. Sexual exploitation is closely associated with sexual abuse and sexual assault which occurs when any sexual contact is made with the child either under or over the clothes for the purpose of sexual arousal or gratification of the perpetrator. Also see “Sexual exploitation” under Sexual Abuse.
 - **Economic exploitation** is often seen in families where children are forced or allowed to work under certain illegal conditions outside and inside the home. This form of exploitation prohibits children from attending school and may place them in work environments that are a threat to their general health, safety and security. Although poverty may be a prime motivation for this type of exploitation, other situations may exist.
 - **Exploitation Involving Illegal Activities:** When assessing families that are involved in the gang culture investigate to see if children are encouraged from a young age to value gang membership (parents may be active or retired gang members), or if someone is teaching children gang signs, dress codes and affiliations and advocating membership, if adults are supporting violent behavior and criminal activities of the children.
 - **Exploitation in The Home:** Exploitation exists within the family household as well. A child may be selected to perform all or the majority of such parental tasks as cleaning, cooking and caring for younger siblings, including bathing, dressing, feeding and babysitting. Frequently, the child who is singled out in this manner is substituting for a parent who is absent or unable to fulfill parental responsibilities due to the parents’ substance abuse and/or physical/mental disabilities.
- **Neglect** means the negligent treatment or maltreatment of a child by acts or omissions by a person responsible for the child’s welfare under circumstances indicating harm or threatened harm to the child’s health or welfare, including physical and/or psychological endangerment. The term includes both general and severe neglect.
 - **General neglect** – Penal Code Section 11165.2(b) defines general neglect 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.
 - **Severe neglect** - Penal Code Section 11165.2(a) defines severe neglect as the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed

nonorganic failure to thrive. "Severe neglect" also means 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 his or her person or health is endangered, as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

NOTE: A child receiving treatment by spiritual means or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by a parent or guardian after consultation with a physician or physicians who have examined the child does not constitute neglect.

- **Physical Abuse** means non-accidental bodily injury that has been or is being willfully inflicted on a child. It includes willful harming or injuring of a child or endangering of the person or health of a child defined as a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.
- **Severe physical abuse** includes any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.
- **Sexual Abuse** is the victimization of a child by sexual activities including, but not limited to sexual assault, rape (statutory rape and rape in concert), incest, sodomy, lewd and lascivious acts upon a child under 14 years of age, oral copulation, penetration of a genital or anal opening by a foreign object, child molestation and unlawful sexual intercourse. Also, please be aware that it is sexual abuse if the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.
- **Sexual exploitation** involves any person or person who is responsible for a child's welfare who knowingly promotes, aids or assists, employs, uses, persuades, induces or coerces a child, or knowingly permits or encourages a child to engage in, or assists others to engage in, prostitution or live performance involving obscene sexual conduct or to either pose or model alone or with others for the purpose of preparing a film, photograph, negative, slide, drawing, painting or other pictorial depiction involving obscene sexual conduct.

NOTE: Unlawful sexual intercourse is defined as an adult who engages in an act of sexual intercourse with a minor or any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger, or a person 21 years or older with a minor who is under 16 years old.

- **Non-sexual exploitation** involves forcing or coercing a child into performing acts which are beyond his/her capabilities, such as being employed for long hours and/or in a job which is dangerous or beyond his/her capabilities or forcing or coercing the child into illegal or degrading acts such as stealing, panhandling, and/or drug sales. Generally, these acts benefit the perpetrator in some way.
- Document the selected allegation(s) in the Allegation Notebook and Screener Narrative.

Referenced California Penal Codes:

[11165.1 to 11165.6](#)

Referenced California Welfare and Institution Code:

[Welfare and Institution Code Section 300](#)