

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2304 (Lackey) – As Amended April 16, 2026

Policy Committee:	Human Services	Vote:	7 - 0
	Public Safety		9 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill requires a social worker to secure care for a child who has been taken into temporary custody if it appears the child requires immediate emergency care.

This bill also clarifies, for purposes of crimes relating to public records, a social worker employed by a county child welfare department is subject to the same penalties as other non-officer employees, allowing the offense to be charged as either a felony or a misdemeanor.

Specifically, this bill:

- 1) Requires, rather than authorizes, a social worker to secure care for a child who has been taken into temporary custody, has a dependency petition in juvenile court, or has already been adjudged as a dependent of the court, if it appears that the child requires immediate emergency medical, surgical, or other remedial care in an emergency situation. Requires the care to be provided by a licensed physician and surgeon or, if the child needs dental care in an emergency situation, by a licensed dentist, without a court order.
- 2) Explicitly includes social workers employed by a county child welfare department in the requirement that a person who is guilty of any crimes related to stealing, removing, destroying, altering, or falsifying public records or documents is punishable by either a felony or a misdemeanor.

FISCAL EFFECT:

The California Department of Social Services (CDSS) estimates ongoing costs to county social workers of an unknown amount, potentially significant and likely in excess of \$150,000 statewide, to the extent county social workers statewide secure emergency care for children in temporary custody. CDSS indicates this directive may require a social worker to transport the child to and from the hospital, supervise the care the child receives, and document the incident and care in the case file. CDSS notes it is difficult to track how often this situation occurs, and that typically, foster or resource parents are expected to obtain emergency medical care for a child in their care, though the social worker does often help to facilitate this process or conduct follow-up.

Although these county costs are state-mandated costs, they are not reimbursable but instead must be funded by the state pursuant to Proposition 30. Proposition 30 (2012) requires legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne

by a local agency for programs or levels of service mandated by realignment (including child welfare services and foster care) to apply to local agencies only to the extent the state provides annual funding for the cost increase.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

COMMENTS:

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

The death of Gabriel Fernandez served as a wakeup call to focus our collective conscious on the systemic failure to protect innocent children. It revealed that there are many cracks within the child welfare system that malign the interest of children. Over the years, multiple people have made the statement that if he was just seen by one medical professional, all of this could have been prevented. [This bill] helps to ensure this statement isn't said about another child by requiring social workers to have children seen by a medical professional in emergency situations.

2) **Background.** County Child Welfare Social Workers are professionals employed by county child welfare agencies who have been assigned to supervise or provide services for a minor in the juvenile dependency system. Under existing law, if a minor has been, or has a petition filed with the court to be, adjudged a dependent child of the court, and it appears the minor needs immediate emergency treatment, a social worker may, without court order, authorize medical and other care for a minor, to be provided by a licensed physician and surgeon or dentist, as applicable. This bill requires a social worker to secure care for a child under these circumstances.

Under existing law, every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in their hands for any purpose, is punishable by felony imprisonment for two, three, or four years if, the officer willfully or permits any other person to steal, remove, secrete, destroy, mutilate, deface, alter or falsify the whole or any part of the record, map, book, paper, or proceeding.

Existing law also provides that every person who is not an officer, as specified, who is guilty of any of the acts specified above, is punishable by either as a felony or a misdemeanor. This bill clarifies, for these purposes, a social worker employed by a county child welfare department is not an officer.

3) **Related Legislation.** AB 2654 (Lackey), of the 2021-22 Legislative Session, would have reconvened the California State Child Death Review Council by removing the requirement for funds to be appropriated in order to be operative. AB 2654 was held on this committee's suspense file.

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