

Parameters and Guidelines

Penal Code Sections 273a, 273d, and 273.1
Statutes of 1996, Chapter 1090

Child Abuse Treatment Services Authorization and Case Management

I. SUMMARY OF THE MANDATE

Penal Code sections 273a at subdivision (c)(3) and 273d at subdivision (c)(3), as amended by Statutes of 1996, Chapter 1090, both require that child abuse defendants successfully complete no less than one year of a child abuser's treatment counseling program approved by the county probation department. Penal Code section 273.1, as added by Statutes of 1996, Chapter 1090, set forth new duties for county probation departments in granting such program approvals and in performing activities associated with the receipt, care, and review of defendants' progress reports.

On September 28, 2000, the Commission on State Mandates (Commission) adopted its "Statement of Decision" on the subject test claim, finding that the test claim legislation imposes a new program or higher level of service in an existing program upon county probation departments within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following activities:

- Development/implementation of child abuser's treatment counseling program vendor approval programs;
- Inspection/approval of child abuser's treatment counseling programs; and
- Receipt, care and review of defendants' progress reports.

II. ELIGIBLE CLAIMANTS

Counties and City and County.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code, prior to its amendment by Statutes of 1998, Chapter 681, stated that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. This test claim was filed by the County of Los Angeles on October 2, 1998.

Therefore, costs incurred in implementing Statutes of 1996, Chapter 1090 on or after July 1, 1997, are eligible for reimbursement.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If total costs for a given year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. REIMBURSEABLE ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, equipment, training, and travel incurred for the following mandate components are eligible for reimbursement:

A. One-Time Costs

To develop policies, methods, and procedures for a child abuser's treatment counseling program seeking approval from the county probation department and for the receipt, care and review of defendants' progress reports, including new:

1. Vendor application kits and processing forms,
2. Protocols for the receipt, care and review of defendants' progress reports,
3. Training for each county probation department staff member implementing the new approval program or the receipt, care and review of defendants' progress reports,
4. Record keeping and document storage systems, and
5. Advising the referral sources about the new legal mandates under Penal Code Section 273.1 et seq.

B. Continuing Costs

1. Notifying potential vendors of the approval program, including details for preparing and submitting an application,
2. Mailing application packets and memoranda of understanding,
3. Responding to vendor questions,
4. Receiving and (preliminary) reviewing applications and required documents for deficiencies,
5. Conducting vendor approval (legal) reviews in determining whether a vendor applicant should be approved or rejected,
6. Notifying vendors of findings,
7. Creating a list of approved child abuse treatment agencies and distributing it to the courts and associated referral sources,
8. Maintaining record keeping and document storage systems,
9. Visiting the approved site on ongoing basis,
10. Auditing parenting classes, which are primarily conducted in either Spanish or English,
11. Reviewing individual and family counseling sessions,
12. Inspecting case records and progress notes,
13. Reviewing personnel records including background checks,

14. Assuring proper reports to the court or probation are sent in a timely manner,
15. Communicating with referral sources to assure appropriate utilization of the approved list,
16. Maintaining awareness of current literature and research in the field, including “treatment regimen” areas indicated by the law, such as the cycle of family violence and child development (reimbursement for this activity is limited to non-licensed employees),
17. Accepting and investigating complaints regarding child abuse treatment agency misconduct,
18. Instructing psychotherapists employed by or who contract with child abuse treatment agencies, with “substantial expertise in the field,” to correct deficiencies,
19. Recommending and imposing sanctions against child abuse treatment agencies which are out of compliance, and
20. Implementing the receipt, care and review of defendants’ progress reports.

V. CLAIM PREPARATION AND SUBMISSION

Each claim for reimbursement must be timely filed and identify each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable activity identified in Section IV of these parameters and guidelines.

A. Direct Costs

Direct costs are defined as cost that can be traced to specific goods, services, units, programs, activities or functions. Claimed costs shall be supported by the following cost element information:

1. Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved.¹ Describe the reimbursable activities performed and specify the actual time devoted to each reimbursable activity by each employee, productive hourly rate and related fringe benefits.

Reimbursement for personnel services includes compensation paid for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g., annual leave, sick leave) and the employer’s contribution to social security, pension plans, insurance, and worker’s compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities which the employee performs.

2. Materials and Supplies

Only expenditures that can be identified as direct costs of this mandate may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this

¹ It should be noted that since vendor program staff are required by the subject law to be therapists licensed to practice in the state or under the direct supervision of a therapist licensed to practice in the state, the county probation staff member providing direct oversight will need to have either a master’s degree in social work (MSW) or be a licensed clinician.

mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

3. Contract Services

Provide the name(s) of the contractor(s) who performed the services, including any fixed contract for services. Describe the reimbursable activity(ies) performed by each named contractor and give the number of actual hours spent on the activities, if applicable. Show the inclusive dates when services were performed and itemize all costs for those services.

4. Fixed Assets

List the costs of the fixed assets that have been acquired specifically for the purpose of this mandate. If the fixed asset is utilized in some way not directly related to the mandated program, only the pro-rata portion of the asset which is used for the purposes of the mandated program is eligible for reimbursement.

5. Travel

Travel expenses for mileage, per diem, lodging and other employee entitlements are eligible for reimbursement in accordance with the rule of the local jurisdiction. Provide the name(s) of the traveler(s), purpose of travel, inclusive dates and times of travel, destination point(s) and travel costs.

6. Training

The cost of training an employee to perform the mandated activities, as specified in Section IV. of these parameters and guidelines, is eligible for reimbursement. Identify the employee(s) by name and job classification. Provide the title and subject of the training session, the date(s) attended and the location. Reimbursable costs may include salaries and benefits of trainees and trainers, registration fees, transportation, lodging, and per diem. If the training encompasses subjects broader than this mandate, only the pro rata portion of the training costs can be claimed.

B. Indirect Costs

Indirect costs are defined as costs which are incurred for a common or joint purpose, benefiting more than one program and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of central government services distributed to other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the OMB A-87. Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) for the department if the indirect cost rate exceeds 10%. If more than one department is claiming indirect costs for the mandated program, each department must have its own ICRP prepared in accordance with OMB A-87. An ICRP must be submitted with the claim when the indirect cost rate exceeds 10%.

VI. SUPPORTING DATA

For auditing purposes, all cost claimed shall be traceable to source documents (e.g., invoices, receipts, purchase orders, contracts, worksheets, calendars, declarations) that show evidence of the validity of such costs and their relationship to the state mandated program. All documentation in support of the claimed costs shall be made available to the State Controller's Office, as may be requested. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim is filed or last amended, or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of initial payment of the claim. All claims shall identify the number of pupils in out-of-state residential programs for the costs being claimed.

VII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimant experiences as a direct result of the subject mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, federal funds and other state funds shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S OFFICE REQUIRED CERTIFICATION

An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's Office claiming instructions, for those costs mandated by the State contained herein.

IX. PARAMETERS AND GUIDELINES AMENDMENTS

Pursuant to Title 2, California Code of Regulations, section 1183.2, Parameters and Guidelines amendments filed before the deadline for initial claims as specified in the Claiming Instructions shall apply to all years eligible for reimbursement as defined in the original parameters and guidelines. A Parameters and Guidelines amendment filed after the initial claiming deadline must be submitted on or before January 15, following a fiscal year in order to establish eligibility for reimbursement for that fiscal year.