

ASSEMBLY BILL

No. 579

Introduced by Assembly Member Castillo

February 12, 2025

An act to amend Section 3011 of the Family Code, to amend Sections 11165.2, 11165.3, 11165.5, 11165.6, 11165.9, and 11166.05 of, and to add Section 273.2 to, the Penal Code, to add Section 2362 to the Probate Code, and to amend Section 300 of the Welfare and Institutions Code, relating to child abuse or neglect.

LEGISLATIVE COUNSEL'S DIGEST

AB 579, as introduced, Castillo. Yaeli's Law.

(1) Existing law, the Child Abuse and Neglect Reporting Act, establishes procedures for the reporting and investigation of suspected child abuse or neglect. The act requires certain professionals, including specified health practitioners and social workers, known as "mandated reporters," to report known or reasonably suspected child abuse or neglect to a local law enforcement agency or a county welfare or probation department, as specified. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor. Existing law defines "neglect" for these purposes as the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's welfare. Existing law defines "severe neglect" for these purposes 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. Existing law also defines "severe neglect" to mean those situations of neglect where a person having the care of custody of a child willfully

permits the person or health of the child to be placed in a situation such that their person or health is endangered, as defined.

This bill, Yaeli's Law, would clarify that certain actions, including, among other things, using a child's legal name, referring to a child by a pronoun consistent with their sex as recorded at birth, or refusing to consent to, or provide, gender-affirming health care or gender-affirming mental health care, are not child abuse or neglect, do not constitute unjustifiable physical pain, mental suffering, or endangerment of health, and do not constitute serious emotional damage or a substantial risk factor of suffering serious emotional damage. The bill would create a private right of action for a parent or guardian who is investigated by a police department, sheriff's department, or any agency against an individual or entity, as specified. The bill would authorize the court to award, in addition to damages and equitable relief, reasonable attorney's fees and costs to the prevailing party.

(2) Existing law governs the determination of child custody and visitation in contested proceedings. Existing law requires the court, for purposes of deciding custody, to determine the best interests of the child based on certain factors, including the nature and amount of contact with both parents, and consistent with specified findings, including that the court's primary concern must be to ensure the health, safety, and welfare of the child.

This bill would specify that the health, safety, and welfare of a child does not include certain actions, including, among other things, using a child's legal name, referring to a child by a pronoun consistent with their sex as recorded at birth, or refusing to consent to, or provide, gender-affirming health care or gender-affirming mental health care.

(3) Existing law, the Guardianship-Conservatorship Law, generally establishes the standards and procedures for the appointment and termination of an appointment for a guardian or conservator of a person, an estate, or both. Existing law places a ward in the care, custody, and control of a guardian, as specified. Existing law gives a guardian the same rights to consent to medical treatment as a parent having legal custody of a child. Under existing law, a guardian may consent to surgery to be performed on their ward, as specified.

This bill would specify that certain actions, including, among other things, using a ward's legal name, referring to a ward by a pronoun consistent with their sex as recorded at birth, or refusing to consent to, or provide, gender-affirming health care or gender-affirming mental health care, do not constitute omission of necessary medical attendance

or remedial care, the cause of, or infliction of, unjustifiable physical or mental pain, suffering, or injury, or grounds for removal of the guardian, replacement of the guardian, or termination of the guardianship.

(4) Existing law specifies certain conditions, including when a child has suffered, or there is a substantial risk of suffering, serious physical harm, as defined, that place the child within the jurisdiction of the court, which may adjudge the child to be a dependent child of the court, if the child comes within any of those conditions.

This bill would specify that certain actions, including, among other things, using a child’s legal name, referring to a child by a pronoun consistent with their sex as recorded at birth, or refusing to consent to, or provide, gender-affirming health care or gender-affirming mental health care, are not sufficient to adjudge a child to be a dependent child of the court. The bill would create a private right of action for a parent or guardian who has their child removed or adjudged a dependent of the court against an individual or entity, as specified. The bill would authorize the court to award, in addition to damages and equitable relief, reasonable attorney’s fees and costs to the prevailing party.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as
2 Yaeli’s Law.

3 SEC. 2. Section 3011 of the Family Code is amended to read:

4 3011. (a) In making a determination of the best interests of
5 the child in a proceeding described in Section 3021, the court shall,
6 among any other factors it finds relevant and consistent with
7 Section 3020, consider all of the following:

8 (1) (A) The health, safety, and welfare of the child.

9 (B) *As used in this paragraph, health, safety, and welfare of the*
10 *child does not include whether a parent refuses to use the child’s*
11 *legal name, refers to the child by a pronoun consistent with the*
12 *child’s sex as recorded at birth, treats the child consistent with*
13 *his or her sex as recorded at birth, or refuses to consent to, or*
14 *provide, gender-affirming health care or gender-affirming mental*
15 *health care as defined in Section 16010.2 of the Welfare and*
16 *Institutions Code.*

1 (2) (A) A history of abuse by one parent or any other person
2 seeking custody against any of the following:
3 (i) A child to whom the parent or person seeking custody is
4 related by blood or affinity or with whom the parent or person
5 seeking custody has had a caretaking relationship, no matter how
6 temporary.
7 (ii) The other parent.
8 (iii) A parent, current spouse, or cohabitant, of the parent or
9 person seeking custody, or a person with whom the parent or person
10 seeking custody has a dating or engagement relationship.
11 (B) As a prerequisite to considering allegations of abuse, the
12 court may require independent corroboration, including, but not
13 limited to, written reports by law enforcement agencies, child
14 protective services or other social welfare agencies, courts, medical
15 facilities, or other public agencies or private nonprofit organizations
16 providing services to victims of sexual assault or domestic violence.
17 As used in this paragraph, “abuse against a child” means “child
18 abuse and neglect” as defined in Section 11165.6 of the Penal Code
19 and abuse against any other person described in clause (ii) or (iii)
20 of subparagraph (A) means “abuse” as defined in Section 6203.
21 (3) The nature and amount of contact with both parents,
22 including as provided in Sections 3046 and 3100.
23 (4) The habitual or continual illegal use of controlled substances,
24 the habitual or continual abuse of alcohol, or the habitual or
25 continual abuse of prescribed controlled substances by either
26 parent. Before considering these allegations, the court may first
27 require independent corroboration, including, but not limited to,
28 written reports from law enforcement agencies, courts, probation
29 departments, social welfare agencies, medical facilities,
30 rehabilitation facilities, or other public agencies or nonprofit
31 organizations providing drug and alcohol abuse services. As used
32 in this paragraph, “controlled substances” has the same meaning
33 as defined in the California Uniform Controlled Substances Act
34 (Division 10 (commencing with Section 11000) of the Health and
35 Safety Code).
36 (5) (A) When allegations about a parent pursuant to paragraph
37 (2) or (4) have been brought to the attention of the court in the
38 current proceeding, and the court makes an order for sole or joint
39 custody or unsupervised visitation to that parent, the court shall
40 state its reasons in writing or on the record that the order is in the

1 best interest of the child and protects the safety of the parties and
2 the child. In these circumstances, the court shall ensure that any
3 order regarding custody or visitation is specific as to time, day,
4 place, and manner of transfer of the child as set forth in subdivision
5 (c) of Section 6323.

6 (B) Nothing in this paragraph eliminates the requirement that
7 the contents of the stipulation be in the best interest of the child
8 and be specific as to time, day, place, and manner of transfer of
9 the child if the parties do stipulate in writing or on the record
10 regarding custody or visitation.

11 (b) Notwithstanding subdivision (a), the court shall not consider
12 the sex, gender identity, gender expression, or sexual orientation
13 of a parent, legal guardian, or relative in determining the best
14 interests of the child.

15 SEC. 3. Section 273.2 is added to the Penal Code, to read:

16 273.2. Notwithstanding any other law, using a child’s legal
17 name, referring to a child by a pronoun consistent with the child’s
18 sex as recorded at birth, treating a child consistent with his or her
19 sex as recorded at birth, or refusing to consent to, or provide,
20 gender-affirming health care or gender-affirming mental health
21 care, as defined in Section 16010.2 of the Welfare and Institutions
22 Code, does not constitute an omission of necessary medical
23 attendance or remedial care under Section 270, nor does it
24 constitute the cause or infliction of unjustifiable physical or mental
25 pain, suffering, or injury to the child or endangerment of the child’s
26 or ward’s person or health under Section 273a or 273b.

27 SEC. 4. Section 11165.2 of the Penal Code is amended to read:

28 11165.2. As used in this article, “neglect” means the negligent
29 treatment or the maltreatment of a child by a person responsible
30 for the child’s welfare under circumstances indicating harm or
31 threatened harm to the child’s health or welfare. The term includes
32 both acts and omissions on the part of the responsible person.

33 (a) “Severe neglect” means the negligent failure of a person
34 having the care or custody of a child to protect the child from
35 severe malnutrition or medically diagnosed nonorganic failure to
36 thrive. “Severe neglect” also means those situations of neglect
37 where ~~any~~ a person having the care or custody of a child willfully
38 causes or permits the person or health of the child to be placed in
39 a situation such that their person or health is endangered as

1 proscribed by Section 11165.3, including the intentional failure to
2 provide adequate food, clothing, shelter, or medical care.

3 (b) (1) “General neglect” means the negligent failure of a person
4 having the care or custody of a child to provide adequate food,
5 clothing, shelter, medical care, or supervision where no physical
6 injury to the child has occurred but the child is at substantial risk
7 of suffering serious physical harm or illness. “General neglect”
8 does not include a parent’s economic disadvantage.

9 For
10 (2) For the purposes of this chapter, a child receiving treatment
11 by spiritual means as provided in Section 16509.1 of the Welfare
12 and Institutions Code or not receiving specified medical treatment
13 for religious reasons, shall not for that reason alone be considered
14 a neglected child. An informed and appropriate medical decision
15 made by parent or guardian after consultation with a physician or
16 physicians who have examined the minor does not constitute
17 neglect.

18 (c) For purposes of this article, notwithstanding any other law,
19 using a child’s legal name, referring to a child by a pronoun
20 consistent with the child’s sex as recorded at birth, treating a child
21 consistent with his or her sex as recorded at birth, or refusing to
22 consent to, or provide, gender-affirming health care or
23 gender-affirming mental health care, as defined in Section 16010.2
24 of the Welfare and Institutions Code, does not constitute neglect,
25 severe neglect, or general neglect.

26 SEC. 5. Section 11165.3 of the Penal Code is amended to read:

27 11165.3. (a) As used in this article, “the willful harming or
28 injuring of a child or the endangering of the person or health of a
29 child,” means a situation in which ~~any~~ a person willfully causes
30 or permits ~~any~~ a child to suffer, or inflicts thereon, unjustifiable
31 physical pain or mental suffering, or having the care or custody
32 of ~~any~~ a child, willfully causes or permits the person or health of
33 the child to be placed in a situation in which his or her person or
34 health is endangered.

35 (b) For purposes of this article, notwithstanding any other law,
36 using a child’s legal name, referring to a child by a pronoun
37 consistent with the child’s sex as recorded at birth, treating a child
38 consistent with his or her sex as recorded at birth, or refusing to
39 consent to, or provide, gender-affirming health care or
40 gender-affirming mental health care, as defined in Section 16010.2

1 *of the Welfare and Institutions Code, do not constitute unjustifiable*
2 *physical pain, mental suffering, or endangerment of his or her*
3 *health.*

4 SEC. 6. Section 11165.5 of the Penal Code is amended to read:

5 11165.5. (a) As used in this article, the term “abuse or neglect
6 in out-of-home care” includes physical injury or death inflicted
7 upon a child by another person by other than accidental means,
8 sexual ~~abuse~~ *abuse*, as defined in Section 11165.1, ~~neglect~~ *neglect*,
9 as defined in Section 11165.2, unlawful corporal punishment or
10 ~~injury~~ *injury*, as defined in Section 11165.4, or the willful harming
11 or injuring of a child or the endangering of the person or health of
12 a child, as defined in Section 11165.3, where the person responsible
13 for the child’s welfare is a licensee, administrator, or employee of
14 ~~any~~ a facility licensed to care for children, or an administrator or
15 employee of a public or private school or other institution or
16 agency. “Abuse

17 (b) “Abuse or neglect in out-of-home care” does not include ~~an~~
18 *any of the following:*

19 (1) An injury caused by reasonable and necessary force used by
20 a peace officer acting within the course and scope of his or her
21 employment as a peace officer.

22 (2) Using a child’s legal name, referring to a child by a pronoun
23 consistent with the child’s sex as recorded at birth, or treating a
24 child consistent with his or her sex as recorded at birth.

25 (3) The refusal to consent to, or provide, gender-affirming health
26 care or gender affirming mental health care, as defined in Section
27 16010.2 of the Welfare and Institutions Code, to a child or ward.

28 SEC. 7. Section 11165.6 of the Penal Code is amended to read:

29 11165.6. (a) As used in this article, the term “child abuse or
30 neglect” includes physical injury or death inflicted by other than
31 accidental means upon a child by another person, sexual ~~abuse~~
32 *abuse*, as defined in Section 11165.1, ~~neglect~~ *neglect*, as defined
33 in Section 11165.2, the willful harming or injuring of a child or
34 the endangering of the person or health of a child, as defined in
35 Section 11165.3, and unlawful corporal punishment or injury as
36 defined in Section 11165.4. “Child

37 (b) For purposes of this section, notwithstanding any other law,
38 “child abuse or neglect” does not include ~~a~~ *any of the following:*

39 (1) A mutual affray between minors. “Child abuse or neglect”
40 does not include an

1 (2) *Using a child's legal name, referring to a child by a pronoun*
2 *consistent with the child's sex as recorded at birth, or treating a*
3 *child consistent with his or her sex as recorded at birth.*

4 (3) *The refusal to consent to, or provide, gender-affirming health*
5 *care or gender affirming mental health care, as defined in Section*
6 *16010.2 of the Welfare and Institutions Code, to a child or ward.*

7 (4) *An injury caused by reasonable and necessary force used by*
8 *a peace officer acting within the course and scope of his or her*
9 *employment as a peace officer.*

10 SEC. 8. Section 11165.9 of the Penal Code is amended to read:

11 11165.9. (a) Reports of suspected child abuse or neglect shall
12 be made by mandated reporters, or in the case of reports pursuant
13 to Section 11166.05, may be made, to any police department or
14 sheriff's department, not including a school district police or
15 security department, county probation department, if designated
16 by the county to receive mandated reports, or the county welfare
17 department. Any of those agencies shall accept a report of
18 suspected child abuse or neglect whether offered by a mandated
19 reporter or another person, or referred by another agency, even if
20 the agency to whom the report is being made lacks subject matter
21 or geographical jurisdiction to investigate the reported case, unless
22 the agency can immediately electronically transfer the call to an
23 agency with proper jurisdiction. When an agency takes a report
24 about a case of suspected child abuse or neglect in which that
25 agency lacks jurisdiction, the agency shall immediately refer the
26 case by telephone, fax, or electronic transmission to an agency
27 with proper jurisdiction. Agencies that are required to receive
28 reports of suspected child abuse or neglect may not refuse to accept
29 a report of suspected child abuse or neglect from a mandated
30 reporter or another person unless otherwise authorized pursuant
31 to this section, and shall maintain a record of all reports received.

32 (b) *If a parent or guardian is investigated by a police*
33 *department, sheriff's department, or any agency, including child*
34 *protective services, for suspected child abuse or neglect because*
35 *the parent or guardian used a child's legal name, referred to a*
36 *child by a pronoun consistent with the child's sex as recorded at*
37 *birth, treated a child consistent with his or her sex as recorded at*
38 *birth, or refused to consent to, or provide, gender-affirming health*
39 *care or gender-affirming mental health care, as defined in Section*
40 *16010.2 of the Welfare and Institutions Code, the parent, legal*

1 *guardian, or child shall have a private right of action against the*
2 *individual or entity investigating the parent or guardian for*
3 *damages and any equitable relief as the court may determine is*
4 *justified. The court may also award reasonable attorney's fees*
5 *and costs to the prevailing party.*

6 SEC. 9. Section 11166.05 of the Penal Code is amended to
7 read:

8 11166.05. ~~Any~~(a) A mandated reporter who has knowledge
9 of or who reasonably suspects that a child is suffering serious
10 emotional damage or is at a substantial risk of suffering serious
11 emotional damage, evidenced by states of being or behavior,
12 including, but not limited to, severe anxiety, depression,
13 withdrawal, or untoward aggressive behavior toward—self
14 *themselves* or others, may make a report to an agency specified in
15 Section 11165.9.

16 (b) *Using a child's legal name, referring to a child by a pronoun*
17 *consistent with the child's sex as recorded at birth, treating a child*
18 *consistent with his or her sex as recorded at birth, or refusing to*
19 *consent to, or provide, gender-affirming health care or*
20 *gender-affirming mental health care, as defined in Section 16010.2*
21 *of the Welfare and Institutions Code, does not constitute serious*
22 *emotional damage or a substantial risk factor of suffering serious*
23 *emotional damage.*

24 SEC. 10. Section 2362 is added to the Probate Code, to read:

25 2362. Notwithstanding any other law, using a ward's legal
26 name, referring to a ward by a pronoun consistent with the ward's
27 sex as recorded at birth, treating a ward consistent with his or her
28 sex as recorded at birth, or refusing to consent to, or provide,
29 gender-affirming health care or gender-affirming mental health
30 care, as defined in Section 16010.2 of the Welfare and Institutions
31 Code, do not constitute any of the following:

32 (a) Omission of necessary medical attendance or remedial care.

33 (b) The cause of, or infliction of, unjustifiable physical or mental
34 pain, suffering, or injury to the ward, or the endangerment of the
35 ward's person or health.

36 (c) Grounds for the removal of the guardian, replacement of the
37 guardian, or termination of the guardianship.

38 SEC. 11. Section 300 of the Welfare and Institutions Code is
39 amended to read:

1 300. A child who comes within any of the following
2 descriptions is within the jurisdiction of the juvenile ~~court~~ court,
3 which may adjudge that person to be a dependent child of the court:

4 (a) (1) The child has suffered, or there is a substantial risk that
5 the child will suffer, serious physical harm inflicted nonaccidentally
6 upon the child by the child's parent or guardian. ~~For~~

7 (2) For purposes of this subdivision, a court may find there is
8 a substantial risk of serious future injury based on the manner in
9 which a less serious injury was inflicted, a history of repeated
10 inflictions of injuries on the child or the child's siblings, or a
11 combination of these and other actions by the parent or guardian
12 that indicate the child is at risk of serious physical harm. ~~For~~

13 (3) For purposes of this subdivision, "serious physical harm"
14 does not include reasonable and age-appropriate spanking to the
15 buttocks if there is no evidence of serious physical injury.

16 (b) (1) The child has suffered, or there is a substantial risk that
17 the child will suffer, serious physical harm or illness, as a result
18 of any of the following:

19 (A) The failure or inability of the child's parent or guardian to
20 adequately supervise or protect the child.

21 (B) The willful or negligent failure of the child's parent or
22 guardian to adequately supervise or protect the child from the
23 conduct of the custodian with whom the child has been left.

24 (C) The willful or negligent failure of the parent or guardian to
25 provide the child with adequate food, clothing, shelter, or medical
26 treatment.

27 (D) The inability of the parent or guardian to provide regular
28 care for the child due to the parent's or guardian's mental illness,
29 developmental disability, or substance abuse.

30 (2) A child shall not be found to be a person described by this
31 subdivision solely due to any of the following:

32 (A) Homelessness or the lack of an emergency shelter for the
33 family.

34 (B) The failure of the child's parent or alleged parent to seek
35 court orders for custody of the child.

36 (C) Indigence or other conditions of financial difficulty,
37 including, but not limited to, poverty, the inability to provide or
38 obtain clothing, home or property repair, or childcare.

39 (3) Whenever it is alleged that a child comes within the
40 jurisdiction of the court on the basis of the parent's or guardian's

1 willful failure to provide adequate medical treatment or specific
2 decision to provide spiritual treatment through prayer, the court
3 shall give deference to the parent's or guardian's medical treatment,
4 nontreatment, or spiritual treatment through prayer alone in
5 accordance with the tenets and practices of a recognized church
6 or religious denomination, by an accredited practitioner thereof,
7 and shall not assume jurisdiction unless necessary to protect the
8 child from suffering serious physical harm or illness. In making
9 its determination, the court shall consider (1) the nature of the
10 treatment proposed by the parent or guardian, (2) the risks to the
11 child posed by the course of treatment or nontreatment proposed
12 by the parent or guardian, (3) the risk, if any, of the course of
13 treatment being proposed by the petitioning agency, and (4) the
14 likely success of the courses of treatment or nontreatment proposed
15 by the parent or guardian and agency. The child shall continue to
16 be a dependent child pursuant to this subdivision only so long as
17 is necessary to protect the child from risk of suffering serious
18 physical harm or illness.

19 (4) The Legislature finds and declares that a child who is
20 sexually trafficked, as described in Section 236.1 of the Penal
21 Code, or who receives food or shelter in exchange for, or who is
22 paid to perform, sexual acts described in Section 236.1 or 11165.1
23 of the Penal Code, and whose parent or guardian failed to, or was
24 unable to, protect the child, is within the description of this
25 subdivision, and that this finding is declaratory of existing law.
26 These children shall be known as commercially sexually exploited
27 children.

28 (c) The child is suffering serious emotional damage, or is at
29 substantial risk of suffering serious emotional damage, evidenced
30 by severe anxiety, depression, withdrawal, or untoward aggressive
31 behavior toward self or others, as a result of the conduct of the
32 parent or guardian or who has no parent or guardian capable of
33 providing appropriate care. A child shall not be found to be a
34 person described by this subdivision if the willful failure of the
35 parent or guardian to provide adequate mental health treatment is
36 based on a sincerely held religious belief and if a less intrusive
37 judicial intervention is available.

38 (d) The child has been sexually abused, or there is a substantial
39 risk that the child will be sexually abused, as defined in Section
40 11165.1 of the Penal Code, by the child's parent or guardian or a

1 member of the child’s household, or the parent or guardian has
2 failed to adequately protect the child from sexual abuse when the
3 parent or guardian knew or reasonably should have known that
4 the child was in danger of sexual abuse.

5 (e) (1) The child is under five years of age and has suffered
6 severe physical abuse by a parent, or by ~~any~~ a person known by
7 the parent, if the parent knew or reasonably should have known
8 that the person was physically abusing the child. For the purposes
9 of this subdivision, “severe physical abuse” means any of the
10 following: ~~any~~

11 (A) A single act of abuse that causes physical trauma of sufficient
12 severity that, if left untreated, would cause permanent physical
13 disfigurement, permanent physical disability, or ~~death; any death.~~

14 (B) A single act of sexual abuse that causes significant bleeding,
15 deep bruising, or significant external or internal ~~swelling; or more~~
16 ~~swelling.~~

17 (C) More than one act of physical abuse, each of which causes
18 bleeding, deep bruising, significant external or internal swelling,
19 bone fracture, or ~~unconsciousness; or the~~ *unconsciousness.*

20 (D) ~~The willful, prolonged failure to provide adequate food. A~~

21 (2) A child shall not be removed from the physical custody of
22 the child’s parent or guardian on the basis of a finding of severe
23 physical abuse unless the social worker has made an allegation of
24 severe physical abuse pursuant to Section 332.

25 (f) The child’s parent or guardian caused the death of another
26 child through abuse or neglect.

27 (g) The child has been left without ~~any~~ a provision for support;
28 physical custody of the child has been voluntarily surrendered
29 pursuant to Section 1255.7 of the Health and Safety Code and the
30 child has not been reclaimed within the 14-day period specified
31 in subdivision (g) of that section; the child’s parent has been
32 incarcerated or institutionalized and cannot arrange for the care of
33 the child; or a relative or other adult custodian with whom the child
34 resides or has been left is unwilling or unable to provide care or
35 support for the child, the whereabouts of the parent are unknown,
36 and reasonable efforts to locate the parent have been unsuccessful.

37 (h) The child has been freed for adoption by one or both parents
38 for 12 months by either relinquishment or termination of parental
39 rights or an adoption petition has not been granted.

1 (i) The child has been subjected to an act or acts of cruelty by
2 the parent or guardian or a member of the child's household, or
3 the parent or guardian has failed to adequately protect the child
4 from an act or acts of cruelty when the parent or guardian knew
5 or reasonably should have known that the child was in danger of
6 being subjected to an act or acts of cruelty.

7 (j) (1) The child's sibling has been abused or neglected, as
8 defined in subdivision (a), (b), (d), (e), or (i), and there is a
9 substantial risk that the child will be abused or neglected, as defined
10 in those subdivisions. The court shall consider the circumstances
11 surrounding the abuse or neglect of the sibling, the age and gender
12 of each child, the nature of the abuse or neglect of the sibling, the
13 mental condition of the parent or guardian, and any other factors
14 the court considers probative in determining whether there is a
15 substantial risk to the child.

16 ‡

17 (2) *It is the intent of the Legislature that this section not disrupt*
18 *the family unnecessarily or intrude inappropriately into family*
19 *life, prohibit the use of reasonable methods of parental discipline,*
20 *or prescribe a particular method of parenting. Further, this section*
21 *is not intended to limit the offering of voluntary services to those*
22 *families in need of assistance but who do not come within the*
23 *descriptions of this section. To the extent that savings accrue to*
24 *the state from child welfare services funding obtained as a result*
25 *of the enactment of the act that enacted this section, those savings*
26 *shall be used to promote services which support family*
27 *maintenance and family reunification plans, such as client*
28 *transportation, out-of-home respite care, parenting training, and*
29 *the provision of temporary or emergency in-home caretakers and*
30 *persons teaching and demonstrating homemaking skills. The*
31 *Legislature further declares that a physical disability, such as*
32 *blindness or deafness, is no bar to the raising of happy and*
33 *well-adjusted children and that a court's determination pursuant*
34 *to this section shall center upon whether a parent's disability*
35 *prevents the parent from exercising care and control. The*
36 *Legislature further declares that a child whose parent has been*
37 *adjudged a dependent child of the court pursuant to this section*
38 *shall not be considered to be at risk of abuse or neglect solely*
39 *because of the age, dependent status, or foster care status of the*
40 *parent.*

1 As

2 (3) As used in this section, “guardian” means the legal guardian
3 of the child.

4 (k) For purposes of this article, notwithstanding any other law,
5 using a child’s legal name, referring to a child by a pronoun
6 consistent with the child’s sex as recorded at birth, treating a child
7 consistent with his or her sex as recorded at birth, or refusing to
8 consent to, or provide, gender-affirming health care or
9 gender-affirming mental health care, as defined in Section 16010.2,
10 are not sufficient to adjudge the child to be a dependent child of
11 the court, remove the child from the parent’s or guardian’s custody,
12 or terminate parental rights.

13 (l) If a parent or guardian has their child removed or adjudged
14 a dependent of the court because the parent or guardian used the
15 child’s legal name, referred to the child by a pronoun consistent
16 with the child’s sex as recorded at birth, treated the child consistent
17 with his or her sex as recorded at birth, or refused to consent to,
18 or provide, gender-affirming health care or gender-affirming
19 mental health care, as defined in Section 16010.2, the parent, legal
20 guardian, or child shall have a private right of action against the
21 individual or entity investigating the parent or guardian for
22 damages and any equitable relief as the court may determine is
23 justified. The court may also award reasonable attorney’s fees
24 and costs to the prevailing party.

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