

## COMMISSION ON STATE MANDATES

1300 I STREET, SUITE 950  
SACRAMENTO, CA 95814  
(916) 323-3562



March 30, 1998

To: Interested Parties

Re: Statewide Cost Estimate Calculations adopted  
at the March 26, 1998, Commission on State Mandates hearing

Enclosed please find copies of the Statewide Cost Estimates adopted by the Commission on State Mandates at its March 26, 1998 hearing. Interested parties will receive copies of only the estimates for which they are on the mailing list.

If you have any questions, please contact Piper Rodrian of my staff at (916) 323-8218.

Sincerely,

A handwritten signature in cursive script that reads "Paula Higashi".

Paula Higashi  
Executive Director

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Penal Code Section 2625  
Chapter 820, Statutes of 1991

Filed by County of San Bernardino, Claimant.

No. CSM - 4427

*Prisoner Parental Rights*

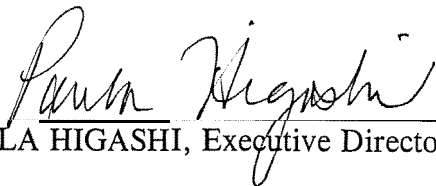
ADOPTION OF STATEWIDE COST  
ESTIMATE UNDER GOVERNMENT  
CODE SECTION 17557 AND  
CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, SECTION  
1183.3

DECISION

The attached Statewide Cost Estimate Calculation is hereby adopted by the Commission on State Mandates as its Decision in the above-entitled matter. The total estimate is \$8,347,000(r) for the period from January 1,1992 and in fiscal years 1992/93 through 1998/99, inclusive.

This Decision shall become effective on March 26, 1998.

It is so ordered on March 30, 1998

  
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PAULA HIGASHI, Executive Director

Adopted: March 26, 1998  
Claim: CSM-4427  
Staff: CSM Staff  
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PROPOSED STATEWIDE COST ESTIMATE

Penal Code Section 2625  
Chapter 820, Statutes of 1991

*Prisoner Parental Rights*

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**Executive Summary**

This proposed statewide cost estimate is for Penal Code section 2625, as amended by Chapter 820, Statutes of 1991. The Commission on State Mandates determined that this provision imposed a reimbursable state mandate by expanding juvenile court actions eligible for parental attendance rights to include legal guardianship proceedings. Because the Trial Court Funding Act prohibits counties from claiming reimbursement for activities related to court operations, the Commission found that only the activities of transporting prisoners to and from the court, and housing prisoners if required in the course of transport, are reimbursable activities.

Staff recommends that the Commission adopt this proposed statewide cost estimate in the amount of **\$8,347,000(r)** for the costs incurred complying with the provisions set forth in Penal Code section 2625, as amended by Chapter 820, Statutes of 1991, for the period from January 1, 1992 to June 30, 1992, and fiscal years 1992/93 through 1998/99. Annual costs are estimated as follows:

Fiscal Year	Estimated Total Cost
1/1/92-6/30/92	\$161,639
1992/93	\$537,463
1993/94	\$670,511
1994/95	\$824,622
1995/96	\$1,304,844
1996/97	\$1,324,438
1997/98	\$1,611,718
<u>1998/99</u>	<u>\$1,911,957</u>
Total	\$8,347,192
Total(r)	<b>\$8,347,000</b>

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**Claimant**

County of San Bernardino

**Chronology**

- 12/31/92 Claimant filed incomplete test claim with the Commission on State Mandates
- 5/03/93 Claimant submitted completed test claim
- 9/23/93 Commission approved test claim
- 11/18/93 Commission adopted the statement of decision
- 6/20/94 Claimant submitted the proposed parameters and guidelines
- 11/17/94 Commission adopted the parameters and guidelines
- 11/20/97 Commission adopted the amended parameters and guidelines

**Summary of Mandate**

Chapter 820, Statutes of 1991, amended Penal Code section 2625, to expand juvenile court actions eligible for parental attendance rights to include legal guardianship proceedings. Because the Trial Court Funding Act prohibits counties from claiming reimbursement for activities related to court operations, the Commission on State Mandates found that only the activities of transporting prisoners to and from the court, and housing prisoners if required in the course of transport, are reimbursable activities.

**Departmental Recommendations**

The Department of Finance did not object to the staff recommendation.

**Reimbursable Costs****Scope of Mandate**

Eligible claimants shall be reimbursed for costs to execute a court order for removal and production of a prisoner parent before the superior court for the following juvenile court actions:

Welfare and Institutions Code section 366.26 -- Minors who are made dependent children of the juvenile court, the termination of parental rights, or the establishment of legal guardianships.

Welfare and Institutions Code section 300, subdivisions:

- (c) -- Minors suffering serious emotional damage or at substantial risk, as a result of the conduct of the parent or guardian.
- (e) -- Minors under the age of 5 suffering severe physical abuse.
- (f) -- Minors whose parent has been convicted of causing the death of another child.
- (i) -- Minors subjected to acts of cruelty.
- (j) -- Minors whose sibling has been abused and who are also at risk.

## Reimbursable Activities

For each eligible claimant, the following activities are reimbursable:

1. Transporting Prisoners

The costs of retrieving the prisoners from the institution, transporting them to the court, holding them safely, and then returning them to the institution.

2. Housing Prisoners

The costs of housing prisoners, if required during the course of transport.

## Methodology and Assumptions

Staff obtained actual claims data from the State Controller's Office (SCO), Division of Accounting.<sup>1</sup> Staff also issued a statewide cost estimate survey asking all counties for information on plans to file late or amended claims (for prior fiscal years) and/or future claims. Counties provided their actual, estimated or amended total costs for the appropriate fiscal years.<sup>2</sup> Responses from 15 counties were received. The costs in the actual claiming data filed with the SCO and the costs shown by the surveys returned by respondents are assumed to be indicative of costs reimbursable under the parameters and guidelines. The data on which staff based its statewide cost estimate is included as Exhibit A.<sup>3</sup>

For the purposes of this estimate, staff placed each county into one of three commonly accepted groups: urban, suburban, or rural. In order to arrive at the total estimated cost for each fiscal year, staff used the following formulas:

January 1, 1992 through 1993/94

Staff used total actual (or amended) and estimated costs for urban, suburban, and rural counties.

1994/95 through 1996/97

**Urban Counties.** Total actual (or amended) and estimated costs. The fiscal year totals are inflated by 20 % to account for late filings.

**Suburban Counties.** Total actual (or amended) and estimated costs. The fiscal year totals are doubled to account for late filings.

**Rural Counties.** Total actual (or amended) and estimated costs. Because rural counties account for only 8% of California's total population, fiscal year totals are not inflated.

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<sup>1</sup>This data is prior to audit.

<sup>2</sup> The Commission's November 20, 1997 adoption of amended parameters and guidelines removed the daily jail rate. The claiming instructions allow counties to claim on the basis of the daily jail rate or actual costs. Therefore, some counties may file amended claims with the State Controller's Office.

<sup>3</sup> This data includes partial or complete information from eight of the 12 urban counties, four of the 14 suburban counties and five of the 32 rural counties.

1997/98

Urban Counties. Total actual (or amended) and estimated costs inflated by 25% to account for increasing county awareness to track the data and submit reimbursement claims,

Suburban Counties. Due to the lack of data provided in the suburban county group, staff estimated ten of the fourteen suburban counties would file at \$18,000 each,

Rural Counties. Total actual (or amended) and estimated costs.

1998/99

Urban Counties. Total actual (or amended) and estimated costs inflated by \$480,000 (\$80,000 for each of the six urban counties that did not estimate costs for this fiscal year).

Suburban Counties. Due to the lack of data provided in the suburban county group, staff estimated ten counties would file at \$19,000 each.

**Rural** Counties, Total actual (or amended) and estimated costs.

Calculations

The estimated total costs are as follows:

Fiscal Year	Estimated Total Cost
1/1/92-6/30/92	\$161,639
1992/93	\$537,463
1993/94	\$ 6 7 0 , 5 1 1
1994/95	\$824,622
1995/96	\$1,304,844
1996/97	\$1,324,438
1997/98	\$1,611,718
<u>1998/99</u>	<u>\$1,911,957</u>
Total	\$8,347,192
Total(r)	<b>\$8,347,000</b>

Staff Recommendation

Staff recommends the Commission adopt this proposed statewide cost estimate in the amount of **\$8,347,000(r)** for complying with the provisions of Penal Code section 2625, as amended by Chapter 820, Statutes of 1991, for the period from January 1, 1992 to June 30, 1992, and in fiscal years 1992/93 through 1998/99, inclusive.

# Commission on State Mandates

## Mailing list

27-Mar-98

CSM/SB# and Claim Title CSM-4427

Request of the County of San Bernardino

Government Code Sec. Penal Code Section 2625

Chapters 1376/76; 301/83; 820/1991

Originated: 02-Apr-96

Issue Prisoner Parental Rights

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Marcia C. Faulkner, Manager, Reimbursable Projects County of San Bernadino Office of the Auditor/Controller 222 W. Hospitality Lane, 4th Floor SAN BERNARDINO CA 92415-0018	<i>Tel:</i> (909) 386-8850 <i>FAX:</i> (909) 386-8830
Mr. Paul Minney, Interested Party Girard & Vinson  1676 N. California Blvd. Suite 450 WALNUT CREEK CA 94596	<i>Tel:</i> (510) 746-7660 <i>FAX:</i> (510) 935-7995
Mr. Steve Smith, CEO (Interested Party) Mandated Cost Systems  2275 Watt Avenue Suite C SACRAMENTO CA 95825	<i>Tel:</i> (916) 487-4435 <i>FAX:</i> (916) 487-9662
Ms. Pamela Smith-Stewart (B-23), Department of Corrections  P O Box 942883 SACRAMENTO CA 94283-0001	<i>Tel:</i> (916) 445-0495 <i>FAX:</i> (916) 327.5306

CSM/SB# and Claim Title CSM-4427

Request of the County of San Bernardino

Government Code Sec. Penal Code Section 2625

Chapters 1376/76; 301/83; 820/1991

Originated: 02-Apr-96

Issue Prisoner Parental Rights

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