



March 30, 2010

Ms. Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Dear Ms. Higashi:

The Department of Finance (Finance) has reviewed the revised proposed parameters and guidelines (Ps & Gs), and the Reasonable Reimbursement Methodology (RRM) component submitted by Los Angeles County (claimant) for Claim No. 00-TC-22 "Interagency Child Abuse and Neglect (ICAN) Investigation Reports." Finance provides the following comments:

The claimant identifies five levels of activities in the RRM and asserts the activities to be statutorily required or necessary to implement the test claim statutes. Finance believes, as does the Department of Social Services (DSS), that the proposed RRM inappropriately includes the totality of its law enforcement response to reports of child abuse, and all activities leading up to a full criminal prosecution. As a result, Finance believes that the activities in levels 3, 4, and 5 of the RRM extend beyond the limited investigation approved in the Statement of Decision (SOD) for the purpose of preparing and submitting Form SS 8583 to the Department of Justice (DOJ).

Similarly, in its 2004 report, the Child Abuse and Neglect Reporting Act (CANRA) Task Force stated that the local law enforcement agency assists Child Welfare Agencies and Child Protection Services with investigations of serious child abuse and neglect to determine whether criminal offenses have occurred that necessitate intervention by the criminal justice system. This statement demonstrates, contrary to the assertions made by the claimant, that the activities in Levels 3, 4, and 5 are not requirements of CANRA but a more extensive investigation needed for the criminal justice system to apprehend and prosecute a criminal and therefore should not be reimbursable.

The DSS is also required, under the test claim statutes, to prepare and submit Form SS 8583 to the DOJ. According to DSS, law enforcement duties should be no more expansive than DSS' duties under CANRA, and only those activities directly related to an investigation conducted to determine whether a report of suspected child abuse or neglect is unfounded, substantiated, or inconclusive, should be reimbursable. Finance concurs with DSS and believes that some of the activities in Levels 1 and 2 are sufficient to comply with the mandated reporting requirement.

Finally, Finance recommends the following modifications to the Ps & Gs:

- Section III. Period of Reimbursement

*Remove the sentence "Estimated costs of the subsequent year may be included on the same claim, if applicable."*

- Section IV. Reimbursable Activities

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. ~~Except where standard cost claiming is permitted as set forth in Section IV.B.~~

- Section IV.A. Actual Costs

*(This section should include standard boilerplate language)*

- Section IV.B. Standard Costs

*(Delete the language in this section and reserved for the agreed upon stipulations of the RRM.)*

- Section IV.C. Reimbursable Activities

The claimant is only allowed to claim and be reimbursed for the reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

One-Time Costs:

- ~~A. Annually, Update Departmental policies and procedures to comply with ICAN requirements.~~
- ~~B. Periodically, Meet and confer with State and local agencies in coordinating ICAN cross-reporting and collaborative efforts.~~
- ~~C. Annually, Train ICAN Staff within State Department of Justice (DOJ) on ICAN requirements.~~
- ~~D. Periodically, to develop, update or obtain computer software and obtain equipment necessary for ICAN cross-reporting and reporting to DOJ.~~
- ~~E. Testing and evaluation cost that are incurred when reasonably necessary to make an evidentiary finding. Reimbursement is provided for the costs of tests and evaluations on suspects as well as victims. Victim costs include those incurred for medical exams for sexual assault and/or physical abuse, mental health exams, and, where the victim dies, for autopsies. Suspect costs include those incurred for DNA and polygraph testing. Also included, when reasonably necessary to make an evidentiary finding, are the costs of video taping interviews of victims and suspects.~~
- ~~F. Due process costs incurred by law enforcement and county welfare agencies to develop and maintain ICAN due process procedures reasonably necessary to comply with federal due process procedural protections under the 14<sup>th</sup> Amendment which need which need to be afforded suspects reported to the DOJ's Child Abuse Central Index (CACI).~~
- G. Continuously,

Ongoing Costs:

The following reimbursable activities for local agency departments are:

- A. County probation departments, Law enforcement agencies, County welfare departments, and the agency responsible for investigations of suspected child abuse; must provide each other and the district attorney, with written reports if child abuse is suspected.
- B. Accepting and Referring initial Child Abuse Reports between local departments when a department lacks jurisdiction.
- C. Notify suspected child abusers in writing, he or she has been reported to the Child Abuse Central Index (Index). Notify in writing, persons or relatives requesting placement of dependent children, if they are listed in the Index.
- D. Record retention of child abuse or neglect investigative reports that result in a report filed with the DOJ.

(This section includes the list of activities noted in the SOD with the exception of the law enforcement activities identified in the RRM component.)

- Section V. Claim Preparation and Submission

*(This section should contain the standard boilerplate language)*

As required by the Commission's regulations, a "Proof of Service" has been enclosed indicating that the parties included on the mailing list which accompanied your February 10, 2010 letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact Lorena Romero, Associate Finance Budget Analyst at (916) 445-8913.

Sincerely,



Nona Martinez  
Assistant Program Budget Manager

Enclosure

Enclosure A

DECLARATION OF JEFF CAROSONE  
DEPARTMENT OF FINANCE  
CLAIM NO. CSM—00-TC-22

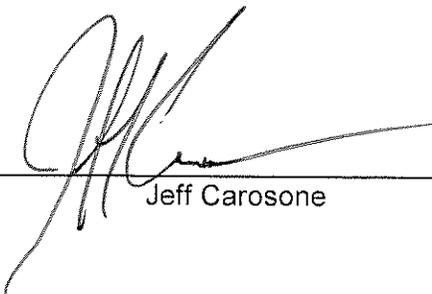
1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

3-30-10

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at Sacramento, CA



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Jeff Carosone

PROOF OF SERVICE

Test Claim Name: Interagency Child Abuse and Neglect Investigation Report  
Test Claim Number: CSM—00-TC-22

I, the undersigned, declare as follows:

I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 8th Floor, Sacramento, CA 95814.

On March 30, 2010, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 8th Floor, for Interagency Mail Service, addressed as follows:

A-16  
Ms. Paula Higashi, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
Facsimile No. 445-0278

SB 90 Service  
C/O David M. Griffiths & Associates  
Attention: Mr. Allan Burdick  
4320 Auburn Boulevard, Suite 200  
Sacramento, CA 95841

County of Los Angeles  
Department of Auditor-Controller  
Kenneth Hahn Hall of Administration  
Attention: Mr. Leonard Kaye  
500 West Temple Street, Suite 525  
Los Angeles, CA 90012

County of San Bernardino  
Office of Auditor / Controller / Recorder  
Attention: Ms. Marcia Faulkner  
222 West Hospitality Lane, Fourth Floor  
San Bernardino, CA 92415 - 0018

Wellhouse and Associates  
Attention: Mr. David Wellhouse  
9175 Kiefer Boulevard, Suite 121  
Sacramento, CA 95826

Ms. Hasmik Yaghobyan  
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Los Angeles, CA 90012

(A-24)  
Ms. Donna Richardson  
Department of Social Services  
744 P Street, MS 17-27  
Sacramento, CA 95814

Ms. Karen Pank  
Chief Probation Officers of California  
1415 L Street, Suite 200  
Sacramento, CA 95814

Ms. Jean Kinney Hurst  
California State Association of Counties  
1100 K street, Suite 101  
Sacramento, CA 95814-3941

Ms. Madelyn Childs  
Department of Justice  
Child Protection Program  
4949 Broadway  
Sacramento, CA 95820

Ms. Diane Brown  
Child Welfare Policy  
& Program Development Bureau  
Pre-Placement Policy Unit  
744 P Street, MS 8-11-87  
Sacramento, CA 95814

Mr. R. Scott Stickney  
Los Angeles County Probation Department  
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(A-15)  
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Special Victims Bureau  
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Wittier, CA 90604

Ms. Annette Chinn  
Cost Recovery Systems, Inc.  
705-2 East Bidwell Street, #294  
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(B-08)  
Ms. Ginny Brummels  
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Division of Accounting & Reporting  
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Sacramento, CA 95816

Ms. Suzzie Ferrell  
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Mr. David Wellhouse  
David Wellhouse & Associates, Inc.  
9175 Kiefer Boulevard, Suite 121  
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(B-08)  
Mr. Jim Spano  
State Controller's Office  
Division of Audits  
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Mr. Dale Mangram  
Riverside County Auditor Controller's Office  
4080 Lemon Street, 11<sup>th</sup> Floor  
Riverside, CA 92502

Mr. Daniel Carrigg  
League of California Cities  
1400 K Street, #400  
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Mr. Dale Dubois  
City of Bellflower  
16615 Bellflower Boulevard  
Bellflower, CA 90706

Ms. Jolene Tollenaar  
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2001 P Street, Suite 200  
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(A-15)  
Mr. Jeff Carosone  
Department of Finance  
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Mr. Glen Everroad  
City of Newport Beach  
3300 Newport Boulevard  
P.O. Box 1768  
Newport Beach, CA 92659-1768

Ms. Beth Hunter  
Cenration, Inc.  
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Rancho Cucamonga, CA 91730

Ms. Juliana F. Gmur  
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2380 Houston Avenue  
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Ms. Bonnie Ter Keurst  
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Office of the Auditor/Controller-Recorder  
222 West Hospitality Lane  
San Bernardino, CA 92415-0018

(A-24)  
Mr. Gegory E. Rose  
Department of Social Services Division  
744 P Street, MS 8-17-18  
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 26, 2010 at Sacramento, California.

  
\_\_\_\_\_  
Tamara Johnson