

Apr 13, 2022

The Honorable Chris Holden
California State Assembly
State Capitol, Room 5650
Sacramento, CA 95814

Re: AB 2085 (Holden) SUPPORT – as amended

Dear Assemblymember Holden:

On behalf of Rise, I am writing to express our strong support of AB 2085 (Holden), which would address the over-reporting and over surveillance of families of color in our child welfare system. AB 2085 will address concerns with general neglect reporting requirements that require families to be reported to child protective services agencies for reasons related to poverty that do not place children at risk of harm.

Rise believes immediate steps must be taken to reduce reporting so that fewer families become involved with the system through hotline calls made by mandated reporters. We need to implement [models that are responsive to crises](#) and provide support and a stable safety net, making community resources more accessible.

California has a vast array of mandated reporting laws that impose criminal and civil penalties on professionals in health, education, and many other fields if they fail to comply. Given the low bar to trigger the reporting requirements and the serious consequences for failing to report, California law incentivizes over-reporting. The result is an overbroad reporting scheme that results in increased system-involvement and trauma for predominantly Black, Indigenous, and low-income families. Children of color are significantly more likely to be reported for allegations of abuse and neglect, despite the vast majority of those allegations being unfounded or unsubstantiated. A recent study showed that half of Black children, as well as half of Native American children, experienced an investigation at some point during their childhood, compared to only a quarter of white children.¹

These intrusive and unnecessary investigations result in trauma to children, families, and whole communities, often leading to negative health outcomes. These health outcomes are significantly worse for infants and children who are separated by the child welfare system for issues largely related to economic insecurity.ⁱⁱ

In an effort to reduce trauma to families of color and the burden of an already overwhelmed system, AB 2085 (Holden) clarifies that a parent's economic disadvantage does not trigger general neglect reporting requirements since issues related to poverty, and not child safety, are more appropriately

¹ <https://www.motherjones.com/crime-justice/2021/04/child-protective-services-investigates-half-of-all-black-children-in-california/>

ⁱⁱ [Our Systems Meant to Help Are Hurting Black Families \(nichq.org\)](#)

addressed outside of the child welfare system. It is important to note that any person could still opt to report general neglect should they wish; however, mandated reporters would no longer be required to do so and would not be subject to liability for failing to report families for poverty-related reasons. This would allow mandated reporters, who are often experts in working with children and families, to utilize their professional judgment on how to best support a family instead of feeling forced to report when another intervention is more appropriate.

Clarifying that general neglect does not include a parent's economic disadvantage, unless a parent has affirmatively rejected services available and accessible within their community, would allow teachers, therapists, and other mandated reporters to offer support to families instead of reporting them. Because "general neglect" reports have made up 45-50% of all mandated reporter calls over the last five years in California, many for issues related to poverty alone, clarifying that poverty is not neglect could substantially shrink the pipeline of people brought into the child welfare system for reasons unrelated to harming a child, allowing the system to spend more time and resources supporting children who truly are at risk.²

For these reasons, Rise is proud to support AB 2085, as amended.

Sincerely,

Noshin Hoque
Rise
noshin@risemagazine.org

Cc: Members and Committee Staff, Assembly Public Safety Committee

² <https://ccwip.berkeley.edu/childwelfare/reports/Allegation/MTSG/r/ab636/s>