Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES Alex Lee, Chair AB 601 (Jackson) – As Amended March 25, 2025

SUBJECT: Child abuse: reporting

SUMMARY: Requires the California Department of Social Services (CDSS) to develop a standardized curriculum for mandated reporters and requires their employers to provide this training within the first three months of their employment. Specifically, **this bill**:

- Requires CDSS, through the State Office of Child Abuse Prevention (OCAP), with participation of individuals with lived expertise, county child welfare agencies, and other stakeholders, to develop a standardized curriculum for mandated reporters by no later than July 1, 2027. Requires the curriculum to reflect legislative intent as described in 13) and 14) below, and to include, but not be limited to, all of the following:
 - a) History of mandated reporting laws, including the impact of structural racism on disparities for Black and Indigenous families;
 - b) The Federal Child Abuse Prevention and Treatment Act (CAPTA);
 - c) California's Child Abuse and Neglect Reporting Act (CANRA);
 - d) Best practice for defining "reasonable suspicion" and "substantial risk";
 - e) Differences between "severe" and "general" neglect as defined in existing law, as described in 15) and 16) below;
 - f) California child abuse, neglect, and disproportionality data;
 - g) Definitions of "bias," including "implicit," and "explicit," bias, and "trauma," the impact of bias and trauma on families and children, and strategies for recognizing and mitigating their impact;
 - h) The impact on families of making a child abuse or neglect report to child protective services;
 - i) Considerations for special populations, including individuals with disabilities, behavioral health, domestic violence, and substance use concerns, as well as the unique factors involved in supporting children 0 to 5 years of age;
 - j) Decision-making processes and tools for mandated reporters; and,
 - k) Education and information on community resources, community-based organizations, and other government agencies that can provide support to families in need.
- 2) Requires CDSS to make the training available on its website.

- 3) Clarifies that "California child abuse, neglect, and disproportionality data" means data documented by the California Child Welfare Indicators Project (CCWIP).
- 4) Requires all employers of mandated reporters to provide the training created pursuant to 1) above, within the first three months of their employment, or on or before March 1, 2030, whichever is later.
- 5) Requires county child welfare services departments to ensure that all child welfare department social workers operating the county's response system receive training pursuant to 1) above.
- 6) Specifies that notwithstanding any other law, county child welfare services departments do not need to substantiate or have allegations of abuse, neglect, or exploitation in order to provide services and stabilization support.
- 7) Requires CDSS, on or before January 1, 2027, to submit a report to the Legislature on the development of the training with policy recommendations to encourage compliance with the requirement in 4) above.
- 8) Permits CDSS to audit records of any agency or organization employing a mandated reporter to ensure compliance with 4) above. Authorizes CDSS, if an employer violates this provision, to seek a court order requiring the employer to comply with these requirements.
- 9) Requires the California Child Welfare Council, through its Prevention and Early Intervention Committee, to establish a Mandated Reporting Advisory Committee (MRAC). Requires the MRAC to include, but not be limited to, representatives of county agencies, labor organizations, community-based organizations, and parents and youth directly impacted by the child welfare system. States legislative intent that the MRAC ensure the transformation of mandated reporting to community supporting continues and disparities in the child welfare system are eliminated.
- 10) Requires CDSS, in consultation with the MRAC, to monitor disparities in the child welfare system. Requires CDSS, on or before January 1, 2027, to submit a report to the Legislature on disparities in the child welfare system.
- 11) Requires, for counties that elect to provide prevention services, the written plan that is submitted to CDSS to include the county's plans to provide information for mandated reporters regarding the resources available to support families in their communities.
- 12) Requires CDSS and the California Department of Health Care Services to jointly provide an update to the Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review, and to the subcommittees that have oversight of human services, on or before April 1, 2026, and every 90 days thereafter, on guidance to counties with respect to payer of last resort federal requirements and revenue maximization of Medicaid and Title IV-E funding to support services under the Family First Prevention Services program. Provides that this provision shall become inoperative upon findings by the Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review, that this requirement has been satisfied.

- 13) Declares it is the Legislature's intent to do the following:
 - a) Enact legislation requiring CDSS to incorporate an assessment of the capacity of community supports and services;
 - b) Eliminate the disproportionate surveillance and reporting of Black/African American, Native American/Indigenous, and Latino families and communities, thereby leading to an environment of antiracism in support of all children and families;
 - c) For training to be fully implemented regarding the definition of general neglect, as amended by AB 2085 (Holden), Chapter 770, Statutes of 2022, and that investigations of general neglect by child welfare agencies as referred by mandated reporters emphasizes community-based supports and family preservation services to reduce disparities and disproportionality in the child welfare system; and,
 - d) Enact legislation to clarify statutes to allow for the sharing of information across agencies through a multidisciplinary team approach to serve children and families to prevent foster care entry.

14) Makes legislative findings and declarations related to all of the following:

- a) Current mandatory reporting laws have resulted in a significant increase in the number of reports made with no corresponding evidence that children are safer; and,
- b) The harm and trauma of unnecessary reporting falls disproportionately on Black/African American and Native American/Indigenous children and families;

EXISTING LAW:

State law:

- 1) Establishes CANRA to protect children from abuse and neglect. Requires certain professionals, designated as mandated reporters, to report any known or suspected cases of child abuse or neglect to specified authorities. (Penal Code [PEN] § 11164 *et seq.*)
- 2) Enumerates the 49 employment classifications that compose the definition of a mandated reporter to include: a teacher; a public assistance worker; an employee of a childcare institution; a peace officer; a firefighter; a physician; a coroner; a commercial film and photographic print or image processor; a child visitation monitor; an animal control officer or humane society officer; a clergy member; an employee of any police department, county sheriff's department, county probation department, or county welfare department; an athletic coach, a commercial computer technician; and, a human resource employee of a business that employs minors. (PEN § 11165.7(a))
- 3) Requires school districts, county offices of education, state special schools and diagnostic centers operated by the California Department of Education (CDE), and charter schools to annually train their employees and persons working on their behalf in the duties of mandated reporters under the child abuse reporting laws. Requires the training to include training in

child abuse and neglect identification and child abuse and neglect reporting. (PEN 11165.7(d))

- 4) Requires mandated reporters, with the exception of child visitation monitors, prior to commencing their employment, and as a prerequisite to that employment, to sign a statement on a form provided by the employer to the effect that they have knowledge of the provisions in CANRA and will comply with those provisions. Requires the statement to inform the employee that they are a mandated reporter and inform the employee of their reporting obligations and of their confidentiality rights. Requires the employer to provide a copy of the statement to the employee. (PEN § 11166.5(a))
- 5) Strongly encourages employers who are not required to provide a training, to provide their employees who are mandated reporters with training in the duties imposed by CANRA. Requires this training to include training in child abuse and neglect identification and training in child abuse and neglect reporting. (PEN § 11166.5(c))
- 6) Requires specified employers to provide their employees who are mandated reporters with training in the duties imposed by CANRA. Requires this training to include training in child abuse and neglect identification and training in child abuse and neglect reporting. Authorizes the training requirement to be met by completing the general online training for mandated reporters offered by OCAP in CDSS. (PEN § 11166.5(c)(2))
- 7) Requires CDSS, as part of the administration of child day care licensing, to provide training, including statewide guidance on the responsibilities of a mandated reporter who is a licensed day care provider or an applicant for that license, administrator, or employee of a licensed child day care facility in accordance with CANRA. Requires CDSS to provide the guidance using its free module, or modules provided on the CDSS website, or as otherwise specified by the department. (Health and Safety Code § 1596.8662)
- 8) Requires acknowledgment that the director of a heritage school and all employees are mandated reporters and subject to the requirements established by CANRA, and, consistent with that act, certification that: the employer is aware that it is encouraged to provide its employees with training in the duties imposed by CANRA; employees have signed a statement provided by the employer that the employees have knowledge of CANRA and will comply with its provisions; and, employees have been notified by the employer of their reporting obligations and confidentiality rights. (Education Code [EDC] § 33195)
- 9) Establishes standards and procedures for the issuance and renewal of teaching and services credentials and requires applicants to acknowledge their responsibilities under CANRA, ensuring they understand their duty to report suspected child abuse or neglect. (EDC § 44252)
- 10) Requires CDE, in consultation with OCAP and CDSS, to develop and disseminate information to all school districts regarding the detection and reporting of child abuse and provide statewide guidance on the responsibilities of mandated reporters who are school personnel in accordance with CANRA. Requires this guidance to include information on the identification of child abuse and neglect and reporting requirements for child abuse and neglect. Requires CDE to develop appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take

in suspected cases of child abuse and neglect, including an online training module to be provided by CDSS. (EDC § 44691)

- 11) Requires a mandated reporter to make a report whenever the mandated reporter, in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (PEN §11166(a))
- 12) Requires the Commission on Peace Officer Standards and Training to prepare guidelines establishing standard procedures which may be followed by police agencies in the detection, investigation, and response to cases in which a minor is a victim of an act of abuse or neglect. Requires the guidelines to include procedures for determining whether or not a child should be taken into protective custody and to also include procedures for minimizing the number of times a child is interviewed by law enforcement personnel. (PEN §13517)
- 13) Requires an administrator, employee, or regular volunteer of a youth service organization to complete training in child abuse and neglect identification and training in child abuse and neglect reporting. Permits the training requirements to be met by completing the online mandated reporter training provided by OCAP in CDSS. (Business and Professions Code [BPC] § 18975(a))
- 14) Authorizes, before writing liability insurance for a youth service organization in this state, an insurer to request information demonstrating compliance with child abuse and neglect training requirements from the youth service organization as a part of the insurer's loss control program. (BPC § 18975(d))
- 15) Defines "severe neglect" to mean 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 their person or health is endangered as proscribed by 17) below, including the intentional failure to provide adequate food, clothing, shelter, or medical care. (PEN § 11165.2(a))
- 16) Defines "general neglect" to mean 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 but the child is at substantial risk of suffering serious physical harm or illness. "General neglect" does not include a parent's economic disadvantage. Clarifies that 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 parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect. (PEN § 11165.2(b))
- 17) Defines "the willful harming or injuring of a child or the endangering of the person or health of a child," to mean a situation in which 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 in which his or her person or health is endangered. (PEN §11165.3)

Federal law:

18) Establishes CAPTA which provides grants to states and community-based organizations for child abuse and neglect prevention and treatment programs. Requires states to meet specific requirements related to mandatory reporting laws and a system for receiving and investigating reports of child abuse and neglect. (42 United States Code § 5106a(b)(2)(B)(v))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS: This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services

Mandated Reporting. Current law under CANRA provides a comprehensive reporting scheme in an effort to identify victims of child maltreatment. CANRA enumerates 49 different employment classifications that define a mandated reporter to include: a teacher; a public assistance worker; an employee of a childcare institution; a firefighter; a physician; a coroner; a commercial film and photographic print or image processor; an animal control officer or humane society officer; a clergy member; an athletic coach, a commercial computer technician; and, a human resource employee of a business that employs minors.

Despite the vast differences in each of these jobs, all mandated reporters share the same legal duty to report known or reasonably suspected child abuse or neglect that they become aware of in the course of their employment. Mandated reporters are required to make a report to a designated agency, specifically any police or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive such reports, or county welfare department. Any of those agencies are required to accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person.

According to data from CCWIP, a collaboration between CDSS and UC Berkeley, allegations for child maltreatment have hovered between 500,000 and 400,000 per year over the last decade. The most recent data from 2024 shows there was a total of 417,513 allegations of maltreatment and the most frequent allegation type reported was for general neglect with 186,129 instances being reported.

General neglect is defined 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, but the child is at substantial risk of suffering serious physical harm or illness. General neglect does not include a parent's economic disadvantage.

Determining reasonable suspicion of general neglect requires the reporter to exercise their judgment on whether to report based on facts that would lead a reasonable person to suspect neglect. This standard encourages reporting without requiring certainty, which as noted by many stakeholders, can lead to overreporting. One factor that contributes to overreporting is the requirement for a mandated reporter who fails to report known or suspected neglect can face criminal charges, typically classified as a misdemeanor, and can include up to six months in confinement in a county jail and/or a fine of up to \$1,000. As noted by many advocates and stakeholders, this contributes to a fear-based reaction from the mandated reporter, who will often err on the side of reporting even if they are unsure of the veracity of their claims, or may be

unconsciously reacting to the results of existing structural racism and conflating poverty with neglect.

Data from CCWIP show that in 2024, of the 417,513 allegations reported, only 46,457 (11.1%) were substantiated. 108,722 were inconclusive, 100,859 were unfounded, 145,464 had an assessment only/were evaluated out, and 16,011 were categorized as not yet determined. Although almost 90% of allegations are unsubstantiated, overreporting unnecessarily exposes hundreds of thousands of families to the scrutiny of child protective services (CPS) and can be a traumatic experience. It is unclear, when an allegation against a family for general neglect is unsubstantiated, whether families are being directed to support to alleviate the conditions that may have caused them to come to the attention of the child welfare services system.

According to the Legislative Analyst's Office (LAO), "Families who come to the attention of the child welfare system often are experiencing poverty and other significant challenges, such as substance use disorder or domestic violence, which can cause trauma to the children and family. Given the shorter- and longer-term negative impacts of experiencing trauma and maltreatment, child welfare system intervention may be necessary to help keep children safe from these potentially harmful situations. At the same time, involvement with the child welfare system also may result in trauma, particularly when a child is removed from their parent(s) or caregiver(s). How best to ensure child safety in a way that minimizes and mitigates trauma and ideally keeps the child with their parent(s)/caregiver(s) is a core challenge inherent to the child welfare system."

The LAO also notes that California's child welfare system-involved families are disproportionately Black, Native American, and come from families with low income, a demographic trend that has persisted for many years. The LAO states, "How to differentiate between families in need of supports to address risk factors, as opposed to families who require child welfare system-level intervention, is an inherent challenge for decision makers across the child welfare system."

This bill seeks to equip mandated reporters with a better understanding of their role by requiring CDSS to develop a standardized curriculum that includes the history of mandated reporting laws, the impact of structural racism on disparities for Black and Indigenous families, the differences between severe and general neglect, the impact of bias and trauma on families and children, the impact on families of making a child abuse or neglect report to CPS, and education and information on community resources, community-based organizations, and other government agencies that can provide support to families in need.

Current Mandated Reporter Training. Currently, mandated reporter training is offered through the Child Abuse Mandated Reporter Training Project which is supported by CDSS and OCAP in partnership with Simple Learning Systems, an external organization that offers content delivery and management platform for online training programs. The current training is voluntary and consists of online profession-specific courses designed to address the specific realities of different professionals and volunteers by providing training to identify and report suspected child abuse and neglect. There are several different types of training available according to profession and the website offers modules for general training, school personnel, child care providers, medical professionals, mental health and social workers, clergy, and volunteers. Some mandated reporters are statutorily required to complete their own training according to the requirements of their specific job and credentials. For example, teachers and law enforcement have specific

requirements placed on their training as it relates to the time they need to complete their training, the frequency, and the content it is required to cover. *This bill* would require all employers of mandated reporters to provide the training created under these provisions, within the first three months of their employment

Mandated Reporting to Community Supporting Task Force. Under the purview of the California Child Welfare Council (CWC), and in partnership with CDSS, the Mandated Reporting to Community Supporting (MRCS) Task Force was established to "lead a coordinated statewide effort to review and reform the mandated reporting system and encourage use of community resources and services that can help to keep children safe and families together." The purpose of the MRCS Task Force is to develop recommendations and plans to guide California's reform of mandated reporting laws, policies, and practices. In March of 2023, the CWC unanimously approved recommendations to begin to reform the current mandated reporting system that consists of an integrated continuum of family serving systems that support parents and families in providing safe, stable, and nurturing environments for their children. Essentially, supporting families."

One of the recommendations from the MRCS Task Force was to require all mandated reporters in California to receive standardized training on child abuse and neglect. Another recommendation was for the CWC, through its Prevention and Early Intervention Committee to establish a Mandated Reporting Advisory Committee (MRAC), ". . . to ensure the transformation of Mandated Reporting to Community Supporting continues and disparities in the child welfare system are eliminated." *This bill* seeks to codify both of these recommendations.

Author's Statement: According to the Author, "As the author of [this bill], I am committed to strengthening California's child welfare system by fostering a balanced approach that supports families, promotes equity, and enhances child safety. Our current mandated reporting framework has led to an increase in reports, particularly for general neglect, and I believe we have an opportunity to refine this process to better serve our communities. This bill introduces an alternative response approach, encouraging county child welfare agencies to partner with community-based services to provide support for families in cases of general neglect, helping them stay together whenever possible. To ensure consistency and understanding, [This bill] requires all mandated reporters to receive standardized training within their first three months of employment, equipping them with the tools to recognize needs, understand available resources, and make informed decisions with care and compassion."

Equity Implications: The provisions of *this bill* seek to target issues within CANRA specifically and the child welfare system broadly, aiming to improve outcomes through systemic reform. One key problem it addresses is the overreporting and ineffectiveness of current mandated reporting laws, which can result in straining resources and leading to unnecessary interventions.

Another significant issue is the disproportionate harm and trauma inflicted on Black/African American, Native American/Indigenous, and Latino families due to structural racism and bias in reporting, which *this bill* attempts to counter by mandating a standardized training curriculum for mandated reporters to address bias, trauma, and equitable practices, and the establishment of the MRAC to oversee this shift.

The bill also addresses the lack of consistent training and awareness among mandated reporters, by ensuring that all mandated reporters in their counties, regardless of profession or background, receive equal access to comprehensive training and decision support tools. By providing clear guidance on how to assess and report suspected child abuse, the goal is to begin to eliminate disparities in how reports are made, particularly for those who may lack resources or confidence in the process.

Policy Considerations: Some mandated reporters, such as teachers and law enforcement have requirements for mandated reporter training that are unique to their profession/credentials and have requirements that differ from the training being proposed in this bill: both in frequency and content.

Should this bill move forward, the author may wish to consider ensuring that existing training requirements for certain professions are not affected by this new requirement.

Currently, this bill has placed the mandated training requirements in the Penal Code, although training is not currently required for all mandated reporters under CANRA.

Should this bill move forward, the author may wish to consider moving the training requirements into the Welfare and Institutions Code since there is no law enforcement component to the training requirement.

The bill permits CDSS to audit records of any agency or organization employing a mandated reporter to ensure compliance with the training requirement.

Should this bill move forward, the author may wish to consider requiring the training to have a documentation component that would allow CDSS to verify completion upon request.

This bill includes intent language to incorporate an assessment of the capacity of community supports and services, a requirement for CDSS and MRAC to monitor disparities in the child welfare system; a requirement for a report on disparities in the child welfare system; and, a requirement for CDSS to submit a report on the development of the training, six months prior to the completing of the training curriculum. The report also requires CDSS to develop policy recommendations to ensure compliance with the training.

Should this bill move forward, the author may wish to consider whether these provisions are necessary to further this bill's intent.

This bill requires county child welfare departments to ensure that social workers operating the county's response system receive the training required by this bill. This would be a duplicative requirement since the bill already requires all mandated reporters to complete the training.

Should this bill move forward, the author may wish to consider striking this requirement.

Currently, provisions reflecting legislative intent and findings and declarations are placed throughout the bill in different code sections.

Should this bill move forward, the author may wish to consider moving these to one code section.

Proposed Committee Amendments: The Committee proposes amendments to address policy considerations stated above to do the following:

- Specify the categories of mandated reporters this training will not apply to
- Move the training requirement out of the Penal Code and into the Welfare and Institutions Code.
- Require the training to be documented in a manner that would allow CDSS to verify completion upon request.
- Strike requirements for intent language to incorporate an assessment of the capacity of community supports and services, a requirement for CDSS and MRAC to monitor disparities in the child welfare system; a requirement for a report on disparities in the child welfare system; and, a requirement for CDSS to submit a report on the development of the training, six months prior to the completing of the training curriculum with policy recommendations to ensure compliance with the training.
- Strike requirement for county child welfare services departments to ensure that all child welfare department social workers operating the county's response system receive training.
- Group legislative intent and findings and declarations together and make other technical amendments.

Double referral: Should this bill pass out of this committee, it will be referred to the Assembly Committee on Public Safety.

RELATED AND PRIOR LEGISLATION:

SB 848 (Pérez), of the current legislative session, requires, among other provisions, school districts, county offices of education, state special schools and diagnostic centers operated by CDE, private schools, and charter schools to provide annual training, using the online training module provided by CDSS or the equivalent, to their employees, volunteers, and persons working on their behalf who are mandated reporters, on the mandated reporting requirements. Requires this training to include information that failure to report an incident of known or reasonably suspected child abuse or neglect, as required, is a misdemeanor punishable by up to six months confinement in a county jail, or by a fine of \$1,000, or by both that imprisonment and fine. SB 848 is pending before the Senate Committee on Rules.

AB 653 (Lackey and Blanca Rubio) of the current legislative session, adds a talent agent, talent manager, or talent coach, who provides services to a minor to the list of professions that would make an employee a mandated reporter. *AB 653 is pending before the Assembly Committee on Public Safety and set for a hearing on on April 22, 2025.*.

SB 1126 (Min) of 2023, would have clarified that a child who witnessed or was present during a domestic violence incident does not alone meet the definition of child abuse or neglect as outlined by CANRA, and thus does not require a report from a mandated reporter on the basis of witnessing an incident of domestic violence. *SB 1126 was placed on the Senate Inactive File.*

AB 2085 (Holden), Chapter 770, Statutes of 2022, redefined "general neglect" for purposes of CANRA by excluding a person's economic disadvantage.

SB 1085 (Kamlager), Chapter 832, Statutes of 2022, prohibited a child from being found to be suffering, or at substantial risk of suffering, serious physical harm or illness for purposes of placing the child under the jurisdiction of the juvenile court due solely to the family's homelessness, indigence, or other conditions of financial difficulty, and clarified that it is the intent of the Legislature that families should not be subjected to juvenile court jurisdiction or separated from their families due to conditions of financial difficulty alone.

SB 955 (Portantino) of 2020, would have added a camp operator, camp director, or other staff of a camp licensed pursuant to Roxie Rules, or any other administrator of a public or private day camp to the list of mandated reporters. *SB 955 was impacted by the shortened 2020 Legislative Calendar and did not receive a hearing.*

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Children's Rights American Academy of Pediatrics, California American Civil Liberties Union California Action California Behavioral Health Association California Court Appointed Special Advocate Association California District Attorneys Association California Family Resource Association CASA of Los Angeles Child Abuse Prevention Center Child Abuse Prevention Center and Its Affiliates Safe Kids California, Prevent Child Abuse California and The California Family Resource Association Child Abuse Prevention Council of Contra Costa County Child Care Resource Center Children's Institute Children's Law Center of California Children's Network of Solano County Community Action Partnership of San Luis Obispo County, INC. County Welfare Directors Association of California Court Appointed Special Advocates Los Angeles Dependency Advocacy Center Options for Learning Public Counsel Reimagine Child Safety Coalition Safe & Sound Seneca Family of Agencies Shields for Families

Opposition

Riverside County Sheriff's Office

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