
Welfare and Institutions Code Section 300

Any child who comes within any of the following descriptions is within the authority of juvenile court, which may deem that person to be a dependent child of the court and handed to Child Protective Services, Foster Care and Adoption:

- (a) **(Physical Abuse)** The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted non-accidentally upon the child by the child's parent or guardian.
- A court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child's siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm.
 - "Serious physical harm" does not include reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury.
- (b) **(Failure to Protect/Severe Neglect)** The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful, or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse.
- (c) **(Emotional Abuse)** The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care. No child shall be found to be a person described by this subdivision if the willful failure of the parent or guardian to provide mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.
- (d) **(Sexual Abuse)** The child has been sexually abused, or there is a substantial risk that the child will be sexually abused by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonable should have known that the child was in danger of sexual abuse.
- (e) **(Serious Physical Abuse, Child Under Age 5)** The child is under the age of five and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing

the child. “Severe physical abuse” means any of the following: 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 more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness; or the willful, prolonged failure to provide adequate food. A child may not be removed from the physical custody of his or her parent or guardian on the basis of finding a severe physical abuse unless the social worker has made an allegation of severe physical abuse.

(f) **(Death of a Sibling)** The child’s parent or guardian caused the death of another child through abuse or neglect.

(g) **(General Neglect/No Provision for Support)** The child has been left without any provision for support; the child’s parent has been incarcerated or institutionalized and cannot arrange for the care of the child; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful.

(h) **(Freed For Adoption)** The child has been freed for adoption by one or both parents for 12 months by either relinquishment or termination of parental rights or an adoption petition has been granted.

(i) **(Acts of Cruelty)** The child has been subjected to an act or acts of cruelty by the parent or guardian of a member of his or her household, or the parent or guardian has failed to adequately protect the child from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the child was in danger of being subjected to an act or acts of cruelty.

(j) **(Abuse of Siblings)** The child’s sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined by those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.

This criteria is accessed from Welfare and Institutions Code Section 300 [Class Handout]. Introduction to Social Work 310, California State University, Monterey Bay, Seaside, CA.