

## WIC 300 Petitions - Descriptions and Documentation

(Revised 04/19/24)

[Related Policies](#)

[Description](#)

[Policy](#)

[300\(a\) Physical Abuse](#)

[300\(b\) Neglect/Abandonment/CSEC](#)

[300\(c\) Emotional Abuse](#)

[300\(d\) Sexual Abuse](#)

[300\(e\) Severe Physical Abuse](#)

[300\(f\) Death of Another Child](#)

[300\(g\) No Parent or Guardian \(NPG\)](#)

[300\(h\) Child Freed for Adoption 12+ Months](#)

[300\(i\) Cruelty](#)

[300\(j\) Sibling Petition](#)

[Alignment with SET](#)

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### Related Policies

Additional information can be found in the following policies:

- Child Fatality and Near Fatality Protocol
- Child Victim Witness Protocol
- Commercial Sexual Exploitation of Children (CSEC) Interagency Protocol
- Court Reports Overview and Distribution
- Drug Endangered Children and Law Enforcement Liaison Protocol
- ER-Investigations
- Highly Vulnerable Children Protocol
- Family Violence Protocol
- Medical Treatment/Medical Releases
- Mental Health Treatment and Services
- Motions-388
- Neglect Protocol
- Petitions-387
- Physical Abuse Protocol
- Sexual Abuse Protocol
- Substance Use Disorder Protocol

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### Description

Section 300 of the Welfare and Institutions Code (WIC) describes the various circumstances under which petitions can be filed in Juvenile Court when there is sufficient evidence that a child/youth has been, or is at risk of, abuse or neglect. The following are the 10 subsections of WIC 300:

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**Description (cont.)**

- 300(a) Physical Abuse
- 300(b) Neglect/Abandonment/CSEC
- 300(c) Emotional Damage
- 300(d) Sexual Abuse
- 300(e) Severe Physical Abuse
- 300(f) Death of Another Child
- 300(g) No Parent or Guardian (NPG)
- 300(h) Child Freed for Adoption 12+ Months
- 300(i) Cruelty
- 300(j) Sibling Petition

**NOTE:** Refer to WIC 300 [site](#) for definitions. For allegation definitions, see ER-Investigations.

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**Policy**

This policy briefly describes WIC 300 types of petitions and the elements needed for it to be proven. The type of evidence to be gathered varies based on the type of allegation being investigated. Refer to the Petitions-387 and Motions-388 policies respectively for information on their requirements.

While documenting the risk to the child/youth is required in every circumstance, not every element listed below will apply in every situation:

- photographs of injuries/conditions
- detailed descriptions of injuries/conditions (does not replace photographic evidence)
- each witness's statements (including the child/youth's, parents/caregivers, and witnesses to the social worker (SW) and to others) of what was happening before, during and after the child was injured/neglected
- explanations of the injuries by anyone with information
- reports/expert testimony of medical specialists indicating an injury was (more likely than not) inflicted or non-accidental
- reason(s) a parent's/caregiver's explanation of an injury being accidental is either inconsistent with the evidence or places the child/youth at risk (neglect)
- expert testimony/opinions as to the potential danger or detriment to the child
- evidence of prior similar incidents by the parent/caregiver, regarding this child or another child
- police reports
- results of evidentiary examinations
- expert testimony of the evidentiary interviewer, including records of the interview
- testimony of law enforcement regarding statements made by alleged perpetrators
- exculpatory evidence (information on "what's working well" for the family, the parents' past and current protective capacities or actions, and information that can excuse, justify, or absolve the parent or guardian of the allegations which gave rise to the protective concerns)

**NOTE:** These are not exhaustive lists and additional evidence may be required based on circumstances of the petition.

For information on documentation required for court reports, see Court Reports Overview and Distribution.

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**WIC 300(a) –  
Physical Abuse**

When screening a petition under WIC 300(a), the SW must document how the child/youth fall under one of each these criteria:

- The child/youth has suffered or is at substantial risk of suffering serious physical harm inflicted non-accidentally by the parent/guardian.  
**NOTE:** “Serious physical harm” does not include reasonable and age-appropriate spanking to the buttocks if there is no evidence of serious physical injury. Refer to definitions in Physical Abuse Protocol.
- The parent/guardian subjected or exposed the child/youth to the abuse or damage, or allowed it to occur,
- The injury suffered is, or potentially dangerous to the health or welfare of the child/youth, and
- The situation poses a substantial risk to the child/youth.

The following are examples of what is typically required to prove this count:

- Parent/caregiver’s and other witness statements regarding when, where, and how the injury occurred.
- A detailed description of the injury and supporting evidence, e.g., measurements, photographs of the injuries, description of location where injury occurred.
- Medical reports/letters describing the type of injuries sustained and explanation of how injuries occurred, if known.
- Statement from child abuse medical expert stating whether the injury is (more likely than not) non-accidental and the basis for their opinion.
- Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).
- Explanation of how the injuries/harm being accidental is inconsistent with the evidence, and how this puts the child/youth at risk of further harm/neglect.
- Coroner’s report if petition is regarding the death of a child/youth (if unavailable at screening, report must be provided prior to the first jurisdictional hearing).

Related Policies:

- Physical Abuse Protocol
  - Child Victim Witness Protocol
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**WIC 300(b) –  
Neglect/  
Abandonment/  
CSEC**

When screening a petition under WIC 300(b), the SW must document how the child/youth fall under one of these criteria:

- The child/youth has suffered or is at substantial risk of suffering serious physical harm as a result of any of the following:
    - Failure or inability of the parent/guardian to adequately supervise or protect the child/youth.
    - The willful or negligent failure of the child/youth’s parent/guardian to adequately supervise or protect the child/youth from the conduct of the caregiver with whom the child/youth has been left.
    - Willful or negligent failure of the parent/guardian to provide the child/youth with adequate food, clothing, shelter, or medical treatment.
    - Inability of the parent/guardian to provide regular care due to the parent/guardian’s mental illness, developmental disability, or substance use.
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**WIC 300(b) –  
Neglect/  
Abandonment/  
CSEC  
(cont.)**

- That the child/youth is a commercially sexually exploited/trafficked child/youth as described in Penal Code Section 236.1 or receives food and shelter or is paid to perform sexual acts as described in Section 236.1 or 11165.1, and their parents have failed to protect them from the exploitation. Provide information on how the parents failed to protect the child/youth.

A child/youth will not be found to be a person described by this subsection solely due to any of the following:

- Homelessness or the lack of an emergency shelter for the family.
- The failure of the child/youth's parent/guardian or alleged parent to seek court orders for custody of the child/youth.
- Indigence or other conditions of financial difficulty, including, but not limited to, poverty, the inability to provide or obtain clothing, home or property repair, or childcare.

The table below outlines what to provide for each type of subsection on the 300 (b) section:

CIRCUMSTANCE	REQUIRED DOCUMENTATION
Substance Use	<ul style="list-style-type: none"> <li>• Detailed description of how the parent/guardian's use impacts their ability to meet the child/youth's needs.</li> <li>• Risk to children/youth in the home due to parent/guardian's substance use (e.g., substances are within access of child/youth).</li> <li>• Type of substance used, when used, and history of use.</li> <li>• Toxicology tests, if available.</li> <li>• Witness statements regarding direct knowledge of substance use by parent/guardians.</li> <li>• Parent/guardian's statement regarding substance use.</li> <li>• Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).</li> </ul> <p>Related protocol: Substance Use Disorder Protocol</p>
Family Violence	<ul style="list-style-type: none"> <li>• Description of impact to child/youth, and their location when each incident of violence took place.</li> <li>• Witness statements, including specific description of violence observed.</li> <li>• Documentation (e.g., medical reports, descriptions by witnesses) of injuries suffered by those involved in the violence.</li> <li>• Statements of parent/guardians and/or perpetrating adult regarding: <ul style="list-style-type: none"> <li>○ all alleged incidents of family violence</li> <li>○ perception of risk to the child/youth,</li> <li>○ plans to terminate violence</li> <li>○ amenability to services</li> </ul> </li> </ul>

**WIC 300(b) –  
Neglect/  
Abandonment/  
CSEC  
(cont.)**

CIRCUMSTANCE	REQUIRED DOCUMENTATION
Family Violence (cont.)	<ul style="list-style-type: none"> <li>• Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).</li> </ul> <p>Related protocol: Family Violence Protocol</p>
Mental Health of Parent/Guardian	<ul style="list-style-type: none"> <li>• Recent psychological evaluation.</li> <li>• History of psychiatric hospitalizations.</li> <li>• Detailed witness statements describing the parent/guardian’s recent behaviors, and specific time frame in which the parent/guardian exhibited the behaviors.</li> <li>• Statements from any treating professionals as to the parent/guardian’s mental health and how this affects their ability to parent/guardian.</li> <li>• Specific dates/time frame that parent/guardian was unable to provide adequate care due to mental illness.</li> <li>• Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).</li> </ul> <p>Related policy: Mental Health Treatment and Services</p>
Highly Vulnerable Children (HVC)	<ul style="list-style-type: none"> <li>• Description of why child/youth is designated HVC.</li> <li>• Evidence of current risk.</li> <li>• Complete history of abuse (including dates, allegations, and dispositions of referrals).</li> <li>• Summary of parent/guardian’s attempts to reunify with other siblings and their permanent plans.</li> <li>• Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).</li> </ul> <p>Related protocol: Highly Vulnerable Children Protocol</p>
Medical Neglect	<ul style="list-style-type: none"> <li>• Type of medical treatment needed.</li> <li>• Risk to the child/youth if they do not receive proposed medical treatment.</li> <li>• Why the parent/guardian(s) objects to treatment (i.e. cultural considerations or alternative medical treatments and risk to the child/youth).</li> <li>• Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).</li> </ul> <p>Related policy: Medical Treatment/Medical Releases</p>

Refer also to the following protocols:

- Commercial Sexual Exploitation of Children (CSEC) Interagency Protocol
- Drug Endangered Children and Law Enforcement Liaison Protocol

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**WIC 300(c) –  
Emotional Abuse**

When screening a petition under WIC 300 (c), the SW must provide information on how the child/youth is suffering or is at substantial risk of suffering serious emotional harm, as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others as a result of the conduct of the parent/guardian, or the child/youth has no parent/guardian capable of providing appropriate care.

The SW must provide the following:

- Most recent psychological evaluation of the child/youth that is available and/or a current therapist letter describing the need for juvenile dependency court intervention.
- A description and dates/time frames of the child/youth's behaviors and why these behaviors place themselves or others at risk of serious physical harm.
- The inability of the child/youth's parent/guardian to provide the recommended mental health treatment.
- Names of witnesses who would support the child/youth's need for mental health treatment.

Refer also to the following protocols:

- Child Victim Witness Protocol
  - Family Violence Protocol
  - Substance Use Disorder Protocol
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**WIC 300(d) -  
Sexual Abuse**

When screening a petition under WIC 300(d), the SW must document the child/youth has been sexually abused, or there is a substantial risk that the child/youth will be sexually abused, as defined in Section 11165.1 of the Penal Code, or the parent/guardian has failed to adequately protect the child/youth from sexual abuse when the parent/guardian knew or reasonably should have known that the child/youth was in danger of sexual abuse.

The SW must provide the following:

- How the parent/guardian has failed to adequately protect the child/youth from sexual abuse when the parent/guardian knew or should have known that the child/youth was in danger of sexual abuse.
  - Risk to the child/youth of continued sexual abuse/molest (e.g., the perpetrator is still in the home and/or has access to the child/youth, and/or the non-offending parent/guardian does not believe the sexual abuse/molest occurred).
  - Description of the sexual abuse/molest and dates or time frame it occurred.
  - A summary of the evidentiary interview, if available.
  - Medical reports, if any, describing the findings there is physical evidence of sexual abuse.
  - A summary of the victim's interview describing circumstances of sexual abuse/molest, including facts that give credibility to the child/youth's statement and factors supporting the reliability of the interview.
  - A detailed statement from the parent/guardians, including admissions or denials.
  - Corroborating evidence such as the child/youth is sexually acting out, witness statements, etc.
  - Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).
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**WIC 300(d) -  
Sexual Abuse  
(cont.)**

- Risk to the child/youth if residing with a parent/guardian (or any other person) who has been convicted of sexual abuse, (include sufficient documentation that the person has been convicted of sexual abuse, has been found in a prior dependency hearing to have committed an act of sexual abuse, or is required to register as a sex offender).

Refer also to the following protocols:

- Child Victim Witness Protocol
  - Sexual Abuse Protocol
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**WIC 300(e) –  
Severe Physical  
Abuse**

A 300 e petition is limited to a child under the age of 5, and the SW must provide information on how the child has suffered severe physical abuse by a parent or by a 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 single act of abuse which causes physical trauma, if left untreated, would cause severe disfigurement, permanent physical disability, or death.
- Any single act of sexual abuse which causes significant bleeding, deep bruising, significant external or internal swelling.
- More than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture or unconsciousness.
- Willful prolonged failure to provide adequate food.

The SW will provide:

- Medical reports describing the injuries to the child with specificity, indicating the mechanism of the injury, if known.
- A statement from a child abuse medical expert stating whether the injury is most likely non-accidental and the basis for the opinion. And if applicable, that the injury, if left untreated, would cause severe disfigurement, permanent physical disability, or death.
- Timelines leading up to incidents/events when abuse occurred.
- Detailed statements of parents and other witnesses regarding when, where, and how injury occurred.
- Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).

Refer also to the following protocols:

- Child Victim Witness Protocol
  - Highly Vulnerable Children Protocol
  - Physical Abuse Protocol
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**WIC 300(f) –  
Death Of Another  
Child**

A 300 (f) is filed when a parent/guardian caused the death of another child/youth as a result of abuse or neglect.

The SW must provide the following:

- Description of how the child/youth's parent caused the death of another child/youth due of abuse or neglect.
- Medical reports describing the injuries to the deceased child/youth with specificity, indicating the mechanism of the injury, if known.
- The coroner report (if not available at screening, reports must be provided prior to the first jurisdictional hearing).
- A statement from a child abuse medical expert stating whether the death is most likely non-accidental and the basis for the opinion.
- Detailed statements of parents and other witnesses regarding when, where, and how injury occurred.
- Specific date(s) the abuse occurred.
- Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).

Refer also to the following protocols:

- Child Fatality and Near Fatality Protocol
  - Child Victim Witness Protocol
  - Highly Vulnerable Children Protocol
  - Physical Abuse Protocol
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**WIC 300(g) – No  
Parent Or  
Guardian (NPG)**

When screening a petition under WIC 300(g), the SW must document how the child/youth fall under one of these criteria:

- The child/youth was left without any provisions for support under the following conditions:
  - Child/youth has been voluntarily surrendered pursuant to Section 1255.7 of the Health and Safety Code and has not been reclaimed within the 14-day period.
  - Parent/guardian(s) are incarcerated or institutionalized and cannot arrange for the child/youth's care. If the parent/guardian suggested a caretaker at the time of their arrest or when the SW met with the parent/guardian while the parent/guardian was in jail, the SW will provide this information.
  - Relative or adult custodian with whom the child/youth reside is no longer willing/able to care for the child/youth (provide specific reasons no relative caregivers are available).
  - Parent/guardians' whereabouts are unknown and reasonable efforts to locate the parent/guardian have been unsuccessful.

Refer also to the Neglect Protocol and Safely Surrendered Babies.

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**WIC 300(h) –  
Child Freed For  
Adoption For  
12+ Months**

When screening a petition under WIC 300(h), the SW must document the child/youth has been freed for adoption by one or both parent/guardians for 12 months by either relinquishment or termination of parental rights, or an adoption petition has not been granted.

The SW will provide the following:

- A copy of order terminating parental rights or relinquishment.
- A report specifying issues that have precluded adoption (reason[s] for delay).

More information on frequently asked questions about adoptions available on the California Department of Social Services (CDSS) [site](#).

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**WIC 300(i) –  
Cruelty**

When screening a petition under WIC 300(i), the SW must document the child/youth has been subjected to an act(s) of cruelty by the parent/guardian, or by a member of the child/youth's household the parent/guardian has failed to adequately protect the child/youth from, when the parent/guardian knew or reasonably should have known that the child/youth was in danger of being subjected to such cruelty.

The SW will provide the following:

- Medical reports describing the injuries, and the mechanism of the injury, if known.
- A statement from child abuse medical expert stating whether the injury is (more likely than not) non-accidental and the basis for the opinion.
- Specific date(s) that abuse occurred.
- Detailed statements of parents and other witnesses regarding when, where, and how injury occurred.
- Police Reports (if not available at screening, reports must be provided prior to the first jurisdictional hearing).

Refer also to the following protocols:

- Child Victim Witness Protocol
  - Family Violence Protocol
  - Highly Vulnerable Children Protocol
  - Physical Abuse Protocol
  - Sexual Abuse Protocol
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**WIC 300(j) –  
Sibling Petition**

When screening a petition under WIC 300(j), the SW must document the child/youth's sibling has been abused or neglected as defined in WIC 300(a), (b), (d), I, and/or (i); and this child/youth is at substantial risk of being abused or neglected. If a sibling is alleged to have been abused,

The SW will document all that apply:

- How the sibling is at risk of abuse.
  - The specific description of the nexus of the abuse to each of the siblings, including proximity in age or gender.
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**WIC 300(j) –  
Sibling Petition  
(cont.)**

- For sexual abuse petitions:
    - whether the sibling who was not sexually abused was present during the abuse or was aware of the abuse
    - whether the perpetrator has a history of other sexual offenses
    - whether the sexual offender “groomed” the victim prior to the sexual abuse.
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**Alignment  
with SET**

This policy supports the following SET [Value 4](#): Shared Responsibility with Community Partners by working with medical, law enforcement, school, and other professionals to gather evidence to ensure accurate assessments of risk and SET [Value 5](#): A Strong Working Relationship with the Legal System by collaborating with legal partners to ensure that the gathered evidence supports the legal definition of abuse or neglect, which preserves the family’s legal rights and assists CFWB in advocating for the least restrictive placement level (including in-home), visitation, and case planning.

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