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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 237

SHORT TITLE: CYFD Critical Incident Investigation Team

SPONSOR: Brantley

LAST ORIGINAL
UPDATE: _____ **DATE:** 2/11/26 **ANALYST:** Dinces

APPROPRIATION* (dollars in thousands)

FY26	FY27	Recurring or Nonrecurring	Fund Affected
	\$250.0	Recurring	General fund

*Amounts reflect most recent analysis of this legislation.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	\$850.0 to \$5,750.0	\$850.0 to \$5,750.0	1,700.0 to \$11,500.0	Recurring	General Fund
Total	No fiscal impact	\$850.0 to \$5,750.0	\$850.0 to \$5,750.0	1,700.0 to \$11,500.0	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis
 Children, Youth and Families Department

Agency or Agencies That Were Asked for Analysis but did not Respond
 Office of the Attorney General (OAG)
 Office of Family Representation and Advocacy (OFRA)

Agency or Agencies That Declined to Respond
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Senate Bill 237

Senate Bill 237 appropriates \$250 thousand from the general fund to the Children, Youth and Families Department (CYFD) to create a Critical Incident Investigation team within the

Protective Services Division. This team would be responsible for investigating any critical incidents in which agency action or inaction may have implicated the well-being or safety of a child in a state custody placement. The team must consist of a coordinator, local units, and other personnel as necessary.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

This bill would create a new team within protective services at CYFD to investigate any well-being or safety issues occurring at a placement for children in state custody.

The appropriation of \$250 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY27 shall revert to the general fund. However, the agency will likely need funding beyond the \$250 thousand appropriated to build the required team, which includes local response units and a coordinator.

To provide the necessary local units and a central coordinator position, CYFD would need, at a minimum, another 11 FTEs (2 FTEs per 5 regions + 1 coordinator FTE = 11). Using CYFD's reported average salary of \$100 thousand per FTE, CYFD would need, at a minimum, \$1.1 million, or an additional \$850 thousand beyond what is appropriated in the bill.

According to CYFD, to accommodate the bill's requirement that investigations conducted by the critical incident investigation team commence within 24 hours of assignment, an optimal staffing of two investigators per office, one coordinator per region, and one central coordinator (2 FTE x 27 offices + 1 FTE x 5 regions + 1 FTE = 60 FTE), CYFD would potentially require up to \$6 million (\$250.0 appropriation + \$5,750.0 additional). Importantly, these costs are personnel and do not include infrastructure and support (office space, vehicle leases, per diem, administrative support).

SIGNIFICANT ISSUES

Other states have created critical incident teams to respond to serious incidents in child welfare. For instance, [Florida](#) has a critical incident rapid response team that provides quarterly reports on incidents and on what the state could do to prevent them in the future. [Montana](#) also has a critical incident review team that reviews all child deaths or near deaths, where child abuse or neglect is suspected to have occurred during an open case, open investigation, or an investigation in which the report was closed in the past sixty days. Having a review of why a child was harmed may help to reduce this risk in the future. A recent Kevin S. Settlement [report](#) found that "children are frequently being exposed to serious harms while in CYFD's care."

The definition of critical incident provided in SB237 is broader than the definition within the Kevin S. [Corrective Action Plan](#), potentially allowing for variable interpretation and likely more critical incidents. The most recent definition of critical incident according to Kevin S. is as follows:

- Any fatality;
- Any near fatality to mean when a child in state custody experiences a serious or critical

condition while in state custody. Examples of serious or critical conditions include critical internal injury, threatened organ failure, severe shock, substantial risk of death as determined by a medical assessment and other conditions that require life-saving interventions or admission to intensive care;

- Any serious injury means injury that requires medical attention or hospitalization;
- Any suicide attempt;
- Any allegation of restraint/seclusion;
- Any change in licensure within any facility in which a child in state custody is placed; and
- Any 911 call for a child placed in hotels, motels, offices, out-of-state or in congregate care. Congregate care includes a wide array of out-of-home settings, including, but not limited to, residential treatment centers, shelters, group homes, crisis shelters, multi-service homes, room and board facilities, other residential shelter care facilities for children, and group short-term living accommodations.

According to the Kevin S. Co-Neutrals' Report released January 30, 2026, from August 18 to December 31, 2025, CYFD reported 364 critical incidents, predominantly at CYFD offices and predominantly due to children being restrained and 911 calls.

SB237 will change how critical incidents in facility settings are investigated. Currently, when a critical incident is reported for a child in state custody placed in a facility setting, statewide central intake (SCI) collects information from the reporter, but does not assess or decide whether the report of abuse, neglect or exploitation is valid, as CYFD determined protective services does not investigate caregivers in a facility setting. For any report of abuse, neglect or exploitation in a facility setting, SCI sends the report to CYFD's licensing and certification authority. Under SB237, within 24 hours, the critical incident investigation team, located within protective services, will initiate its investigation and will have 60 days to complete it, regardless of the child's placement. Moving the investigation from licensing to protective services may help to ensure the investigation is similar to a report of abuse or neglect in a family setting.

CYFD reports that:

In addition to not appropriating adequate funds for this team, the bill duplicates functions already being handled by other units within CYFD, including the child placement agency bureau, the licensing and certification authority, and the office of the inspector general, which could result in as many as three different teams simultaneously investigating the same incident, issuing corrective action plans, and establishing monitoring.

It is unclear whether the amendment requiring the new team to collaborate with law enforcement to investigate critical or serious critical incidents in facilities administratively attached to CYFD includes the secure facilities for adjudicated youth, when the youth who is the subject of the alleged abuse or neglect is also in CYFD custody pursuant to an action under the Abuse and Neglect Act.

PERFORMANCE IMPLICATIONS

CYFD currently reports on performance measures related to the safety and well-being of children in custody.

SB237 would increase the need for reporting and potentially changes to CYFD practice, as

critical incident investigation team reports may flag issues with policies or procedures.

ADMINISTRATIVE IMPLICATIONS

As discussed in the fiscal implications section, to fully meet the requirements of this bill, CYFD would need additional FTEs that would likely cost more than is appropriated in SB237.

According to CYFD, additional administrative implications include developing new organizational and physical infrastructure, completing the rule-making process no later than September 30, 2026, establishing new protocols for intake, tracking, reporting, and recording, and developing procedures for inter-agency collaboration and cooperation.

SD/dw/ct