

Date of Hearing: May 4, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 2660 (Maienschein) – As Amended April 18, 2022

Policy Committee: Public Safety

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill mandates the establishment of child death review teams in every county. Specifically, this bill:

- 1) Requires every county to establish an interagency child death review team no later than January 1, 2025, to assist local agencies in identifying and reviewing suspicious child deaths.
- 2) Requires every county to develop or adopt an autopsy protocol no later than January 1, 2025, that can be used as a guideline by persons performing autopsies on children.
- 3) Sets a due date of July 1 for an annual report by the county child death review team, and requires the report to be posted on the child death review team's website.
- 4) Requires the Department of Justice (DOJ) to post its "Child Death Review Protocol" on its website and requires that this protocol be updated every four years no later than January 1.
- 5) Requires the DOJ to submit to the Governor and the Legislature an annual budget that is sufficient to fund the State Child Death Review Council and the county child death review teams.

FISCAL EFFECT:

- 1) Possibly significant reimbursable costs (Local Funds and General Fund (GF)) to counties, likely in the low millions of dollars in staff workload, to establish and operate a child death review team. Existing law authorizes, but does not require, any county to create a child death review team for the purposes of examining in detail the reasons for a child's death. According to information provided by the National Center for Fatality Review and Prevention, there may be as many as 37 child death review teams in California. If that number is accurate, 11 counties do not have a child death review team. If each of the 11 counties requires \$150,000 in one-time costs to create and staff a child death review team and \$100,000 annually thereafter to operate the child death review team, total one-time and ongoing reimbursable costs would be between \$1 million and \$1.7 million dollars. GF costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.
- 2) Ongoing costs (GF) possibly in excess of \$150,000 for additional staff to the DOJ to prepare and submit an annual budget request for the State Child Death Review Council and to update

and post a Child Death Review Protocol every four years. Existing law requires DOJ to partner with the California Consortium of Child Abuse Councils to develop a protocol for interagency child death teams, but that information has likely not been updated in many years since the State Child Death Review Council has been unfunded for more than a decade.

COMMENTS:

1) **Purpose.** According to the author:

There is no clear guidance in state law declaring which State department is held responsible for monitoring and reporting child fatalities and individual counties are permitted, but not required, to establish child death review teams. When it comes to reporting deaths of children in California, the lines of accountability should not be this blurred.

2) **Background.** According to the National Center for Fatality Review and Prevention, California currently does not have a state child death review (CDR) team. The mandate to the Attorney General's Office for a state team is contingent upon funds being available. The State Child Death Review (CDR) Council was disbanded in 2008 when state funds were cut. Local Child Death Review Teams (CDRTs) have been functioning since the early 1980s, with Los Angeles County starting in 1978. Most California counties continue to maintain child death review teams, however they are not mandated. A loose network of regional CDRT coordinators exists to maintain communication among local CDRTs and state agencies. The California Department of Public Health (CDPH) created the Fatal Child Abuse and Neglect Surveillance (FCANS) Program in 2000 to carry out its mandate to track data on fatal child abuse and neglect cases. General funds for this program were cut in 2008. However, funding is provided for local assistance under the federal Maternal Child Adolescent Health Title V Block Grant and \$150,000 in local assistance is used to provide support for local teams.

3) **Related Legislation.** AB 2654 (Lackey) reconvenes the State Child Death Review Council by removing the requirement that funds are appropriated for it in the Budget Act in order to be operative. AB 2654 is pending in this committee.

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