

Statewide Cost Estimate

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

Child Abuse Treatment Services Authorization and Case Management

Mandate Background

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.

The County of Los Angeles filed the test claim on October 2, 1998. The Commission adopted the Statement of Decision on September 28, 2000, and the Parameters and Guidelines on February 22, 2001. Costs incurred in implementing Statutes of 1996, chapter 1090 on or after July 1, 1997, are eligible for reimbursement.

Eligible Claimants

Counties and City and County.

Reimbursable 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.

Assumptions

Staff made the following assumptions:

- The claiming data is accurate, although unaudited.
- If late claims are filed, or additional claimants file in fiscal years (FYs) 2000-01 or 2001-02, the increase will be insignificant.¹ Based on information from a California State Association of Counties (CSAC) representative, several counties have not yet implemented this program. And, when they do, the cost is expected to be insignificant.

Methodology

To arrive at the total statewide cost estimate:

- Staff used unaudited actual and estimated claim totals filed with the State Controller's Office for prior FYs by eligible claimants.²
- Staff projected totals for FY 2001-02 by multiplying the FY 2000-01 claim total filed by claimants with the State Controller's Office times the implicit price deflator for 2001-02 (2.7%), as forecasted by the Department of Finance. Staff projected totals for FY 2002-03 by multiplying the 2001-02 estimate by the implicit price deflator for 2002-03 (2.1%).

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$542,000 for costs incurred in complying with the *Child Abuse Treatment Services Authorization and Case Management* provisions.

Following is a breakdown of estimated total costs per FY:

Fiscal year	# Claims Filed With SCO	Claim Totals
1997-98	3	\$95,074
1998-99	2	\$74,364
1999-00	3	\$79,970
2000-01 (est.)	4	\$95,228
2001-02 (2.7% ³)	n/a	\$97,799
2002-03 (2.1% ⁴)	n/a	\$99,853
Total		\$542,288
Statewide Cost Estimate Total (Rounded)		\$542,000

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$542,288 has been rounded to \$542,000.

¹If the Legislature appropriates the amount of the statewide cost estimate and actual claims exceed this amount, the State Controller's Office will prorate the claims. If the deficiency funds are not appropriated in the Budget Act, the Controller will report this information to the legislative budget committees and the Commission on State Mandates. The Commission will then include the deficiency in its report to the Legislature in order to ensure that it is included in the next claims bill.

² State Controller's Office data as of September 18, 2001.

³ Implicit Price Deflator as forecast by the Department of Finance.

⁴ *Ibid.*