

April 10, 2025

RECEIVED
April 10, 2025
**Commission on
State Mandates**

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

Test Claim 24-TC-05, Child Physical Abuse and Neglect Exams

Dear Director Gmur:

The Department of Finance (Finance) has completed its review of test claim 24-TC-05 submitted to the Commission on State Mandates (Commission) by the County of Santa Clara (Claimant), in which the Claimant alleges it incurred reimbursable, state-mandated costs associated with Chapter 841, Statutes of 2023 (Assembly Bill 1402).

Prior to 2024, Penal Code section 11171 required the Office of Emergency Services (Cal OES), in cooperation with various entities, to establish forensic forms, instructions, and examination protocols for victims of child physical abuse or neglect.

Effective January 1, 2024, AB 1402 added Penal Code section 11171, subdivision (f) to require that costs of the medical evidentiary examination of a victim of child physical abuse or neglect not be charged directly or indirectly to the victim. AB 1402 also requires the costs of such exams to be funded by the state, subject to appropriation by the Legislature, and be submitted to Cal OES for reimbursement. However, no appropriation has been provided to Cal OES for this purpose.

The Claimant alleges it incurred \$221,046 in state-mandated, reimbursable costs in fiscal year 2023-24 to comply with Penal Code section 11171, subdivision (f) and estimates \$717,496 in such costs in 2024-25.

Finance asserts that any costs incurred by the Claimant to carry out the requirements of Penal Code section 11171, subdivision (f) are not state-reimbursable, because there is not an increase in the actual level or quality of governmental service provided to the public. Penal Code section 11171(f) simply requires the county to absorb the costs of medical evidentiary exams that the county was already required to perform under existing law, instead of passing those costs along to a third party. The new requirements constitute neither the provision of a service to the public through a new program, nor the provision of a new service or a higher level of service to the public through an existing program.

When reviewing Test Claim 00-TC-20/02-TC-02, Workers' Compensation Disability Benefits for Government Employees, the Commission found on May 31, 2007, that extending the workers' compensation leave benefits to additional employees does not mandate a new program or higher level of service within an existing program. Specifically, it found that additional costs for increased employee benefits, without an increase in the actual level or quality of governmental service provided to the public, do not constitute a new program or higher level of service. Finance believes this same reasoning is applicable to this test claim.

If you have any questions regarding this letter, please contact Chris Hill, Principal Program Budget Analyst at (916) 445-3274.

Sincerely,



TERESA CALVERT
Program Budget Manager

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.

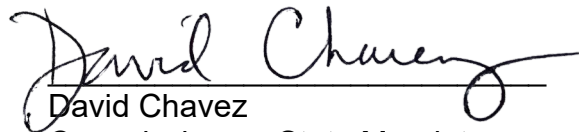
On April 10, 2025, I served the:

- **Current Mailing List dated April 10, 2025**
- **Finance's Comments on the Test Claim filed April 10, 2025**

Child Physical Abuse and Neglect Exams, 24-TC-05
Statutes 2023, Chapter 841, (AB 1402); Penal Code Section 11171(f)
County of Santa Clara, Claimant

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 10, 2025 at Sacramento, California.



David Chavez
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/10/25

**Claim
Number:** 24-TC-05

Matter: Child Physical Abuse and Neglect Exams

Claimant: County of Santa Clara

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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