



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Text

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**File #:** 22-0964, **Version:** 1

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**DATE:** January 24, 2023  
**TO:** Board of Supervisors  
**SUBMITTED BY:** John Zanoni, Sheriff-Coroner-Public Administrator  
**SUBJECT:** Agreement with Garden of Innocence

### RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute a retroactive agreement with Garden of Innocence for the humane and dignified disposition and burial of deceased abandoned children up to eight years of age in Fresno County, effective October 17, 2022, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions (\$0).**

There is no Net County Cost associated with the recommended action. Absent an agreement with the Garden of Innocence, the Sheriff's Office cremates abandoned deceased children with a contracted crematory service. After cremation, the Sheriff's Office then stores the cremains until a mass burial is performed at the County Cemetery. With the approval of the recommended action, the Garden of Innocence provides for the cremation of all abandoned deceased children, which are then provided a humane and dignified burial in a cemetery in Fresno County. No children are placed in the County cemetery. This item is Countywide.

### ALTERNATIVE ACTION(S):

If the recommended action is not approved, deceased abandoned children will be cremated and included in a mass burial at the County Cemetery with the cremated remains of all abandoned deceased children stored by the Sheriff's Office since the last mass burial.

### RETROACTIVE AGREEMENT:

Due to ongoing insurance compliance negotiations between the Sheriff's Office and the vendor, the final recommended agreement was not finalized prior to October 16, 2022 when the previous agreement expired. The final agreement was received in early January 2023.

### FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Cost for services under the recommended agreement have been provided by Garden of Innocence since September 25, 2012. Garden of Innocence is a non-profit organization.

### DISCUSSION:

The Sheriff's Office is mandated (Health and Safety Code section 7104) to act as the County burial authority for the abandoned dead, including abandoned infants and children. If within 30 days of the Sheriff's Office attempts to notify the person responsible for interment of a decedents remains and is unable or the person fails, refuses or neglects to inter the remains, the Sheriff's Office may then inter the remains. Without an agreement such as the recommended agreement to complete this function, the Sheriff's Office would contract

with a local crematory for cremation services, and once completed the cremains would be returned to the Sheriff's Office. If a responsible person is identified, the Sheriff's Office may recover any expenses of interment, but the identification and collection from responsible persons in these cases is infrequent. As a cost control measure, the Sheriff's Office would store cremains until approximately 400 are collected and then a mass burial would be performed at the County Cemetery. The mass burial does not include a formal service and would be witnessed by Sheriff's Office staff with local clergy invited to attend.

The Garden of Innocence was established in 1999 in San Diego, California with the sole purpose of providing deceased abandoned infants and children up to eight years of age a compassionate and dignified burial. In 2005, the organization launched Garden of Innocence operations in the counties of Alameda, Butte, Kern, Merced, Napa, Orange, Sacramento, San Diego, Santa Clara, and Sonoma. In 2005, the Garden of Innocence added San Francisco and operations in the states of Seattle, Washington and Missouri. In 2012, the organization also launched Garden of Innocence operations in Fresno and Ventura counties. The Garden of Innocence's goal is to assist communities in mobilizing caring volunteers to provide infants and children with dignified burials. The Garden of Innocence also receives service donations from various local cemeteries and mortuaries.

On Oct 17, 2017, the Board approved an agreement with the Garden of Innocence for the humane and dignified disposition and burial service of deceased abandoned children in Fresno County at no cost to the County. Prior to the Garden of Innocence Agreement, deceased abandoned children were buried at the mass burial at the County Cemetery. The current agreement expired on Oct 16, 2022. The next service date will be scheduled upon your Board's approval of the recommended action.

The Garden of Innocence cares for a deceased abandoned child as soon as the Sheriff's Office determines they are abandoned and notifies the Garden of Innocence with a Certificate of Abandonment. The Garden of Innocence maintains the confidentiality of the child's name, date of death and circumstances, with each child provided a name, for burial purposes, to maintain the child's anonymity. In each of its partner communities, the Garden of Innocence uses public donations of funds and local resources to coordinate with the coroner, local mortuaries, cemeteries, and community volunteers to ensure that abandoned children are provided a dignified burial in the community where the child died. All burials include a full memorial service with volunteers that provide clergy services, a color guard, musicians and singers, and handmade caskets or urns.

Mountain View Cemetery in Fresno has agreed to donate space for the exclusive use by the Garden of Innocence for the burial of deceased abandoned infants and children of Fresno County. The Garden of Innocence also finalized arrangements with various local funeral homes for cremation services.

The key factor the Sheriff's Office considered in this recommendation was the recognition that the California Department of Consumer Affairs Cemetery and Funeral Bureau is responsible for the enforcement of the California Business and Professions Code that regulates both funeral and cemetery services, including business practices and licensure. The Garden of Innocence is agreeing to only utilize local mortuaries and a cemetery (Mountain View Cemetery) that are compliant with all applicable state regulations and in good standing with the State.

Garden of Innocence is a non-profit organization that uses local resources to provide the burial services and does not possess the insurance the County normally requires. Approval of the recommended action does not relinquish the County's responsibility for final disposition of abandoned deceased infants and children, and the Sheriff's Office believes that the benefit of entering the recommended agreement outweighs any risks, so the Sheriff's Office recommends your Board waive the standard County insurance requirements.

**REFERENCE MATERIAL:**  
BAI # 29, October 17, 2017

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ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Garden of Innocence

CAO ANALYST:

Samantha Buck