

**ITEM 6
PROPOSED DECISION
AND**

PARAMETERS AND GUIDELINES AMENDMENT

Family Code Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421;
Penal Code Sections 277, 278, and 278.5;
Welfare and Institutions Code Section 11478.5

Chapter 1399, Statutes of 1976
Chapter 162, Statutes of 1992
Chapter 988, Statutes of 1996

Custody of Minors – Child Abduction and Recovery

25-PGA-01 (CSM-4237)

State Controller’s Office, Requester

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MALIA M. COHEN
CALIFORNIA STATE CONTROLLER



25-PGA-01

Exhibit A

October 20, 2025

Juliana F. Gmur, Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

SUBJECT: Request to Add Statement of Decision and Amend Parameters and Guidelines,
Custody of Minors-Child Abduction and Recovery, 05-PGA-26 (CSM 4237)
Family Code Sections 3060 TO 3064, 3130 TO 3134.5, 3408, 3411, and 3421
Penal Code Sections 277, 278, and 278.5
Welfare And Institutions Code Section 11478.5
Chapter 1399, Statutes 1976; Chapter 162, Statutes 1992;
Chapter 988, Statutes 1996

Dear Juliana F. Gmur:

The State Controller's Office (SCO) is requesting to add a Statement of Decision (Decision) and amend the Parameters and Guidelines (P's and G's) for the Custody of Minors-Child Abduction and Recovery program.

Due to the age of this program, it does not have a Decision which informs the interpretation of the P's and G's. This will assist claimants with filing for only the allowable costs outlined in the P's and G's and avoid confusion over what is unallowable.

The amendment to the P's and G's is to correct the numbering of the reimbursable activities that was changed over the years due to clerical error. Enclosed are excerpts from the P's and G's indicating our proposed amendments. Proposed additions are underlined and deletions are indicated with strikethrough.

PROPOSED AMENDMENT TO PARAMETERS AND GUIDELINES

Family Code Sections 3060 TO 3064, 3130 TO 3134.5, 3408, 3411, and 3421
Penal Code Sections 277, 278, and 278.5 Welfare
And Institutions Code Section 11478.5
Chapter 1399, Statutes of 1976
Chapter 162, Statutes of 1992
Chapter 988, Statutes of 1996

Local Government Programs and Services Division
Mailing Address P.O. Box 942850, Sacramento, CA 94250
3301 C Street, Suite 740, Sacramento, CA 95816

Custody of Minors-Child Abduction and Recovery

05-PGA-26 (CSM 4237)

V. REIMBURSABLE COSTS

Page 4 and 5

2. Court actions and costs in cases involving child custody or visitation orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Family Code Sections 3400 through 3425) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).

a. District Attorney cost of notifications sent if jurisdiction is refused.

- a.b. Cost of providing foster care or other short-term care for any child pending return to the out-of-jurisdiction custodian. The reimbursable period of foster home care or other short-term care may not exceed three days unless special circumstances exist.

Please explain the special circumstances. A maximum of ten days per child is allowable. Costs must be identified per child, per day. This cost must be reduced by the amount of state reimbursement for foster home care which is received by the county for the child(ren) so placed.

b.c. Cost of transporting the child(ren) to the out-of-jurisdiction custodian.

(1) Travel expenses, food, lodging, and transportation for the escort and child(ren).

(2) Other personal necessities for the child(ren). All such items purchased must be itemized. Cost recovered from any party, individual or agency, must be shown and used as an offset against costs reported in this section.

~~(3) Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren).~~

~~(a) Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure appearance in accordance with the arrest warrant or order.~~

~~(b) Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having custody. The~~

~~number of days for the foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor.~~

~~(4) Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.~~

~~(a) Costs of food, lodging, transportation and other personal necessities for the child(ren) from the time he/she is located until he/she is delivered to the legal custodian or agency. All personal necessities purchased must be itemized.~~

~~(b) Cost of an escort for the child(ren), including costs of food, lodging, transportation and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.~~

~~Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) (or defendant, if not part of a criminal extradition) must be shown and used as an offset against these costs.~~

3. Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren).

a. Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure appearance in accordance with the arrest warrant or order.

b. Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having custody. The number of days for the foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor.

4. Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.

a. Costs of food, lodging, transportation and other personal necessities for the child(ren) from the time he/she is located until he/she is delivered to the legal custodian or agency. All personal necessities purchased must be itemized.

b. Cost of an escort for the child(ren), including costs of food, lodging, transportation and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.

Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) (or defendant, if not part of a criminal extradition) must be shown and used as an offset against these costs.

COMMENT: We recommend adding 1993 amendment Reimbursable Activity 2.a., which was omitted in the 1999 amendment, back into the P's and G's and adjusting the following numbering accordingly. Additionally, renumbering 2.b.(3) and 2.b.(4) so they appear as Reimbursable Activities 3 and 4 as they were in the 1990 amendment. We also recommend adding the 1990 and 1993 amendments to the history of this mandate on the top left of page 1.

If you have any questions, please contact Darryl Mar, Manager of the Local Reimbursements Section in the Local Government Programs and Services Division, by email at DMar@sco.ca.gov or telephone at 916-324-0256.

Sincerely,



Darryl Mar
Manager, Local Reimbursements Section

Enclosures: 1990 P's and G's, 1993 P's and G's

COMMISSION ON STATE MANDATES

1414 K Street, Suite 315
SACRAMENTO, CA 95814
(916) 323-3562



March 2, 1990

Mr. Glenn Haas, Assistant Chief
Division of Accounting
State Controller's Office (B-8)
3301 C Street, Room 503
Sacramento, CA 95816

Re: Amendments to Parameters and Guidelines and
State Controller's Claiming Instructions

1. Chapter 1357, Statutes of 1976
Guardianship and Conservatorship Filings
2. Chapter 1399, Statutes of 1976
Custody of Minors
3. Chapter 991, Statutes of 1979
Committed Mentally Disordered Sex Offenders:
Extended Commitments
4. Chapter 644, Statutes of 1980
Judicial Court Commitments: Mentally Retarded

Dear Mr. Haas:

Amendments to the parameters and guidelines and/or State Controller's claiming instructions for the above-entitled mandated programs were adopted by the Commission on State Mandates at its February 22, 1990, hearing. The amended parameters and guidelines are enclosed. In addition, amendments to the claiming instructions for the above-entitled mandated programs should be made as follows:

- 1) Chapter 1357, Statutes of 1976

At "Reimbursement Limitations":

"Costs related to 'court operations' as defined in the Government Code Section 77003 are not reimbursable when the county opts into the Trial Court Funding Program pursuant to Section 77300. Costs associated with court appointed investigators and any costs for a jury trial shall not be claimed if the county is participating in the Trial Court Funding Program. Pursuant to Section 77203, block grant disbursements to the county shall be in lieu of any reimbursement of state-mandated local programs for trial courts during those fiscal years in which it is a participant of the program. This provision does not apply to the first half of the 1988-89 fiscal year."

Mr. Glenn Haas, Assistant Chief
March 2, 1990
Page Two

2) Chapter 991, Statutes of 1979

At "Reimbursement Limitations":

"Costs related to 'court operations' as defined in the Government Code Section 77003 are not reimbursable when the county opts into the Trial Court Funding Program pursuant to Section 77300. Costs of trial and juror fees are withheld from the definition of court operations. In light of Government Code Section 77003, the cost of trial and juror fees shall not be claimed if the county is participating in the Trial Court Funding Program. Pursuant to Section 77203, block grant disbursements to the county shall be in lieu of any reimbursement of state-mandated local programs for trial courts during those fiscal years in which it is a participant of the program. This provision does not apply to the first half of the 1988-89 fiscal year."

3) Chapter 644, Statutes of 1980

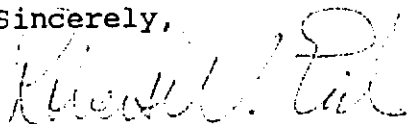
At "Reimbursement Limitations", first item under part 5:

"costs incurred for investigation, preparation for, and conduct of such proceedings (These costs shall not be claimed if the county is participating in the Trial Court Funding Program, unless they are incurred by the District Attorney.);"

Finally, as you are aware, it is not necessary to address the issue of statewide cost estimate surveys for these programs because sufficient funding is currently provided through the Commission's Local Assistance budget item.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



ROBERT W. EICH
Executive Director

RWE:DFD:cm:0611d

Enclosure: Amended Parameters and Guidelines

cc:w/encl.

Mr. Jim Apps, Department of Finance
Mr. Glen Beatie, State Controller's Office
Mr. Richard Frank, Attorney General's Office
Mr. Juliet Musso, Legislative Analyst's Office
Mr. Allan Burdick, County Supervisors Association of California
Mr. Andrea Hix, David M. Griffith & Associates
Mr. Stan Collis, Administrative Office of the Courts
Mr. Ray Harter, County of Stanislaus

Date Adopted: 1/21/81
Date Amended: 7/19/84
Date Amended: 7/25/87
Date Amended: 10/26/89
Date Amended: 2/22/90

PARAMETERS AND GUIDELINES
CHAPTER 1399, STATUTES OF 1976
CUSTODY OF MINORS

I. SUMMARY OF MANDATE

Chapter 1399, Statutes of 1976 added Sections 4600.1 and 4604 to and amended Sections 5157, 5160 and 5169 of the Civil Code, added Sections 278 and 278.5 to the Penal Code, and amended Sections 11478.5 of the Welfare and Institutions Code, which increased the level of service provided by several county departments which must become involved in child custody matters. Where previously parents or others interested in the custody status of minors pursued their interest in court with no assistance from law enforcement agencies, due to this statute counties are required to actively assist in the resolution of custody problems and the enforcement of custody decrees. To accomplish this, several additional "tools" were provided to the courts and enforcement agencies in this legislation, including changes in the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest to insure compliance, and increased access to locator and other information maintained by County and State departments. These activities increased the level of service provided to the public under Title 9 of Part 5 of the Civil Code, the Uniform Child Custody Jurisdiction Act.

Chapter 990, Statutes of 1983 amended Section 4604 of the Civil Code to clarify that the enforcement requirements of this section applied to visitation decrees as well as custody decrees.

II. BOARD OF CONTROL DECISION

On September 19, 1979, the Board of Control determined that Chapter 1399, Statutes of 1976, contained a reimbursable state mandate upon counties by requiring

district attorney offices to actively assist in the resolution of child custody problems including visitation disputes, the enforcement of custody decrees and of any other order of the court in a child custody proceeding. These activities include all actions necessary to locate a child, the enforcement of child custody decrees, orders to appear, or any other court order defraying expenses related to the return of an illegally detained, abducted or concealed child, proceedings with civil court actions, and guaranteeing the appearance of offenders and minors in court actions. The Board's finding was in response to a claim of first impression filed by the County of San Bernardino.

III. ELIGIBLE CLAIMANTS

Any county which incurs increased costs as a result of this mandate are eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

Chapter 1399, Statutes of 1976 became effective July 1, 1977. Section 17557 of the Government Code (GC) states that a test claim must be submitted on or before November 30th following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on April 17, 1979; therefore, costs incurred on or after July 1, 1978, are reimbursable. San Bernardino County may claim and be reimbursed for mandated costs incurred on or after July 1, 1977.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561(d)(3) of the Government Code (GC), all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by GC Section 17564.

V. REIMBURSABLE COSTS

A. Scope of the Mandate

Counties shall be reimbursed for the increased costs which they are required to incur to have the

district attorney; actively assist in the resolution of child custody and visitation problems; the enforcement of custody and visitation decrees; take all actions necessary to locate and return a child(ren) by use of any appropriate civil or criminal proceeding; and comply with other court orders relating to child custody or visitation, as provided in Civil Code Section 4604, with the exception of those activities listed in Section VI.

B. Reimbursable Activities

For each eligible claimant meeting the above criteria, the following cost items are reimbursable:

1. Obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation degrees.
 - a. Contact with child(ren) and other involved persons.
 - (1) Receipt of reports and requests for assistance.
 - (2) Mediating or advising involved individuals. Mediating services may be provided by other departments. If this is the case, indicate the department.
 - (3) Locating missing or concealed offender and child.
 - b. Utilizing any appropriate civil or criminal court action to secure compliance.
 - (1) Preparation and investigation of reports and requests for assistance.
 - (2) Seeking physical restraint of offenders and/or the child(ren) to assure compliance with decrees or court orders.
 - (3) Process services and attendant court fees and costs.
 - (4) Depositions.
 - c. Physically recovering the child(ren).

- (1) Travel expenses, food, lodging, and transportation for the escort and child.
 - (2) Other personal necessities for the child. All such items purchased must be itemized.
2. Court actions and costs in cases involving child custody or visitation decrees from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Civil Code Sections 5150 through 5174) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).
- a. District Attorney cost of notifications sent if jurisdiction is refused.
 - b. Cost of providing foster home care or other short-term care for any child pending return to the out-of-jurisdiction custodian. The reimbursable period of foster home care or other short-term care may not exceed three days unless special circumstances exist.

Please explain the special circumstances. A maximum of ten days per child is allowable. Costs must be identified per child, per day. This cost must be reduced by the amount of state reimbursement for foster home care which is received by the county for the child(ren) so placed.

- c. Cost of transporting the child to the out-of-jurisdiction custodian.
 - (1) Travel expenses, food, lodging, and transportation for the escort and child.
 - (2) Other personal necessities for the child. All such items purchased must be itemized. Costs recovered from any party, individual or agency must be shown and used as an offset against costs reported in this section.

3. Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren).
 - a. Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure appearance in accordance with the arrest warrant or order.
 - b. Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having physical custody. The number of days for foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor.
4. Return of an illegally obtained or concealed child to the legal custodian or agency.
 - a. Cost of food, lodging, transportation and other personal necessities for the child from the time he/she is located until he/she is delivered to the legal custodian or agency. All personal necessities purchased must be itemized.
 - b. Cost of an escort for the child, including costs of food, lodging, transportation and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.

Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) (or defendant, if not part of a criminal extradition) must be shown and used as an offset against these costs.

VI. NON-REIMBURSABLE COSTS

- A. Costs associated with criminal prosecution, commencing with the defendant's apprehension, surrender or first appearance, for offenses defined in Sections 277, 278 and 278.5 of the Penal Code.
- B. Costs associated with locating an offender and serving a warrant related to either criminal or civil proceedings defined in Sections 277, 278 and

278.5 of the Penal Code wherein the missing, abducted, or concealed child(ren) has been returned to the lawful person or agency.

C. Governing Authority

The costs for the salary and expenses of the governing authority, as defined by the (Federal) Office of Management and Budget Circular A-87, such costs occur as an integral part of "general government" and, therefore, are not increased or decreased by mandated programs.

VII. CLAIM PREPARATION AND SUBMISSION

A. Filing

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each reimbursable activity for which reimbursement is claimed under this mandate.

B. Supporting Documentation

Claimed costs should be supported by the following:

1. Salary and Employees' Benefits

Identify the employee(s), show the classification of the employee(s), involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study. Benefits are reimbursable; however, benefit rates must be itemized. If no itemization is submitted, 21 percent must be used for computation of claimed cost.

2. Contracted Services

Provide copies of the contract, separately show the contract service performed relative to the mandate, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim.

3. Services and Supplies

Only expenditures which can be identified as a direct cost of the mandate can be claimed.

Expenditures will be categorized in accordance with the State Controller manual entitled "Accounting Standards and Procedures for Counties." Compensation for use of equipment is allowable through a use allowance or depreciation charge for the period it is assigned to the mandate; however, the cost is normally claimable through an indirect cost rate. If such cost is directly charged, a supporting schedule showing how this cost was computed must be attached.

4. Allowable Overhead Cost

Indirect costs may only be claimed through an indirect cost rate proposal prepared in accordance with the provisions of (Federal) Office of Management and Budget Circular A-87. Normally, the indirect cost rate will be a percentage of direct salary and benefit costs. Indirect costs may include cost of space, equipment, utilities, insurance, administration, etc. (i.e., those elements of indirect costs incurred as a result of the mandate, origination in the performing unit and the cost of central administrative services not otherwise treated as direct cost). The indirect cost rate must be shown on the report.

5. Reimbursements

On a separate schedule, show details of any reimbursements received from the individuals or agencies involved in these cases. Show the total amount of such reimbursements as a reduction of the amount claimed on the cost summary form.

In addition, the costs claimed must be reduced by the amount recovered from the charges imposed by the court.

6. Mileage and Travel

Local entities will be reimbursed according to the rules of the local jurisdiction.

VIII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of and the validity of such costs. These documents must be kept on file by the agency submitting

the claim for a period of no less than three (3) years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

IX. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source e.g., federal, state, etc., shall be identified and deducted from this claim.

X. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY under penalty of perjury:

THAT the foregoing is true and correct;

THAT Sections 1090 through 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with;

and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

Signature of Authorized
Representative

Date

Title

()

Telephone No.

WP 0612d

Date Adopted: 1/21/81
Date Amended: 7/19/84
Date Amended: 7/25/87
Date Amended: 10/26/89
Date Amended: 2/22/90
Date Amended: 7/22/93

PARAMETERS AND GUIDELINES
CIVIL CODE SECTIONS 4600.1, 4604, 5157, 5160, AND 5169
PENAL CODE SECTIONS 278 AND 278.5
WELFARE AND INSTITUTIONS CODE SECTION 11478.5
CHAPTER 1399, STATUTES OF 1976
CHILD ABDUCTION AND RECOVERY

I. SUMMARY OF MANDATE

Chapter 1399, Statutes of 1976, added Sections 4600.1 and 4604 to and amended Sections 5157, 5160 and 5169 of the Civil Code, added Sections 278 and 278.5 to the Penal Code, and amended sections 11478.5 of the Welfare and Institutions Code, which increased the level of service provided by several county departments which must become involved in child custody matters. Where previously parents or others interested in the custody status of minors pursued their interest in court with no assistance from law enforcement agencies, due to this statute counties are required to actively assist in the resolution of custody problems and the enforcement of custody decrees. To accomplish this, several additional "tools" were provided to the courts and enforcement agencies in this legislation, including changes in the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest to insure compliance, and increased access to locator and other information maintained by County and State departments. These activities increased the level of service provided to the public under Title 9 of Part 5 of the Civil Code, the Uniform Child Custody Jurisdiction Act.

Chapter 990, Statutes of 1983, amended Section 4604 of the Civil Code to clarify that the enforcement requirements of this section applied to visitation decrees as well as custody decrees.

II. BOARD OF CONTROL DECISION

On September 19, 1979, the Board of Control determined that Chapter 1399, Statutes of 1976, imposed a reimbursable state mandate upon counties by requiring district attorney offices to actively assist in the resolution of child custody problems including visitation disputes, the enforcement of custody decrees and of any other order of the court in a child custody proceeding. These activities include all actions necessary to locate a child, the enforcement of

child custody decrees, orders to appear, or any other court order defraying expenses related to the return of an illegally detained, abducted or concealed child, proceedings with civil court actions, and guaranteeing the appearance of offenders and minors in court actions. The Board's finding was in response to a claim of first impression filed by the County of San Bernardino.

III. ELIGIBLE CLAIMANTS

Any county which incurs increased costs as a result of this mandated program is eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

Chapter 1399, Statutes of 1976, became effective January 1, 1977. Section 17557 of the Government Code (GC) stated that a test claim must be submitted on or before November 30th following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on April 17, 1979; therefore, costs incurred on or after July 1, 1978, are reimbursable. San Bernardino County may claim and be reimbursed for mandated costs incurred on or after July 1, 1977.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561(d)(3) of the Government Code (GC), all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by GC Section 17564.

V. REIMBURSABLE COSTS

A. Scope of the Mandate

Counties shall be reimbursed for the increased costs which they are required to incur to have the district attorney actively assist in the resolution of child custody and visitation problems; for the enforcement of custody and visitation decrees; for all actions necessary to locate and return a child(ren) by use of any appropriate civil or criminal proceeding; and for complying with other court orders relating to child

custody or visitation, as provided in Civil Code Section 4604, with the exception of those activities listed in Section VI.

B. Reimbursable Activities

For each eligible claimant meeting the above criteria, the following cost items are reimbursable:

1. Obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation decrees.
 - a. Contact with child(ren) and other involved persons.
 - (1) Receipt of reports and requests for assistance.
 - (2) Mediating with or advising involved individuals. Mediating services may be provided by other departments. If this is the case, indicate the department.
 - (3) Locating missing or concealed offender and child(ren).
 - b. Utilizing any appropriate civil or criminal court action to secure compliance.
 - (1) Preparation and investigation of reports and requests for assistance.
 - (2) Seeking physical restraint of offenders and/or the child(ren) to assure compliance with decrees or court orders.
 - (3) Process services and attendant court fees and costs.
 - (4) Depositions.
 - c. Physically recovering the child(ren).
 - (1) Travel expenses, food, lodging, and transportation for the escort and child(ren).
 - (2) Other personal necessities for the child(ren). All such items purchased must be itemized.

2. Court actions and costs in cases involving child custody or visitation decrees from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Civil Code Sections 5150 through 5174) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).

- a. District Attorney's cost of notifications sent if jurisdiction is refused.
- b. Cost of providing foster home care or other short-term care for any child pending return to the out-of-jurisdiction custodian. The reimbursable period of foster home care or other short-term care may not exceed three days unless special circumstances exist.

Please explain the special circumstances. A maximum of ten days per child is allowable. Costs must be identified per child, per day. This cost must be reduced by the amount of state reimbursement for foster home care which is received by the county for the child(ren) so placed.

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 - a. Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure

appearance in accordance with the arrest warrant or order.

- b. Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having physical custody. The number of days for foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor,
- (4) Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.
- a. Cost of food, lodging, transportation and other personal necessities for the child(ren) from the time he/she is located until he/she is delivered to the legal custodian or agency. All personal necessities purchased must be itemized.
 - b. Cost of an escort for the child(ren), including costs of food, lodging, transportation and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.

Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) (or defendant, if not part of a criminal extradition) must be shown and used as an offset against these costs.

VI. NON-REIMBURSABLE COSTS

- A. Costs associated with criminal prosecution, commencing with the defendant's apprehension, surrender or first appearance, for offenses defined in Sections 277, 278 and 278.5 of the Penal Code.
- B. Costs associated with locating an offender and serving a warrant related to either criminal or civil

proceedings defined in Sections 277, 278 and 278.5 of the Penal Code wherein the missing, abducted, or concealed **child(ren)** has been returned to the lawful person or agency.

C. Governing Authority

The costs for the salary and expenses of the governing authority, as defined by the (Federal) Office of Management. and Budget Circular A-87, such costs occur as an integral part of "general government? and, therefore, are not increased or decreased by mandated programs.

VII. CLAIM PREPARATION AND SUBMISSION

A. Filing

'Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each reimbursable activity for which reimbursement is claimed under this mandate.

B. Supporting Documentation

Claimed costs should be supported by the following:

1. Salary and Employees' Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study. Benefits are reimbursable; however, benefit rates must be itemized. If no itemization is submitted, 21 percent must be used for computation of claimed cost.

2. Contracted Services

Provide copies of the contract, separately show the contract service performed relative to the mandate, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim.

3. Services and Supplies

Only expenditures which can be identified as a direct cost of the mandate can be claimed. Expenditures will be categorized in accordance with the State Controller manual entitled "Accounting Standards and Procedures for Counties." Compensation for use of equipment is allowable through a use allowance or depreciation charge for the period it is assigned to the mandate; however, the cost is normally claimable through an indirect cost rate. If such cost is directly charged, a supporting schedule showing how this cost was computed must be attached.

4. Allowable Overhead Cost

Indirect costs may only be claimed through an indirect cost rate proposal prepared in accordance with the provisions of (Federal) Office of Management and Budget Circular A-87, Normally, the indirect cost rate will be a percentage of direct salary and benefit costs. Indirect costs may include cost of space, equipment, utilities, insurance, administration, etc. (i.e., those elements of indirect costs incurred as a result of the mandate, origination in the performing unit and the cost of central administrative services not otherwise treated as direct cost). The indirect cost rate must be shown on the report.

5. Reimbursements

On a separate schedule, show details of any reimbursements received from the individuals or agencies involved in these cases. Show the total amount of such reimbursements as a reduction of the amount claimed on the cost summary form.

In addition, the costs claimed must be reduced by the amount recovered from the charges imposed by the court.

6. Mileage and Travel

Local entities will be reimbursed according to the rules of the local jurisdiction.

VIII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of and the validity of such costs. These documents must be kept on file by the agency submitting the claim for a period of no less than three (3) years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

IX. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source e.g., federal, state, etc., shall be identified and deducted from this claim.

x. REQUIRED CERTIFICATION

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

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DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On October 30, 2025, I served the:

- **Current Mailing List dated October 29, 2025**
- **Notice of Complete Request for Parameters and Guidelines Amendment, Schedule for Comments, and Notice of Tentative Hearing Date issued October 30, 2025**
- **Request for Parameters and Guidelines Amendment filed by the State Controller's Office on October 24, 2025**

Custody of Minors - Child Abduction and Recovery, 25-PGA-01
Family Code Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421
Penal Code Sections 277, 278, and 278.5
Welfare And Institutions Code Section 11478.5
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162;
Statutes 1996, Chapter 988
State Controller's Office, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 October 30, 2025 at Sacramento, California.



Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/29/25

Claim Number: 25-PGA-01

Matter: Custody of Minors - Child Abduction and Recovery

Requester: State Controller

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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Exhibit B

Sacramento County District Attorney's Office

THIEN HO
District Attorney

November 17, 2025

Juliana F. Gmur, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814



Re: Comment Letter – Request to Amend Parameters and Guidelines, Custody of Minors – Child Abduction and Recovery (25-PGA-01 / CSM 4237)

Dear Ms. Gmur:

The Sacramento District Attorney's Office appreciates the opportunity to comment on the State Controller's Office request to add a Statement of Decision and make minor amendments to the Parameters and Guidelines for the Custody of Minors – Child Abduction and Recovery mandate. We support the proposed technical corrections and the addition of an interpretive Statement of Decision to improve clarity for claimants and auditors without altering the underlying reimbursement policy.

We also respectfully request that the Commission consider explicating how "Good Cause" matters under Penal Code section 278.7 should be treated within the mandate. In the ordinary course of our work under Family Code sections 3130 and 3131, our office must receive complaints, investigate, locate children and parties, and procure compliance with custody and visitation orders. During these investigations, alleged offenders often assert a "Good Cause" claim under Penal Code section 278.7. Evaluating whether the statutory criteria for that defense are met is part of the same mandated investigation and locating work that is part of the Custody of Minors – Child Abduction and Recovery mandate. Penal Code section 278.7 does not create a separate category of case; it provides an affirmative defense to prosecution under section 278.5. Accordingly, investigative activities performed while carrying out our statutory duties should continue to be recognized as reimbursable even when a potential "Good Cause" claim is considered. There is a dispute related to whether "Good Cause" cases are included under the mandate between Counties and the State Controller's Office, which is part of the subject matter of pending Incorrect Reduction claims before the Commission, and explicitly addressing this in further Parameters and Guidelines would be welcomed.

Further, to promote consistency and reduce disputes, we encourage the Commission to provide practical guidance on required source and corroborating documentation that demonstrates compliance with the Parameters and Guidelines for the Custody of Minors – Child Abduction and Recovery mandate. Clear expectations for time records, narrative descriptions of tasks, and

cross-references to case activity will help Counties document allowable work in a uniform manner. This will enhance the ability of Counties to ensure that in performing the mandate that they are compliant with the State Controller's expectations, reducing audit risk and disallowed costs, and potential Incorrect Reduction claims in the future.

Again, we further support the minor technical updates described in the request: correcting the numbering in Section V so that the court-action items remain grouped consistently and the provisions for securing appearance and returning a child are restored as standalone items; restoring the previously included reimbursable activity for District Attorney notification costs when jurisdiction is refused; and updating the historical notes to reflect prior amendments accurately. These adjustments will improve readability and continuity across versions, while leaving intact existing eligibility, caps, offsets, and non-reimbursable items.

Thank you for considering these comments. We support adoption of the technical corrections and the Statement of Decision, along with clear recognition that investigations involving asserted "Good Cause" under Penal Code section 278.7 remain part of the mandated child abduction and recovery functions, and with added guidance on documentation to ensure consistency for both claimants and reviewers.

Respectfully submitted,



Michael Blazina
Assistant District Attorney
Sacramento County District Attorney's Office

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

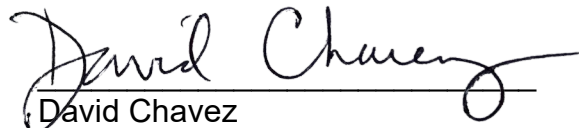
On November 20, 2025, I served the:

- **Current Mailing List dated November 6, 2025**
- **County of Sacramento Office of the District Attorney's Comments on the Request for Parameters and Guidelines Amendment filed on November 17, 2025**

Custody of Minors - Child Abduction and Recovery, 25-PGA-01
Family Code Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421
Penal Code Sections 277, 278, and 278.5
Welfare And Institutions Code Section 11478.5
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162;
Statutes 1996, Chapter 988
State Controller's Office, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 November 20, 2025 at Sacramento, California.



David Chavez
Commission on State Mandates
980 Ninth Street, Suite 300
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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/6/25

Claim Number: 25-PGA-01

Matter: Custody of Minors - Child Abduction and Recovery

Requester: State Controller

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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**MAJIDA ADNAN
RACHELLE ANEMA
ROBERT G. CAMPBELL**

November 20, 2025

Via Drop Box

Exhibit C

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

Dear Ms. Halsey:

**RESPONSE TO THE STATE CONTROLLERS' OFFICE'S
PROPOSED AMENDMENT ON THE CHILD ABDUCTION AND
RECOVERY PROGRAM'S PARAMETERS AND GUIDELINES**

The County of Los Angeles (County) submits the attached Comments in response to the State Controller's Office's proposed amendment to the Child Abduction and Recovery Program's Parameters and Guidelines.

If you have any questions please call me, or your staff may contact Fernando Lemus at (213) 974-0324 or via e-mail at flemus@auditor.lacounty.gov.

Very truly yours,

Oscar Valdez
Auditor-Controller

OV:CY:RA:EW:RC:FL

Attachment

**COMMENTS ON THE PROPOSED AMENDMENTS
TO THE CHILD ABDUCTION AND CUSTODY PROGRAM
PARAMETERS AND GUIDELINES**

The County of Los Angeles (County) has reviewed the proposed amendments to the Child Abduction and Recovery Program's Parameters and Guidelines (Ps and Gs).

The County is a local agency subject to the Ps and Gs. The State Controller's Office has requested a Statement of Decision and Amendment of the Ps and Gs. The Controller's Office's request does not indicate whether the request for Statement of Decision would be limited to the proposed amendment. The Commission's Notice of Complete Request references only the Ps and Gs Amendment.

To the extent that the Ps and Gs Amendment seeks only to add one reimbursable cost, which had previously been referenced in prior Ps and Gs, and renumber other reimbursable costs, the County has no objection. It is not clear from the Controller's request, however, whether the Controller's Office is requesting a Statement of Decision that goes beyond the Ps and Gs Amendment. The County objects to any Statement of Decision that addresses any topic beyond the Ps and Gs Amendment as there has been no notice of the contents of any such Statement of Decision and no opportunity to comment.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On November 21, 2025, I served the:

- **Current Mailing List dated November 19, 2025**
- **County of Los Angeles’s Comments on the Request for Parameters and Guidelines Amendment filed November 20, 2025**

Custody of Minors - Child Abduction and Recovery, 25-PGA-01
Family Code Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421
Penal Code Sections 277, 278, and 278.5
Welfare And Institutions Code Section 11478.5
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162;
Statutes 1996, Chapter 988
State Controller’s Office, Requester

by making it available on the Commission’s website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 November 21, 2025 at Sacramento, California.



David Chavez
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/19/25

Claim Number: 25-PGA-01

Matter: Custody of Minors - Child Abduction and Recovery

Requester: State Controller

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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April 29, 2026

Exhibit D

Mr. Chris Hill
Department of Finance
915 L Street, 10th Floor
Sacramento, CA 95814

Mr. Darryl Mar
State Controller's Office
Local Government Programs and Services
Division
3301 C Street, Suite 740
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

**Re: Draft Proposed Decision and Parameters and Guidelines Amendment,
Schedule for Comments, and Notice of Hearing**

Custody of Minors - Child Abduction and Recovery, 25-PGA-01
Family Code Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421;
Penal Code Sections 277, 278, and 278.5;
Welfare and Institutions Code Section 11478.5;
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162;
Statutes 1996, Chapter 988
State Controller's Office, Requester

Dear Mr. Hill and Mr. Mar:

The Draft Proposed Decision and Parameters and Guidelines Amendment for the above-captioned matter is enclosed for your review and comment.

Written Comments

Written comments may be filed on the Draft Proposed Decision **by May 20, 2026**. Please note that all representations of fact submitted to the Commission must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge, information, or belief. (Cal. Code Regs., tit. 2, § 1187.5.) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.¹

You are advised that comments filed with the Commission are required to be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, § 1181.3(f).) Refer to <https://www.csm.ca.gov/dropbox.shtml> on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice,

¹ Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

Mr. Hill and Mr. Mar

April 29, 2026

Page 2

filing may occur by first class mail, overnight delivery or personal service only upon approval of a request to the executive director. (Cal. Code Regs., tit. 2, § 1181.3(j).)

If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

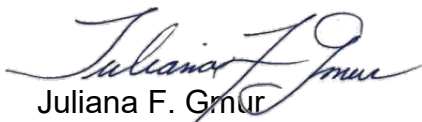
Hearing

Unless there are objections, this matter is set for hearing on **Friday, June 12, 2026**, at 10:00 a.m. The Proposed Decision will be issued on or about May 29, 2026.

If you plan to address the Commission on this item, please notify the Commission Office not later than noon on the Tuesday prior to the hearing, **June 9, 2026**. Please also include the names of the people who will be speaking for inclusion on the witness list and the names and emails addresses of the people who will be speaking both in person and remotely to receive a hearing panelist link in Zoom. When calling or emailing, please identify the item you want to testify on and the entity you represent. The Commission Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Very truly yours,


Juliana F. Grun
Executive Director

ITEM ____
DRAFT PROPOSED DECISION
AND
PARAMETERS AND GUIDELINES AMENDMENT

Family Code Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421;
Penal Code Sections 277, 278, and 278.5;
Welfare and Institutions Code Section 11478.5

Chapter 1399, Statutes of 1976
Chapter 162, Statutes of 1992
Chapter 988, Statutes of 1996

Custody of Minors – Child Abduction and Recovery

25-PGA-01 (CSM-4237)

State Controller, Requester

EXECUTIVE SUMMARY

Summary of the Mandate and Request

On September 19, 1979, the Board of Control, the predecessor agency to the Commission on State Mandates (Commission) adopted a Decision, finding Statutes of 1976, chapter 1399 to impose a reimbursable state mandate on county district attorney offices to assist in the resolution of child custody problems, the enforcement of custody decrees, and other orders of the court in a child custody proceeding. Parameters and Guidelines were adopted by the Board of Control on January 21, 1981.¹ Records show the Parameters and Guidelines were amended on July 19, 1984; July 27, 1987; and October 26, 1989, however copies of these amendments and the original Parameters and Guidelines are not available.² Additional subsequent amendments occurred on February 22, 1990; July 22, 1993; August 26, 1999; and the current version amended on October 30, 2009. Copies of these amendments are included in the exhibits.³

¹ Exhibit X (1), 2009 Amendment to Parameters and Guidelines.

² Exhibit A, Request for Parameters and Guidelines Amendment, page 7, (1990 Amendment to the Parameters and Guidelines); Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, page 1.

³ Exhibit A, Request for Parameters and Guidelines Amendment, pages 5-14 (1990 Amendment to the Parameters and Guidelines) and 15-22 (1993 Amendment to the Parameters and Guidelines); Exhibit X (2), 1999 Amendment to the Parameters and Guidelines Staff Analysis and Proposed Amendments; Exhibit X (1), 2009 Amendment to the Parameters and Guidelines.

The State Controller (requester) requests the Commission make several amendments to the Parameters and Guidelines described below that are intended to correct alleged clerical errors that occurred in the previous amendments.⁴

- Adopt a statement of decision (decision). “Due to the age of this program, it does not have a Decision which informs the interpretation of the P’s and G’s. This will assist claimants with filing for only the allowable costs outlined in the P’s and G’s and avoid confusion over what is unallowable.”⁵
- Add “District Attorney cost of notifications sent if jurisdiction is refused,” to the list of reimbursable activities. This was previously included as a reimbursable activity in both the 1990 and 1993 Amendments to the Parameters and Guidelines, however it was removed in the 1999 Amendment.⁶ The requester now asks this activity be added back into the list of reimbursable activities as Reimbursable Activity 2.a., and that the numbering for the following activities be adjusted accordingly.⁷
- Renumber the current Reimbursable Activities 2.b.(3)., and 2.b.(4)., so they appear as Reimbursable Activities 3 and 4, respectively.⁸ This is how they were presented in the 1990 Amendment to the Parameters and Guidelines, and the requester seeks to have this reinstated because it asserts the numbering was changed over the years due to “clerical error.”⁹
- Add the 1990 and 1993 Amendments to the Parameters and Guidelines to the first page of the Parameters and Guidelines as part of the program’s caption.¹⁰

Staff recommends that the Commission adopt the Proposed Decision and Parameters and Guidelines Amendment to partially approve the Request for Parameters and Guidelines Amendment.

Procedural History

On October 24, 2025, the requester filed the Request for Parameters and Guidelines Amendment.¹¹ The request was issued for comment on October 30, 2025. The County of Sacramento District Attorneys’ Office filed comments on November 17, 2025.¹² The

⁴ Exhibit A, Request for Parameters and Guidelines Amendment.

⁵ Exhibit A, Request for Parameters and Guidelines Amendment, page 1.

⁶ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

⁷ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

⁸ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

⁹ Exhibit A, Request for Parameters and Guidelines Amendment, pages 1 and 4.

¹⁰ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

¹¹ Exhibit A, Request for Parameters and Guidelines Amendment.

¹² Exhibit B, County of Sacramento Office of the District Attorney’s Comments on the Request for Parameters and Guidelines Amendment.

County of Los Angeles filed comments on November 20, 2025.¹³ No rebuttals were filed on the comments. Commission staff issued the Draft Proposed Decision and Parameters and Guidelines Amendment on April 29, 2026.¹⁴

Claims

The following chart provides a brief summary of the claims and issues raised and staff's recommendation.

Issue	Description	Staff Recommendation
Should the request to add a Statement of Decision (Decision) be approved?	<p>Government Code section 17557(d) authorizes a local agency, school district, or the state to file a written request with the Commission to amend the parameters or guidelines consistent with the test claim decision for the following reasons:</p> <p>(A) Delete any reimbursable activity that has been repealed by statute or executive order after the adoption of the original or last amended parameters and guidelines.</p> <p>(B) Update offsetting revenues and offsetting savings that apply to the mandated program and do not require a new legal finding that there are no costs mandated by the state pursuant to</p>	<p><i>No – Deny</i></p> <p>The Commission does not have authority to issue a new decision on this program. There are only three circumstances where the Commission has authority to reconsider a previous test claim decision and issue a new decision.¹⁵ The Board of Control's decision is final. Courts have not directed the Commission to adopt a new test claim decision.¹⁶ The requester has not alleged a subsequent change in law that changes the state's liability.¹⁷ An administrative agency only has the powers that have been conferred on it by constitution or statute; any</p>

¹³ Exhibit C, County of Los Angeles' Comments on the Request for Parameters and Guidelines Amendment.

¹⁴ Exhibit D, Draft Proposed Decision and Parameters and Guidelines Amendment.

¹⁵ See Government Code sections 17559(a), 17559(b), and 17570(b).

¹⁶ Government Code section 17559.

¹⁷ Government Code section 17570.

Issue	Description	Staff Recommendation
	<p>subdivision (e) of Section 17556.</p> <p>(C) Include a reasonable reimbursement methodology for all or some of the reimbursable activities.</p> <p>(D) Clarify what constitutes reimbursable activities.</p> <p>(E) Add new reimbursable activities that are reasonably necessary for the performance of the state-mandated program.</p> <p>(F) Define what activities are not reimbursable.</p> <p>(G) Consolidate the parameters and guidelines for two or more programs.</p> <p>(H) Amend the boilerplate language.</p>	<p>action taken in excess of such authority is void.¹⁸</p>
<p>Should the request to add “District Attorney cost of notifications sent if jurisdiction is refused,” to the Parameter and Guidelines as Reimbursable Activity 2.a. be approved?</p>	<p>In both the 1990 and 1993 Amendments to the Parameters and Guidelines, “District Attorney cost of notifications sent if jurisdiction is refused,” was included as Reimbursable Activity 2.a., however this was removed in the 1999 amendment.¹⁹</p>	<p><i>No – Deny</i></p> <p>There is no evidence in the record to support that the previously removed reimbursable activity is reasonably necessary for the performance of this program, as is required when adding reimbursable activities under Government Code section 17557(d)(2)(E).</p> <p>Furthermore, this activity is no longer required under</p>

¹⁸ *Duarte & Witting v. New Motor Vehicle Board* (2002) 104 Cal.4th 626; *Wendz v. CA Dept of Education* (2023) 93 Cal.5th 607.

¹⁹ Exhibit X (2), 1999 Amendment to the Parameters and Guidelines Staff Analysis and Proposed Amendments, page 14, (Section V.B.2.a.).

Issue	Description	Staff Recommendation
		current law. Previously, Civil Code section 5157 required courts to send out notifications to the parent or other appropriate person and to the prosecuting attorney in the appropriate jurisdiction if the court declined to exercise jurisdiction in a petition for an initial custody determination or to modify a custody order because it determined the petitioner wrongfully took the child from another state or engaged in similar conduct. ²⁰ This requirement is not stated in current law.
Should the request to move Reimbursable Activities 2.b.(3) and 2.b.(4) so they are presented as Reimbursable Activities 3 and 4 in the Parameters and Guidelines be approved?	<p>Reimbursable Activity 2.b.(3) provides for “Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren),” and Reimbursable Activity 2.b.(4) provides for, “Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.”</p> <p>Both are currently presented in the Parameters and Guidelines as subcategories to</p>	<p><i>Yes – Approve</i></p> <p>Moving Reimbursable Activities 2.b.(3) and 2.b.(4) so they are presented as Reimbursable Activities 3 and 4, respectively, clarifies what constitutes reimbursable activities by correcting a clear clerical error. The activities of securing appearance of the offender and child and of returning an illegally obtained or concealed child to their legal custodian are not exclusive to cases involving child custody decrees from other</p>

²⁰ See Civil Code section 5157, as amended by Statutes of 1976, chapter 1399, section 5.

Issue	Description	Staff Recommendation
	<p>Reimbursable Activity 2, which provides for:</p> <p>Court actions and costs in cases involving child custody or visitation orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Family Code Sections 3400 through 3425) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).</p>	<p>jurisdictions, and should not be categorized as such. It would clarify the reimbursable activities consistent with Government Code section 17557(d)(2)(D) to reinstate these subcategories as their own categories of reimbursable activities.</p> <p>Because this amendment clarifies the mandated activities, this amendment applies retroactively to the entire period of reimbursement, as it simply clarifies what has always been the law.²¹</p>
<p>Should the amendment to add February 22, 1990, and July 22, 1993, to the list of previous amendments provided in the Parameters and Guidelines' caption be approved?</p>	<p>In the 1990 amendment, the caption lists the dates the Parameters and Guidelines were adopted, January 21, 1981, and four subsequent amendments on: July 19, 1984; July 25, 1987; October 26, 1989; and February 22, 1990.²² The 1993 amendment added July 22, 1993 to this list.²³</p>	<p>Yes – Approve</p> <p>The request to correct the caption to include dates when this program's Parameters and Guidelines were previously amended is a non-substantive change that has no impact on the reimbursement for this program. The requester only asked for the dates of</p>

²¹ *McClung v. Employment Development Dept.* (2004) 34 Cal.4th 467, 471 quoting *Western Security Bank v. Superior Court* (1997) 15 Cal.4th 232, 243; *Riley v. Hilton Hotels Corp.* (2002) 100 Cal.App.4th 599, 603.

²² Exhibit A, Request for Parameters and Guidelines Amendment, page 7 (1990 Amendment to the Parameters and Guidelines).

²³ Exhibit A, Request for Parameters and Guidelines Amendment, page 15 (1993 Amendment to the Parameters and Guidelines).

Issue	Description	Staff Recommendation
	<p>In the current Parameters and Guidelines, the caption only lists the date the Parameters and Guidelines were adopted on January 21, 1981, and four amendment dates: July 19, 1984; July 25, 1987; August 26, 1999; and October 30, 2009. This excludes the amendments previously acknowledged of October 26, 1989; February 22, 1990; and July 22, 1993.</p>	<p>February 22, 1990 and July 22, 1993 to be added, however the 1990 and 1993 amendments both mention an October 26, 1989 amendment, and the minutes from the October 26, 1989 Commission hearing show an amendment was approved at that hearing on consent.²⁴ Therefore, all three dates of October 26, 1989; February 22, 1990; and July 22, 1993, should be added.</p> <p>Because this amendment does not make any substantive changes to the program, this amendment applies retroactively to the entire period of reimbursement, as it simply clarifies what has always been.²⁵</p>

Discussion

Government Code section 17557(d) authorizes a local agency, school district, or the state to file a written request with the Commission to amend the parameters and guidelines consistent with the test claim decision for several reasons, including to clarify what constitutes a reimbursable activity, to add reasonably necessary activities, and to amend the boilerplate language in the parameters and guidelines.²⁶

The requester asked the Commission to add a Statement of Decision (Decision) for this program, and make several amendments to the Parameters and Guidelines that are

²⁴ Exhibit X (4), Commission on State Mandates Minutes, October 26, 1989, pages 1-2.

²⁵ *McClung v. Employment Development Dept.* (2004) 34 Cal.4th 467, 471 quoting *Western Security Bank v. Superior Court* (1997) 15 Cal.4th 232, 243; *Riley v. Hilton Hotels Corp.* (2002) 100 Cal.App.4th 599, 603.

²⁶ See also California Code of Regulations, title 2, section 1183.17(a).

intended to correct alleged clerical errors that occurred in past amendments to the Parameters and Guidelines.²⁷

Staff finds that the Commission does not have the statutory authority to set aside the Board of Control's decision and issue a new decision on this program. The Board of Control's 1979 decision is final. The requester has not alleged a subsequent change in law that changes the state's liability, which would then authorize the Commission to adopt a new test claim decision pursuant to Government Code section 17570. Nor have the courts directed the Commission to adopt a new test claim decision.²⁸ The Commission, like other administrative agencies, only have such powers as have been conferred on them by the constitution or by statute. Any action taken in excess of such authority is void.²⁹

Additionally, a request to add a previously removed reimbursable activity — “District Attorney cost of notifications sent if jurisdiction is refused” — is not supported by substantial evidence that this activity is reasonably necessary for the performance of the state mandated program as required by the Government Code and the Commission's regulations,³⁰ and the activity is not required by current law. Staff, therefore, recommends denying these amendment requests.

However, renumbering some of the existing reimbursable activities, which appears to have been renumbered incorrectly as a clerical error in an earlier Parameters and Guidelines Amendment, helps clarify what activities are reimbursable, and the addition of previous amendment dates to the Parameters and Guidelines' caption is a non-substantive change that does not impact the Parameters and Guidelines themselves. Staff, therefore, recommends approving these amendment requests. As these are clarifying changes, these amendments should be effective dating back to the entire reimbursement period.³¹

Conclusion

Staff recommends that the Commission adopt the Proposed Decision and Parameters and Guidelines Amendment to partially approve the Request for Parameters and Guidelines Amendment.

²⁷ Exhibit A, Request for Parameters and Guidelines Amendment, page 1.

²⁸ Government Code section 17559.

²⁹ *Duarte & Witting v. New Motor Vehicle Board* (2002) 104 Cal.4th 626; *Wendz v. CA Dept of Education* (2023) 93 Cal.5th 607.

³⁰ Government Code section 17557(d)(2)(E); California Code of Regulations, title 2, section 1183.17(a)(5).

³¹ Clarifications of existing law may be applied to transactions that predate their enactment without being considered a retroactive application of law, as they merely clarify what has always been the law. See *McClung v. Employment Development Dept.* (2004) 34 Cal.4th 467, 471 quoting *Western Security Bank v. Superior Court* (1997) 15 Cal.4th 232, 243; *Riley v. Hilton Hotels Corp.* (2002) 100 Cal.App.4th 599, 603.

In addition, staff recommends that the Commission authorize staff to make any technical, non-substantive changes to the Proposed Decision following the hearing.

BEFORE THE
 COMMISSION ON STATE MANDATES
 STATE OF CALIFORNIA

<p>IN RE TEST CLAIM</p> <p>Family Code Sections 3060-3064, 3130-3134.5, 3408, 3411, and 3421 Penal Code Sections 277, 278, and 278.5 Welfare and Institutions Code Section 11478.5</p> <p>Chapter 1399, Statutes of 1976 Chapter 162, Statutes of 1992 Chapter 988, Statutes of 1996</p> <p>Filed on October 24, 2025</p> <p>State Controller’s Office, Requester</p>	<p>Case No.: 25-PGA-01 (CSM-4237)</p> <p><i>Custody of Minors — Child Abduction and Recovery</i></p> <p>DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7.</p> <p><i>(Adopted June 12, 2026)</i></p>
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DECISION

The Commission on State Mandates (Commission) heard and decided this Request for Parameters and Guidelines Amendment during a regularly scheduled hearing on June 12, 2026. [Witness list will be included in the adopted Decision.]

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission [adopted/modified] the Proposed Decision and Parameters and Guidelines Amendment by a vote of [vote will be included in the adopted Decision], as follows:

Member	Vote
Lee Adams, County Supervisor	
Deborah Gallegos, Representative of the State Controller	
Karen Greene Ross, Public Member	
Renee Nash, School District Board Member	
William Pahland, Representative of the State Treasurer, Vice Chairperson	
Michelle Perrault, Representative of the Director of the Department of Finance, Chairperson	
Alexander Powell, Representative of the Director of the Governor’s Office of Land Use and Climate Innovation	

I. Summary of Findings

On September 19, 1979, the Board of Control adopted a Decision, finding Statutes of 1976, chapter 1399 to impose a reimbursable state mandate on county district attorney offices to assist in the resolution of child custody problems, and the enforcement of custody decrees and other orders of the court in a child custody proceeding.

Parameters and Guidelines were adopted by the Board of Control on January 21, 1981.³² Records show the Parameters and Guidelines were amended on July 19, 1984; July 27, 1987; and October 26, 1989, however copies of these amendments and the original Parameters and Guidelines are not available.³³ Additional subsequent amendments occurred on February 22, 1990; July 22, 1993; August 26, 1999; and the current version was last amended on October 30, 2009. Copies of these amendments are included in the exhibits.³⁴

The State Controller (requester) requests the Commission make several amendments to the Parameters and Guidelines described below that are intended to correct alleged clerical errors that occurred in the previous amendments.³⁵

- Adopt a statement of decision (decision). “Due to the age of this program, it does not have a Decision which informs the interpretation of the P’s and G’s. This will assist claimants with filing for only the allowable costs outlined in the P’s and G’s and avoid confusion over what is unallowable.”³⁶
- Add “District Attorney cost of notifications sent if jurisdiction is refused,” to the list of reimbursable activities. This was previously included as a reimbursable activity in both the 1990 and 1993 Amendments to the Parameters and Guidelines, however it was removed in the 1999 Amendment.³⁷ The requester now asks this activity be added back into the list of reimbursable activities as Reimbursable Activity 2.a., and that the numbering for the following activities be adjusted accordingly.³⁸

³² Exhibit X (1), 2009 Amendment to Parameters and Guidelines.

³³ Exhibit A, Request for Parameters and Guidelines Amendment, page 7, (1990 Amendment to the Parameters and Guidelines); Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, page 1.

³⁴ Exhibit A, Request for Parameters and Guidelines Amendment, pages 5-14 (1990 Amendment to the Parameters and Guidelines) and 15-22 (1993 Amendment to the Parameters and Guidelines); Exhibit X (2), 1999 Amendment to the Parameters and Guidelines Staff Analysis and Proposed Amendments; Exhibit X (1), 2009 Amendment to the Parameters and Guidelines.

³⁵ Exhibit A, Request for Parameters and Guidelines Amendment.

³⁶ Exhibit A, Request for Parameters and Guidelines Amendment, page 1.

³⁷ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

³⁸ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

- Renumber the current Reimbursable Activities 2.b.(3)., and 2.b.(4)., so they appear as Reimbursable Activities 3 and 4, respectively.³⁹ This is how they were presented in the 1990 Amendment to the Parameters and Guidelines, and the requester seeks to have this reinstated because it asserts the numbering was changed over the years due to “clerical error.”⁴⁰
- Add the 1990 and 1993 Amendments to the Parameters and Guidelines to the first page of the Parameters and Guidelines as part of the program’s caption.⁴¹

The Commission does not have the statutory authority to set aside the Board of Control’s decision and issue a new decision on this program. The Board of Control’s 1979 decision is final. The requester has not alleged a subsequent change in law that changes the state’s liability, which would then authorize the Commission to adopt a new test claim decision pursuant to Government Code section 17570. Nor have the courts directed the Commission to adopt a new test claim decision.⁴² The Commission, like other administrative agencies, only have such powers as have been conferred on them by constitution or statute. Any action taken in excess of such authority is void.⁴³

Additionally, a request to add a previously removed reimbursable activity — “District Attorney cost of notifications sent if jurisdiction is refused” — is not supported by substantial evidence that this activity is reasonably necessary for the performance of the state mandated program as required by the Government Code and the Commission’s regulations,⁴⁴ and the activity is not required by current law. Staff, therefore, recommends denying these amendment requests.

However, renumbering some of the existing reimbursable activities, which appears to have been renumbered incorrectly as a clerical error in an earlier Parameters and Guidelines Amendment, helps clarify what activities are reimbursable, and the addition of previous amendment dates to the Parameters and Guidelines’ caption is a non-substantive change that does not impact the Parameters and Guidelines themselves. Therefore, the Commission approves these amendment requests. As these are clarifying changes, these amendments should be effective dating back to the entire reimbursement period.⁴⁵

³⁹ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

⁴⁰ Exhibit A, Request for Parameters and Guidelines Amendment, pages 1 and 4.

⁴¹ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

⁴² Government Code section 17559.

⁴³ *Duarte & Witting v. New Motor Vehicle Board* (2002) 104 Cal.4th 626; *Wendz v. CA Dept of Education* (2023) 93 Cal.5th 607.

⁴⁴ Government Code section 17557(d)(2)(E); California Code of Regulations, title 2, section 1183.17(a)(5).

⁴⁵ Clarifications of existing law may be applied to transactions that predate their enactment without being considered a retroactive application of law, as they merely clarify what has always been the law. See *McClung v. Employment Development Dept.*

II. Background

A. The Test Claim Statute

On September 19, 1979, the Board of Control adopted a Decision, finding Statutes of 1976, chapter 1399 to impose a reimbursable state mandate on county district attorney offices to assist in the resolution of child custody problems, and the enforcement of custody decrees and other orders of the court in a child custody proceeding. The Board of Control found that the mandated activities include “all actions necessary to locate a child, the enforcement of child custody decrees, orders to appear, or any other court order defraying expenses related to the return of an illegally detained, abducted or concealed child, proceedings with civil court actions, and guaranteeing the appearance of offenders and minors in court actions.”⁴⁶

Specifically, the test claim statute (Stats. 1976, ch. 1399) added sections 4600.1 and 4604 to and amended sections 5157, 5160, and 5169 of the Civil Code, added section 278 and 278.5 to the Penal Code, and amended sections 11478.5 of the Welfare and Institutions Code. As explained in the Parameters and Guidelines:

Where previously parents or others interested in the custody status of minors pursued their interests in court with no assistance from law enforcement agencies, due to this statute counties are required to actively assist in the resolution of custody problems and the enforcement of custody decrees. To accomplish this, several additional tools were provided to the courts and enforcement agencies in this legislation, including changes in the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest to ensure compliance, and increased access to locator and other information maintained by County and State departments. These activities increased the level of service provided to the public under Title 9 of Part 5 of the Civil Code, the Uniform Child Custody Jurisdiction Act.⁴⁷

Parameters and Guidelines were adopted by the Board of Control on January 21, 1981.⁴⁸ Records show the Parameters and Guidelines were amended on July 19, 1984; July 27, 1987; and October 26, 1989, however copies of these

(2004) 34 Cal.4th 467, 471 quoting *Western Security Bank v. Superior Court* (1997) 15 Cal.4th 232, 243; *Riley v. Hilton Hotels Corp.* (2002) 100 Cal.App.4th 599, 603.

⁴⁶ Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, page 2, (Section II.).

⁴⁷ Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, page 1, (Section I.).

⁴⁸ Exhibit X (1), 2009 Amendment to Parameters and Guidelines.

amendments and the original Parameters and Guidelines are not available.⁴⁹ The earliest version of the Parameters and Guidelines that is available is the 1990 Amendment, which was approved by the Commission on February 22, 1990.⁵⁰

On July 22, 1993, the Commission amended the Parameters and Guidelines again.⁵¹ The caption was amended to identify the following code sections along with the 1976 test claim statute: Civil Code sections 4600.1, 4604, 5157, 5160, and 5169; Penal Code sections 278 And 278.5; and Welfare and Institutions Code section 11478.5.⁵² In addition, some of the items in the “Reimbursable Costs” section were moved to a higher list level; i.e., activities 3 and 4 (securing the appearance of the offender and the child on order of the court, and return of an illegally obtained or concealed child to the legal custodian or agency, respectively) were moved under activity 2 (court actions and costs in cases involving child custody or visitation orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Family Code sections 3400 through 3425) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction).⁵³

In 1999, the Parameters and Guidelines were amended on consent.⁵⁴ As is relevant to this Parameters and Guidelines Amendment request, the 1999 amendment updated the caption to identify the following code sections and relevant statutes that imposed this mandated program following statutory amendments and renumbering of the codes: Family Code sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421; Penal Code sections 277, 278, and 278.5; Welfare and Institutions Code section 11478.5; Chapter 1399, Statutes of 1976; Chapter 162, Statutes of 1992; and Chapter 988, Statutes of 1996.⁵⁵ The Summary of Mandate section was updated to explain that Statutes 1992,

⁴⁹ Exhibit A, Request for Parameters and Guidelines Amendment, page 7, (1990 Amendment to the Parameters and Guidelines); Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, page 1.

⁵⁰ Exhibit A, Request for Parameters and Guidelines Amendment, pages 5-14, (1990 Amendment to the Parameters and Guidelines).

⁵¹ Exhibit A, Request for Parameters and Guidelines Amendment, pages 15-22, (1993 Amendment to the Parameters and Guidelines).

⁵² Exhibit A, Request for Parameters and Guidelines Amendment, page 15, (1993 Amendment to the Parameters and Guidelines).

⁵³ Exhibit A, Request for Parameters and Guidelines Amendment, pages 18-19, (1993 Amendment to the Parameters and Guidelines, Sections V.B.2.c.(3-4).).

⁵⁴ Exhibit X (2), 1999 Amendment to the Parameters and Guidelines Staff Analysis and Proposed Amendments; Exhibit X (3), Commission on State Mandates Minutes, August 26, 1999.

⁵⁵ Although the caption identifies all of these code sections, only Family Code sections 3130 and 3131 impose mandated activities on local agencies. The others provide context that help define the scope of the mandate.

chapter 162 moved the former Civil Code sections to the Family Code without substantial change, and Statutes 1996, chapter 988 repealed and reenacted Penal Code section 277, 278, and 278.5 under a new statutory scheme that created crimes for taking, enticing away, keeping, withholding, or concealing a child from a lawful custodian with intent to deprive a lawful custodian of their right to custody or visitation, and eliminated the distinction between cases with or without a preexisting custody order.⁵⁶ Various small changes throughout the Parameters and Guidelines were added to update references to these laws.

Finally, on October 30, 2009, the Commission amended the Parameters and Guidelines to add boilerplate language used in all Parameters and Guidelines nowadays requiring that only actual costs may be claimed, and that the actual costs must be supported by contemporaneous source documentation.⁵⁷ This is the most current version of the Parameters and Guidelines.

B. The State Controller's Request to Amend the Parameters and Guidelines

The State Controller (requester) requests the Commission to make several amendments to the Parameters and Guidelines described below that are intended to clarify the program due to its age and to correct alleged clerical errors that occurred in the previous amendments.⁵⁸

- Adopt a statement of decision (decision). “Due to the age of this program, it does not have a Decision which informs the interpretation of the P’s and G’s. This will assist claimants with filing for only the allowable costs outlined in the P’s and G’s and avoid confusion over what is unallowable.”⁵⁹
- Add “District Attorney cost of notifications sent if jurisdiction is refused,” to the list of reimbursable activities. This was previously included as a reimbursable activity in both the 1990 and 1993 Amendments to the Parameters and Guidelines, however it was removed in the 1999 Amendment.⁶⁰ The requester now asks this activity be added back into the list of reimbursable activities as Reimbursable Activity 2.a., and that the numbering for the following activities be adjusted accordingly.⁶¹

⁵⁶ Exhibit X (2), 1999 Amendment to the Parameters and Guidelines Staff Analysis and Proposed Amendments, pages 11-12, (Section I.).

⁵⁷ Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, page 3, (Section V.).

⁵⁸ Exhibit A, Request for Parameters and Guidelines Amendment.

⁵⁹ Exhibit A, Request for Parameters and Guidelines Amendment, page 1.

⁶⁰ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

⁶¹ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

- Renumber the current Reimbursable Activities 2.b.(3)., and 2.b.(4)., so they appear as Reimbursable Activities 3 and 4, respectively.⁶² This is how they were presented in the 1990 Amendment to the Parameters and Guidelines, and the requester seeks to have this reinstated because it asserts the numbering was changed over the years due to “clerical error.”⁶³
- Add the 1990 and 1993 Amendments to the Parameters and Guidelines to the first page of the Parameters and Guidelines as part of the program’s caption.⁶⁴

III. Procedural History

On October 24, 2025, the requester filed the Request for Parameters and Guidelines Amendment.⁶⁵ The request was issued for comment on October 30, 2025. The County of Sacramento District Attorneys’ Office filed comments on November 17, 2025.⁶⁶ The County of Los Angeles filed comments on November 20, 2025.⁶⁷ No rebuttals were filed on the comments.⁶⁸ Commission staff issued the Draft Proposed Decision and Parameters and Guidelines Amendment on April 29, 2026.⁶⁹

IV. Positions of the Parties

A. State Controller (Requester)

The requester filed this Request for Parameters and Guidelines Amendment on October 24, 2025.⁷⁰ The proposed amendments touch on four main issues discussed above.

⁶² Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

⁶³ Exhibit A, Request for Parameters and Guidelines Amendment, pages 1 and 4.

⁶⁴ Exhibit A, Request for Parameters and Guidelines Amendment, page 4.

⁶⁵ Exhibit A, Request for Parameters and Guidelines Amendment.

⁶⁶ Exhibit B, County of Sacramento Office of the District Attorney’s Comments on the Request for Parameters and Guidelines Amendment.

⁶⁷ Exhibit C, County of Los Angeles’ Comments on the Request for Parameters and Guidelines Amendment.

⁶⁸ On March 16, 2026, Commission staff sent a letter to the mailing list, which stated that some of the comment letters included suggestions for additional amendments that go beyond the scope of the originally proposed amendments. The letter explained that per section 1183.17(c) of the Commission’s regulations, proposals for additional amendments must be filed as a new parameters and guidelines amendment request. Therefore, we will not address the suggestions for additional amendments here.

⁶⁹ Exhibit D, Draft Proposed Decision and Parameters and Guidelines Amendment.

⁷⁰ Exhibit A, Request for Parameters and Guidelines Amendment.

To support its claims regarding what existed in previous Amendments to the Parameters and Guidelines, the requester provided copies of the 1990 and 1993 Amendments.⁷¹

B. Interested Parties

The County of Sacramento Office of the District Attorney filed comments on the Controller's request on November 17, 2025.⁷² It supports all of the proposed amendments to the Parameters and Guidelines, as it asserts these changes "will improve readability and continuity across versions, while leaving intact existing eligibility, caps, offsets, and non-reimbursable items."⁷³ It also supports the addition of an "interpretive" statement of decision, which would "improve clarity for claimants and auditors without altering the underlying reimbursement policy."⁷⁴

The County of Los Angeles also filed comments on November 20, 2025.⁷⁵ It has no objections to the changes proposed for the Parameters and Guidelines itself. However it notes that it is unclear from the request whether the statement of decision requested would be limited to the changes made in this PGA, and objects to any statement of decision that goes beyond this PGA, as there has been no notice of the contents of any such decision and no opportunity to comment.⁷⁶

V. Discussion

Government Code section 17557(d) authorizes a local agency, school district, or the state to file a written request with the Commission to amend the parameters or guidelines consistent with the test claim decision for the following reasons:

- (A) Delete any reimbursable activity that has been repealed by statute or executive order after the adoption of the original or last amended parameters and guidelines.

⁷¹ Exhibit A, Request for Parameters and Guidelines Amendment, pages 5-14 (1990 Amendment to the Parameters and Guidelines), 15-22 (1993 Amendment to the Parameters and Guidelines).

⁷² Exhibit B, County of Sacramento Office of the District Attorney's Comments on the Request for Parameters and Guidelines Amendment.

⁷³ Exhibit B, County of Sacramento Office of the District Attorney's Comments on the Request for Parameters and Guidelines Amendment, page 2.

⁷⁴ Exhibit B, County of Sacramento Office of the District Attorney's Comments on the Request for Parameters and Guidelines Amendment, page 1.

⁷⁵ Exhibit C, County of Los Angeles' Comments on the Request for Parameters and Guidelines Amendment.

⁷⁶ Exhibit C, County of Los Angeles' Comments on the Request for Parameters and Guidelines Amendment, page 2.

- (B) Update offsetting revenues and offsetting savings that apply to the mandated program and do not require a new legal finding that there are no costs mandated by the state pursuant to subdivision (e) of Section 17556.
- (C) Include a reasonable reimbursement methodology for all or some of the reimbursable activities.
- (D) Clarify what constitutes reimbursable activities.
- (E) Add new reimbursable activities that are reasonably necessary for the performance of the state-mandated program.
- (F) Define what activities are not reimbursable.
- (G) Consolidate the parameters and guidelines for two or more programs.
- (H) Amend the boilerplate language.⁷⁷

As indicated above, the requester seeks to have the Commission create a statement of decision for this program, and to revert several changes or omissions that occurred in previous amendments through alleged clerical errors.

For the reasons below, the Commission denies some of these requests, as they ask the Commission to exercise authority it does not have or add reimbursable activities that have not been shown to be reasonably necessary for the performance of the state-mandated program. However, renumbering some of the existing reimbursable activities will clarify what constitutes reimbursable activities, and adding previously excluded amendment dates back into the caption's history of when these Parameters and Guidelines were previously amended is a non-substantive change that does not affect the program itself. These clarifying amendments are therefore approved.

A. The Commission Does Not Have Authority to Issue a New Test Claim Decision on This Program; This Request Is Therefore Denied.

The requester asked the Commission to adopt a statement of decision (decision) for this program, stating that “[t]his will assist claimants with filing for only the allowable costs outlined in the P’s and G’s and avoid confusion over what is unallowable.”⁷⁸ One interested party supported this request as it believed a decision would “improve clarity for claimants and auditors without altering the underlying reimbursement policy.”⁷⁹ Another objected to the idea of any decision that addressed topics beyond those identified in the Request for Parameters and Guidelines Amendment before it had an opportunity to review the contents and make comments.⁸⁰

⁷⁷ See also California Code of Regulations, title 2, section 1183.17(a).

⁷⁸ Exhibit A, Request for Parameters and Guidelines Amendment, page 1.

⁷⁹ Exhibit B, County of Sacramento Office of the District Attorney’s Comments on the Request for Parameters and Guidelines Amendment, page 1.

⁸⁰ Exhibit C, County of Los Angeles’ Comments on the Request for Parameters and Guidelines Amendment, page 2.

The Commission does not have authority to adopt a new decision on this program. “Administrative agencies only have the power conferred upon them by statute and an act in excess of these powers is void.”⁸¹ The Commission has no authority to revisit or set aside the Board of Control’s decision.

The Board of Control adopted its Decision on the Test Claim over 45 years ago on September 19, 1979 (before the adoption of article XIII B, section 6 of the California Constitution on November 6, 1979). The Board of Control’s Decision was therefore made under SB 90, the Property Tax Relief Act of 1972 (former Rev. and Tax. Code, §§ 2200 et seq.) and is now a final Decision. As the court in *Long Beach Unified School District* explained in a similar case addressing a Board of Control Decision,

A decision attains the requisite administrative finality when the agency has exhausted its jurisdiction and possesses “no further power to reconsider or rehear the claim. [Fn. omitted.]” (*Chas. L. Harney, Inc. v. State of California* (1963) 217 Cal.App.2d 77, 98, 31 Cal.Rptr. 524.) In the case at bar, former section 633.6 of the Administrative Code provided a ten-day period during which any party could request reconsideration of any Board [of Control] determination . . . The Board decided on February 16, 1984, that the Executive Order constituted a state mandate, and on April 26, 1984, it adopted parameters and guidelines for the reimbursement of the claimed expenditures. No party requested reconsideration, no statute or regulation provided for further consideration of the matter by the Board (see, e.g., *Olive Proration Etc. Com. v. Agri. Etc. Com.* (1941) 17 Cal.2d 204, 209, 109 P.2d 918), and the decisions became administratively final on February 27, 1984, and May 7, 1984, respectively.⁸²

As discussed above, there is a finite list of the types of changes the Commission can make when amending an approved program’s Parameters and Guidelines, none of which include adopting a new test claim decision on a program previously approved by the Board of Control.

Moreover, there are only three circumstances where the Commission has authority to reconsider a previous test claim decision and issue a new decision, none of which apply here. First, the Commission may reconsider all or part of a test claim or incorrect reduction claim decision at the request of one of the parties within 30 days of delivering the statement of decision to the claimant, to correct a clerical error or address new facts, circumstances, or laws that justify reconsideration.⁸³ Second, a claimant or the

⁸¹ *Duarte & Witting v. New Motor Vehicle Board* (2002) 104 Cal.4th 626; *Wendz v. CA Dept of Education* (2023) 93 Cal.5th 607.

⁸² *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 169-170. (The school district in the *Long Beach* case, however, timely filed a petition for writ of mandate following the Legislature’s deletion of funding for the program in the State budget.)

⁸³ Government Code section 17559(a). See California Code of Regulations, title 2, section 1187.15.

state may commence a proceeding in accordance with Civil Procedure Code section 1094.5 to set aside a decision on the grounds that it was not supported by substantial evidence, in which case the court may order the Commission to hold a new hearing on the claim and on what basis.⁸⁴ Third, the Commission may adopt a new test claim decision to supersede a previously adopted test claim decision based on a subsequent change in law, but “only upon a showing that the state’s liability for that test claim decision pursuant to subdivision (a) of Section 6 of Article XIII B of the California Constitution has been modified based on a subsequent change in law.”⁸⁵ No other circumstances permit the Commission to reconsider a previous mandate decision issued by the Board of Control and adopt a new decision.

As indicated above, the Board of Control’s Decision was adopted on September 19, 1979. It is now too late to request reconsideration of the Board of Control’s decision based on clerical error, new facts, circumstances, or laws, and too late to initiate a civil proceeding alleging that the decision was not correct as a matter of law or supported by substantial evidence.⁸⁶

Furthermore, no assertions are made that there is a subsequent change in law that modifies the state’s liability for this program. The requester’s sole basis for making this request is its belief that having a decision to refer to would clarify recent issues regarding what costs are unallowable under the program’s Parameters and Guidelines.⁸⁷ But clarification of what costs are allowable can also be addressed in the incorrect reduction claim process, which adjudicates disputes between the claimants and the Controller over the correct interpretation of the Parameters and Guidelines, and through specific requests to amend the Parameters and Guidelines to clarify the reimbursable activities.⁸⁸ At the time of writing, three Incorrect Reduction Claims are pending before the Commission regarding recent audits of reimbursement claims for this program.⁸⁹ Thus, the Commission neither has authority to issue a new test claim

⁸⁴ Government Code section 17559(b).

⁸⁵ Government Code section 17570(b). See California Code of Regulations, title 2, section 1190.1.

⁸⁶ Code of Civil Procedure section 338(a) establishes a three-year statute of limitations for “an action upon a liability created by statute, other than a penalty or forfeiture,” such as the ability to petition for writ of administrative mandate under Code of Civil Procedure section 1094.5 granted by Government Code section 17559(b).

⁸⁷ Exhibit A, Request for Parameters and Guidelines Amendment, page 1.

⁸⁸ Government Code section 17557(d)(2)(D), which authorizes the Commission to “[c]larify what constitutes reimbursable activities” upon a request from a party.

⁸⁹ See *Child Abduction and Recovery*, 24-4237-I-04 (County of Sacramento), <https://csm.ca.gov/matters/24-4237-I-04.shtml>; *Child Abduction and Recovery*, 25-4237-I-05 (County of Los Angeles), <https://csm.ca.gov/matters/25-4237-I-05.shtml>; and *Child Abduction and Recovery*, 25-4237-I-06 (County of Ventura), <https://csm.ca.gov/matters/25-4237-I-06.shtml>.

decision on this program, nor is a new decision necessary, as the existing Incorrect Reduction Claim and Parameters and Guidelines Amendment processes sufficiently address any confusion there may be over the correct interpretation of the Parameters and Guidelines.

Accordingly, the Commission has no authority to set aside the Board of Control's Decision and adopt a new test claim Decision. This request is therefore denied.

B. No Evidence Supports the Proposed Reimbursable Activity 2.a Is Reasonably Necessary for the Performance of This Program, and This Activity Is No Longer Required Under Current Law. This Proposed Amendment Is Therefore Denied.

The requester asked the Commission to add to the list of reimbursable activities and costs "District Attorney cost of notifications sent if jurisdiction is refused" as a subcategory to reimbursable activity 2, which provides:

Court actions and costs in cases involving child custody or visitation orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Family Code Sections 3400 through 3425) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).

The requester's reason for making this request is that this activity used to be included as a reimbursable activity, as demonstrated by the 1990 and 1993 versions of the Parameters and Guidelines, but it was removed in the 1999 version of the Parameters and Guidelines, and the requester alleges this to have been in error.

According to the 1999 Amendment to the Parameters and Guidelines, former Reimbursable Activity 2.a, the former reimbursable activity proposed to be reinserted, was deleted at the request of the County of Yolo, the requester for that amendment.⁹⁰ Although it is uncertain why this change was made, the record suggests this was intentional, and not a clerical error as the requester alleges.

Although this is an activity that *used* to be reimbursable according to the Parameters and Guidelines, adding it to the list of reimbursable activities now would still need to be supported by substantial evidence that this activity is reasonably necessary for the performance of the state-mandated program in accordance with the Government Code and the Commission's regulations.⁹¹ According to the Commission's regulations:

⁹⁰ Exhibit X (2), 1999 Amendment to the Parameters and Guidelines Staff Analysis and Proposed Amendments, page 14, (Section V.B.2.a.). This is a staff analysis which shows the proposed amendments with the requester's changes in underline and strikethrough, and staff's changes in double underline and strikethrough. Former Reimbursable Activity 2.a is marked with single-line strikethrough.

⁹¹ Government Code section 17557(d)(2)(E); California Code of Regulations, title 2, section 1183.17(a)(5).

“Reasonably necessary activities” are those activities necessary to comply with the statutes, regulations and other executive orders found to impose a state-mandated program. Activities required by statutes, regulations and other executive orders that were not pled in the test claim may only be used to define reasonably necessary activities to the extent that compliance with the approved state-mandated activities would not otherwise be possible. Whether an activity is reasonably necessary is a mixed question of law and fact. All representations of fact to support any proposed reasonably necessary activities shall be supported by documentary evidence in accordance with section 1187.5 of these regulations.⁹²

However, no evidence has been filed to support a finding that this activity is reasonably necessary for the performance of this mandated program.

Furthermore, the activity of sending notifications if a court refuses jurisdiction is no longer required by current law, as fully explained below.

Statutes of 1976, chapter 1399 established the mandated program by adding Civil Code section 4604, which said that in any case where a petition to determine custody of a child has been filed or a temporary order pending determination of custody has been entered, and the whereabouts of the party in possession of the child are unknown or there is reason to believe such party may not appear in the proceedings although ordered to appear personally with the child, “the district attorney shall take all actions necessary to locate such party and the child and procure compliance with the order to appear with the child for the purposes of adjudication of custody.”⁹³ Civil Code section 4604 also said that in any case where a custody decree has been entered and the child is taken or detained by another person in violation of that order, “the district attorney shall take all actions necessary to locate the person who violated the decree and the child and to *assist in the enforcement of the custody decree or other order of the court.*”⁹⁴ To accomplish this, several additional tools were provided to the courts and enforcement agencies in this legislation, including changes in the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest to insure compliance, and increased access to locator and other information maintained by County and State departments.⁹⁵ The Board of Control accordingly found the test claim statute “imposed a reimbursable state mandate upon

⁹² California Code of Regulations, title 2, section 1183.7(d).

⁹³ Civil Code section 4604(a), as added by Statutes of 1976, Chapter 1399, section 3. This was later moved to Family Code section 3130 by Statutes of 1992, Chapter 162, section 10.

⁹⁴ Civil Code section 4604(b), as added by Statutes of 1976, Chapter 1399, section 3, emphasis added. This was later moved to Family Code section 3131 by Statutes of 1992, Chapter 162, section 10.

⁹⁵ Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, page 1, (Section I.).

counties by requiring district attorney offices to actively assist in the resolution of child custody problems including visitation disputes, the enforcement of custody decrees and of any other order of the court in a child custody proceeding. These activities include all actions necessary to locate a child, the enforcement of child custody decrees, orders to appear, or any other court order defraying expenses related to the return of an illegally detained, abducted or concealed child, proceeding with civil court actions, and guaranteeing the appearance of offenders and minors in court actions.”⁹⁶

One of the additional tools added by the test claim statute was found in an amendment to Civil Code section 5157. According to prior law under the Uniform Child Custody Jurisdiction Act, California courts that were competent to decide child custody matters had jurisdiction in a child custody proceeding if California was the child’s home state at the time of the commencement of the proceeding or if it was the child’s home state within six months before commencement of the proceeding and one of the persons claiming custody of the child still resided within this state, with some exceptions in cases of emergency or if it was in the best interest of the child to assume jurisdiction.⁹⁷ However, if the court determined that a petitioner in an initial decree to determine custody of a child wrongfully took the child from another state or engaged in similar conduct, the court “may decline to exercise jurisdiction if this is just and proper under the circumstances.”⁹⁸ Under these circumstances, the courts were also prohibited from exercising jurisdiction to modify a custody order from another state if it determined the petitioner improperly removed the child from the physical custody of the person entitled to custody or improperly retained the child after a visit or temporary custody period “unless required in the interest of the child,” and courts had discretion to decline to exercise jurisdiction if the petitioner violated some other provision in the custody order of another state if it was just and proper under the circumstances.⁹⁹

The test claim statute added requirements that when the courts declined to exercise jurisdiction to make an initial custody determination or modify a custody order from another state, the court shall notify the parent or other appropriate person and the prosecuting attorney in the other state, as follows:

(3) Where the court declines to exercise jurisdiction upon a petition for an initial custody decree pursuant to subdivision (1), the court *shall notify the parent or other appropriate person and the prosecuting attorney of the appropriate jurisdiction in the other state*. If a request to that effect is received from the other state, the court shall order the petitioner to appear with the child in a custody proceeding instituted in the other state in accordance with Section 5169. If no such request is made within a reasonable time after such notification, the court may entertain a petition

⁹⁶ Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, page 2, (Section II.).

⁹⁷ Civil Code section 5152(1), as added by Statutes of 1973, chapter 693, section 1.

⁹⁸ Civil Code section 5157(1), as added by Statutes of 1973, chapter 693, section 1.

⁹⁹ Civil Code section 5157(2), as added by Statutes of 1973, chapter 693, section 1.

to determine custody by the petitioner if it has jurisdiction pursuant to Section 5152.

(4) Where the court refuses to assume jurisdiction to modify the custody decree of another state pursuant to subdivision (2), or pursuant to Section 5163, the court *shall notify the person who has legal custody under the decree of the other state and the prosecuting attorney of the appropriate jurisdiction in the other state* and may order the petitioner to return the child to the person who has legal custody. If it appears that the order will be ineffective and the legal custodian is ready to receive the child within a period of a few days, the court may place the child in a foster care home for such period, pending return of the child to the legal custodian. At the same time, the court shall advise the petitioner that any petition for modification of custody must be directed to the appropriate court of the other state which has continuing jurisdiction, or, in the event that the court declines jurisdiction, to a court in a state which has jurisdiction pursuant to Section 5152.¹⁰⁰

The test claim statute therefore required that when a court refused to exercise jurisdiction in a petition to determine custody or to modify an existing custody order from another state because the court determined the child was improperly taken from another state, the court shall notify the other parent or legal custodian and the prosecuting attorney of appropriate jurisdiction in the other state that this attempt to determine or modify custody occurred. If a court directed the district attorney to send these notices on its behalf, the district attorneys were obligated to do so as part of the scope of the mandate to “actively assist in the resolution of child custody and visitation problems; for the enforcement of child custody and visitation orders; for all actions necessary to locate and return a child(ren) by use of any appropriate civil or criminal proceeding; and for complying with other court orders relating to child custody and visitation.”¹⁰¹ Thus, the Parameters and Guidelines for this program previously included “District Attorney cost of notifications sent if jurisdiction is refused,” as one of the reimbursable activities included under the category for out-of-state court costs.

However, these notices are no longer required by law. In 1999, effective January 1, 2000, the Legislature replaced the Uniform Child Custody Jurisdiction Act with the Uniform Child Custody Jurisdiction and Enforcement Act.¹⁰² This act made significant changes to the court’s duties regarding child custody cases. Under current law, California courts only have jurisdiction in a petition to determine custody or modify a custody order if one of the following circumstances apply:

¹⁰⁰ Civil Code section 5157(3) and (4), as amended by Statutes of 1976, chapter 1399, section 5, emphasis added. Civil Code section 5157 was moved to Family Code section 3408 without substantive change in Statutes of 1992, Chapter 162, section 10.

¹⁰¹ Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, page 3, (Section V.A.).

¹⁰² See Statutes of 1999, Chapter 867.

(1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state.

(2) A court of another state does not have jurisdiction under paragraph (1), or a court of the home state of the child has declined to exercise jurisdiction on the grounds that this state is the more appropriate forum under Section 3427 or 3428, and both of the following are true:

(A) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence.

(B) Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships.

(3) All courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Section 3427 or 3428.

(4) No court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3).¹⁰³

Family Code section 3427 grants courts discretion to decline to exercise jurisdiction if it determines itself to be an inconvenient forum and determines another state is more appropriate, and states the factors courts shall consider in making this determination.¹⁰⁴

Family Code section 3428 prohibits courts from exercising jurisdiction when the party seeking jurisdiction engaged in “unjustifiable conduct,” as follows:

(a) Except as otherwise provided in Section 3424 or by any other law of this state, if a court of this state has jurisdiction under this part because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless one of the following are true:

(1) The parents and all persons acting as parents have acquiesced in the exercise of jurisdiction.

(2) A court of the state otherwise having jurisdiction under Sections 3421 to 3423, inclusive, determines that this state is a more appropriate forum under Section 3427.

(3) No court of any other state would have jurisdiction under the criteria specified in Sections 3421 to 3423, inclusive.

¹⁰³ Family Code section 3421.

¹⁰⁴ Family Code section 3427.

(b) If a court of this state declines to exercise its jurisdiction pursuant to subdivision (a), it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under Sections 3421 to 3423, inclusive.

(c) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction pursuant to subdivision (a), it shall assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against this state unless authorized by law other than this part.

(d) In making a determination under this section, a court shall not consider as a factor weighing against the petitioner any taking of the child, or retention of the child after a visit or other temporary relinquishment of physical custody, from the person who has legal custody, if there is evidence that the taking or retention of the child was a result of domestic violence against the petitioner, as defined in Section 6211, or for the purposes of obtaining gender-affirming health care or gender-affirming mental health care, as defined by Section 16010.2 of the Welfare and Institutions Code, for the child and the law or policy of the other state limits the ability of a parent to obtain gender-affirming health care or gender-affirming mental health care for their child.¹⁰⁵

However, nowhere in the current version of the Uniform Child Custody Jurisdiction and Enforcement Act does it say that courts or district attorneys are required to send notifications when the court determines it does not have jurisdiction or declines to exercise jurisdiction in a petition to determine or modify custody. This already removed reimbursable activity is not required under current law.

While it is possible that a court could choose to have the district attorney send out notices as part of its "appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct," no evidence has been filed that this is occurring, and again, there is no evidence in the record that this activity is reasonably necessary to the performance of the state mandated program. The request to add "District Attorney cost of notifications sent if jurisdiction is refused," back into the list of reimbursable activities is, therefore, denied.

¹⁰⁵ Family Code section 3428.

C. The Proposed Renumbering of the Reimbursable Activities Clarifies the Reimbursable Activities. Therefore, This Amendment Is Approved with a Reimbursement Period That Applies Retroactively to the Beginning of the Period of Reimbursement.

The requester asked that the Parameters and Guidelines be amended to renumber Reimbursable Activities 2.b.(3) and 2.b.(4), so they are presented as Reimbursable Activities 3 and 4, respectively, and to adjust the numbering of their subcategories accordingly. Reimbursable Activity 2.b.(3) provides for “Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren),” and Reimbursable Activity 2.b.(4) provides for, “Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.”

One of the permissible reasons for amending the Parameters and Guidelines under Government Code section 17557 is to “[c]larify what constitutes reimbursable activities.”¹⁰⁶ The requester alleges this proposed amendment is to correct numbering that was changed over the years due to clerical error. To support this assertion, the requester provided copies of two previous amendments to the Parameters and Guidelines for this program, one from February 22, 1990, and the other from July 22, 1993. In the 1990 version there are four main categories of Reimbursable Activities listed in the Parameters and Guidelines:

1. Obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation orders;
2. Court actions and costs in cases involving child custody or visitation orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Family Code Sections 3400 through 3425) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session);
3. Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren); and
4. Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.

In the 1993 version, there are only two categories of reimbursable activities, with former categories 3 and 4 presented as subcategories under category 2.b. This arrangement persists in the current Parameters and Guidelines as follows:

1. Obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation order, including:

¹⁰⁶ Government Code section 17557(d)(2)(D).

- a. Contact with child(ren) and other involved persons.
 - (1) Receipt of reports and requests for assistance.
 - (2) Mediating with or advising involved individuals. Mediation services may be provided by other departments. If this is the case, indicate the department.
 - (3) Locating missing or concealed offender and child(ren).
 - b. Utilizing any appropriate civil or criminal court action to secure compliance.
 - (1) Preparation and investigation of reports and requests for assistance.
 - (2) Seeking physical restraint of offenders and/or the child(ren) to assure compliance with court orders.
 - (3) Process services and attendant court fees and costs.
 - (4) Depositions.
 - c. Physically recovering the child(ren)
 - (1) Travel expenses, food, lodging, and transportation for the escort and child(ren).
 - (2) Other personal necessities for the child. All such items purchased must be itemized.
2. Court actions and costs in cases involving child custody or visitation orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Family Code Sections 3400 through 3425) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).
- a. Cost of providing foster care or other short-term care for any child pending return to the out-of-jurisdiction custodian. The reimbursable period of foster home care or other short-term care may not exceed three days unless special circumstances exist.
Please explain the special circumstances. A maximum of ten days per child is allowable. Costs must be identified per child, per day. This cost must be reduced by the amount of state reimbursement for foster home care which is received by the county for the child(ren) so placed.
 - b. Cost of transporting the child(ren) to the out-of-jurisdiction custodian.
 - (1) Travel expenses, food, lodging, and transportation for the escort and child(ren).

- (2) Other personal necessities for the child(ren). All such items purchased must be itemized. Costs recovered from any party, individual, or agency, must be shown and used as an offset against costs reported in this section.
- (3) Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren).
 - (a) Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure appearance in accordance with the arrest warrant or order.
 - (b) Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having custody. The number of days for the foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor.
- (4) Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.
 - (a) Costs of food, lodging, transportation, and other personal necessities for the child(ren) from the time he/she is located until he/she is delivered to the legal custodian or agency. All personal necessities purchased must be itemized.
 - (b) Cost of an escort fee for the child(ren), including costs of food, lodging, transportation and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.
 Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) (or defendant, if not part of a criminal extradition) must be shown and used as an offset against these costs.¹⁰⁷

This is clearly in error. Family Code section 3130 requires district attorneys to “take all actions necessary to procure compliance with the order to appear with the child for the purposes of adjudication of custody,” when a petition to determine custody of a child or temporary order pending determination of custody has been entered and the whereabouts of the party in possession of the child are unknown or there is reason to

¹⁰⁷ Exhibit X (1), 2009 Amendment to the Parameters and Guidelines, pages 4-5, (Section V.B.).

believe the party may not appear in the proceedings although ordered to appear personally with the child. The court's authority to order parties located within the state to appear personally before the court in a custody proceeding is located in Family Code section 3430, with the ability to request the courts of other states do the same on our court's behalf granted in Family Code section 3412.¹⁰⁸ Likewise, Family Code section 3131 requires that when a custody or visitation order has been entered and a child is taken or detained in violation of that order, district attorneys shall "take all actions necessary to locate and return the child and the person who violated the order and to assist in the enforcement of the custody or visitation order or other order of the court by use of an appropriate civil or criminal proceeding." The activities of securing appearance of the offender and child and of returning an illegally obtained or concealed child to their legal custodian are not exclusive to cases involving child custody decrees from other jurisdictions and should not be categorized as such. It is therefore incorrect to keep subsections 2.b.(3) and 2.b.(4) under the category for court actions and costs in cases involving child custody or visitation orders from another jurisdiction. It would clarify the reimbursable activities consistent with Government Code section 17557(d)(2)(D) to reinstate these subcategories as their own categories of reimbursable activities, and therefore this amendment is approved.

When making amendments that simply clarify the mandated activities and do not make any substantive changes to the program, the clarification is effective for the entire period of reimbursement and may be applied in review of reimbursement claims filed before this request was made to amend the Parameters and Guidelines.¹⁰⁹ Under the rules of statutory construction, a clarification of existing law may be applied to transactions predating its enactment without being considered a retroactive application of the law. The clarification is merely a statement of what the law has always been.¹¹⁰ Accordingly, this amendment to correct the numbering of the reimbursable activities categories applies retroactively to the entire period of reimbursement, as it simply clarifies what has always been the law.

¹⁰⁸ Under the prior Uniform Child Custody Jurisdiction Act, this was Family Code section 3411 for cases within this state, while Family Code section 3421 gave courts authority to issue orders to people within this state at the request of another state's court. See Statutes of 1992, Chapter 162, section 10.

¹⁰⁹ See *Crime Statistic Reports for the Department of Justice*, 12-PGA-01, Amendment to Parameters and Guidelines and Statement of Decision, <https://csm.ca.gov/matters/02-TC-04/doc33.pdf> (accessed April 2, 2026), page 15.

¹¹⁰ *McClung v. Employment Development Dept.* (2004) 34 Cal.4th 467, 471 quoting *Western Security Bank v. Superior Court* (1997) 15 Cal.4th 232, 243; *Riley v. Hilton Hotels Corp.* (2002) 100 Cal.App.4th 599, 603.

D. Adding Dates to the List of Previous Amendments Provided in the Caption of the Parameters and Guidelines Is a Non-Substantive Change and Is Approved.

The requester asked the Commission to amend the upper left-hand caption of the Parameters and Guidelines to add February 22, 1990 and July 22, 1993, dates reflecting prior amendments to the Parameters and Guidelines, to the list of previous amendments. In the 1990 amendment provided as evidence, the caption lists the dates the Parameters and Guidelines were adopted, January 21, 1981, and four subsequent amendments on: July 19, 1984; July 25, 1987; October 26, 1989; and February 22, 1990.¹¹¹ The 1993 amendment added July 22, 1993 to this list.¹¹² In the current Parameters and Guidelines, the caption only lists the date the Parameters and Guidelines were adopted on January 21, 1981, and four amendment dates: July 19, 1984; July 25, 1987; August 26, 1999; and October 30, 2009. This excludes the amendments previously acknowledged of October 26, 1989; February 22, 1990; and July 22, 1993.

Since this change is non-substantive and has no impact on the reimbursement for this program, the request is approved. The requester only asked for the 1990 and 1993 amendments to be added and did not ask for the October 26, 1989 date to be included. Although the Commission does not have the 1989 amendment in its records, both the 1990 and 1993 amendments support the existence of the October 26, 1989 amendment by including it in the caption, and this is verified by the minutes from the October 26, 1989 Commission hearing, which show an amendment to this program's Parameters and Guideline was approved at that hearing on consent.¹¹³ Therefore, all three excluded amendment dates of October 26, 1989; February 22, 1990; and July 22, 1993, are to be added back into the caption.

VI. Conclusion

Based on the foregoing analysis, the Commission partially approves the Request for Parameters and Guidelines Amendment, as specified above.

¹¹¹ Exhibit A, Request for Parameters and Guidelines Amendment, page 7 (1990 Amendment to the Parameters and Guidelines).

¹¹² Exhibit A, Request for Parameters and Guidelines Amendment, page 15 (1993 Amendment to the Parameters and Guidelines).

¹¹³ Exhibit X (4), Commission on State Mandates Minutes, October 26, 1989, pages 1-2.

Amended: June 12, 2026
Amended: October 30, 2009
Amended: August 26, 1999
Amended: July 22, 1993
Amended: February 22, 1990
Amended: October 26, 1989
Amended: July 25, 1987
Amended: July 19, 1984
Adopted: January 21, 1981

AMENDMENT TO PARAMETERS AND GUIDELINES

Family Code Sections 3060 TO 3064, 3130 TO 3134.5, 3408, 3411, and 3421
Penal Code Sections 277, 278, and 278.5
Welfare And Institutions Code Section 11478.5

Chapter 1399, Statutes of 1976
Chapter 162, Statutes of 1992
Chapter 988, Statutes of 1996

Custody of Minors – Child Abduction and Recovery

25-PGA-01, 05-PGA-26 (CSM 4237)

State Controller, Requester

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

I. SUMMARY OF THE MANDATE

Chapter 1399, Statutes of 1976, added section 4600.1 and 4604 to and amended Sections 5157, 5160, and 5169 of the Civil Code, added Section 278 and 278.5 to the Penal Code, and amended sections 11478.5 of the Welfare and Institutions Code, which increased the level of service provided by several county departments which must become involved in child custody matters. Where previously parents or others interested in the custody status of minors pursued their interests in court with no assistance from law enforcement agencies, due to this statute counties are required to actively assist in the resolution of custody problems and the enforcement of custody decrees. To accomplish this, several additional tools were provided to the courts and enforcement agencies in this legislation, including changes in the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest to insure compliance, and increased access to locator and other information maintained by County and State Departments. These activities increased the level of service provided to the public under Title 9 of Part 5 of the Civil Code, the Uniform Child Custody Jurisdiction Act.

Chapter 990, Statutes of 1983, amended Section 4604 of the Civil Code to clarify that the enforcement requirements of this section applied to visitation decrees as well as custody decrees.

Chapter 162, Statutes of 1992, repealed Sections 4600.1, 4604, 5157, 5160, and 5169 of the Civil Code and without substantial change enacted Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421 of the Family Code.

Chapter 988, Statute of 1996, the Parental Kidnapping Prevention Act, repealed Sections 277, 278, and 278.5 of the Penal Code and enacted in a new statutory scheme in Sections 277, 278 and 278.5 which eliminated the distinction between cases with and cases without a preexisting child custody order.

II. BOARD OF CONTROL DECISIONS

On September 19, 1979, the Board of Control determined that Chapter 1399, Statutes of 1976, imposed a reimbursable state mandate upon counties by requiring district attorney offices to actively assist in the resolution of child custody problems including visitation disputes, the enforcement of custody decrees and of any other order of the court in a child custody proceeding. These activities include all actions necessary to locate a child, the enforcement of child custody decrees, orders to appear, or any other court order defraying expenses related to the return of an illegally detained, abducted, or concealed child, proceeding with civil court actions, and guaranteeing the appearance of offenders and minors in court actions. The Board's findings were in response to a claim of first impression filed by the County of San Bernadino.

III. ELIGIBLE CLAIMANTS

Any county which incurs increased costs as a result of this mandate is eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

Chapter 1399, Statutes of 1976, became effective January 1, 1977. Section 17557 of the Government Code (GC) stated that a test claim must be submitted on or before November 30th following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on April 17, 1979, therefore, costs incurred on or after July 1, 1978, are reimbursable. San Bernadino County may claim and be reimbursed for mandated costs incurred on or after July 1, 1977.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561 (d) (3) of the Government Code (GC), all claims for reimbursement of costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

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

V. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event, or activity in question.

Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for 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.

A. Scope of the Mandate

Counties shall be reimbursed for the increased costs which they are required to incur to have the district attorney actively assist in the resolution of child custody and visitation problems; for the enforcement of custody and visitation orders; for all actions necessary to locate and return a child(ren) by use of any appropriate civil or criminal proceeding; and for complying with other court order relating to child custody or visitation, as provided in Family Code Sections 3130 to 3134.5, with the exception of those activities listed in

Section VI.

B. Reimbursable Activities

For each eligible claimant meeting the above criteria, all direct and indirect costs of labor, materials and supplies, training and travel for the following activities are eligible for reimbursement:

1. Obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation order, including:
 - a. Contact with child(ren) and other involved persons.
 - (1) Receipt of reports and requests for assistance.
 - (2) Mediating with or advising involved individuals. Mediation services may be provided by other departments. If this is the case, indicate the department.
 - (3) Locating missing or concealed offender and child(ren).
 - b. Utilizing any appropriate civil or criminal court action to secure compliance.
 - (1) Preparation and investigation of reports and requests for assistance.

- (2) Seeking physical restraint of offenders and/or the child(ren) to assure compliance with court orders.
 - (3) Process services and attendant court fees and costs.
 - (4) Depositions.
 - c. Physically recovering the child(ren)
 - (1) Travel expenses, food, lodging, and transportation for the escort and child(ren).
 - (2) Other personal necessities for the child. All such items purchased must be itemized.
- 2. Court actions and costs in cases involving child custody or visitation orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Family Code Sections 3400 through 3425) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).
 - a. Cost of providing foster care or other short-term care for any child pending return to the out-of-jurisdiction custodian. The reimbursable period of foster home care or other short-term care may not exceed three days unless special circumstances exist.

Please explain the special circumstances. A maximum of ten days per child is allowable. Costs must be identified per child, per day. This cost must be reduced by the amount of state reimbursement for foster home care which is received by the county for the child(ren) so placed.
 - b. Cost of transporting the child(ren) to the out-of-jurisdiction custodian.
 - (1) Travel expenses, food, lodging, and transportation for the escort and child(ren).
 - (2) Other personal necessities for the child(ren). All such items purchased must be itemized. Costs recovered from any party, individual, or agency, must be shown and used as an offset against costs reported in this section.
 - ~~(3) Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren).~~
 - ~~(a) Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure appearance in accordance with the arrest warrant or order.~~

- ~~(b) — Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having custody. The number of days for the foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor.~~
 - ~~(4) — Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.~~
 - ~~(a) — Costs of food, lodging, transportation, and other personal necessities for the child(ren) from the time he/she is located until he/she is delivered to the legal custodian or agency. All personal necessities purchased must be itemized.~~
 - ~~(b) — Cost of an escort fee for the child(ren), including costs of food, lodging, transportation and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.~~
~~Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) (or defendant, if not part of a criminal extradition) must be shown and used as an offset against these costs.~~
- 3. Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren).
 - a. Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure appearance in accordance with the arrest warrant or order.
 - b. Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having custody. The number of days for the foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor.
- 4. Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.
 - a. Costs of food, lodging, transportation, and other personal necessities for the child(ren) from the time he/she is located until he/she is delivered to the legal custodian or agency. All personal necessities purchased must be itemized.

- b. Cost of an escort fee for the child(ren), including costs of food, lodging, transportation and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.

Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) (or defendant, if not part of a criminal extradition) must be shown and used as an offset against these costs.

VI. NON-REIMBURSABLE COSTS

- A. Costs associated with criminal prosecution, commencing with the defendant's first appearance in a California court, for offenses defined in Sections 278 or 278.5 of the Penal Code, wherein the missing, abducted, or concealed child(ren) has been returned to the lawful person or agency.

VII. CLAIM PREPARATION AND SUBMISSION

Claims 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 V of this document.

A. Direct Costs

Direct costs are defined as costs 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. Salary and Employees' Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a document time study. Benefits are reimbursable; however, benefit rates must be itemized. If no itemization is submitted, 21 percent must be used for computation of claimed cost.

2. Contracted Services

Provide copies of the contract, separately show the contract services performed relative to the mandate, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim.

3. Materials and Supplies

Only expenditures which can be identified as a direct cost of the mandate such as, but not limited to, vehicles, office equipment,

communication devices, memberships, subscriptions, publications, may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received from the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

4. Travel

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

5. Training

The cost of training an employee to perform the mandated activities 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, registration fees, transportation, lodging, and per diem. Ongoing training is essential to the performance of this mandate because of frequent turnover in staff, rapidly changing technology, and developments in case law, statutes, and procedures. Reimbursable training under this section includes child abduction training scheduled during the California Family Support Council's conferences, the annual advanced child abduction training sponsored by the California District Attorney Association, and all other professional training.

B. Indirect Costs

Indirect costs are defined as costs which are incurred for a common or joint purpose, benefiting more than one program, and which 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 the central government services distributed to the 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 Circular A-87. Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate exceeds 10%.

1. Reimbursements

On a separate schedule, show details of any reimbursements received from the individuals or agencies involved in these cases.

Show the total amount of such reimbursements as a reduction of the amount claimed on the cost summary form.

In addition, the costs claimed must be reduced by the amount recovered from the charges imposed by the court.

Any amount received by a county and forwarded directly to the state, must be reported on the cost summary form, but will not reduce the amount of the claim.

2. Milage and Travel

Local agencies will be reimbursed according to the rules of the local jurisdiction.

VIII. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter¹¹⁴ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section V, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

IX. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source e.g., federal, state, etc., shall be identified and deducted from the claim.

X. REQUIRED CERTIFICATION

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

¹¹⁴ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 29, 2026, I served the:

- **Current Mailing List dated April 27, 2026**
- **Draft Proposed Decision and Parameters and Guidelines Amendment, Schedule for Comments, and Notice of Hearing issued April 29, 2026**

Custody of Minors - Child Abduction and Recovery, 25-PGA-01
Family Code Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421;
Penal Code Sections 277, 278, and 278.5;
Welfare and Institutions Code Section 11478.5;
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162;
Statutes 1996, Chapter 988
State Controller's Office, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 April 29, 2026 at Sacramento, California.



Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/27/26

Claim Number: 25-PGA-01

Matter: Custody of Minors - Child Abduction and Recovery

Requester: State Controller

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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Amended: October 30, 2009
Amended: August 26, 1999
Amended: July 25, 1987
Amended: July 19, 1984
Adopted: January 21, 1981

Exhibit E

AMENDMENT TO PARAMETERS AND GUIDELINES

Family Code Sections 3060 TO 3064, 3130 TO 3134.5, 3408, 3411, and 3421

Penal Code Sections 277, 278, and 278.5

Welfare And Institutions Code Section 11478.5

Chapter 1399, Statutes of 1976

Chapter 162, Statutes of 1992

Chapter 988, Statutes of 1996

Custody of Minors-Child Abduction and Recovery

05-PGA-26 (CSM 4237)

State Controller's Office, Claimant

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

I. SUMMARY OF MANDATE

Chapter 1399, Statutes of 1976, added Sections 4600.1 and 4604 to and amended Sections 5157, 5160, and 5169 of the Civil Code, added Section 278 and 278.5 to the Penal Code, and amended sections 11478.5 of the Welfare and Institutions Code, which increased the level of service provided by several county departments which must become involved in child custody matters. Where previously parents or others interested in the custody status of minors pursued their interests in court with no assistance from law enforcement agencies, due to this statute counties are required to actively assist in the resolution of custody problems and the enforcement of custody decrees. To accomplish this, several additional tools were provided to the courts and enforcement agencies in this legislation, including changes in the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest to insure compliance, and increased access to locator and other information maintained by County and State departments. These activities increased the level of service provided to the public under Title 9 of Part 5 of the Civil Code, the Uniform Child Custody Jurisdiction Act.

Chapter 990, Statutes of 1983, amended Section 4604 of the Civil Code to clarify that the enforcement requirements of this section applied to visitation decrees as well as custody decrees.

Chapter 162, Statutes of 1992, repealed Sections 4600.1, 4604, 5157, 5160, and 5169 of the Civil Code and without substantial change enacted Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421 of the Family Code.

Chapter 988, Statutes of 1996, the Parental Kidnapping Prevention Act, repealed Sections 277, 278 and 278.5 of the Penal Code and enacted in a new statutory scheme in Sections 277, 278 and 278.5 which eliminated the distinction between cases with and cases without a preexisting child custody order.

II. BOARD OF CONTROL DECISIONS

On September 19, 1979, the Board of Control determined that Chapter 1399, Statutes of 1976, imposed a reimbursable state mandate upon counties by requiring district attorney offices to actively assist in the resolution of child custody problems including visitation disputes, the enforcement of custody decrees and of any other order of the court in a child custody proceeding. These activities include all actions necessary to locate a child, the enforcement of child custody decrees, orders to appear, or any other court order defraying expenses related to the return of an illegally detained, abducted or concealed child, proceeding with civil court actions, and guaranteeing the appearance of offenders and minors in court actions. The Board's finding was in response to a claim of first impression filed by the County of San Bernardino.

III. ELIGIBLE CLAIMANTS

Any county which incurs increased costs as a result of this mandate is eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

Chapter 1399, Statutes of 1976, became effective January 1, 1977. Section 17557 of the Government Code (GC) stated that a test claim must be submitted on or before November 30th following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on April 17, 1979; therefore, costs incurred on or after July 1, 1978, are reimbursable. San Bernardino County may claim and be reimbursed for mandated costs incurred on or after July 1, 1977.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561 (d) (3) of the Government Code (GC), all claims for reimbursement of costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

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

V. REIMBURSABLE COSTS

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct based upon personal knowledge." Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for 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.

A. Scope of the Mandate

Counties shall be reimbursed for the increased costs which they are required to incur to have the district attorney actively assist in the resolution of child custody and visitation problems; for the enforcement of custody and visitation orders; for all actions necessary to locate and return a child(ren) by use of any appropriate civil or criminal proceeding; and for complying with other court orders relating to child custody or visitation, as provided in Family Code Sections 3130 to 3134.5, with the exception of those activities listed in

Section VI.

B. Reimbursable Activities

For each eligible claimant meeting the above criteria, all direct and indirect costs of labor, materials and supplies, training and travel for the following activities are eligible for reimbursement:

1. Obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation orders, including:
 - a. Contact with child(ren) and other involved persons.
 - (1) Receipt of reports and requests for assistance.
 - (2) Mediating with or advising involved individuals. Mediating services may be provided by other departments. If this is the case, indicate the department.
 - (3) Locating missing or concealed offender and child(ren).
 - b. Utilizing any appropriate civil or criminal court action to secure compliance.
 - (1) Preparation and investigation of reports and requests for assistance.
 - (2) Seeking physical restraint of offenders and/or the child(ren) to assure compliance with court orders.
 - (3) Process services and attendant court fees and costs.
 - (4) Depositions.
 - c. Physically recovering the child(ren).
 - (1) Travel expenses, food, lodging, and transportation for the escort and child(ren).
 - (2) Other personal necessities for the child. All such items purchased must be itemized.

2. Court actions and costs in cases involving child custody or visitation orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Family Code Sections 3400 through 3425) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).
 - a. Cost of providing foster care or other short-term care for any child pending return to the out-of-jurisdiction custodian. The reimbursable period of foster home care or other short-term care

may not exceed three days unless special circumstances exist.

Please explain the special circumstances. A maximum of ten days per child is allowable. Costs must be identified per child, per day.

This cost must be reduced by the amount of state reimbursement for foster home care which is received by the county for the child(ren) so placed.

- b. Cost of transporting the child(ren) to the out-of-jurisdiction custodian.
 - (1) Travel expenses, food, lodging, and transportation for the escort and child(ren).
 - (2) Other personal necessities for the child(ren). All such items purchased must be itemized. Cost recovered from any party, individual or agency, must be shown and used as an offset against costs reported in this section.
 - (3) Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren).
 - (a) Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure appearance in accordance with the arrest warrant or order.
 - (b) Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having custody. The number of days for the foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor.
 - (4) Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.
 - (a) Costs of food, lodging, transportation and other personal necessities for the child(ren) from the time he/she is located until he/she is delivered to the legal custodian or agency. All personal necessities purchased must be itemized.
 - (b) Cost of an escort for the child(ren), including costs

of food, lodging, transportation and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.

Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) (or defendant, if not part of a criminal extradition) must be shown and used as an offset against these costs.

VI. NON-REIMBURSABLE COSTS

- A. Costs associated with criminal prosecution, commencing with the defendant's first appearance in a California court, for offenses defined in Sections 278 or 278.5 of the Penal Code, wherein the missing, abducted, or concealed child(ren) has been returned to the lawful person or agency.

VII. CLAIM PREPARATION AND SUBMISSION

Claims 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 V of this document.

A. Direct Costs

Direct costs are defined as costs 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. Salary and Employees' Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study. Benefits are reimbursable; however, benefit rates must be itemized. If no itemization is submitted, 21 percent must be used for computation of claimed cost.

2. Contracted Services

Provide copies of the contract, separately show the contract services performed relative to the mandate, and the itemized costs for such services. Invoices must be submitted as supporting documentation with

the claim.

3. **Materials and Supplies**

Only expenditures which can be identified as a direct cost of the mandate such as, but not limited to, vehicles, office equipment, communication devices, memberships, subscriptions, publications, may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received from the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

4. **Travel**

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

5. **Training**

The cost of training an employee to perform the mandated activities 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, registration fees, transportation, lodging, and per diem. Ongoing training is essential to the performance of this mandate because of frequent turnover in staff, rapidly changing technology, and developments in case law, statutes, and procedures. Reimbursable training under this section includes child abduction training scheduled during the California Family Support Council's conferences, the annual advanced child abduction training sponsored by the California District Attorney Association, and all other professional training.

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 Circular 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 claimed 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 Circular A-87. An ICRP must be submitted with the claim when the indirect cost rate exceeds 10%.

1. Reimbursements

On a separate schedule, show details of any reimbursements received from the individuals or agencies involved in these cases. Show the total amount of such reimbursements as a reduction of the amount claimed on the cost summary form.

In addition, the costs claimed must be reduced by the amount recovered from the charges imposed by the court.

Any amount received by a county and forwarded directly to the state, must be reported on the cost summary form, but will not reduce the amount of the claim.

2. Mileage and Travel

Local entities will be reimbursed according to the rules of the local jurisdiction.

VIII. RECORD RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter¹ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section V, must be retained during the period subject to audit. If the Controller has initiated an audit during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

¹ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

IX. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source e.g., federal, state, etc., shall be identified and deducted from the claim.

X. REQUIRED CERTIFICATION

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

COMMISSION ON STATE MANDATES

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August 16, 1999

Mr. Frank McGuire
Deputy District Attorney
county of Yolo
Child Abduction Unit
729 Main Street
Woodland, CA 95695

And Affected State Agencies and Interested Parties (See Enclosed Mailing List)

Re: August 26, 1999 Hearing, Item 6
Proposed Amendment to Parameters and Guidelines
Child Abduction and Recovery- 98-4237-PGA-11

The enclosed Proposed Amendment to Parameters and Guidelines is scheduled for the August 26, 1999, Commission hearing beginning at 9:45 a.m. in Room 437 of the State Capitol. This item will be included on the proposed consent calendar.

Staff made minor revisions to the proposal submitted by your office to incorporate some of the format and language for parameters and guidelines recently adopted by the Commission. We believe the amendments proposed by staff accomplish the objectives discussed at the prehearing conference that was held on June 29, 1999.

Please contact Piper Rodrian or Shirley Opie at (916) 323-3562 if you have any questions.

Sincerely,


PAULA HIGASHI
Executive Director

Enclosure
C: Mailing List

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MAILED: 11/19/09 FILED: 11/19/09
DATE: 11/19/09 INITIAL: JK
CHRON: 11/19/09 FILE: 11/19/09
WORKING BINDER: _____

Hearing Date: August 26, 1999
File Number: CSM 98-4237-PGA- 11
f: /mandates/1998/PGA/PGA11/pgasa
Document Date: August 16, 1999

ITEM # 6

STAFF ANALYSIS

Proposed Amendment to Parameters and Guidelines

Family Code Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421

Penal Code Section 277, 278, and 278.5

Welfare and Institutions Code Section 11478.5

Statutes of 1976, Chapter 1399

Statutes of 1992, Chapter 162

Statutes of 1996, Chapter 988

Custody of Minors-Child Abduction and Recovery

Executive Summary

Local agencies, school districts, or state agencies may request the Commission amend, modify, or supplement parameters and guidelines,¹ The State Controller's Office is required to issue revised claiming instructions within 60 days after receiving revised adopted parameters and guidelines. Eligible claimants have 120 days following the issuance date of the revised claiming instructions to file a claim.²

The County of Yolo Child Abduction Unit requested an amendment to the Parameters and Guidelines for the *Custody of Minors-Child Abduction and Recovery* program. The test claim statute changed the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest, and increased access to locator and other information maintained by county and state agencies.

A prehearing was held on June 29, 1999 at the County's request. Representatives from the County, the State Controller's Office, and the Department of Finance attended. The County subsequently submitted a revised proposal for amending the Parameters and Guidelines (see Exhibit B).

County's Proposed Amendments

The County proposes to revise the current Parameters and Guidelines to provide a more definitive list of allowable direct costs specific to salaries and benefits for District Attorney employees; equipment, including but not limited to vehicles, office equipment, and

¹ Gov. Code § 17557, subd. (d).

² Gov. Code § 17558 subd. (c) and §17560 subd. (c).

The summary of the decision of the Board of Control in the current Parameters and Guidelines specifically states that the test claim statutes “imposed a reimbursable state mandate upon counties by requiring *district attorney offices* to actively assist in the resolution of child custody problems. ” Therefore, staff finds: 1) that salaries and benefits for *District Attorney* employees are reimbursable to the extent they can be traced to specific reimbursable activities, and 2) it is not necessary to further amend the Parameters and Guidelines to specify that these costs are reimbursable. For purposes of determining which costs are reimbursable, the Parameters and Guidelines must be read as a whole.

The SCO recommends that “boilerplate” language regarding materials and supplies recently adopted by the Commission be added to the Parameters and Guidelines. Staff agrees and recommends that specific items (vehicles, office equipment, communication devices, memberships, subscriptions, and publications) be cited as examples of the types of cost elements that may be reimbursable as suggested by the County.

Travel and training are not specifically addressed in the current Parameters and Guidelines. Thus, staff agrees with the County that amendments are appropriate. Staff recommends the addition of language recently adopted by the Commission for these cost elements. Further, staff recommends adding examples of the types of training that may be reimbursed as requested by the County.

The proposed amendments pertaining to indirect costs are consistent with the methodology specified for computing indirect costs recently adopted by the Commission. This methodology was identified in workshops attended by claimants’ representatives, Commission staff, State Controller’s Office staff and Department of Finance staff. Staff also recommends that the Parameters and Guidelines be further amended to require claims to be submitted within 120 days of when the Controller issues claiming instructions to be consistent with existing law.

Staff Recommendation

Staff recommends the Commission approve the amendment to the Parameters and Guidelines requested by the County of Yolo Child Abduction Unit, as modified by staff (see Exhibit A). Staff’s amendments to the County’s revised proposal are shown in double strike though (deletions) and underline (additions).

Requester

County of Yolo Child Abduction Unit

Chronology

09/19/79 Board of Control determined that the test claim statutes contained a reimbursable mandate

01/21/81 Original Parameters and Guidelines adopted

07/19/84 Parameters and Guidelines amended

07/25/87 Parameters and Guidelines amended

02/25/99 Amendments to the Parameters and Guidelines proposed by Yolo County Child Abduction Unit

05/12/99 County of Yolo requests an extension of time to rebut comments from the State Controller's Office

04/20/99 State Controller's Office and Department of Finance file comments

04/30/99 Attorney General's Office files comments

06/29/99 Prehearing Conference

07/13/99 Yolo County Child Abduction Unit submits revised proposal

08/10/99 State Controller's Office files comments

Staff Analysis

Local agencies, school districts, or state agencies may request the Commission amend, modify, or supplement parameters and guidelines.⁴ The State Controller's Office is required to issue revised claiming instructions within 60 days after receiving revised adopted parameters and guidelines. Eligible claimants have 120 days following the issuance date of the revised claiming instructions to file a claim.⁵

The County of Yolo Child Abduction Unit requested an amendment to the Parameters and Guidelines for the *Custody of Minors-Child Abduction and Recovery* program. The County alleges that the current Parameters and Guidelines do not provide enough definition of allowable costs which has "resulted in confusion as to whether some necessary costs, such as training and subscriptions to periodicals are reimbursable under the mandate."

The test claim statute was enacted in 1976. It changed the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest, and increased access to locator and other information maintained by county and state agencies.⁶

⁴ See footnote 1.

⁵ See footnote 2.

⁶ Statutes of 1992, Chapter 162, repealed sections 4600.1, 4604, 5 157, 5 160, and 5 169 of the Civil Code and enacted sections 3060 to 3064, 3 130 to 3134.5, 3408, 3411, and 3421 of the Family Code. Statutes of 1996, Chapter 988 repealed Penal Code sections 277, 278 and 278.5 and enacted Penal Code sections 277, 278 and 278.5.

On September 19, 1979, the Board of Control determined that the test claim statute imposed a reimbursable state mandate by requiring district attorneys to actively assist in the resolution of child custody problems, including visitation disputes, and the enforcement of child custody orders, orders to appear and any other order of the court in a custody proceeding. Reimbursable activities include locating and returning children that are illegally detained or concealed, proceeding with civil court action, and guaranteeing the appearance of the offenders in court actions.

A prehearing was held on June 29, 1999 at the County's request. Representatives from the County, the State Controller's Office, and the Department of Finance attended. The County subsequently submitted a revised proposal for amending the Parameters and Guidelines (see Exhibit B).

County's Proposed Amendments

The County proposes the following changes to the current Parameters and Guidelines:

- ⌘ Add language describing the changes in law that occurred since the original statute was enacted and update references accordingly.
- ⌘ Provide a more definitive list of allowable direct costs specific to salaries and benefits for District Attorney employees; equipment, including but not limited to vehicles, office equipment, and communication devices; training; and research material, including publications and subscriptions.
- ⌘ Replace existing language in the "Allowable Overhead Costs" section with the "Indirect Costs" language recently adopted by the Commission that defines indirect costs and describes the procedures that must be used to calculate the indirect rate (OMB Circular A-87).
- ⌘ Make other non-substantive amendments for clarity.

State Agency Comments

State Controller's Office

In response to the original request made by the County, the State Controller's Office (SCO) commented in their letter dated April 20, 1999 that the current Parameters and Guidelines clearly identify the activities and costs that are reimbursable under the mandate and, therefore, no amendments are necessary. The SCO submitted comments in a letter dated August 10, 1999 suggesting amendments to the County's amended proposal for the purpose of clarifying that claimed costs must be directly related to the mandate. The SCO suggested additional amendments to clarify that the equipment costs must be required for the mandate and suggests that language be added to limit training seminars/workshops that may be reimbursed to a "reasonable number." It is also recommended that the language for services and supplies be amended to be consistent with the "boilerplate" language used for other mandates. The SCO contends that the cost of membership in civic, business, technical, and professional organizations is optional, and not essential to carrying out the mandate. (See Exhibit C.)

Department of Finance

In their letter dated April 20, 1999, the Department of Finance deferred to the State Controller (see Exhibit D).

Office of the Attorney General

On April 30, 1999, the Attorney General (AG) submitted a letter expressing strong support for amending the Parameters and Guidelines (see Exhibit E). The AG noted that there is confusion as to which costs are reimbursable to district attorneys under the mandate. Recently, training costs which had been previously reimbursed were denied.

District Attorneys

Letters of support for amending the Parameters and Guidelines were received from ten District Attorneys (see Exhibit F).

Issue: Should the Commission approve the County of Yolo Child Abduction Unit's proposed amendments to the Parameters and Guidelines?

Staff reviewed the County's proposed amendments to the Parameters and Guidelines and finds the following:

Section I. Summary of the Mandate

The updates to statutory references proposed by the County merely reflect changes in law that pertain to the original mandate. Statutes of 1992, Chapter 162 repealed provisions in the Civil Code and enacted them in the Family Code to establish a comprehensive scheme relating to family law, adoption procedures, and the prevention of domestic violence. Statutes of 1996, Chapter 988, the Parental Kidnapping Prevention Act, eliminated the distinction between cases with and cases without a pre-existing child custody order. Updates are made in other sections of the Parameters and Guidelines as appropriate.

Section IV. Period of Reimbursement

Staff recommends that the Parameters and Guidelines be further amended to update provisions for claiming costs. The existing language is obsolete. Current Government Code section 17561 (d)(3) requires claims to be submitted within 120 days of when the Controller issues claiming instructions.

Section V. Reimbursable Costs, Paragraph B. Reimbursable Activities

The County also proposes to add language to the Reimbursable Activities (Section V) of the Parameters and Guidelines that relates to direct and indirect costs associated with salaries and benefits of District Attorney employees, equipment, research material and training. Staff recommends that these modifications be addressed in "Claim Preparation and Submission" (Section VII) of the Parameters and Guidelines to distinguish between what *activities* are reimbursable from what *cost elements* can be claimed.

The summary of the decision of the Board of Control in the current Parameters and Guidelines specifically states that the test claim statutes "imposed a reimbursable state mandate upon counties by requiring *district attorney offices* to actively assist in the resolution of child custody problems." Therefore, staff finds: 1) that salaries and benefits for *District Attorney*

employees are reimbursable to the extent they can be traced to specific reimbursable activities, and 2) it is not necessary to further amend the Parameters and Guidelines to specify that these costs are reimbursable. For purposes of determining which costs are reimbursable, the Parameters and Guidelines must be read as a whole.

Section VII. Claim Preparation and Submission, Paragraph A, Direct Costs

The SCO recommends that “boilerplate” language regarding materials and supplies recently adopted by the Commission be added to the Parameters and Guidelines. Staff agrees and recommends that specific items (vehicles, office equipment, communication devices, memberships, subscriptions, and publications) be cited as examples of the types of cost elements that may be reimbursable as suggested by the County.

Travel and training are not specifically addressed in the current Parameters and Guidelines. Thus, staff agrees with the County that amendments are appropriate. Staff recommends the addition of language adopted by the Commission for these cost elements. Further, staff recommends adding examples of the types of training that may be reimbursable as recommended by the County.

Section VII. Claim Preparation and Submission, Paragraph B, Indirect Costs

The proposed amendments to the Parameters and Guidelines are consistent with the methodology for computing indirect costs recently adopted by the Commission.’ This methodology was identified in workshops attended by claimants, representatives, Commission staff, and staff from the State Controller’s Office and the Department of Finance. Recent amendments to other parameters and guidelines included this change. As noted by the State Controller’s Office, the language regarding services and supplies should be revised to be consistent with “boilerplate” language used more recently in parameters and guidelines adopted by the Commission.

Technical Changes. Staff made other non-substantive changes.

Staff Recommendation

Staff recommends the Commission approve the amendments to the Parameters and Guidelines as requested by the County of Yolo Child Abduction Unit as modified by staff (see Exhibit A). Staff’s amendments to the County’s revised proposal are shown in Exhibit A in double strike through (deletions) and underline (additions),

⁷ See footnote 3.

Hearing Date: August 26, 1999
File: f:\mandates\1998\pga\pga1\pga082699a
Adopted: January 21, 1981
Amended: July 19, 1984
Amended: July 25, 1987
Document Date: August 13, 1999

**CLAIMANT'S PROPOSED AMENDED PARAMETERS AND GUIDELINES
AS MODIFIED BY STAFF**

PARAMETERS AND GUIDELINES
~~CIVIL CODE SECTIONS 4600.1, 4604, 5157, 5160, AND 5169~~
FAMILY CODE SECTIONS 3060 TO 3064, 3130 TO 3134.5, 3408, 3411, AND 3421
PENAL CODE SECTIONS 277, 278, AND 278.5
WELFARE AND INSTITUTIONS CODE SECTION 11478.5
CHAPTER 1399, STATUTES OF 1976
CHAPTER 162, STATUTES OF 1992
CHAPTER 988, STATUTES OF 1996
CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY

I. SUMMARY OF MANDATE

Chapter 1399, Statutes of 1976, added Sections 4600.1 and 4604 to and amended Sections 5157, 5160, and 5169 of the Civil Code, added Section 278 and 278.5 to the Penal Code, and amended sections 11478.5 of the Welfare and Institutions Code, which increased the level of service provided by several county departments which must become involved in child custody matters, Where previously parents or others interested in the custody status of minors pursued their interests in court with no assistance from law enforcement agencies, due to this statute counties are required to actively assist in the resolution of custody problems and the enforcement of custody decrees. To accomplish this, several additional tools were provided to the courts and enforcement agencies in this legislation, including changes in the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest to insure compliance, and increased access to locator and other information maintained by County and State departments. These activities increased the level of service provided to the public under Title 9 of Part 5 of the Civil Code, the Uniform Child Custody Jurisdiction Act.

Chapter 990, Statutes of 1983, amended Section 4604 of the Civil Code to clarify that the enforcement requirements of this section applied to visitation decrees as well as custody decrees.

Chapter 162, Statutes of 1992, repealed Sections 4600.1, 4604, 5157, 5160, and 5169 of the Civil Code and without substantial change enacted Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421 of the Family Code.

Chapter 988, statutes of 1996, the Parental Kidnapping Prevention Act, repealed Sections 277,278 and 278.5 of the Penal Code and enacted in a new statutory scheme in Sections 277, 278 and 278.5 which eliminated the distinction between cases with and cases without a preexisting child custody order.

II. BOARD OF CONTROL DECISIONS

On September 19, 1979, the Board of Control determined that Chapter 1399, Statutes of 1976, imposed a reimbursable state mandate upon counties by requiring district attorney offices to actively assist in the resolution of child custody problems including visitation disputes, the enforcement of custody decrees and of any other order of the court in a child custody proceeding. These activities include all actions necessary to locate a child, the enforcement of child custody decrees, orders to appear, or any other court order defraying expenses related to the return of an illegally detained, abducted or concealed child, proceeding with civil court actions, and guaranteeing the appearance of offenders and minors in court actions. The Board's finding was in response to a claim of first impression filed by the County of San Bernardino.

III. ELIGIBLE CLAIMANTS

Any county which incurs increased costs as a result of this mandate is eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

Chapter 1399, Statutes of 1976, became effective January 1, 1977. Section 17557 of the Government Code (GC) stated that a test claim must be submitted on or before November 30th following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on April 17, 1979; therefore, costs incurred on or after July 1, 1978, are reimbursable. San Bernardino County may claim and be reimbursed for mandated costs incurred on or after July 1, 1977.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561 (d) (3) of the Government Code (CC), all claims for reimbursement of costs shall be submitted within 120 days of -issuance of the claiming instructions by the State Controller of the enactment of the claim bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by GC Section 17564.

V. REIMBURSABLE COSTS

A. Scope of the Mandate

Counties shall be reimbursed for the increased costs which they are required to incur to have the district attorney actively assist in the resolution of child custody and visitation problems; for the enforcement of custody and visitation ~~decrees~~ orders; for all actions necessary to locate and return a child(ren) by use of any appropriate civil or criminal proceeding; and for complying with other court orders relating to child custody or visitation, as provided in ~~Civil Code Section 4604~~ Family Code Sections 3 130 to 3 134.5, with the exception of those activities listed in Section VI.

B. Reimbursable Activities

For each eligible claimant meeting the above criteria, all direct and indirect costs of labor, materials and supplies, training and travel for the following-
- activities are eligible for reimbursement:

1. Obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation ~~decrees~~ orders, including:
 - a. Contact with child(ren) and other involved persons.
 - (1) Receipt of reports and requests for assistance.
 - (2) Mediating with or advising involved individuals.
Mediating services may be provided by other departments.
If this is the case, indicate the department.
 - (3) Locating missing or concealed offender and child(ren).
 - b. Utilizing any appropriate civil or criminal court action to secure compliance,
 - (1) Preparation and investigation of reports and requests for assistance.
 - (2) Seeking physical restraint of offenders and/or the child(ren) to assure compliance with ~~decrees~~ or court orders.
 - (3)
 - (4) Process services and attendant court fees and costs.
 - (5) Depositions.

- c. Physically recovering the child(ren).
 - (1) Travel expenses, food, lodging, and transportation for the escort and child(ren).
 - (2) Other personal necessities for the child. All such items purchased must be itemized.

2. Court actions and costs in cases involving child custody or visitation ~~decrees~~ orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (~~Civil Code Sections 5150 through 5174~~) (Family Code Sections 3400 through 3425) and actions relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).

- a. ~~District Attorney's cost of notifications sent if jurisdiction is refused.~~ Cost of providing foster care or other short-term care for any child pending return to the out-of-jurisdiction custodian. The reimbursable period of foster home care or other short-term care may not exceed three days unless special circumstances exist.

Please explain the special circumstances. A maximum of ten days per child is allowable. Costs must be identified per child, per day. This cost must be reduced by the amount of state reimbursement for foster home care which is received by the county for the child(ren) so placed.

- b. Cost of transporting the child(ren) to the out-of-jurisdiction custodian.
 - (1) Travel expenses, food, lodging, and transportation for the escort and child(ren).
 - (2) Other personal necessities for the child(ren). All such items purchased must be itemized. Cost recovered from any party, individual or agency, must be shown and used as an offset against costs reported in this section.
 - (3) Securing appearance of offender and/or child(ren) when an arrest warrant has been issued or other order of the court to produce the offender or child(ren).

- (a) Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure appearance in accordance with the arrest warrant or order.
 - (b) Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having custody. The number of days for the foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor.
- (4) Return of an illegally obtained or concealed child(ren) to the legal custodian or agency.
- (a) Costs of food, lodging, transportation and other personal necessities for the child(ren) from the time he/she is located until he/she is delivered to the legal custodian or agency. All personal necessities purchased must be itemized.
 - (b) Cost of an escort for the child(ren), including costs of food, lodging, transportation and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.

Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) (or defendant, if not part of a criminal extradition) must be shown and used as an offset against these costs.

~~3. For eligible claimants the following costs expended pursuant to this mandate are reimbursable:~~

~~a. Salaries and benefits for District Attorney employees:~~

~~(1) Salaries and benefits for employee exclusively used pursuant to this mandate, shall be completely reimbursed.~~

~~(2) Salaries and benefits for employee partially used pursuant to this mandate, shall be proportionally reimbursed for that time actually spent performing mandated activities.~~

~~b. Cost of equipment including but not limited to vehicles, office equipment, and communication devices.~~

~~(1) Equipment used exclusively in the performance of this mandate, shall be completely reimbursed.~~

~~(2) Equipment used partially to perform mandated activities, shall be reimbursed for the proportion of time used performing mandated activities relative to its overall use.~~

~~c. Cost of child abduction training, including tuition, travel, and per diem shall be fully reimbursable. Ongoing training is essential to the performance of this mandate because of frequent turnover in staff, rapidly changing technology, and developments in case law, statutes and procedures. Reimbursable training under this section includes child abduction training scheduled during the California Family Support Council's conferences, the annual advanced child abduction training sponsored by the California District Attorney Association, and all other professional training reasonably related to child abduction and this mandate.~~

~~d. Cost of research material, including but not limited to, publications and subscriptions.~~

~~(1) Research material used exclusively in the performance of this mandate, shall be completely reimbursed.~~

~~(2) Research material used partially to perform mandated activities, shall be reimbursed for the proportion of time used performing mandated activities relative to its overall use.~~

~~e. Cost of memberships, subscriptions, and professional activities in furtherance of this mandate.~~

VI. NON-REIMBURSABLE COSTS

- A. Costs associated with criminal prosecution, commencing with the defendant's ~~apprehension, surrender or~~ first appearance in a California court, for offenses defined in Sections 277, 278 or 278.5 of the Penal Code, ~~wherein the missing,-~~

abducted, or concealed child(ren) has been returned to the lawful person or agency.

~~B. Costs associated with locating an offender and serving a warrant related to either criminal or civil proceedings defined in Sections 277, 278 and 278.5 of the Penal Code wherein the missing, abducted, or concealed child(ren) has been returned to the lawful person or agency.~~

~~C. Governing Authority~~

~~The cost for the salary and expenses of the governing authority, as defined by the (Federal) Office of Management and Budget Circular A-87, such costs occur as an integral part of "general government" and, therefore, are not increased or decreased by mandated programs.~~

VII. CLAIM PREPARATION AND SUBMISSION

Claims 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 V of this document.

~~A. Filing~~

~~Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each reimbursable activity for which reimbursement is claimed under this mandate.~~

~~A. Direct Costs~~

Direct costs are defined as costs that can be traced to specific goods, services, units, programs, activities or functions.

Claimed costs shall be supported by the following: cost element information:

~~B. Supporting Documentation~~

~~Claimed costs should be supported by the following:~~

1. Salary and Employees' Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to

each function may be claimed if supported by a documented time study. Benefits are reimbursable; however benefit rates must be itemized. If no itemization is submitted, 21 percent must be used for computation of claimed cost.

2. Contracted Services

Provide copies of the contract, separately show the contract services performed relative to the mandate, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim.

3. ~~Services~~ Materials and Supplies

Only expenditures which can be identified as a direct cost of the mandate such as, but not limited to, vehicles, office equipment, communication devices, memberships, subscriptions, publications, training registration fees, can may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received from the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied. Expenditures will be categorized in accordance with the State Controller manual entitled "Accounting Standards and Procedures for Counties." Compensation for use of equipment is allowable through a use allowance or depreciation charge for the period it is assigned to the mandate; however, the cost is normally claimable through an indirect cost rate. If such cost is directly charged, a supporting schedule showing how this cost was computed must be attached.

4. Travel

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

5. Training

The cost of training an employee to perform the mandated activities 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, registration fees, transportation, lodging, and per

diem. Ongoing training is essential to the performance of this mandate because of frequent turnover in staff, rapidly changing technology, and developments in case law, statutes and procedures. Reimbursable training under this section includes child abduction training scheduled during the California Family Support Council's conferences, the annual advanced child abduction training sponsored by the California District Attorney Association, and all other professional training.

4-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 Circular 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 claimed 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 Circular A-87. An ICRP must be submitted with the claim when the indirect cost rate exceeds 10%.

4. Allowable Overhead Costs

~~Indirect costs may only be claimed through an indirect cost rate proposal prepared in accordance with the provisions of (Federal) Office of Management and Budget Circular A-87. Normally, the indirect cost rate will be a percentage of direct salary and benefit costs. Indirect costs may include costs of space, equipment, utilities, insurance, administration, etc. (i.e., those elements of indirect costs incurred as a result of the mandate, origination in the performing unit and the cost of central administration services not otherwise treated as direct cost). The indirect cost rate must be shown on the report.~~

~~5.~~ 1. Reimbursements

On a separate schedule, show details of any reimbursements received from the individuals or agencies involved in these cases. Show the total amount of such reimbursements as a reduction of the amount claimed on the cost

summary form.

In addition, the costs claimed must be reduced by the amount recovered from the charges imposed by the court.

Any amount received by a county and forwarded directly to the state, must be reported on the cost summary form, but will not reduce the amount of the claim.

~~6.~~ 2. Mileage and Travel

Local entities will be reimbursed according to the rules of the local jurisdiction.

~~7.~~ ~~Training~~

~~Local entities will be reimbursed for training conducted pursuant to section V. B. 3. c., herein.~~

VIII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of and the validity of such costs. These documents must be kept on file by the agency submitting the claim for a period specified in Government Code section 17558.5. of no less than three (3) years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

IX. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source e.g., federal, state, etc., shall be identified and deducted from the claim.

X. REQUIRED CERTIFICATION

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

Commission on State Mandates

Originated: 03/05/1999

Mailing Information

Mailing List

CSM/SB # 98-4237-PGA-11 **Claimant** Amendment to Parameters and Guidelines
Government Code Section
Chapters 1399176
Issue Custody of Minors/ Child Abduction and Recovery Mandate

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CSM/SB # 98-4237-PGA-11 **Claimant** Amendment to Parameters and Guidelines
Government Code Section
Chapters 1399176
Issue Custody of Minors/ Child Abduction and Recovery Mandate

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MINUTES
COMMISSION ON STATE MANDATES
Thursday, August 26, 1999
State Capitol, Room 437
Sacramento, California

Present: Chairperson Annette Porini
Representative of the Director of the Department of Finance
Vice Chair Bruce Van Houten
Representative of the State Treasurer
Member Millicent Gomes
Representative of the Director of the Office of Planning and Research
Member Michael Foulkes
Representative of the State Controller
Member Albert Beltrami
Public Member
Member Joann Steinmeier
Representative of School Boards

I. CALL TO ORDER AND ROLL CALL

Chairperson Porini called the meeting to order at 9:15 a.m.

II. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTION 11126.

Pending Litigation

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126, subdivision (e)(1):

- *Carmel Valley Fire Protection District et al. v. State of California et al.*, Case Number S078828, California Supreme Court.
- *County of San Bernardino v. State of California, et al.*, Case Number SCV52190, in the Superior Court of the State of California, County of Los Angeles.
- *Gary D. Hori v. Commission on State Mandates, et al.*, Case Number 99AS01517, in the Superior Court of the State of California, County of Sacramento.
- *Goff v. Commission on State Mandates, County of Sacramento et al.*, remanded to Superior Court by the Court of Appeal, Third District, Case Number 95CS01215.
(Re: County of Sacramento's First SB 1033 Application.)

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126, subdivision (e)(2):

- Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members and/or staff (Gov. Code, § 11126, subd. (e)(2)(B)(i).)

The Commission met in closed executive session from 9:15 a.m. to 9:45 a.m.

III. REPORT FROM CLOSED EXECUTIVE SESSION

At 9:45 a.m., Chairperson Porini reported that, as noticed under Section II of the Notice and Agenda, the Commission met in closed executive session pursuant to Government Code section 11126 to confer with and receive advice from legal counsel for consideration and action as necessary and appropriate upon pending litigation listed on the published notice and agenda.

IV. APPROVAL OF MINUTES (action)

Item 1 July 29, 1999

Upon motion by Member Steinmeier and second by Member Gomes, the minutes were adopted unanimously. Member Van Houten abstained.

V. PROPOSED CONSENT CALENDAR

The Consent Calendar consisted of Items 3, 4, 6, 7, and 8. Upon motion by Member Beltrami and second by Member Steinmeier, the Consent Calendar was adopted unanimously.

VI. HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7

A. TEST CLAIM (action)

Item 2 *Peace Officers Procedural Bill of Rights* – CSM-4499
City of Sacramento, Claimant
Statutes of 1976, Chapter 465
Statutes of 1978, Chapters 775, 1173, 1174, 1178
Statutes of 1979, Chapter 405
Statutes of 1980, Chapter 1367
Statutes of 1982, Chapter 944
Statutes of 1983, Chapter 964
Statutes of 1989, Chapter 1165
Statutes of 1990, Chapter 675

Camille Shelton of Commission staff introduced this item. She noted that this test claim legislation, the Peace Officers Procedural Bill of Rights (POBOR), provides procedural protection to peace officers employed by local agencies and school districts when a peace officer is interrogated by the employee, is facing punitive action, or receives an adverse comment. All parties agree that the test claim legislation imposes some of the notice and hearing protections to employees required by the due process clause of the United States and California Constitutions. The Commission staff analyzed the due process clause and the test claim legislation to determine if the activities required by the legislation constitute a new program or higher level of service and if those activities impose costs mandated by the state. The parties dispute the staff's analysis

regarding the extent that the procedural protections are already covered under the due process clause and when the requirements of the test claim legislation kick in.

Parties were represented as follows: Pamela Stone, Dee Contreras, Director of Labor Relations, and Edward Takach, Labor Relations Officer, all for the City of Sacramento; Allan Burdick for California Cities' SB 90 Service; Elizabeth Stein, Staff Counsel for the State Personnel Board; and, Joseph Shinstock and Jim Apps for the Department of Finance. The witnesses were sworn in.

Ms. Contreras provided detailed testimony of the effects of the legislation on the City of Sacramento. She explained that, in the State of California, with the exception of peace officers, you do not have the right to tape somebody without their permission. If a police officer, and his/her attorney, decides to tape an interview and the City does not, they have a record that the City does not have, or the City must rely on a tape made by the employee it is investigating. (Ms. Contreras submitted that *all* police officers being interviewed tape the session.) If the City takes notes rather than tapes, its record will be inferior. Before reinterviewing an employee, the city is required to transcribe the tapes and provide the employee with a copy. She submitted that the test claim legislation requires the City to provide additional rights to people, which impacts staff, time, documentation, and record-keeping for all of those activities.

Ms. Contreras concurred with staff's recommendation to the extent that it acknowledges the additional burden placed on local government, but was still concerned that the issue of at-will employees is not recognized in its totality. In other words, under the City's system, at-will employees have no right to appeal or respond to discipline because they have no property interest in their management jobs. However, the test claim legislation gives them that right.

Ms. Stein submitted the following:

- In *Stanton v. State Personnel Board*, there is clear language that due process rights are covered by POBOR and that POBOR is consummate with due process protections. On this point, Ms. Stein agreed with staff's analysis.
- Though she understood the problems local governments have regarding tape recordings, Ms. Stein noted that case law says that if the activity is not mandated, it is not reimbursable.
- Ms. Stein disagreed with staff's consideration of POBOR as it existed when the test claim was enacted and submitted that it was inherently wrong not to recognize the amendment to the statute, which limits the right to an administrative appeal to public safety officers who have successfully completed the probationary period.
- Regarding disciplinary transfer cases, Ms. Stein submitted that the State regularly has cases of transfers clearly designated as disciplinary. In those cases, the State does provide due process protections.

Ms. Shelton explained staff's interpretation of the *Runyon* and *Howell* cases relating to due process rights for transfers. Ms. Stein disagreed with staff's analysis.

Member Beltrami thought the Personnel Board made an interesting argument that the City should like this legislation because it tightens up things and should therefore save money in the long run. Ms. Contreras responded that, "To the extent anybody thinks that this law, in particular, or that legislation, in general, creates harmony and improves processes, they are naïve in the extreme."

Member Steinmeier agreed with most of staff's analysis. However, even if the law says "may", she submitted that taping is required by the nature of doing business—the employer must have its own record if the employee tapes. Regarding the issue on written reprimands, Member Steinmeier submitted that it flows from the Federal Constitution. Ms. Stone disagreed.

In response to Member Foulkes, the parties explained the distinction between "adverse comment" and "written reprimand." Ms. Shelton clarified that, in its analysis, staff acknowledged two different steps: The first step is an adverse comment, and if that results in another disciplinary action, then the next steps required for that stage are followed. These steps may be duplicative.

In response to Member Beltrami, Ms. Shelton explained that the 1998 amendment regarding administrative appeals became effective on January 1, 1999. However, probationary and at-will employees were entitled to an administrative appeal until December 31, 1998.

Member Foulkes asked whether additional duties were being added regarding the notice of interrogation. Ms. Shelton replied that staff found that was a new program or higher level of service since notice is required *before* any misconduct is charged. This is a requirement before they even get into due process rights. If the interrogation results in a disciplinary action, the employer would still be required to send another notice for the disciplinary action.

In response to Member Gomes, Ms. Contreras explained how a higher burden is created by the notice of interrogation since the employee knows what is going to be happening during the investigation.

Ms. Shelton explained to Member Beltrami that staff broke down its analysis on adverse comments by entity because prior law was different for each type of entity.

Mr. Burdick expressed his hope that, if any areas are unclear, they can be left on the table to be dealt with during the parameters and guidelines. Ms. Shelton agreed that the activities in the parameters and guidelines will be more detailed, but the activities in staff's analysis are required to be analyzed by the Commission to first determine if there is a reimbursable state mandated program. She noted that the issue regarding written reprimands needs to be determined today, though the questions on scope and extent could be left to the parameters and guidelines. Mr. Burdick submitted that the Commission could leave those questions if they wanted to. Ms. Shelton disagreed.

Member Steinmeier moved staff's recommendation, with the additional finding that the activity of tape recording the interrogation when the employee records the interrogation constitutes a reimbursable state mandated activity. Member Beltrami seconded the motion. The motion passed 5-1, with the Chair voting "No."

B. ADOPTION OF PROPOSED STATEMENT OF DECISION (action)

- Item 3 *Annual Parent Notification - Staff Development* – CSM-97-TC-24
Irvine Unified School District, Claimant
Education Code Section 48980
Statutes of 1997, Chapter 929

This item was adopted on consent.

VII. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8.

A. ADOPTION OF PARAMETERS AND GUIDELINES (action)

- Item 4 *Very High Fire Hazard Severity Zones – CSM-97-TC-13*
City of Redding, Claimant
Government Code Sections 51175 through 51189
Health and Safety Code Sections 13108.5 & 13132.7
Statutes of 1992, Chapter 1188
Statutes of 1994, Chapter 843
Statutes of 1995, Chapter 333

This item was adopted on consent.

B. REQUESTS TO AMEND PARAMETERS AND GUIDELINES (action)

- Item 5 *Mandate Reimbursement Process – Amendment*
CSM-4485-PGA-98-01
Statutes of 1975, Chapter 486
Statutes of 1984, Chapter 1459
Statutes of 1995, Chapter 303 (Budget Act of 1995)
Statutes of 1996, Chapter 162 (Budget Act of 1996)
Statutes of 1997, Chapter 282 (Budget Act of 1997)
Statutes of 1998, Chapter 324 (Budget Act of 1998)
Statutes of 1999, Chapter 50 (Budget Act of 1999)

Piper Rodrian of Commission staff introduced this item. These parameters and guidelines allow claimants to seek reimbursement for costs incurred during the mandate process. The original parameters and guidelines were adopted in 1986. Since 1995, staff has updated them annually to include the language in that year’s Budget Act. Ms. Rodrian noted that the Education Mandated Cost Network (EMCN) and California State Association of Counties (CSAC) requested further amendment to include reimbursement for participation in workshops, rulemaking proceedings, and similar Commission business. Staff disagreed because these activities are not required, nor are they tied to the resolution of a successful test claim.

Parties were represented as follows: Leonard Kaye for the County of Los Angeles; Carol Berg for EMCN; Allan Burdick for CSAC; Marcia Faulkner for San Bernardino County; and, Jim Cunningham for San Diego Unified School District.

Mr. Burdick explained that claimants and representatives often participate in workshops or proceedings to give input from local government to assist the Commission in improving or developing processes. Though these workshops are not tied to specific claims, Mr. Burdick contended that participation should be included as part of the mandate process.

Ms. Berg alleged that participation in such proceedings fits under the section entitled, “Scope of the Mandate.” From the current parameters and guidelines, she cited the sentences reading, “Locals cannot be made whole unless these things are included,” and “Since local costs would not have been incurred for test claims and reimbursement claims but for the implementation of state imposed mandates, all resulting costs are recoverable.” Ms. Berg further noted that this request is not new—training was added as a reimbursable activity.

Mr. Kaye submitted that participation in workshops and proceedings should fall under training because they are designed to assist claimants in identifying and correctly preparing state-required documentation. He noted that the parameters and guidelines do not contain a specific exclusion.

Member Gomes commented that “similar business” seems somewhat vague and asked for clarification from claimants. Mr. Burdick and Ms. Berg explained that they included that phrase so that, if the Commission says “special meeting,” or some term other than “workshop” or “rulemaking proceeding,” it would be clear to the State Controller’s Office that participation is still reimbursable.

Ms. Higashi explained that the term “workshop” is typically used to define a session that is informal in nature and all interested parties are invited to attend. In response to Member Gomes, she noted that participation is voluntary.

Mr. Cunningham disagreed that participation is voluntary. He submitted that many times the subject matter is critical to claimants’ constitutional rights to reimbursement.

Ms. Steinmeier encouraged claimants to participate. She warned the Commission that, if claimants are not reimbursed, the Commission might get a skewed representation at workshops. In other words, smaller districts may not be able to afford it, or claimants further away from Sacramento may not show because it imposes more of a cost (travel, accommodations). She noted that claimants are reimbursed for training to understand the mandate reimbursement process, so this request is not much of a stretch. She thought the Commission should consider it as a possible addition.

Ms. Faulkner submitted that participation is critical to her ability to pursue successful test claims and reimbursement claims. She believed that the parameters and guidelines workshops, though not tied to specific claims, have resulted in savings for everyone. Ms. Faulkner contended that, though technically optional, if claimants fail to participate in the process, they could be punished in the form of having their test claims or reimbursement claims denied.

Mr. Cunningham submitted that this is just an interpretation of the test claim finding in the parameters and guidelines, so there is a legal basis for this action.

Member Gomes agreed with Member Steinmeier, though she wanted “similar business” eliminated.

Member Foulkes agreed with staff’s analysis. He noted that sometimes Commission staff might be pressured by the claimants to hold a workshop. Down the road, the Commission may be in a difficult position as to having to define whether a workshop is for required purposes or just because people want to have a meeting.

Mr. Burdick clarified that claimants are not trying to be reimbursed for participation in the legislative process. Rather, they are trying to get reimbursement for the implementation of statutes that are in place.

Ms. Higashi suggested adding reimbursement for “workshops convened by the Commission” under the “Training” section.

Member Steinmeier noted that it might not be appropriate to include rulemaking proceedings because any interested person has a right to attend.

Ms. Higashi suggested continuing the item to the next hearing. Mr. Cunningham and

Ms. Berg agreed. However, Mr. Cunningham submitted that rulemaking proceedings should be included. The Chair said that might be pushing too far. She directed staff to work on the language and bring it back next month.

- Item 6 *Custody of Minors-Child Abduction and Recovery* – CSM-98-PGA-4237-11
(Civil Code Sections 4600.1, 4604, 5157, 5160, and 5169)
Family Code Sections 3060 to 3064, 3130 to 3134.5, 3408, 3411, and 3421
Penal Code Sections 277, 278, and 278.5
Welfare and Institutions Code Section 11478.5
Statutes of 1976, Chapter 1399

This item was adopted on consent.

C. ADOPTION OF STATEWIDE COST ESTIMATES (action)

- Item 7 *Domestic Violence Treatment Services – Authorization and Case Management* – CSM-96-281-01
County of Los Angeles, Claimant
Penal Code Section 273.5, Subdivisions (e), (f), (g), (h) and (i)
Penal Code Sections 1000.93, 1000.94 and 1000.95
Penal Code Section 1203.097
Statutes of 1992, Chapters 183 and 184
Statutes of 1994, Chapter 28X
Statutes of 1995, Chapter 641

This item was adopted on consent.

- Item 8 *Airport Land Use Commissions/Plans* - CSM 4507
County of San Bernardino, Claimant
Public Utilities Code Sections 21670 and 21670.1
Statutes of 1994, Chapter 644
Statutes of 1995, Chapters 66 and 91

This item was adopted on consent.

VIII. EXECUTIVE DIRECTOR'S REPORT

Item 9 Proposed Policy on Ethics Orientation (action)

Paula Higashi introduced this item, explaining that the Legislature recently enacted a new law requiring state agencies to offer an orientation course on ethics statutes and regulations governing the conduct of state officials. The orientation consists of viewing the specified training video or Internet documents and a list of statutory conflicts of interest imposed on state officials, if applicable. The requirement must be completed by the end of this year and applies only to Commission Members, the Executive Director, and Chief Legal Counsel.

Since the Commission is their appointing authority, Ms. Higashi requested the Members adopt the proposed Incompatible Activities Statement, applicable to the Executive Director and Chief Legal Counsel, and modeled after the Attorney General's office.

Member Beltrami questioned a few of the items on the list. Ms. Jorgensen replied that it is part of the state law and cannot be changed without statutory amendment. Ms. Shelton added that the video gives examples to clarify.

Member Gomes moved for adoption of the proposed policy. With a second by Member Beltrami, the item passed unanimously.

Item 10 Legislation, Workload, and September Agendas

Paula Higashi reported the following:

- AB 1679. Possible proposed amendments include: 1) removal of the provision setting a six-month statute of limitations for the Commission to complete its work on incorrect reduction claims, and 2) addition of a provision giving the Controller's Office 90 days to review an incorrect reduction claim.
- AB 1110. The local claims bill is set for hearing Monday in the Senate Appropriations Committee.
- SB 1033 Application. Butte County approved filing of reapplication and passed their resolution. The application should be in next week. The members were given a revised tentative schedule.
- Workload. The E.D. Report includes the Incorrect Reduction Claims workload data on file in the Commission office at the time agenda materials were prepared. Staff met with claimants' representatives regarding the projected numbers of claims they anticipate filing within the next year. Staff subsequently met with representatives of the State Controller's Office (SCO).

At these meetings, staff discussed their plan to address the current incorrect reduction claim (IRC) workload and the assistance it needs from claimants. Claimants agreed to 1) identify Open Meetings claims with issues similar to the San Diego claim and, 2) identify a representative sample of claims to act as leads for cities, counties, small school districts, and special districts. The Commission will determine remaining issues and send the representative claims to the SCO. The remaining claims will also be sent to the SCO for comment, though the SCO may be allowed to delay comments on those claims until the lead claims are resolved.

Claimants have agreed to meet in informal conferences with the SCO, though the SCO is still considering that option.

The Open Meetings lead claims will be sent to the SCO to start the comment period. Once the records are closed, staff will come back to the Commission with recommendations.

Ms. Higashi reported an informal conference with Jim Cunningham, the lead claimant on the Graduation Requirements IRC regarding the administrative record. Staff may convene an informal conference including the SCO to identify the issues and determine if additional briefing is warranted before a determination can be made.

- Budget Change Proposal (BCP). The Commission's BCP will be based on the workload numbers presented, expectations for new workload, and staff's experience with past workload. Following today's meeting, Ms. Higashi will meet with representatives to discuss workload, priorities, and scheduling.
- Commission Office Move. The Department of General Services has identified a space, which is still under consideration. Staff should know more within the next few weeks.

The Chair acknowledged the claimants' and representatives' frustrations and noted that the Commission is trying to develop expedited processes for all claimants.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Hearing no further business, Chairperson Porini adjourned the hearing at 11:58 a.m.

PAULA HIGASHI
Executive Director

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MINUTES

COMMISSION ON STATE MANDATES
OCTOBER 26, 1989
10:00 a.m.
State Capitol, Room 437
Sacramento, California

Present: Chairperson Russell Gould, Chief Deputy Director, Department of Finance; Member Fred R. Buenrostro, Representative of the State Treasurer; Member D. Robert Shuman, Representative of the State Controller; Member Robert P. Martinez, Director, Office of Planning and Research; and Member Robert C. Creighton, Public Member.

Absent: None.

There being a quorum present, Chairperson Gould called the meeting to order at 10:05 a.m.

Item 1 Minutes.

Chairperson Gould asked if there were any corrections or additions to the Minutes of the Commission's hearing of September 21, 1989. There were no corrections or additions.

Member Creighton made a motion that the Minutes be adopted; Member Buenrostro seconded the motion. The vote on the motion was unanimous. The motion carried and the Minutes were adopted.

Consent Calendar:

The following items were on the Commission's consent calendar:

A. Parameters and Guidelines

Item 2 Chapter 1107, Statutes of 1984
Department of Education Guidelines
Removal of Chemicals

B. Parameters and Guidelines Amendments

Item 3 Chapter 1399, Statutes of 1976
Custody of Minors

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C. Statements of Decision

Item 6 Chapter 494, Statutes of 1979
Physically Handicapped Voter Accessibility

Chapter 952, Statutes of 1976
Destruction of Marijuana Records

Robert W. Eich, Executive Director of the Commission on State Mandates, advised the Commission of the three items on the consent calendar. Chairperson Gould asked for audience comments on the three items on the consent calendar.

There being none, Chairperson Gould made a motion to adopt the consent calendar in accordance with staff recommendation; Member Martinez seconded the motion. The vote on the motion was unanimous. The motion carried and the consent calendar was adopted.

Item 4 Chapter 1609, Statutes of 1984
Chapter 668, Statutes of 1985
Domestic Violence

Mr. Stephen Lehman summarized Item 4. Louis Chappuie with David M. Griffith & Associates, representing the City of Pasadena, and Marsha Bedwell, Deputy Attorney General, representing Police Officer Standards and Training (POST), introduced themselves and appeared in conjunction with this item. Mr. Chappuie advised that the City of Pasadena does not contest the Commission's staff recommendation; Ms. Bedwell advised that POST concurs with the staff report. Discussion followed wherein it was confirmed that even though the proposed amendment was being denied, it did not prejudice the City of Pasadena in submitting a Test Claim.

Member Buenrostro made a motion to adopt the staff recommendation; Member Martinez seconded the motion. No further discussion. The vote on the motion was unanimous. The motion carried.

Item 5 1990 Proposed Hearing Calendar

Executive Director Robert W. Eich advised the Commission that staff did not receive any input on the proposed calendar and, therefore, recommended adoption. Chairperson Gould asked for concerns or questions. Member Creighton confirmed that it is on the fourth Thursday of each month except for November's hearing, which will be held on the last Thursday of the month.

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Member Creighton made a motion to approve the 1990 Proposed Hearing Calendar; Member Buenrostro seconded the motion. No further discussion. The vote on the motion was unanimous. The motion carried.

Item 7 Chapter 1327, Statutes of 1984
Chapter 1286, Statutes of 1985
Short-Doyle Targeted Supplement Fund

Mr. Stephen Lehman summarized Item 7. Pamela Stone, Senior Deputy County Counsel on behalf of the County of Fresno, Test Claimant; Donna Wigand, Director of Mental Health, County of Fresno; Norman Black, State Department of Mental Health; and Jim Apps, Department of Finance, introduced themselves and appeared in conjunction with this item. Pamela Stone presented Fresno County's position. Donna Wigand advised of the Fresno County Mental Health programs which have been implemented to provide a higher level of service after 1984. Norman Black stated his department's position. Lengthy discussions followed.

Chairperson Gould made a motion to approve the staff's recommendation; Member Buenrostro seconded the motion. Roll call: Member Buenrostro, aye; Member Creighton, no; Member Martinez, aye; Member Shuman, aye; Chairperson Gould, aye. Motion carried.

Item 8 Title 40, CFR, Part 763(e)
Asbestos Containing Materials in Schools

Mr. Stephen Lehman summarized Item 8. Thomas M. Griffin, attorney representing Santa Clara County Schools Insurance Group and a number of agencies; Carol Miller, Education Mandated Cost Network; and Jim Apps, Department of Finance; introduced themselves and appeared in conjunction with this item. Mr. Griffin presented his client's position and provided the Commission with a copy of Education Code section 42243.8 to which he referred in his presentation. Gary D. Hori, Legal Counsel for the Commission, addressed some issues raised by Mr. Griffin and some of the concerns of the Commission. Mr. Lehman pointed out one of the difficulties in this claim, specifically, that Education Code section 42243.6 does not say who will approve a claim, it merely states that a school district may be reimbursed by the amount necessary. He further reiterated staff's position on the Commission's authority to decide this claim. Discussion followed.

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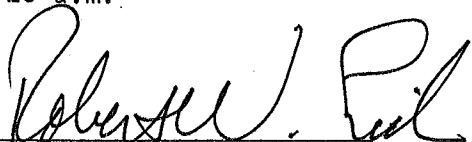
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Member Creighton made a motion to adopt the staff recommendation; Member Shuman seconded the motion. The roll call vote on the motion was unanimous. The motion carried.

Executive Director Eich advised that the agenda had been completed and it was an appropriate time to move into closed executive session to discuss litigation as permitted by Government Code section 11126(q)(1). Chairperson Gould adjourned into executive session at 11:10 a.m. and excused himself from executive session, turning the chair over to Member Buenrostro.

Regular session reconvened at 11:20 a.m. Vice Chairperson Buenrostro stated that the only item discussed in closed executive session was the litigation matter that was set forth in the agenda. There being no further business, Acting Chairperson Buenrostro adjourned the meeting at 11:20 a.m.



ROBERT W. EICH
Executive Director

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