

Friday, April 4, 2025

**Re: Test Claim 24-TC-05, Child Physical Abuse and Neglect Exams, Statutes 2023, Chapter 841, (AB 1402); Penal Code Section 11171(f)**

**RECEIVED**  
April 11, 2025  
*Commission on  
State Mandates*

To Whom It May Concern:

**LATE FILING**

We commend the intent of AB 1402 to ensure that victims of child physical abuse and neglect receive free medical evidentiary examinations through a unified local mechanism involving Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, and other qualified providers. However, we are deeply concerned about the bill's misalignment with child welfare's legal mandate and the significant hidden operational and administrative burdens it imposes on counties.

Child welfare agencies operate under the Welfare and Institutions Code (WIC) §300, which governs civil child protection matters such as safety assessments, case planning, and dependency court processes. AB 1402, in contrast, is grounded in Penal Code §11171, which governs forensic investigation and evidence gathering for criminal prosecution. Requiring child welfare agencies to coordinate, oversee, and ensure reimbursement for medical evidentiary exams blurs a critical boundary between the civil and criminal systems. These functions have traditionally resided with law enforcement, district attorneys, and specialized forensic providers.

Given the current budget constraints facing the state, we are cautious about assuming additional responsibilities that may detract from our capacity to implement mission-critical priorities. While AB 1402 outlines a reimbursement pathway through Cal OES, it does not account for the substantial non-reimbursable infrastructure counties must build to comply with this mandate, including designating and managing a pool of approved medical evidentiary examiners, training staff and community partners in evidentiary protocols and documentation and ensuring compliance and audit readiness for Cal OES reimbursement

These responsibilities require substantial investments of staff time, legal oversight, interagency coordination, and risk management—none of which are supported through current statutory funding. While Kern County fully supports timely access to medical exams for child victims, we are concerned that the operational demands of implementing AB 1402 could jeopardize our ability to meet the foundational goals of child safety, well-being, and permanency.

For these reasons, we strongly urge the Commission to recognize the administrative burden and legal misalignment that AB 1402 imposes on counties. We support Santa Clara County's test claim (24-TC-05) and respectfully request that the Commission determine that AB 1402 constitutes an unfunded mandate under the California Constitution.



The Board hereby certifies that the information contained herein is true and correct and that the same is a true and correct copy of the original as filed with the County Clerk. The Board also certifies that the information contained herein is a true and correct copy of the original as filed with the County Clerk.

*Lito Morillo*

Lito Morillo  
Director  
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## DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

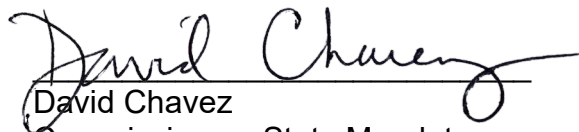
On April 11, 2025, I served the:

- **Current Mailing List dated April 10, 2025**
- **Kern County's Late Comments on the Test Claim filed April 11, 2025**

*Child Physical Abuse and Neglect Exams, 24-TC-05*  
Statutes 2023, Chapter 841, (AB 1402); Penal Code Section 11171(f)  
County of Santa Clara, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 11, 2025 at Sacramento, California.



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**Last Updated:** 4/10/25

**Claim  
Number:** 24-TC-05

**Matter:** Child Physical Abuse and Neglect Exams

**Claimant:** County of Santa Clara

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Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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