



MALIA M. COHEN  
CALIFORNIA STATE CONTROLLER

March 11, 2026

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

Re: **Incorrect Reduction Claim**

*Custody of Minors - Child Abduction and Recovery, 25-4237-I-06*  
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;  
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162; Statutes 1996, Chapter 988  
Fiscal Years: 2016-2017, 2017-2018, 2018-2019, 2019-2020  
County of Ventura, Claimant

Dear Ms. Gmur:

The State Controller's Office is transmitting our response to the above-named IRC.

If you have any questions, please contact me by telephone at (916) 327-3138.

Sincerely,

*Lisa Kurokawa*

LISA KUROKAWA, Chief  
Compliance Audits Bureau  
Division of Audits

**RESPONSE BY THE STATE CONTROLLER’S OFFICE  
TO THE INCORRECT REDUCTION CLAIM (IRC) BY  
VENTURA COUNTY**

**Custody of Minors - Child Abduction and Recovery Program**

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Note: References to Sections and IRC page numbers relate to the county’s Incorrect Reduction Claim filed on November 18, 2025, as follows:

- Section 6 – Written Detailed Narrative – PDF page 7-32
- Section 7 – Documentary Evidence and Declarations – PDF page 33-850
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- Section 10 – Reimbursement Claims – PDF page 949-1027

## **Tab 1**

1 **OFFICE OF THE STATE CONTROLLER**

3301 C Street, Suite 725

2 Sacramento, CA 95816

3 Telephone No.: (916) 327-3138

4 BEFORE THE

5 COMMISSION ON STATE MANDATES

6 STATE OF CALIFORNIA

7  
8 INCORRECT REDUCTION CLAIM (IRC)  
9 ON:

10 *Custody of Minors - Child Abduction and Recovery,*

No.: IRC 25-4237-I-06

11 Family Code Sections 3060-3064, 3130-  
12 3134.5, 3408, 3411, and 3421; Penal Code  
13 Sections 277, 278, and 278.5; Welfare and  
14 Institutions Code Section 11478.5; Statutes  
1976, Chapter 1399; Statutes 1992, Chapter  
162; Statutes 1996, Chapter 988

AFFIDAVIT OF BUREAU CHIEF

15 COUNTY OF VENTURA, Claimant  
16  
17

I, Lisa Kurokawa, make the following declarations:

- 1) I am an employee of the State Controller's Office (SCO) and am over the age of 18 years.
- 2) I am currently employed as a bureau chief, and have been so since February 15, 2018. Before that, I was employed as an audit manager for seven years.
- 3) I reviewed the work performed by the SCO auditor.
- 4) Any attached copies of records are true copies of records, as provided by Ventura County, or retained at our place of business.
- 5) The records include claims for reimbursement, along with any attached supporting documentation, explanatory letters, or other documents relating to the above-entitled Incorrect Reduction Claim.
- 6) A review of the claims filed for fiscal year (FY) 2016-2017, 2017-2018, 2018-2019, and 2019-2020 started on June 23, 2021 (**start letter date - TAB 4, Pages 1-3**), and ended on November 28, 2022 (**issuance of the final audit report – TAB 4, Pages 4-27**).

I do declare that the above declarations are made under penalty of perjury and are true and correct to the best of my knowledge, and that such knowledge is based on personal observation, information, or belief.

Date: March 11, 2026

OFFICE OF THE STATE CONTROLLER

By: *Lisa Kurokawa*

Lisa Kurokawa, Chief  
Compliance Audits Bureau  
Division of Audits  
State Controller's Office

## **Tab 2**

**STATE CONTROLLER’S OFFICE ANALYSIS AND RESPONSE  
TO THE INCORRECT REDUCTION CLAIM BY  
VENTURA COUNTY**

**For Fiscal Years (FY) 2016-2017, 2017-2018, 2018-2019, 2019-2020**

**Custody of Minors - Child Abduction and Recovery**

**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; Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162; Statutes 1996, Chapter 988**

**SUMMARY**

The following is the State Controller’s Office’s (SCO) response to the Incorrect Reduction Claim (IRC) that Ventura County (County) filed on November 18, 2025, with the Commission on State Mandates (Commission). The SCO performed an audit of the County’s claims for costs of the legislatively mandated Custody of Minors - Child Abduction and Recovery Program (CAR) for the period of July 1, 2016, through June 30, 2020. The SCO issued its audit report on November 28, 2022 (**TAB 4, Pages 4-27**).

The County submitted reimbursement claims totaling \$4,284,397 — \$1,072,924<sup>1</sup> for fiscal year (FY) 2016-2017, \$1,099,002<sup>2</sup> for FY 2017-2018, \$1,056,043 for FY 2018-2019 and \$1,097,177 for FY 2019-2020 (**TAB 4, Pages 28-75**). Subsequently, the SCO performed an audit of these claims and determined that \$99,057 is allowable and \$4,185,340 is unallowable primarily because the County did not provide source contemporaneous documentation and did not claim actual costs.

<sup>1</sup> The county originally claimed \$1,072,924 for FY 2016-17; however, the SCO’s Local Government Programs and Services Division identified an overstatement of claimed indirect costs and adjusted the claim down to \$1,054,752, a difference of \$18,172.

<sup>2</sup> The county originally claimed \$1,099,002 for FY 2017-18; however, the SCO’s Local Government Programs and Services Division identified an overstatement of claimed indirect costs and adjusted the claim down to \$1,076,425, a difference of \$22,577.

The following table summarizes the audit results:

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustment
<u>July 1, 2016, through June 30, 2017</u>			
Direct costs:			
Salaries and benefits	\$ 777,518	\$ -	\$ (777,518)
Materials and supplies	67,304	22,383	(44,921)
Total direct costs	844,822	22,383	(822,439)
Indirect costs	209,930	-	(209,930)
Total program costs	<u>\$ 1,054,752</u>	22,383	<u>\$ (1,032,369)</u>
Less amount paid by the State		(1,054,752)	
Amount paid in excess of allowable costs claimed		<u>\$ (1,032,369)</u>	
<u>July 1, 2017, through June 30, 2018</u>			
Direct costs:			
Salaries and benefits	\$ 779,242	\$ -	\$ (779,242)
Materials and supplies	80,633	29,716	(50,917)
Total direct costs	859,875	29,716	(830,159)
Indirect costs	218,188	-	(218,188)
Subtotal direct & indirect costs	1,078,063	29,716	(1,048,347)
Less: Offsetting Revenue	(1,638)	(1,638)	-
Total program costs	<u>\$ 1,076,425</u>	28,078	<u>\$ (1,048,347)</u>
Less amount paid by the State		(1,076,425)	
Amount paid in excess of allowable costs claimed		<u>\$ (1,048,347)</u>	
<u>July 1, 2018, through June 30, 2019</u>			
Direct costs:			
Salaries and benefits	\$ 757,952	\$ -	\$ (757,952)
Materials and supplies	78,401	27,029	(51,372)
Total direct costs	836,353	27,029	(809,324)
Indirect costs	219,806	-	(219,806)
Total direct & indirect costs	1,056,159	27,029	(1,029,130)
Less: Offsetting Revenue	(116)	(116)	-
Total program costs	<u>\$ 1,056,043</u>	26,913	<u>\$ (1,029,130)</u>
Less amount paid by the State		(1,056,043)	
Amount paid in excess of allowable costs claimed		<u>\$ (1,029,130)</u>	
<u>July 1, 2019, through June 30, 2020</u>			
Direct costs:			
Salaries and benefits	\$ 765,735	\$ -	\$ (765,735)
Materials and supplies	78,749	21,683	(57,066)
Total direct costs	844,484	21,683	(822,801)
Indirect costs	252,693	-	(252,693)
Total program costs	<u>1,097,177</u>	21,683	<u>(1,075,494)</u>
Less amount paid by the State		(1,097,177)	
Amount paid in excess of allowable costs claimed		<u>\$ (1,075,494)</u>	

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustment
<u>Summary: July 1, 2016, through June 30, 2020</u>			
Direct costs:			
Salaries and benefits	\$ 3,080,447	\$ -	\$ (3,080,447)
Materials and Supplies	305,087	100,811	(204,276)
Total direct costs	3,385,534	100,811	(3,284,723)
Indirect costs	900,617	-	(900,617)
Total direct and indirect costs	4,286,151	100,811	(4,185,340)
Less: offsetting revenue	(1,754)	(1,754)	-
Total program costs	<u>\$ 4,284,397</u>	99,057	<u>\$ (4,185,340)</u>
Less amount paid by the State		(4,284,397)	
Amount paid in excess of allowable costs claimed		<u>\$ (4,185,340)</u>	

## I. CUSTODY OF MINORS - CHILD ABDUCTION AND RECOVERY PROGRAM CRITERIA

### Amendment to Parameters and Guidelines (Ps and Gs) – October 30, 2009 (TAB 3, Pages 46-54).

(Language for Section I and II is taken directly from the Amendment to the Ps and Gs, dated October 30, 2009)

#### 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.

The Ps and Gs establish the state mandate and define the reimbursement criteria. The Board of Control adopted the Ps and Gs on January 21, 1981, and first amended the Ps and Gs July 19, 1984. The Ps and Gs for this program were last amended on October 30, 2009. In compliance with GC section 17558, the SCO issues claiming instructions for mandated programs to assist local agencies in claiming reimbursable costs.

### **SCO Claiming Instructions**

In accordance with Government Code sections 17560 and 17561, eligible claimants may submit claims to the SCO for reimbursement of costs incurred for state-mandated programs. The SCO annually issues mandated cost claiming instructions, which contain filing instructions for mandated cost programs.

We included the claiming instructions extant at the time the district filed its FY 2016-2017, 2017-2018, 2018-2019 and 2019-2020 mandated cost claims as part of our IRC response (**TAB 3, PDF pages 1-75**).

## II. BACKGROUND OF IRC

The final audit report for the county's CAR program was issued on November 28, 2022. An IRC was filed and received on November 18, 2025, with the Commission. On December 11, 2025, the Commission filed a "Notice of Complete Incorrect Reduction Claim, Schedule for Comments, and Notice of Tentative Hearing Date."

In the IRC, the county disagreed with the SCO's determination that the county did not comply with the programs parameters and guidelines when claiming reimbursable costs. The final audit report consists of two findings.

For Finding 1 (Unsupported salaries, benefits, and related indirect costs), the county claimed \$3,080,447 in salaries and benefits for the audit period. We determined that the entire amount is unallowable. The related unallowable indirect costs total \$900,617, for total unallowable costs of \$3,981,064. The costs are unallowable because the county did not provide contemporaneous

source documentation to support the mandated functions performed or the actual number of hours devoted to each function.

For Finding 2 (Overstated materials and supplies costs), the county claimed a total of \$305,087 in materials and supplies costs for the audit period. We determined that \$100,811 is allowable and \$204,276 is unallowable. These costs are unallowable because the county claimed costs that were not actual costs incurred to implement the mandated activities, and costs that were allocated to the CAR program rather than actual costs supported by source documentation, as required by the program's Ps and Gs.

The following response to the county's IRC will address the factual basis for the conclusions reached related to Finding 1, as Finding 2 was not addressed in the county's IRC. We will draw from the county's own documentation provided during the audit, contemporaneous emails between the county and SCO auditors, and prior IRC decisions that directly relate to the documentation requirements of this mandated cost program.

### **III.SCO'S RESPONSE TO THE COUNTY'S IRC**

(In an effort to eliminate redundancy, we will not cut and paste the county's entire IRC response. Rather, we will address relevant sections, as appropriate.)

#### **BACKGROUND - The 2009 Amendment of the Parameters & Guidelines (County IRC, Section 6, PDF pages 10-11)**

The county's IRC quotes the 2009 amended Ps and Gs and highlights sections of the "Reimbursable Costs" language of Section V., which the county believes are the "most substantive changes".

The county's IRC asserts:

The net revision specifies that only actual costs may be claimed and must be:

1. Traceable (which existed pre-2009)
2. Supported by source documents that show (which existed pre-2009 – "source documents ... that show evidence of")
  - a. The validity of such costs (which existed pre-revision)
  - b. When the costs were incurred (new in 2009) and
  - c. The costs' relationship to the reimbursable activities identified in the "Reimbursable Activities" section (new in 2009).

"Source document" is defined simply as "a document created at or near the time the actual cost was incurred for the event or activity in question."

Page 3 of the 2009 parameters and guidelines, Section V. "Reimbursable Costs," states, in part:

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.

This portion of Section V, consisting of three paragraphs, is entirely new and constitutes the most significant difference between the 1999 and the 2009 parameters and guidelines. This portion of Section V defines the following: 1) actual costs, 2) source document, 3) contemporaneous documentation, and 4) corroborating documentation/evidence.

While the adjective "contemporaneous" is not specifically mentioned, it is by default defined within the parameters and guidelines' definition of a source document: "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." The remainder of the 2009 parameters and guidelines remain wholly unchanged from the 1999 version, but the addition of these three paragraphs is significant in that they provide additional specific criteria for claimants to meet when filing mandated cost claims for reimbursement, and for the SCO to consider when auditing the claims.

### **The Audit Disallowed the Claims Based on a Mistaken Definition of Source Documents (County IRC, Section 6, PDF pages 20-21)**

#### **The CARU [Child Abduction and Recovery Unit] Time Records Qualify as Source Documents**

The county's IRC asserts that CARU time records qualify as source documents. We disagree. The county only addresses the monthly time studies that included hours charged to activity titles, however it is worth noting that other monthly time studies provided by the county included only the hours charged to the CARU Unit, and a third different type of time study was also submitted to log "clerical support" hours **(See TAB 4, PDF page 76, 77, 81, for an example of each type of timesheet provided at the start of the engagement).**

The county's IRC asserts "Each employee's time records specified the number of hours spent on reimbursable activities, as defined in the P&G, and the dates on which those activities were performed. The records were created during each month of reimbursable activity." The county adds a footnote remarking, "As discussed more fully below, we are not seeking reinstatement of time worked by an attorney did not prepare time records specifying the activities performed." The county does not address the time studies of other employees claimed that did not specify the activity titles. **(TAB 4, PDF pages 80, 104).**

Some of the monthly time studies provided reference activity titles and include a referenced Family or Penal code section. Descriptions of the mandated activities performed, as listed in

section IV of the Ps and Gs, are not provided. Simply referring to the Family and Penal code sections does not equate to describing the mandated activities set forth in the Ps and Gs.

Additionally, the county claims they performed multiple mandated activities however, the county's fiscal year claim forms contradict this assertion. There are four primary components outlined in the claim summary (Form 1), and each component contains various mandated activities/functions. The county only claimed costs under component 1. "Compliance with Court Orders" on the county's claim forms (TAB 4, pages 29, 40, 57, 74).

**(For reference purposes, we are providing examples of the time records we reviewed during the audit period. The attached samples, as part of this IRC response, do not represent the full and complete list of time studies/records provided by the county, and reviewed by the SCO auditors, during the engagement period.)**

### **The CARU Payroll Records Also Qualify as Source Documents**

The county's IRC asserts:

The County also provided payroll records, created at the time of each two-week pay period, showing the hours actually worked and the value of the salary and benefits actually paid...

The payroll records also meet the P&G definition of source documents.

The Commission has previously issued a decision related to this topic. On March 30, 2016, the Commission adopted a decision for Santa Clara county's IRC for the CAR program. In that decision, the Commission addressed the claimant's requirement to adhere to the program's Ps and Gs, in part (TAB 4, Page 125):

The Controller reduced salary and benefit costs claimed for fiscal years 1999-2000 through 2001-2002 for two full-time employees because the county did not provide adequate documentation to support mandate-related hours claimed. The claimant originally provided payroll documents to support the costs claimed for these employees, and asserts that the provision of payroll documentation for full-time employees should be sufficient to substantiate the hours claimed. However, payroll documentation does not show the actual number of hours the employees worked on mandated activities, as required by the parameters and guidelines. In addition, the reimbursement claims for fiscal years 1999-2000, 2000-2001, and 2001-2002, list the employee names, job classifications, and a brief description of the activities performed, but do not identify the actual number of hours devoted to each reimbursable function.

This prior IRC decision by the Commission highlights two major issues discussed in this current IRC. Claimed costs for this program must be actual costs, and the actual number of hours must be linked to mandated activities. Furthermore, the county concedes that the payroll documentation provided to support an attorney's hours is not sufficient. Therefore, to state that "payroll records also qualify as source documents" is contradictory.

### **The CARU Source Documents Support the Actual Costs**

#### **The CARU Time Records Show the Actual Costs' Validity, Timing, and Relationship to the Reimbursable Activities' as Required by the P&G**

The county provided monthly time studies that included hours charged to the following activity titles:

- CC: Enforcement of Decrees – Family Code Sections 3130 & 3131;
- CC: Court Activity – Family Code Sections 3130 & 3131;
- Out-of-State Decrees – CC: Offender Detention – Family Code Section 3400 et seq. UCCJEA; and
- PC: Return of Detained or Concealed Child – CA Penal Code Sections 278 & 278.5 (Criminal).

Other monthly time studies provided by the county included only the hours charged to the Child Abduction and Recovery Unit, or to a “clerical support” code.

During our review, we noted various inconsistencies and deficiencies with the time studies (**TAB 4, pages 76-112**):

1. Time studies were signed all on the same day.
2. Time studies appeared to be signed in blocks (several months at a time).
3. Time studies were not signed by the employee or the employee’s supervisor.
4. Time studies were signed before, or well after, the end of the time-studied month.
5. Time studies were not dated by the employee.

During the engagement, we emailed the County and asked them to explain the inconsistencies and deficiencies we found while reviewing their time records. We did not receive a response (**TAB 4, pages 137-138**).

The county believes that referring to family and penal code sections complies with the Ps and Gs requirement for documentation to “describe the mandated functions performed and specify the actual number of hours devoted to each function.” A reference is not a description.

The county’s IRC also provides a chart of activities that attempts to link the CARU Time Records, the Ps and Gs, and the Claim (Form 1). This chart does not provide evidence of activities performed on a given date because there are no descriptions and case numbers referenced. The county is attempting to align their CARU time records to the parameters and guidelines after the fact (the table provided in this IRC was not presented to the SCO auditors during audit fieldwork).

The county’s IRC states:

The chart below shows the relationship of the CARU time record activities to the reimbursable activities within the P&G and the Controller’s own Mandated Cost Manual Claim Form 1. (Hughes decl. ¶ 6)

<b>CARU Time Record</b>	<b>Parameters &amp; Guidelines</b>	<b>Mandated Cost Manual Claim Form 1</b>
A. CC: Enforcement of Decrees - Family Code Sections 3130 & 3131	1. Obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation orders, including:	1. Compliance with Court Orders
B. CC: Court Activity - Family Code Sections 3130 & 3131	1b. Utilizing any appropriate civil or criminal court action to secure compliance	3. Secure Appearance of Offender*  (*Note: Appearance can only refer to appearance at court hearings)
C. Out-of-State Decrees - CC: Offender Detention - Family Code Section 3400 et seq. UCCJEA	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	2. Court Costs for Out-of-Jurisdiction Cases
D. PC: Return of Detained or Concealed Child - CA Penal Code Sections 278 & 278.5 (Criminal)	1b. Utilizing any appropriate civil or criminal court action to secure compliance	4. Return of Children to Custodian

During audit fieldwork, the auditor was provided with signed declarations of the employees' estimated time spent on "Reimbursable Activity Hours" as follows (TAB 4, pages 139-141):

CARU Work done obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation orders estimated as follows:

1. Receipt, Review of reports & requests for assistance
2. Mediating / advising
3. Locating offender/children
4. Court action
5. Physical restraint offender/children
6. Case Meetings
7. Travel time
8. Legal Research/writings for court

This demonstrates that there are inconsistencies with what the county believes is a reimbursable activity and how activities must be claimed. Furthermore, as noted previously, the county only claimed costs under component one (Compliance with Court Orders) on the county's claim forms

for all fiscal years. By extension, the county is stating they did not incur any costs related to the other three components: out-of-jurisdiction cases, securing appearance of the offender, or returning children to the custodian. Our review of the county's time records shows additional activities beyond component one (Compliance with Court Orders) (**TAB 4, pages 81, 82, 84, for example**), where the county's staff documented time for other activities. We also were unable to verify if any of the claimed costs were associated with criminal prosecution, commencing with the defendant's first appearance in a California Court, which the Ps and Gs expressly state is a non-reimbursable cost.

Our research found that the Commission has previously ruled on similar topics expressed in this IRC. On July 30, 2018, the Commission adopted a decision for Carlsbad Unified School District's IRC for The Stull Act Program. In that decision, the Commission addressed the Controller's ability to reduce claims to zero if the claimant fails to comply with the Ps and Gs, and the claimant's burden of providing contemporaneous supporting documentation (**TAB 4, page 158**):

The claimant's original reimbursement claim documentation is comprised of forms and schedules containing administrators' assertions of estimated staff time spent on the mandate, which were then compiled to produce average times to perform the mandated activities, and translated into costs. The Controller rejected the claimant's initial claimed costs for fiscal years 2005-2006 through 2008-2009 "because they were based on average time increments supported with time records that were not completed contemporaneously." This amounts to a finding that the claim did not comply with the contemporaneous source document rule, and did not claim actual costs, as required by the Parameters and Guidelines. There is no assertion or evidence in the record rebutting that finding. Pursuant to Government Code section 17564, reimbursement claims filed with the Controller shall be filed in the manner prescribed in the Parameters and Guidelines, and the Parameters and Guidelines, as a quasi-judicial decision of the Commission, are final and binding. The claimant failed to comply with the Parameters and Guidelines, and therefore the Controller could have reduced the entire claim to zero. Any such reduction would have been correct as a matter of law.

The decision continues (**TAB 4, page 163**):

Finally, it is the claimant's burden to establish actual costs, using "source documents that show the validity of such costs, when they were incurred and *their relationship to the reimbursable activities*." The claimant argues that the Controller's reduction of costs is incorrect or arbitrary or capricious and frames the issues in terms of the Controller's failure to state a reason for the reduction. The claimant, however, ignores its duty to establish the relationship to the reimbursable activities.

During audit fieldwork it was explained that "...activities outside of CARU (Range, Covid 19 Kiosk at HOJ, SRT Training, training unrelated to their positions, helping other units with search warrants, vacation, etc.) are separated on their time studies onto lines that identify that time was not related to their mandate." (**TAB 4, page 175**). However, regardless of this separated time, we are still unable to verify the validity of the costs claimed because the documentation presented does not show the relationship of the time claimed to the reimbursable activities. The lack of specificity in the reviewed time studies (along with staff interviews and emails), gave the SCO auditors a level of uncertainty, and in our professional judgment, the time studies appeared to be estimated.

- We attempted to assuage our concerns regarding the time studies, but we were unable to trace the time studies to case files to confirm that any activities listed were for custody of minors cases.

- We requested documentation for one attorney but were told she does not maintain a time study because she is 100% to the Child Abduction program (TAB 4, page 176-177).
- When we tried to compare the time studies to the county’s payroll software, we were told “[the employees] may have worked on something totally unrelated to the mandate...the costs will never tie exactly to the hours and costs submitted on the claim for reimbursement. Unfortunately, there is no way to tie the hours claimed to VCHRP [Ventura County Human Resources Payroll].” (TAB 4, pages 178-179).
- We presented a list of questions to the county to try and have a conversation regarding their time records, but they did not respond (TAB 4, pages 137-138).
- After initial conversations regarding the time studies, the county attempted to provide declarations with eight different activities that did not match anything previously provided to the SCO auditors. Declarations are considered corroborating documentation, not source documentation, and the county’s declarations, and listed activities, do not align with the reimbursement claim submitted to the SCO (TAB 4, pages 139-141).

Simply put, we were unable to validate the hours claimed on the time studies provided by the county.

The audit engagement was conducted in accordance with Generally Accepted Government Auditing Standards, commonly known as the “Yellow Book”. Regarding audit evidence, page 179, Section 8.90 of the Yellow Book, cites that auditors “must obtain sufficient, appropriate evidence to provide a reasonable basis for addressing the audit objectives and supporting their findings and conclusions (TAB 4, page 192). Section 8.91 also adds: “In assessing the appropriateness of evidence, auditors should assess whether the evidence is relevant, valid, and reliable.” (TAB 4, page 192). The Ps and Gs contains similar language in Section V (Reimbursable Costs):

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.

The Yellow Book further defines the meaning of validity in Section 8.102b (TAB 4, page 194):

Validity refers to the extent to which evidence is a meaningful or reasonable basis for measuring what is being evaluated. In other words, validity refers to the extent to which evidence represents what it is purported to represent.

Given the totality of the evidence reviewed by the SCO auditors during the audit engagement, we determined that we were unable to validate the accuracy of the time studies, or the relationship of the time claimed to the program’s reimbursable activities, as outlined in the Ps and Gs.

## **The CARU Source Documents Show the Salary and Benefits’ Validity, Timing, and Relationship to the Reimbursable Activities**

### **The Controller Erred as a Matter of Law When it Did Not Consider the Corroborating Evidence**

The county must claim only the actual costs for the reimbursable program. Actual costs are supported by source documentation. A list of cases handled during the audit period, declarations

regarding case handling and the nature of time spent on cases, contemporaneous email communications clarifying time spent on criminal cases, case files of representative cases, and statistical compilations showing the numbers of cases handled by CARU personnel are not considered source documents. The Ps and Gs do not allow the county to subsequently attest (using corroborating documentation) the claimed time was spent on reimbursable activities when source documents are not provided.

Section V., “Reimbursable Costs,” of the Ps and Gs states, in part:

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** [emphasis added].

### **The Controller Misstated the Rule Regarding Actual Costs and Source Documents, Thereby Disregarding the Corroborating Evidence**

The county’s IRC states: “The P&G’s exact language requires actual costs be ‘traceable and supported by source documents.’ That actual costs must be traceable is a general requirement.” We disagree.

Claimants are allowed to submit evidence corroborating their source documents. However, the Ps and Gs do not allow claimants to substitute corroborating documents for source documents.

### **The Controller’s New Rule Requiring Source Documents to Identify Subcategories of Reimbursable Activities is also an Unlawful Underground Regulation**

The county’s IRC states: “Another underground regulation is the Controller’s unwritten requirement that the source documents be more specific than the P&G’s primary reimbursable activity categories.” We disagree.

The SCO has consistently applied the Ps and Gs as the basis for its conclusions. The SCO determined that the county did not provide contemporaneous source documentation to support the mandated functions performed or the actual number of hours devoted to each function. We did not disallow the claimed costs due to the lack of more specific categories.

This is the first audit conducted by our office of Ventura County’s CAR mandated cost program claims under the amended Ps and Gs, issued October 30, 2009. The county asserts that “the amendment provided no notice the Controller would impose a substantive rule change to the ‘Reimbursable Activities’ and ‘Claim Preparation and Submission’ sections, which were both unchanged by the amendment.” However, page 1 of “Program No. 13” of the SCO’s *Mandated Cost Manual*, it states: “On October 30, 2009, CSM approved amendments to the Ps & Gs to clarify source documentation requirements.” (TAB 3, pages 2, 23, 43, 63)

Furthermore, the Ps and Gs also outline specific reimbursable activities/functions (“subcategories”) under each of the four main components. For instance, under component one “Obtaining compliance with court orders”, the Ps and Gs list “receipt of reports and requests for assistance” as a reimbursable activity, as well as “mediating with or advising involved individuals.” (TAB 3, pages 46-54) Any comments made by the SCO auditors during the engagement would have been made with the understanding that the Ps and Gs themselves further breakdown each main component into specific reimbursable activities, or “subcategories”.

Lastly, the county says that comments made by an SCO auditor related to SB90 claims suggest a lack of neutrality. We disagree.

Robust discussions are common during any audit engagement. Agencies are not required to submit reimbursement claims for complying with mandated activities. Most agencies do, but some do not. We have never directly stated, or implied, that an agency should not assert its right to reimbursement for mandated costs performed under any program. We have, however, told agencies that filing an SB90 claim for reimbursement is discretionary, but if an agency decides to file a claim, it must be in accordance with the program’s Ps and Gs.

#### IV. CONCLUSION

The SCO audited county’s claims for costs of the legislatively mandated CAR Program (Chapter 1399, Statutes of 1976; Chapter 162, Statutes of 1992; and Chapter 988, Statutes of 1996) for the period of July 1, 2016, through June 30, 2020. The district claimed \$4,284,397 for costs of the mandated program. Our audit found that \$99,057 is allowable and \$4,185,340 is unallowable primarily because the county did not provide contemporaneous source documentation and did not claim actual costs.

The Commission should find that (1) the SCO correctly reduced the county’s FY 2016-2017 claim by \$1,032,369; (2) the SCO correctly reduced the county’s FY 2017-18 claim by \$1,048,347; (3) the SCO correctly reduced the county’s FY 2018-19 claim by \$1,029,130 and (4) the SCO correctly reduced the county’s FY 2019-2020 claim by \$1,075,494.

#### V. CERTIFICATION

I hereby certify by my signature below that the statements made in this document are true and correct of my own knowledge, or, as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on March 11, 2026, at Sacramento, California, by:

*Lisa Kurokawa*

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Lisa Kurokawa, Chief  
Compliance Audits Bureau  
Division of Audits  
State Controller’s Office

## **Tab 3**

# MANDATED COST MANUAL FOR LOCAL AGENCIES

STATE OF CALIFORNIA



STATE CONTROLLER'S OFFICE

October 1, 2017

Office of the State Controller  
State-Mandated Costs Claiming Instructions No. 2012-32  
Custody of Minors-Child Abduction and Recovery  
Revised October 1, 2017

In accordance with Government Code (GC) sections 17560 and 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state-mandated cost programs. This document contains claiming instructions and forms that eligible claimants must use for filing claims for the Custody of Minors-Child Abduction and Recovery program. SCO issues these claiming instructions subsequent to the Commission on State Mandates (CSM) adopting the Parameters and Guidelines (Ps & Gs). The amended Ps & Gs are included as an integral part of the claiming instructions.

On September 19, 1979, CSM adopted a Statement of Decision finding that the test claim legislation imposes a reimbursable state-mandated program on local agencies within the meaning of article XIII B, section 6 of the California Constitution and GC section 17514.

On October 30, 2009, CSM approved the amendments to the Ps & Gs to clarify the source documentation requirements and record retention language, as requested by the SCO.

## Exception

There will be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

## Eligible Claimants

Any county, as defined in GC section 17515, that incurs increased costs as a result of this mandate is eligible to claim for reimbursement.

## Reimbursement Claim Deadline

Annual reimbursement claims for the **2016-17** fiscal year may be filed by **February 15, 2018**, without a late penalty. **Claims filed more than one year after the filing date will not be accepted.**

## Penalty

- **Initial Reimbursement Claims**

When filed within one year of the initial filing deadline, claims are assessed a late penalty of 10% of the total amount of the initial claim without limitation pursuant to GC section 17561(d)(3).

- **Annual Reimbursement Claims**

When filed within one year of the annual filing deadline, claims are assessed a late penalty of 10% of the claim amount, not to exceed \$10,000, pursuant to GC section 17568.

## Minimum Claim Cost

GC section 17564(a), states that no claim may be filed pursuant to sections 17551 and 17561, unless such a claim exceeds one thousand dollars (**\$1,000**).

### Reimbursement of Claims

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. These 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 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 (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, these documents cannot be substituted for source documents.

### Audit of Costs

All claims submitted to SCO are subject to review to determine if costs are related to the mandate, are reasonable and not excessive, and if the claim was prepared in accordance with the SCO's claiming instructions and the Ps & Gs adopted by CSM. If any adjustments are made to a claim, the claimant will be notified of the amount adjusted, and the reason for the adjustment.

On-site audits will be conducted by SCO as deemed necessary. Pursuant to GC section 17558.5(a), a reimbursement claim for actual costs filed by a claimant is subject to audit by SCO no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was made to a claimant for the program for the fiscal year for which the claim was filed, the time for SCO to initiate an audit will commence to run from the date of initial payment of the claim.

All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. Supporting documents must be made available to SCO on request.

### Record Retention

All documentation to support actual costs claimed must be retained for a period of three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for SCO to initiate an audit will be from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and must be made available to SCO on request.

### Claim Submission

Submit a signed original Form FAM-27 and one copy with required documents. **Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.**

Mandated costs claiming instructions and forms are available online at the SCO's website:  
**[www.sco.ca.gov/ard\\_mancost.html](http://www.sco.ca.gov/ard_mancost.html)**.

Use the following mailing addresses:

If delivered by  
U.S. Postal Service:

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and  
Services Division  
P.O. Box 942850  
Sacramento, CA 94250

If delivered by  
other delivery services:

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and  
Services Division  
3301 C Street, Suite 700  
Sacramento, CA 95816

For more information, contact the Local Reimbursements Section by email at  
[LRSLGPSD@sco.ca.gov](mailto:LRSLGPSD@sco.ca.gov), by telephone at (916) 324-5729, or by writing to the address above.

Amended: October 30, 2009  
Amended: August 26, 1999  
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*

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 30<sup>th</sup> 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, 99<sup>th</sup> Congress, 1<sup>st</sup> 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 chapter<sup>1</sup> 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.

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<sup>1</sup> 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.

<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT</b>		<b>PROGRAM 013</b>
		<b>For State Controller Use Only</b>
		(19) Program Number 00013 (20) Date Filed (21) LRS Input
(01) Claimant Identification Number		<b>Reimbursement Claim Data</b>
(02) Claimant Name		(22) FORM 1, (04) 1. (f)
County of Location		(23) FORM 1, (04) 2. (f)
Street Address or P.O. Box <span style="float: right;">Suite</span>		(24) FORM 1, (04) 3. (f)
City <span style="float: right;">State</span> <span style="float: right;">Zip Code</span>		(25) FORM 1, (04) 4. (f)
		<b>Type of Claim</b>
		(03) (09) Reimbursement <input type="checkbox"/>
		(04) (10) Combined <input type="checkbox"/>
		(05) (11) Amended <input type="checkbox"/>
<b>Fiscal Year of Cost</b>		(26) FORM 1, (06)
<b>Total Claimed Amount</b>		(27) FORM 1, (07)
Less: <b>10% Late Penalty</b> (refer to attached Instructions)		(28) FORM 1, (09)
Less: <b>Prior Claim Payment Received</b>		(29) FORM 1, (10)
<b>Net Claimed Amount</b>		(30)
<b>Due from State</b>		(31)
<b>Due to State</b>		(32)
		(33)
		(34)
		(35)
		(36)
<b>(37) CERTIFICATION OF CLAIM</b>		
<p>In accordance with the provisions of Government Code sections 17560 and 17561, I certify that I am the officer authorized by the local agency to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 Government Code.</p> <p>I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received for reimbursement of costs claimed herein and claimed costs are for a new program or increased level of services of an existing program. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.</p> <p>The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.</p> <p>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p>		
Signature of Authorized Officer		
		Date Signed _____
		Telephone Number _____
		Email Address _____
Type or Print Name and Title of Authorized Signatory		
(38) Name of Agency Contact Person for Claim		
		Telephone Number _____
		Email Address _____
Name of Consulting Firm / Claim Preparer		
		Telephone Number _____
		Email Address _____

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT INSTRUCTIONS</b>	<b>FORM FAM-27</b>
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- (01) Enter the claimant identification number assigned by the State Controller's Office.
- (02) Enter claimant official name, county of location, street or postal office box address, city, State, and zip code.
- (03) to (08) Leave blank.
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) Not applicable.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate Form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim as shown on Form 1 line (11). The total claimed amount must exceed \$1,000; minimum claim must be \$1,001.
- (14) Initial reimbursement claims must be filed as specified in the claiming instructions. Annual reimbursement claims must be filed by **February 15**, or otherwise specified in the claiming instructions, following the fiscal year in which costs were incurred or the claims must be reduced by a late penalty. Enter zero if the claim filed on time. Otherwise, enter the penalty amount as a result of the calculation formula as follows:
  - Late Initial Reimbursement Claims: Form FAM-27 line (13) multiplied by 10%, without limitation; or
  - Late Annual Reimbursement Claims: Form FAM-27, line (13) multiplied by 10%, late penalty not to exceed \$10,000.
- (15) Enter the amount of payment, if any, received for the claim. If no payment was received, enter zero.
- (16) Enter the net claimed amount by subtracting the sum of lines (14) and (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (29) Bring forward the cost information as specified on the left-hand column of lines (22) through (29) for the reimbursement claim, e.g., Form 1, (04) 1. (f), means the information is located on Form 1, block (04), line 1., column (f). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. The indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 35.19% should be shown as 35. **Completion of this data block will expedite the process.**
- (30) to (36) Leave blank.
- (37) Read the statement of Certification of Claim. The claim must be signed and dated by the agency's authorized officer, type or print name and title, telephone number, and email address. **Claims cannot be paid unless accompanied by an original signed certification. (Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.)**
- (38) Enter the name, telephone number, and email address of the agency contact person for the claim. If the claim was prepared by a consultant, type or print the name of the consulting firm, the claim preparer, telephone number, and email address.

**SUBMIT A SIGNED ORIGINAL FORM FAM-27 AND ONE COPY WITH ALL OTHER FORMS TO:**

*Address, if delivered by U.S. Postal Service:*

*Address, if delivered by other delivery service:*

**Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and Services Division  
P.O. Box 942850  
Sacramento, CA 94250**

**Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and Services Division  
3301 C Street, Suite 700  
Sacramento, CA 95816**

# Table of Contents

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY</b>	<b>FORM 1</b>				
(01) Claimant		(02) Fiscal Year 20__/20__				
(03) Department						
<b>Direct Costs</b>	<b>Object Accounts</b>					
	(a) Salaries	(b) Benefits	(c) Materials And Supplies	(d) Contract Services	(e) Travel And Training	(f) Total
(04) Reimbursable Activities						
1. Compliance with Court Orders						
2. Court Costs for Out-of-Jurisdiction Cases						
3. Secure Appearance of Offender						
4. Return of Children to Custodian						
(05) Total Direct Costs						
<b>Indirect Costs</b>						
(06) Indirect Cost Rate	[From ICRP or 10%]					%
(07) Total Indirect Costs	[Refer to Claim Summary Instructions]					
(08) Total Direct and Indirect Costs	[Line (05)(g) + line (07)]					
<b>Cost Reduction</b>						
(09) Less: Offsetting Revenues						
(10) Less: Other Reimbursements						
(11) Total Claimed Amount	[Line (08) - {line (09) + line (10)}]					

<b>PROGRAM</b> <span style="font-size: 2em;"><b>013</b></span>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>CLAIM SUMMARY</b> <b>INSTRUCTIONS</b>	<b>FORM</b> <span style="font-size: 2em;"><b>1</b></span>
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- (01) Enter the name of the claimant.
  - (02) Enter the fiscal year of claim.
  - (03) If more than one department has incurred costs for this mandate, give the name of each department. A separate Form 1 should be completed for each department.
  - (04) For each reimbursable activity, enter the total from Form 2, line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row. Total each row.
  - (05) Total columns (a) through (f).
  - (06) Indirect costs may be computed as 10% of direct labor costs, excluding fringe benefits, without preparing an Indirect Cost Rate Proposal (ICRP). If an indirect cost rate of greater than 10% is used, include the ICRP with the claim.
  - (07) Local agencies have the option of using the flat rate of 10% of direct labor costs or using a department's ICRP in accordance with Office of Management and Budget Circular 2 CFR, Chapter I and Chapter II, Part 200 et al. If the flat rate is used for indirect costs, multiply Total Salaries, line (05)(a), by 10%. If an ICRP is submitted, multiply applicable costs used in the distribution base for the computation of the indirect cost rate by the Indirect Cost Rate, line (06). If more than one department is reporting costs, each must have its own ICRP for the program.
  - (08) Enter the sum of Total Direct Costs, line (05)(5), and Total Indirect Costs, line (07).
  - (09) If applicable, enter any revenue received by the claimant for this mandate from any state or federal source.
  - (10) If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.
- Note:** 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 on Form 1.2 and must also be used as an offset against these cases.
- (11) From the Total Direct and Indirect Costs, line (08), subtract the sum of Offsetting Revenues, line (09), and Other Reimbursements, line (10). Enter the remainder on this line and carry the amount forward to Form FAM-27, line (13) of the Reimbursement Claim.

<b>PROGRAM</b> <span style="font-size: 2em;"><b>013</b></span>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY                  REIMBURSEMENT SOURCE SUMMARY</b>	<b>FORM</b> <span style="font-size: 2em;"><b>1.2</b></span>
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(01) Claimant	(02) Fiscal Year 20___/20___
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(03) Indirect Costs Computation

(a) Cost Activity	(b) Case Number	(c) Reimbursement Source	(d) Amount

(04) Total <input type="checkbox"/> Subtotal <input type="checkbox"/>	
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<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY REIMBURSEMENT SOURCE SUMMARY INSTRUCTIONS</b>	<b>FORM</b> <b>1.2</b>
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- (01) Enter the name of the claimant.
- (02) Enter the year in which costs were incurred.
- (03)
  - (a) List the cost activity.
  - (b) Enter the case number.
  - (c) Enter the reimbursement source.
  - (d) Enter the amount of reimbursement for the custody of minor programs the county has received from defendants, other individuals, or the State Foster Care Program.
- (04) Total the amount of reimbursement received and carryforward this amount to Form 1, line (10), Other Reimbursements.

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>2</b>
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(01) Claimant	(02) Fiscal Year 20__/20__
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<input type="checkbox"/> 1. Compliance with Court Orders	<input type="checkbox"/> 3. Secure Appearance of Offender
<input type="checkbox"/> 2. Court Costs for Out-of-Jurisdiction Cases	<input type="checkbox"/> 4. Return of Children to Custodian

(04) Description of Expenses	<b>Object Accounts</b>
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(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries	(e) Benefits	(f) Materials and Supplies	(g) Contract Services	(h) Travel and Training

(05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ___ of ___	
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<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY ACTIVITY COST DETAIL INSTRUCTIONS</b>	<b>FORM 2</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Check the box which indicates the activity being claimed. Check only one box per form. A separate Form 2 must be prepared for each activity.
- (04) The following table identifies the type of information required to support reimbursable costs. To itemize costs for the activity box checked in block (03), enter each employee name, job classification, a brief description of the activities performed, productive hourly rate, actual time spent, fringe benefits, supplies used, contract services, fixed assets, and travel and training expenses. **The descriptions required in column (04)(a) must be of sufficient detail to explain the cost of activities or items being claimed.**

All documentation to support actual costs claimed must be retained for a period of three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for the State Controller's Office (SCO) to initiate an audit will be from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and must be made available to the SCO on request.

Object Accounts	Columns								Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
<b>Salaries and Benefits</b>	Employee Name and Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate X Hours Worked					
	Activities Performed	Benefit Rate			Benefits = Benefit Rate X Salaries				
<b>Materials and Supplies</b>	Description of Supplies Used	Unit Cost	Quantity Used			Cost = Unit Cost X Quantity Used			
<b>Contract Services</b>	Name of Contractor and Specific Tasks Performed	Hourly Rate	Hours Worked and Inclusive Dates of				Cost = Hourly Rate X Hours Worked or Total Contract Cost		Copy of Contract and Invoices
<b>Travel and Training</b>	Purpose of Trip, Name and Title, Destination, Departure Date, and Return Date	Per Diem Rate, Mileage Rate, and Travel Cost	Days, Miles, and Travel Mode					Total Travel = Rate X Days or Miles	
	Employee Name and Title and Name of Class Attended		Dates Attended					Registration Fee	

- (05) Total line (04), columns (d) through (h) and enter the sums on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row.

State of California

# Mandated Cost Manual For Local Agencies

September 1, 2018



**BETTY T. YEE**

California State Controller's Office

Office of the State Controller  
State-Mandated Costs Claiming Instructions No. 2012-32  
Custody of Minors-Child Abduction and Recovery – Program No. 13  
Revised September 1, 2018

In accordance with Government Code (GC) sections 17560 and 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state-mandated cost programs. This document contains claiming instructions and forms that eligible claimants must use for filing claims for the Custody of Minors-Child Abduction and Recovery program. SCO issues these claiming instructions subsequent to the Commission on State Mandates (CSM) adopting the Parameters and Guidelines (Ps & Gs). The amended Ps & Gs are included as an integral part of the claiming instructions.

On September 19, 1979, CSM adopted a Statement of Decision finding that the test claim legislation imposes a reimbursable state-mandated program on local agencies within the meaning of article XIII B, section 6 of the California Constitution and GC section 17514.

On October 30, 2009, CSM approved the amendments to the Ps & Gs to clarify the source documentation requirements and record retention language, as requested by the SCO.

### **Exception**

There will be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

### **Eligible Claimants**

Any county, as defined in GC section 17515, that incurs increased costs as a result of this mandate is eligible to claim for reimbursement.

### **Reimbursement Claim Deadline**

Pursuant to GC section 17560(a), annual reimbursement claims may be filed by **February 15** following the fiscal year in which costs were incurred. If the deadline falls on a weekend or holiday, claims are due the following business day. Claims filed after the deadline must be reduced by a late penalty. **Claims filed more than one year after the deadline will not be accepted.**

### **Penalty**

- **Initial Reimbursement Claims**

When filed within one year of the initial filing deadline, claims are assessed a late penalty of 10% of the total amount of the initial claim without limitation pursuant to GC section 17561(d)(3).

- **Annual Reimbursement Claims**

When filed within one year of the annual filing deadline, claims are assessed a late penalty of 10% of the claim amount, not to exceed \$10,000, pursuant to GC section 17568.

**Minimum Claim Cost**

GC section 17564(a), states that no claim may be filed pursuant to sections 17551 and 17561, unless such a claim exceeds one thousand dollars (**\$1,000**).

**Reimbursement of Claims**

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. These 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 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 (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, these documents cannot be substituted for source documents.

**Audit of Costs**

All claims submitted to SCO are subject to review to determine if costs are related to the mandate, are reasonable and not excessive, and if the claim was prepared in accordance with the SCO's claiming instructions and the Ps & Gs adopted by CSM. If any adjustments are made to a claim, the claimant will be notified of the amount adjusted, and the reason for the adjustment.

On-site audits will be conducted by SCO as deemed necessary. Pursuant to GC section 17558.5(a), a reimbursement claim for actual costs filed by a claimant is subject to audit by SCO no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was made to a claimant for the program for the fiscal year for which the claim was filed, the time for SCO to initiate an audit will commence to run from the date of initial payment of the claim.

All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. Supporting documents must be made available to SCO on request.

**Record Retention**

All documentation to support actual costs claimed must be retained for a period of three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for SCO to initiate an audit will be from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and must be made available to SCO on request.

**Claim Submission**

Submit a signed original Form FAM-27 and one copy with required documents. **Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.**

Mandated costs claiming instructions and forms are available online at the SCO's website: **[www.sco.ca.gov/ard\\_mancost.html](http://www.sco.ca.gov/ard_mancost.html)**.

Use the following mailing addresses:

If delivered by  
U.S. Postal Service:

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and  
Services Division  
P.O. Box 942850  
Sacramento, CA 94250

If delivered by  
other delivery services:

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and  
Services Division  
3301 C Street, Suite 700  
Sacramento, CA 95816

For more information, contact the Local Reimbursements Section by email at [LRS LGPSD@sco.ca.gov](mailto:LRS LGPSD@sco.ca.gov), by telephone at (916) 324-5729, or by writing to the address above.

Amended: October 30, 2009  
 Amended: August 26, 1999  
 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*

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 30<sup>th</sup> 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, 99<sup>th</sup> Congress, 1<sup>st</sup> 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 chapter<sup>1</sup> 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.

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<sup>1</sup> 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.

State Controller's Office

Mandated Cost Manual for Local Agencies

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS- CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT</b>		<b>For State Controller Use Only</b>	<b>FORM FAM-27</b>
			(19) Program Number 00013	
			(20) Date Filed	
			(21) LRS Input	
(01) Claimant Identification Number			<b>Reimbursement Claim Data</b>	
(02) Claimant Name			(22) FORM 1, (04) 1. (f)	
County of Location			(23) FORM 1, (04) 2. (f)	
Street Address or P.O. Box		Suite	(24) FORM 1, (04) 3. (f)	
City	State	Zip Code	(25) FORM 1, (04) 4. (f)	
		<b>Type of Claim</b>	(26) FORM 1, (06)	
	(03)	(09) Reimbursement <input type="checkbox"/>	(27) FORM 1, (07)	
	(04)	(10) Combined <input type="checkbox"/>	(28) FORM 1, (09)	
	(05)	(11) Amended <input type="checkbox"/>	(29) FORM 1, (10)	
<b>Fiscal Year of Cost</b>	(06)	(12)	(30)	
<b>Total Claimed Amount</b>	(07)	(13)	(31)	
Less: <b>10% Late Penalty</b> (refer to attached Instructions)		(14)	(32)	
Less: <b>Prior Claim Payment Received</b>		(15)	(33)	
<b>Net Claimed Amount</b>		(16)	(34)	
<b>Due from State</b>	(08)	(17)	(35)	
<b>Due to State</b>		(18)	(36)	
<b>(37) CERTIFICATION OF CLAIM</b>				
<p>In accordance with the provisions of Government Code sections 17560 and 17561, I certify that I am the officer authorized by the local agency to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.</p> <p>I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received for reimbursement of costs claimed herein and claimed costs are for a new program or increased level of services of an existing program. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.</p> <p>The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.</p> <p>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p>				
Signature of Authorized Officer				
			Date Signed	_____
			Telephone Number	_____
			Email Address	_____
Type or Print Name and Title of Authorized Signatory				
(38) Name of Agency Contact Person for Claim			Telephone Number	_____
			Email Address	_____
Name of Consulting Firm / Claim Preparer			Telephone Number	_____
			Email Address	_____

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT INSTRUCTIONS</b>	<b>FORM FAM-27</b>
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- (01) Enter the claimant identification number assigned by the State Controller's Office.
- (02) Enter claimant official name, county of location, street or postal office box address, city, State, and zip code.
- (03) to (08) Leave blank.
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) Not applicable.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate Form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim as shown on Form 1 line (11). The total claimed amount must exceed \$1,000; minimum claim must be \$1,001.
- (14) Initial reimbursement claims must be filed as specified in the claiming instructions. Annual reimbursement claims must be filed by **February 15**, or otherwise specified in the claiming instructions, following the fiscal year in which costs were incurred or the claims must be reduced by a late penalty. Enter zero if the claim filed on time. Otherwise, enter the penalty amount as a result of the calculation formula as follows:
  - Late Initial Reimbursement Claims: Form FAM-27 line (13) multiplied by 10%, without limitation; or
  - Late Annual Reimbursement Claims: Form FAM-27, line (13) multiplied by 10%, late penalty not to exceed \$10,000.
- (15) Enter the amount of payment, if any, received for the claim. If no payment was received, enter zero.
- (16) Enter the net claimed amount by subtracting the sum of lines (14) and (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (29) Bring forward the cost information as specified on the left-hand column of lines (22) through (29) for the reimbursement claim, e.g., Form 1, (04) 1. (f), means the information is located on Form 1, block (04), line 1., column (f). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. The indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 35.19% should be shown as 35. **Completion of this data block will expedite the process.**
- (30) to (36) Leave blank.
- (37) Read the statement of Certification of Claim. The claim must be signed and dated by the agency's authorized officer, type or print name and title, telephone number, and email address. **Claims cannot be paid unless accompanied by an original signed certification. (Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.)**
- (38) Enter the name, telephone number, and email address of the agency contact person for the claim. If the claim was prepared by a consultant, type or print the name of the consulting firm, the claim preparer, telephone number, and email address.

**SUBMIT A SIGNED ORIGINAL FORM FAM-27 AND ONE COPY WITH ALL OTHER FORMS TO:**

*Address, if delivered by U.S. Postal Service:*

*Address, if delivered by other delivery service:*

Office of the State Controller  
 Attn: Local Reimbursements Section  
 Local Government Programs and Services Division  
 P.O. Box 942850  
 Sacramento, CA 94250

Office of the State Controller  
 Attn: Local Reimbursements Section  
 Local Government Programs and Services Division  
 3301 C Street, Suite 700  
 Sacramento, CA 95816

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY</b>					<b>FORM 1</b>	
(01) Claimant			(02)		Fiscal Year 20__/20__		
(03) Department							
<b>Direct Costs</b>		<b>Object Accounts</b>					
		(a)	(b)	(c)	(d)	(e)	(f)
(04) Reimbursable Activities		Salaries	Benefits	Materials and Supplies	Contract Services	Travel and Training	Total
1. Compliance with Court Orders							
2. Court Costs for Out-of-Jurisdiction Cases							
3. Secure Appearance of Offender							
4. Return of Children to Custodian							
(05) Total Direct Costs							
<b>Indirect Costs</b>							
(06) Indirect Cost Rate		[From ICRP or 10%]				%	
(07) Total Indirect Costs		[Refer to Claim Summary Instructions]					
(08) Total Direct and Indirect Costs		[Line (05)(g) + line (07)]					
<b>Cost Reduction</b>							
(09) Less: Offsetting Revenues							
(10) Less: Other Reimbursements							
(11) Total Claimed Amount		[Line (08) - {line (09) + line (10)}]					

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY INSTRUCTIONS</b>	<b>FORM 1</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of claim.
- (03) If more than one department has incurred costs for this mandate, give the name of each department. A separate Form 1 should be completed for each department.
- (04) For each reimbursable activity, enter the total from Form 2, line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row. Total each row.
- (05) Total columns (a) through (f).
- (06) Indirect costs may be computed as 10% of direct labor costs, excluding fringe benefits, without preparing an Indirect Cost Rate Proposal (ICRP). If an indirect cost rate of greater than 10% is used, include the ICRP with the claim.
- (07) Local agencies have the option of using the flat rate of 10% of direct labor costs or using a department's ICRP in accordance with Office of Management and Budget Circular 2 CFR, Chapter I and Chapter II, Part 200 et al. If the flat rate is used for indirect costs, multiply Total Salaries, line (05)(a), by 10%. If an ICRP is submitted, multiply applicable costs used in the distribution base for the computation of the indirect cost rate by the Indirect Cost Rate, line (06). If more than one department is reporting costs, each must have its own ICRP for the program.
- (08) Enter the sum of Total Direct Costs, line (05)(f), and Total Indirect Costs, line (07).
- (09) If applicable, enter any revenue received by the claimant for this mandate from any state or federal source.
- (10) If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.
- Note:** 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 on Form 1.2 and must also be used as an offset against these cases.
- (11) From the Total Direct and Indirect Costs, line (08), subtract the sum of Offsetting Revenues, line (09), and Other Reimbursements, line (10). Enter the remainder on this line and carry the amount forward to Form FAM-27, line (13) of the Reimbursement Claim.

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY REIMBURSEMENT SOURCE SUMMARY</b>	<b>FORM 1.2</b>
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(01) Claimant	(02) Fiscal Year 20___/20___
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(03) Indirect Costs Computation

(a) Cost Activity	(b) Case Number	(c) Reimbursement Source	(d) Amount

(04) Total <input type="checkbox"/> Subtotal <input type="checkbox"/>	
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<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY REIMBURSEMENT SOURCE SUMMARY INSTRUCTIONS</b>	<b>FORM 1.2</b>
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- (01) Enter the name of the claimant.
- (02) Enter the year in which costs were incurred.
- (03)
  - (a) List the cost activity.
  - (b) Enter the case number.
  - (c) Enter the reimbursement source.
  - (d) Enter the amount of reimbursement for the custody of minor programs the county has received from defendants, other individuals, or the State Foster Care Program.
- (04) Total the amount of reimbursement received and carryforward this amount to Form 1, line (10), Other Reimbursements.

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY ACTIVITY COST DETAIL</b>	<b>FORM 2</b>
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(01) Claimant	(02) Fiscal Year 20__/20__
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<input type="checkbox"/> 1. Compliance with Court Orders	<input type="checkbox"/> 3. Secure Appearance of Offender
<input type="checkbox"/> 2. Court Costs for Out-of-Jurisdiction Cases	<input type="checkbox"/> 4. Return of Children to Custodian

(04) Description of Expenses	<b>Object Accounts</b>
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(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries	(e) Benefits	(f) Materials and Supplies	(g) Contract Services	(h) Travel and Training

(05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ___ of ___	
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<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY ACTIVITY COST DETAIL INSTRUCTIONS</b>	<b>FORM 2</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Check the box which indicates the activity being claimed. Check only one box per form. A separate Form 2 must be prepared for each activity.
- (04) The following table identifies the type of information required to support reimbursable costs. To itemize costs for the activity box checked in block (03), enter each employee name, job classification, a brief description of the activities performed, productive hourly rate, actual time spent, fringe benefits, supplies used, contract services, fixed assets, and travel and training expenses. **The descriptions required in column (04)(a) must be of sufficient detail to explain the cost of activities or items being claimed.**

All documentation to support actual costs claimed must be retained for a period of three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for the State Controller's Office (SCO) to initiate an audit will be from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and must be made available to the SCO on request.

Object Accounts	Columns								Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
Salaries and Benefits	Employee Name and Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate X Hours Worked					
	Activities Performed	Benefit Rate			Benefits = Benefit Rate X Salaries				
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used			Cost = Unit Cost X Quantity Used			
Contract Services	Name of Contractor and Specific Tasks Performed	Hourly Rate	Hours Worked and Inclusive Dates of				Cost = Hourly Rate X Hours Worked or Total Contract Cost		Copy of Contract and Invoices
Travel and Training	Purpose of Trip, Name and Title, Destination, Departure Date, and Return Date	Per Diem Rate, Mileage Rate, and Travel Cost	Days, Miles, and Travel Mode					Total Travel = Rate X Days or Miles	
	Employee Name and Title and Name of Class Attended		Dates Attended					Registration Fee	

- (05) Total line (04), columns (d) through (h) and enter the sums on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row.

Office of the State Controller  
State-Mandated Costs Claiming Instructions No. 2012-32  
Custody of Minors-Child Abduction and Recovery – Program No. 13  
Revised September 1, 2019

In accordance with Government Code (GC) sections 17560 and 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state-mandated cost programs. This document contains claiming instructions and forms that eligible claimants must use for filing claims for the Custody of Minors-Child Abduction and Recovery program. SCO issues these claiming instructions subsequent to the Commission on State Mandates (CSM) adopting the Parameters and Guidelines (Ps & Gs). The amended Ps & Gs are included as an integral part of the claiming instructions.

On September 19, 1979, CSM adopted a Statement of Decision finding that the test claim legislation imposes a reimbursable state-mandated program on local agencies within the meaning of article XIII B, section 6 of the California Constitution and GC section 17514.

On October 30, 2009, CSM approved the amendments to the Ps & Gs to clarify the source documentation requirements and record retention language, as requested by the SCO.

### **Exception**

There will be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

### **Eligible Claimants**

Any county, as defined in GC section 17515, that incurs increased costs as a result of this mandate is eligible to claim for reimbursement.

### **Reimbursement Claim Deadline**

Pursuant to GC section 17560(a), annual reimbursement claims may be filed by **February 15** following the fiscal year in which costs were incurred. If the deadline falls on a weekend or holiday, claims are due the following business day. Claims filed after the deadline must be reduced by a late penalty. **Claims filed more than one year after the deadline will not be accepted.**

### **Penalty**

- **Initial Reimbursement Claims**

When filed within one year of the initial filing deadline, claims are assessed a late penalty of 10% of the total amount of the initial claim without limitation pursuant to GC section 17561(d)(3).

- **Annual Reimbursement Claims**

When filed within one year of the annual filing deadline, claims are assessed a late penalty of 10% of the claim amount, not to exceed \$10,000, pursuant to GC section 17568.

### **Minimum Claim Cost**

GC section 17564(a), states that no claim may be filed pursuant to sections 17551 and 17561, unless such a claim exceeds one thousand dollars (**\$1,000**).

### **Reimbursement of Claims**

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. These 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 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 (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, these documents cannot be substituted for source documents.

### **Audit of Costs**

All claims submitted to SCO are subject to review to determine if costs are related to the mandate, are reasonable and not excessive, and if the claim was prepared in accordance with the SCO's claiming instructions and the Ps & Gs adopted by CSM. If any adjustments are made to a claim, the claimant will be notified of the amount adjusted, and the reason for the adjustment.

On-site audits will be conducted by SCO as deemed necessary. Pursuant to GC section 17558.5(a), a reimbursement claim for actual costs filed by a claimant is subject to audit by SCO no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was made to a claimant for the program for the fiscal year for which the claim was filed, the time for SCO to initiate an audit will commence to run from the date of initial payment of the claim.

All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. Supporting documents must be made available to SCO on request.

### **Record Retention**

All documentation to support actual costs claimed must be retained for a period of three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for SCO to initiate an audit will be from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and must be made available to SCO on request.

**Claim Submission**

Submit a signed original Form FAM-27 and one copy with required documents. **Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.**

Mandated costs claiming instructions and forms are available online at the SCO's website: **[www.sco.ca.gov/ard\\_mancost.html](http://www.sco.ca.gov/ard_mancost.html)**.

Use the following mailing addresses:

If delivered by  
U.S. Postal Service:

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and  
Services Division  
P.O. Box 942850  
Sacramento, CA 94250

If delivered by  
other delivery services:

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and  
Services Division  
3301 C Street, Suite 700  
Sacramento, CA 95816

For more information, contact the Local Reimbursements Section by email at [LRS LGPSD@sco.ca.gov](mailto:LRS LGPSD@sco.ca.gov), by telephone at (916) 324-5729, or by writing to the address above.

Amended: October 30, 2009  
 Amended: August 26, 1999  
 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*

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 30<sup>th</sup> 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, 99<sup>th</sup> Congress, 1<sup>st</sup> 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 chapter<sup>1</sup> 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.

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<sup>1</sup> 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.



<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT INSTRUCTIONS</b>	<b>FORM FAM-27</b>
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- (01) Enter the claimant identification number assigned by the State Controller's Office.
- (02) Enter claimant official name, county of location, street or postal office box address, city, State, and zip code.
- (03) to (08) Leave blank.
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) Not applicable.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate Form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim as shown on Form 1 line (11). The total claimed amount must exceed \$1,000; minimum claim must be \$1,001.
- (14) Initial reimbursement claims must be filed as specified in the claiming instructions. Annual reimbursement claims must be filed by **February 15**, or otherwise specified in the claiming instructions, following the fiscal year in which costs were incurred or the claims must be reduced by a late penalty. Enter zero if the claim filed on time. Otherwise, enter the penalty amount as a result of the calculation formula as follows:
- Late Initial Reimbursement Claims: Form FAM-27 line (13) multiplied by 10%, without limitation; or
  - Late Annual Reimbursement Claims: Form FAM-27, line (13) multiplied by 10%, late penalty not to exceed \$10,000.
- (15) Enter the amount of payment, if any, received for the claim. If no payment was received, enter zero.
- (16) Enter the net claimed amount by subtracting the sum of lines (14) and (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (29) Bring forward the cost information as specified on the left-hand column of lines (22) through (29) for the reimbursement claim, e.g., Form 1, (04) 1. (f), means the information is located on Form 1, block (04), line 1., column (f). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. The indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 35.19% should be shown as 35. **Completion of this data block will expedite the process.**
- (30) to (36) Leave blank.
- (37) Read the statement of Certification of Claim. The claim must be signed and dated by the agency's authorized officer, type or print name and title, telephone number, and email address. **Claims cannot be paid unless accompanied by an original signed certification. (Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.)**
- (38) Enter the name, telephone number, and email address of the agency contact person for the claim. If the claim was prepared by a consultant, type or print the name of the consulting firm, the claim preparer, telephone number, and email address.

**SUBMIT A SIGNED ORIGINAL FORM FAM-27 AND ONE COPY WITH ALL OTHER FORMS TO:**

**Address, if delivered by U.S. Postal Service:**

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and Services Division  
P.O. Box 942850  
Sacramento, CA 94250

**Address, if delivered by other delivery service:**

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and Services Division  
3301 C Street, Suite 700  
Sacramento, CA 95816

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>1</b>
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(01) Claimant	(02)	Fiscal Year 20__/20__
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(03) Department

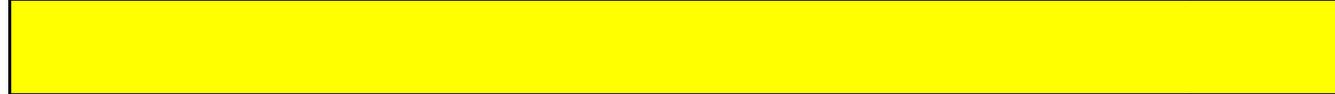
Direct Costs	Object Accounts					
	(a) Salaries	(b) Benefits	(c) Materials and Supplies	(d) Contract Services	(e) Travel and Training	(f) Total
(04) Reimbursable Activities						
1. Compliance with Court Orders						
2. Court Costs for Out-of-Jurisdiction Cases						
3. Secure Appearance of Offender						
4. Return of Children to Custodian						
(05) Total Direct Costs						

**Indirect Costs**



(06) Indirect Cost Rate	[From ICRP or 10%]	%
(07) Total Indirect Costs	[Refer to Claim Summary Instructions]	
(08) Total Direct and Indirect Costs	[Line (05)(g) + line (07)]	

**Cost Reduction**



(09) Less: Offsetting Revenues	
(10) Less: Other Reimbursements	
(11) Total Claimed Amount	[Line (08) - {line (09) + line (10)}]

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY INSTRUCTIONS</b>	<b>FORM 1</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of claim.
- (03) If more than one department has incurred costs for this mandate, give the name of each department. A separate Form 1 should be completed for each department.
- (04) For each reimbursable activity, enter the total from Form 2, line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row. Total each row.
- (05) Total columns (a) through (f).
- (06) Indirect costs may be computed as 10% of direct labor costs, excluding fringe benefits, without preparing an Indirect Cost Rate Proposal (ICRP). If an indirect cost rate of greater than 10% is used, include the ICRP with the claim.
- (07) Local agencies have the option of using the flat rate of 10% of direct labor costs or using a department's ICRP in accordance with Office of Management and Budget Circular 2 CFR, Chapter I and Chapter II, Part 200 et al. If the flat rate is used for indirect costs, multiply Total Salaries, line (05)(a), by 10%. If an ICRP is submitted, multiply applicable costs used in the distribution base for the computation of the indirect cost rate by the Indirect Cost Rate, line (06). If more than one department is reporting costs, each must have its own ICRP for the program.
- (08) Enter the sum of Total Direct Costs, line (05)(f), and Total Indirect Costs, line (07).
- (09) If applicable, enter any offsetting revenue received by the claimant for this mandate from any state or federal source. Submit a schedule detailing the revenue sources and amounts.
- (10) If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.  
  
**Note:** 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 on Form 1.2 and must also be used as an offset against these cases.
- (11) From the Total Direct and Indirect Costs, line (08), subtract the sum of Offsetting Revenues, line (09), and Other Reimbursements, line (10). Enter the remainder on this line and carry the amount forward to Form FAM-27, line (13) of the Reimbursement Claim.

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>REIMBURSEMENT SOURCE SUMMARY</b>	<b>FORM</b> <b>1.2</b>
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(01) Claimant	(02) Fiscal Year 20___/20___
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(03) Indirect Costs Computation

(a) Cost Activity	(b) Case Number	(c) Reimbursement Source	(d) Amount

(04) Total <input type="checkbox"/> Subtotal <input type="checkbox"/>	
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<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>REIMBURSEMENT SOURCE SUMMARY</b> <b>INSTRUCTIONS</b>	<b>FORM</b> <b>1.2</b>
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- (01) Enter the name of the claimant.
- (02) Enter the year in which costs were incurred.
- (03)
  - (a) List the cost activity.
  - (b) Enter the case number.
  - (c) Enter the reimbursement source.
  - (d) Enter the amount of reimbursement for the custody of minor programs the county has received from defendants, other individuals, or the State Foster Care Program.
- (04) Total the amount of reimbursement received and carryforward this amount to Form 1, line (10), Other Reimbursements.

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>2</b>
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(01) Claimant	(02) Fiscal Year 20___/20___
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<input type="checkbox"/> 1. Compliance with Court Orders	<input type="checkbox"/> 3. Secure Appearance of Offender
<input type="checkbox"/> 2. Court Costs for Out-of-Jurisdiction Cases	<input type="checkbox"/> 4. Return of Children to Custodian

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries	(e) Benefits	(f) Materials and Supplies	(g) Contract Services	(h) Travel and Training

(05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ___ of ___	
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<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>ACTIVITY COST DETAIL</b> <b>INSTRUCTIONS</b>	<b>FORM</b> <b>2</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Check the box which indicates the activity being claimed. Check only one box per form. A separate Form 2 must be prepared for each activity.
- (04) The following table identifies the type of information required to support reimbursable costs. To itemize costs for the activity box checked in block (03), enter each employee name, job classification, a brief description of the activities performed, productive hourly rate, actual time spent, fringe benefits, supplies used, contract services, fixed assets, and travel and training expenses. **The descriptions required in column (04)(a) must be of sufficient detail to explain the cost of activities or items being claimed.**

Object Accounts	Columns								Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
<b>Salaries and Benefits</b>	Employee Name and Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate X Hours Worked					
	Activities Performed	Benefit Rate			Benefits = Benefit Rate X Salaries				
<b>Materials and Supplies</b>	Description of Supplies Used	Unit Cost	Quantity Used			Cost = Unit Cost X Quantity Used			
<b>Contract Services</b>	Name of Contractor and Specific Tasks Performed	Hourly Rate	Hours Worked and Inclusive Dates of				Cost = Hourly Rate X Hours Worked or Total Contract Cost		Copy of Contract and Invoices
<b>Travel and Training</b>	Purpose of Trip, Name and Title, Destination, Departure Date, and Return Date	Per Diem Rate, Mileage Rate, and Travel Cost	Days, Miles, and Travel Mode					Total Travel = Rate X Days or Miles	
	Employee Name and Title and Name of Class Attended		Dates Attended					Registration Fee	

- (05) Total line (04), columns (d) through (h) and enter the sums on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row.

Office of the State Controller  
State-Mandated Costs Claiming Instructions No. 2012-32  
Custody of Minors-Child Abduction and Recovery – Program No. 13  
Revised September 1, 2020

In accordance with Government Code (GC) sections 17560 and 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state-mandated cost programs. This document contains claiming instructions and forms that eligible claimants must use for filing claims for the Custody of Minors-Child Abduction and Recovery program. SCO issues these claiming instructions subsequent to the Commission on State Mandates (CSM) adopting the Parameters and Guidelines (Ps & Gs). The [Ps & Gs](#) are an integral part of the claiming instructions and are located on the CSM's website.

On September 19, 1979, CSM adopted a Statement of Decision finding that the test claim legislation imposes a reimbursable state-mandated program on local agencies within the meaning of article XIII B, section 6 of the California Constitution and GC section 17514.

On October 30, 2009, CSM approved the amendments to the Ps & Gs to clarify the source documentation requirements and record retention language, as requested by the SCO.

### **Exception**

There will be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

### **Eligible Claimants**

Any county, as defined in GC section 17515, that incurs increased costs as a result of this mandate is eligible to claim for reimbursement.

### **Reimbursement Claim Deadline**

Pursuant to GC section 17560(a), annual reimbursement claims may be filed by **February 15** following the fiscal year in which costs were incurred. If the deadline falls on a weekend or holiday, claims are due the following business day. Claims filed after the deadline must be reduced by a late penalty. **Claims filed more than one year after the deadline will not be accepted.**

### **Penalty**

- **Initial Reimbursement Claims**

When filed within one year of the initial filing deadline, claims are assessed a late penalty of 10% of the total amount of the initial claim without limitation pursuant to GC section 17561(d)(3).

- **Annual Reimbursement Claims**

When filed within one year of the annual filing deadline, claims are assessed a late penalty of 10% of the claim amount, not to exceed \$10,000, pursuant to GC section 17568.

### **Minimum Claim Cost**

GC section 17564(a), states that no claim may be filed pursuant to sections 17551 and 17561, unless such a claim exceeds one thousand dollars (**\$1,000**).

### **Reimbursement of Claims**

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. These 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 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 (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, these documents cannot be substituted for source documents.

### **Audit of Costs**

All claims submitted to SCO are subject to review to determine if costs are related to the mandate, are reasonable and not excessive, and if the claim was prepared in accordance with the SCO's claiming instructions and the Ps & Gs adopted by CSM. If any adjustments are made to a claim, the claimant will be notified of the amount adjusted, and the reason for the adjustment.

On-site audits will be conducted by SCO as deemed necessary. Pursuant to GC section 17558.5(a), a reimbursement claim for actual costs filed by a claimant is subject to audit by SCO no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was made to a claimant for the program for the fiscal year for which the claim was filed, the time for SCO to initiate an audit will commence to run from the date of initial payment of the claim.

All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by SCO during the period subject to

audit, the retention period is extended until the ultimate resolution of any audit findings. Supporting documents must be made available to SCO on request.

### **Record Retention**

All documentation to support actual costs claimed must be retained for a period of three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for SCO to initiate an audit will be from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and must be made available to SCO on request.

### **Claim Submission**

Submit a signed original Form FAM-27 and one copy with required documents. **Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.**

[Mandated costs claiming instructions and forms](#) are available online at the SCO's website.

Use the following mailing addresses:

If delivered by U.S. Postal Service:

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and Services Division  
P.O. Box 942850  
Sacramento, CA 94250

If delivered by other delivery services:

Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and Services Division  
3301 C Street, Suite 700  
Sacramento, CA 95816

For more information, contact the Local Reimbursements Section by [email](#), by telephone at (916) 324-5729, or by writing to the address above.

<b>CUSTODY OF MINORS- CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT FORM</b>		For State Controller Use Only (19) Program Number 00013 (20) Date Filed (21) LRS Input	<b>Program 013</b>
(01) Claimant Identification Number		Reimbursement Claim Data	
(02) Claimant Name		(22)	FORM 1, (04) 1. (f)
County of Location		(23)	FORM 1, (04) 2. (f)
Street Address or P.O. Box and Suite		(24)	FORM 1, (04) 3. (f)
City, State, and Zip Code		(25)	FORM 1, (04) 4. (f)
(03)	Type of Claim	(26)	FORM 1, (06)
(04)	(09) Reimbursement	(27)	FORM 1, (07)
(05)	(10) Combined	(28)	FORM 1, (09)
(06)	(11) Amended	(29)	FORM 1, (10)
(07)	(12) Fiscal Year of Cost	(30)	
(08)	(13) Total Claimed Amount	(31)	
(14) Less: 10% Late Penalty		(32)	
(15) Less: Prior Claim Payment Received		(33)	
(16) Net Claimed Amount		(34)	
(17) Due from State		(35)	
(18) Due to State		(36)	

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code sections 17560 and 17561, I certify that I am the officer authorized by the local agency to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.

I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received, for reimbursement of costs claimed herein and claimed costs are for a new program or increased level of services of an existing program. All offsetting revenues and offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer	Date Signed	
	Telephone Number	
Type or Print Name and Title of Authorized Signatory	Email Address	

(38) Name of Agency Contact Person for Claim	Telephone Number	
	Email Address	
Name of Consulting Firm/Claim Preparer	Telephone Number	
	Email Address	

Program <b>013</b>	CUSTODY OF MINORS- CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT INSTRUCTIONS	<b>FORM                  FAM-27</b>
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- (01) Enter the claimant identification number assigned by the State Controller's Office.
- (02) Enter claimant official name, county of location, street or postal office box address, city, state, and zip code.
- (03) to (08) Leave blank.
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) Not applicable.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year in which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate Form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim as shown on Form 1, line (11). The total claimed amount must exceed \$1,000; minimum claim must be \$1,001.
- (14) Initial reimbursement claims must be filed as specified in the claiming instructions. Annual reimbursement claims must be filed by **February 15**, or as specified in the claiming instructions following the fiscal year in which costs were incurred. Claims filed after the specified date must be reduced by a late penalty. Enter zero if the claim was filed on time. Otherwise, enter the result from the following penalty calculation formula:
  - Late Initial Reimbursement Claims: Form FAM-27, line (13) multiplied by 10%, without limitation; or
  - Late Annual Reimbursement Claims: Form FAM-27, line (13) multiplied by 10%, late penalty not to exceed \$10,000.
- (15) Enter the amount of payment, if any, received for the claim. If no payment was received, enter zero.
- (16) Enter the net claimed amount by subtracting the sum of lines (14) and (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.

Program <b>013</b>	CUSTODY OF MINORS- CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT INSTRUCTIONS (CONTINUED)	<b>FORM FAM-27</b>
-----------------------	--	------------------------

- (22) to (29) Bring forward the cost information as specified in the left-hand column of lines (22) through (29) for the reimbursement claim, e.g., Form 1, (04). (f), means the information is located on Form 1, block (04), line 1., column (f). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. The indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 35.19% should be shown as 35. Completion of this data block will expedite the process.
- (30) to (36) Leave blank.
- (37) Read the statement of Certification of Claim. The claim must be signed and dated by the agency's authorized officer, and include their typed or print name, title, telephone number, and email address. Claims cannot be paid unless accompanied by an original signed certification. (Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.)
- (38) Enter the name, telephone number, and email address of the agency contact person for the claim. If the claim was prepared by a consultant, type or print the name of the consulting firm, the claim preparer, telephone number, and email address.

**SUBMIT A SIGNED ORIGINAL FORM FAM-27 AND ONE COPY WITH ALL OTHER FORMS TO:**

***Address, if delivered by U.S. Postal Service:***

**Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and Services Division  
P.O. Box 942850  
Sacramento, CA 94250**

***Address, if delivered by other delivery service:***

**Office of the State Controller  
Attn: Local Reimbursements Section  
Local Government Programs and Services Division  
3301 C Street, Suite 700  
Sacramento, CA 95816**

PROGRAM <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY</b>					FORM <b>1</b>	
(01) Claimant			(02)		Fiscal Year 20__/20__		
(03) Department							
<b>Direct Costs</b>		<b>Object Accounts</b>					
(04) Reimbursable Activities		(a) Salaries	(b) Benefits	(c) Materials and Supplies	(d) Contract Services	(e) Travel and Training	(f) Total
1. Compliance with Court Orders							
2. Court Costs for Out-of-Jurisdiction Cases							
3. Secure Appearance of Offender							
4. Return of Children to Custodian							
(05) Total Direct Costs							
<b>Indirect Costs</b>							
(06) Indirect Cost Rate		[From ICRP or 10%]				%	
(07) Total Indirect Costs		[Refer to Claim Summary Instructions]					
(08) Total Direct and Indirect Costs		[Line (05)(g) + line (07)]					
<b>Cost Reduction</b>							
(09) Less: Offsetting Revenues							
(10) Less: Other Reimbursements							
(11) Total Claimed Amount		[Line (08) minus {line (09) + line (10)}]					

PROGRAM <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY INSTRUCTIONS</b>	FORM <b>1</b>
-----------------------	--	------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of claim.
- (03) If more than one department has incurred costs for this mandate, give the name of each department. A separate Form 1 should be completed for each department.
- (04) For each reimbursable activity, enter the total from Form 2, line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row. Total each row.
- (05) Total columns (a) through (f).
- (06) Indirect costs may be computed as 10% of direct labor costs, excluding fringe benefits, without preparing an Indirect Cost Rate Proposal (ICRP). If an indirect cost rate of greater than 10% is used, include the ICRP with the claim.
- (07) Local agencies have the option of using the flat rate of 10% of direct labor costs or using a department's ICRP in accordance with Office of Management and Budget Circular 2 CFR, Chapter I and Chapter II, Part 200 et al. If the flat rate is used for indirect costs, multiply Total Salaries, line (05)(a), by 10%. If an ICRP is submitted, multiply applicable costs used in the distribution base for the computation of the indirect cost rate by the Indirect Cost Rate, line (06). If more than one department is reporting costs, each must have its own ICRP for the program.
- (08) Enter the sum of Total Direct Costs, line (05)(f), and Total Indirect Costs, line (07).
- (09) If applicable, enter any offsetting revenue received by the claimant for this mandate from any state or federal source. Submit a schedule detailing the revenue sources and amounts.
- (10) If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.  
  
**Note:** 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 on Form 1.2 and must also be used as an offset against these cases.
- (11) From the Total Direct and Indirect Costs, line (08), subtract the sum of Offsetting Revenues, line (09), and Other Reimbursements, line (10). Enter the remainder on this line and carry the amount forward to Form FAM-27, line (13) of the Reimbursement Claim.

PROGRAM <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY REIMBURSEMENT SOURCE SUMMARY</b>	FORM <b>1.2</b>
-----------------------	--	--------------------

(01) Claimant	(02) Fiscal Year 20__/20__
---------------	-------------------------------

(03) Indirect Costs Computation

(a) Cost Activity	(b) Case Number	(c) Reimbursement Source	(d) Amount

(04) Total <input type="checkbox"/> Subtotal <input type="checkbox"/>	
---	--

PROGRAM <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY REIMBURSEMENT SOURCE SUMMARY INSTRUCTIONS</b>	FORM <b>1.2</b>
-----------------------	---	--------------------

- (01) Enter the name of the claimant.
- (02) Enter the year in which costs were incurred.
- (03)
  - (a) List the cost activity.
  - (b) Enter the case number.
  - (c) Enter the reimbursement source.
  - (d) Enter the amount of reimbursement for the custody of minor programs the county has received from defendants, other individuals, or the State Foster Care Program.
- (04) Total the amount of reimbursement received and carryforward this amount to Form 1, line (10), Other Reimbursements.

PROGRAM <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY ACTIVITY COST DETAIL</b>	FORM <b>2</b>
-----------------------	--	------------------

(01) Claimant _____	(02) Fiscal Year 20__/20__
---------------------	-------------------------------

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<input type="checkbox"/> 1. Compliance with Court Orders	<input type="checkbox"/> 3. Secure Appearance of Offender
<input type="checkbox"/> 2. Court Costs for Out-of-Jurisdiction Cases	<input type="checkbox"/> 4. Return of Children to Custodian

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries	(e) Benefits	(f) Materials and Supplies	(g) Contract Services	(h) Travel and Training

(05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ___ of ___						
--	--	--	--	--	--	--

PROGRAM <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>ACTIVITY COST DETAIL</b> <b>INSTRUCTIONS</b>	<b>FORM</b>  <b>2</b>
-----------------------	---	-----------------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Check the box which indicates the activity being claimed. Check only one box per form. A separate Form 2 must be prepared for each activity.
- (04) The following table identifies the type of information required to support reimbursable costs. To itemize costs for the activity checked in block (03), enter each employee name, job classification, a brief description of the activities performed, productive hourly rate, actual time spent, fringe benefits, supplies used, contract services, fixed assets, and travel and training expenses. The descriptions required in column (04)(a) must be of sufficient detail to explain the cost of activities or items being claimed.

Object Accounts	Columns								Submit Supporting Documents with the Claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
<b>Salaries and Benefits</b>	Employee Name and Job Classification	Hourly Rate	Hours Worked	Salaries equals Hourly Rate times Hours Worked					
	Activities Performed	Benefit Rate			Benefits equals Benefit Rate times Salaries				
<b>Materials and Supplies</b>	Description of Supplies Used	Unit Cost	Quantity Used			Costs equals Unit Cost times Quantity Used			
<b>Contract Services</b>	Name of Contractor and Specific Tasks Performed	Hourly Rate	Hours Worked and Inclusive Dates of Service				Costs equals Hourly Rate times Hours Worked or Total Contract		Copy of Contract and Invoices
<b>Travel and Training</b>	Purpose of Trip, Name and Title, Destination, Departure Date, and Return Date	Per Diem Rate, Mileage Rate, and Travel Cost	Days, Miles, and Travel Mode					Total Travel Costs equals Rate times Days or Miles	
	Employee Name and Title and Name of Class Attended		Dates Attended					Registration Fee	

- (05) Total line (04), columns (d) through (h) and enter the sums on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail activity costs, number each page. Enter totals from line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row.

## **Tab 4**



**BETTY T. YEE**  
**California State Controller**

June 23, 2021

Jill Ward, Chief Deputy Auditor-Controller  
Ventura County  
800 South Victoria Avenue  
Ventura, CA 93009

Re: Audit of Mandated Cost Claims for the Custody of Minors – Child Abduction and Recovery Program for the Period of July 1, 2016, through June 30, 2020

Dear Ms. Ward:

This letter constitutes the initiation of an audit by the State Controller's Office of Ventura County's legislatively mandated Custody of Minors – Child Abduction and Recovery Program cost claims filed for fiscal year (FY) 2016-17 through FY 2019-20. The amount claimed for the audit period totals \$4,284,397. The objective of our audit is to determine whether costs claimed represent increased costs as a result of the mandated program. To that end, we will assess whether costs claimed were supported by appropriate source documents, were not funded by another source, and were not unreasonable and/or excessive.

Alexandra Bonezzi, of our office, contacted the county on June 16, 2021, to schedule an entrance conference for Wednesday, July 7, 2021, at 10:00 a.m. The audit will be conducted in accordance with generally accepted government auditing standards. Government Code sections 12410, 17558.5, and 17561 provide the authority for this audit. We will begin audit fieldwork after the entrance conference.

Please furnish working accommodations for staff. Attached is a list of documents we will need to begin the audit. We request that this information be made available at the time of the entrance conference. We will request additional documentation throughout the audit process, if necessary.

Jill Ward, Chief Deputy Auditor-Controller  
June 23, 2021  
Page 2

Lisa Kurokawa is the Bureau Chief with overall responsibility for the audit. Kimberly Tarvin, CPA, is the Division Chief, and is responsible for final review and signing the audit report.

If you have any questions, please contact me by telephone at (916) 323-2368, or email at khowell@sco.ca.gov.

Sincerely,

*Original signed by*

KEN HOWELL, Audit Manager  
Compliance Audits Bureau  
Division of Audits

KH/ac

20786

Attachment

cc: Linda Parks, Chair  
    Ventura County Board of Supervisors  
Chris Hill, Principal Program Budget Analyst  
    Local Government Unit  
    California Department of Finance  
Steven Pavlov, Finance Budget Analyst  
    Local Government Unit  
    California Department of Finance  
Darryl Mar, Manager  
    Local Reimbursement Section  
    State Controller's Office  
Lisa Kurokawa, Bureau Chief  
    Division of Audits  
    State Controller's Office  
Alexandra Bonezzi, Auditor-in-Charge  
    Division of Audits  
    State Controller's Office

**Attachment—  
Records Request for Mandated Cost Program  
FY 2016-17 through 2019-20**

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1. Copy of claims filed for the Custody of Minors – Child Abduction and Recovery Program for FY 2016-17, FY 2017-18, FY 2018-19, and FY 2019-20
2. Copy of external and internal audit reports performed on the mandated cost program.
3. Organization charts for the county effective during the audit period, showing employee names and position titles.
4. Chart of accounts
5. Documentation that support the productive hourly rate used, including support for benefit rates.
6. Employee timesheets or time logs that supports claimed hours.
7. Access to payroll records showing employee salaries and benefits paid during the audit.
8. Access to general ledger accounts that support disbursements.
9. Documentation that supports amounts received from other funding sources.
10. Documentation that supports the indirect cost rate proposal.
11. List of child abduction cases for each fiscal year.
12. Access to case files.
13. Documentation that supports the materials and supplies costs claimed.

Note: This is a preliminary list of documents that we need to begin the audit. We will request additional documentation throughout the audit process, if necessary.

# **VENTURA COUNTY**

Audit Report

## **CUSTODY OF MINORS – CHILD ABDUCTION AND RECOVERY PROGRAM**

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

*July 1, 2016, through June 30, 2020*



**BETTY T. YEE**  
California State Controller

November 2022



**BETTY T. YEE**  
California State Controller

November 28, 2022

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Jeff Burgh, Auditor-Controller  
Ventura County  
800 South Victoria Avenue  
Ventura, CA 93003

Dear Mr. Burgh:

The State Controller's Office audited the costs claimed by Ventura County for the legislatively mandated Custody of Minors – Child Abduction and Recovery Program for the period of July 1, 2016, through June 30, 2020.

The county claimed and was paid \$4,284,397 for costs of the mandated program. Our audit found that \$99,057 is allowable and \$4,185,340 is unallowable. The costs are unallowable primarily because the county did not provide contemporaneous supporting documentation and did not claim actual costs.

Following issuance of this audit report, the Local Government Programs and Services Division of the State Controller's Office will notify the county of the adjustment to its claims via a system-generated letter for each fiscal year in the audit period.

This final audit report contains an adjustment to costs claimed by the county. If you disagree with the audit findings, you may file an Incorrect Reduction Claim (IRC) with the Commission on State Mandates (Commission). Pursuant to the Commission's regulations, outlined in Title 2, California Code of Regulations, section 1185.1, subdivision (c), an IRC challenging this adjustment must be filed with the Commission no later than three years following the date of this report, regardless of whether this report is subsequently supplemented, superseded, or otherwise amended. IRC information is available on the Commission's website at [www.csm.ca.gov/forms/IRCFORM.pdf](http://www.csm.ca.gov/forms/IRCFORM.pdf).

If you have any questions, please contact Lisa Kurokawa, Chief, Compliance Audits Bureau, by telephone at (916) 327-3138.

Sincerely,

*Original signed by*

KIMBERLY TARVIN, CPA  
Chief, Division of Audits

KT/ac

cc: Joanne McDonald, Assistant Auditor-Controller  
Financial Reporting Division  
Ventura County Auditor-Controller's Office  
Stuart Gardner, Director  
Fiscal Administrative Services  
Ventura County District Attorney's Office  
Chris Hill, Principal Program Budget Analyst  
Local Government Unit  
California Department of Finance  
Steven Pavlov, Finance Budget Analyst  
Local Government Unit  
California Department of Finance  
Darryl Mar, Manager  
Local Reimbursement Section  
State Controller's Office  
Everett Luc, Supervisor  
Local Reimbursement Section  
State Controller's Office

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# Audit Report

## Summary

The State Controller’s Office (SCO) audited the costs claimed by Ventura County for the legislatively mandated Custody of Minors – Child Abduction and Recovery (CAR) Program for the period of July 1, 2016, through June 30, 2020.

The county claimed and was paid \$4,284,397 for costs of the mandated program. Our audit found that \$99,057 is allowable and \$4,185,340 is unallowable. The costs are unallowable primarily because the county did not provide contemporaneous supporting documentation and did not claim actual costs.

## Background

Chapter 1399, Statutes of 1976, established the CAR Program, based on the following laws:

- Civil Code section 4600.1 (repealed and added as Family Code sections 3060 through 3064 by Chapter 162, Statutes of 1992);
- Penal Code (PC) sections 278 and 278.5 (repealed and added as PC sections 277, 278, and 278.5 by Chapter 988, Statutes of 1996); and
- Welfare and Institutions Code section 11478.5 (repealed and added as Family Code section 17506 by Chapter 478, Statutes of 1999; last amended by Chapter 759, Statutes of 2002).

These laws require the District Attorney’s Office (DAO) to assist persons having legal custody of a child in:

- Locating their children when they are unlawfully taken away;
- Gaining enforcement of custody and visitation decrees and orders to appear;
- Defraying expenses related to the return of an illegally detained, abducted, or concealed child;
- Civil court action proceedings; and
- Guaranteeing the appearance of offenders and minors in court actions.

On September 19, 1979, the State Board of Control (now the Commission on State Mandates) determined that this legislation imposed a state mandate reimbursable under Government Code (GC) section 17561.

The parameters and guidelines establish the state mandate and define reimbursement criteria. The Commission on State Mandates adopted the parameters and guidelines on January 21, 1981; they were last amended on October 30, 2009. In compliance with GC section 17558, the SCO issues the *Mandated Cost Manual for Local Agencies (Mandated Cost Manual)* for mandated programs to assist local agencies in claiming reimbursable costs.

## Audit Authority

We conducted this performance audit in accordance with GC sections 17558.5 and 17561, which authorize the SCO to audit the county's records to verify the actual amount of the mandated costs. In addition, GC section 12410 provides the SCO with general authority to audit the disbursement of state money for correctness, legality, and sufficient provisions of law.

## Objective, Scope, and Methodology

The objective of our audit was to determine whether costs claimed represent increased costs resulting from the legislatively mandated Custody of Minors – CAR Program. Specifically, we conducted this audit to determine whether costs claimed were supported by appropriate source documents, were not funded by another source, and were not unreasonable and/or excessive.<sup>1</sup>

The audit period was July 1, 2016, through June 30, 2020.

To achieve our objective, we performed the following procedures:

- We reviewed the annual mandated cost claims filed by the county for the audit period and identified the significant cost components of each claim as salaries and benefits, materials and supplies, and indirect costs. We determined whether there were any errors or unusual or unexpected variances from year to year. We reviewed the claimed activities to determine whether they adhered to the SCO's *Mandated Cost Manual* and the program's parameters and guidelines.
- We completed an internal control questionnaire by interviewing key county staff members. We discussed the claim preparation process with county staff members to determine what information was obtained, who obtained it, and how it was used.
- We reviewed time records, which the county called time studies, completed by the county for the audit period. We also reviewed payroll records for claimed employees. We noted various issues with the reviewed time records. The records provided as support for the claimed costs did not meet the requirements of the program's parameters and guidelines (see Finding 1).
- We reviewed claimed materials and supplies costs, and found that the county claimed costs that were allocated to the CAR Program (Function SP04 Activity 3401) as direct costs applicable to the mandated program, although the costs were not actual costs supported by source documentation. Per the program's parameters and guidelines, only actual costs are allowed. We also found that the county claimed costs that were not supported by source documentation, and we were unable to verify that costs charged to Object 2301 – Gas and Diesel Fuel Internal Service Fund (ISF) and Object 2302 – Transportation Charges in the ISF were for mandated activities. We found \$204,276 in materials and supplies costs to be unallowable (see Finding 2).

---

<sup>1</sup> Unreasonable and/or excessive costs include ineligible costs that are not identified in the program's parameters and guidelines as reimbursable costs.

- We reviewed the claimed indirect cost rates, including supporting documentation provided by the county. We found that the indirect cost rates were properly supported.
- We interviewed county personnel and reviewed the county's Single Audit Reports and revenues reports to identify potential sources of offsetting revenues and reimbursements from federal or pass-through programs applicable to this mandated program. We found that the county did receive offsetting revenue for this mandate in fiscal year (FY) 2017-18 and FY 2018-19. We noted no exceptions.

We did not audit the county's financial statements.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

## Conclusion

As a result of performing the audit procedures, we found instances of noncompliance with the requirements described in our audit objective. We found that the county claimed unsupported and ineligible costs, as quantified in the Schedule and described in the Findings and Recommendations section. However, we did not find that the county claimed costs that were funded by other sources, aside from the offsetting revenues that were already reported on the claims.

For the audit period, Ventura County claimed and was paid \$4,284,397 for costs of the legislatively mandated Custody of Minors – CAR Program. Our audit found that \$99,057 is allowable and \$4,185,340 is unallowable.

Following issuance of this audit report, the SCO's Local Government Programs and Services Division will notify the county of the adjustment to its claims via a system-generated letter for each fiscal year in the audit period.

## Follow-up on Prior Audit Findings

The county has satisfactorily resolved the findings noted in our prior audit report for the period of July 1, 2003, through June 30, 2007, excluding July 1, 2004, through June 30, 2005, issued on July 28, 2010.

The prior audit report was conducted under the program's previous parameters and guidelines, adopted on August 26, 1999.

## Views of Responsible Officials

We issued a draft audit report on September 21, 2022. The county's representatives responded by letters dated September 30, 2022, disagreeing with the audit results (Attachment).

**Restricted Use**

This audit report is solely for the information and use of Ventura County, the California Department of Finance, and the SCO; it is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this audit report, which is a matter of public record and is available on the SCO website at [www.sco.ca.gov](http://www.sco.ca.gov).

*Original signed by*

KIMBERLY TARVIN, CPA  
Chief, Division of Audits

November 28, 2022

**Schedule—**  
**Summary of Program Costs**  
**July 1, 2016, through June 30, 2020**

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustment	Reference <sup>1</sup>
<u>July 1, 2016, through June 30, 2017</u>				
Direct costs:				
Salaries and benefits	\$ 777,518	\$ -	\$ (777,518)	Finding 1
Materials and supplies	67,304	22,383	(44,921)	Finding 2
Total direct costs	844,822	22,383	(822,439)	
Indirect costs	209,930	-	(209,930)	Finding 1
Total direct and indirect costs	1,054,752	22,383	(1,032,369)	
Less: offsetting revenues and other reimbursements	-	-	-	
Total program costs <sup>2</sup>	<u>\$ 1,054,752</u>	22,383	<u>\$ (1,032,369)</u>	
Less amount paid by the State <sup>3</sup>		<u>(1,054,752)</u>		
Amount paid in excess of allowable costs claimed		<u>\$ (1,032,369)</u>		
<u>July 1, 2017, through June 30, 2018</u>				
Direct costs:				
Salaries and benefits	\$ 779,242	\$ -	\$ (779,242)	Finding 1
Materials and supplies	80,633	29,716	(50,917)	Finding 2
Total direct costs	859,875	29,716	(830,159)	
Indirect costs	218,188	-	(218,188)	Finding 1
Total direct and indirect costs	1,078,063	29,716	(1,048,347)	
Less: offsetting revenues and other reimbursements	(1,638)	(1,638)	-	
Total program costs <sup>4</sup>	<u>\$ 1,076,425</u>	28,078	<u>\$ (1,048,347)</u>	
Less amount paid by the State <sup>3</sup>		<u>(1,076,425)</u>		
Amount paid in excess of allowable costs claimed		<u>\$ (1,048,347)</u>		
<u>July 1, 2018, through June 30, 2019</u>				
Direct costs:				
Salaries and benefits	\$ 757,952	\$ -	\$ (757,952)	Finding 1
Materials and supplies	78,401	27,029	(51,372)	Finding 2
Total direct costs	836,353	27,029	(809,324)	
Indirect costs	219,806	-	(219,806)	Finding 1
Total direct and indirect costs	1,056,159	27,029	(1,029,130)	
Less: offsetting revenues and other reimbursements	(116)	(116)	-	
Total program costs	<u>\$ 1,056,043</u>	26,913	<u>\$ (1,029,130)</u>	
Less amount paid by the State <sup>3</sup>		<u>(1,056,043)</u>		
Amount paid in excess of allowable costs claimed		<u>\$ (1,029,130)</u>		

**Schedule (continued)**

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustment	Reference <sup>1</sup>
<u>July 1, 2019, through June 30, 2020</u>				
Direct costs:				
Salaries and benefits	\$ 765,735	\$ -	\$ (765,735)	Finding 1
Materials and supplies	78,749	21,683	(57,066)	Finding 2
Total direct costs	844,484	21,683	(822,801)	
Indirect costs	252,693	-	(252,693)	Finding 1
Total direct and indirect costs	1,097,177	21,683	(1,075,494)	
Less: offsetting revenues and other reimbursements	-	-	-	
Total program costs	<u>\$ 1,097,177</u>	21,683	<u>\$ (1,075,494)</u>	
Less amount paid by the State <sup>3</sup>		<u>(1,097,177)</u>		
Amount paid in excess of allowable costs claimed		<u>\$ (1,075,494)</u>		
<u>Summary: July 1, 2016, through June 30, 2020</u>				
Direct costs:				
Salaries and benefits	\$ 3,080,447	\$ -	\$ (3,080,447)	Finding 1
Materials and supplies	305,087	100,811	(204,276)	Finding 2
Total direct costs	3,385,534	100,811	(3,284,723)	
Indirect costs	900,617	-	(900,617)	Finding 1
Total direct and indirect costs	4,286,151	100,811	(4,185,340)	
Less: offsetting revenues and other reimbursements	(1,754)	(1,754)	-	
Total program costs <sup>2, 4</sup>	<u>\$ 4,284,397</u>	99,057	<u>\$ (4,185,340)</u>	
Less amount paid by the State <sup>3</sup>		<u>(4,284,397)</u>		
Amount paid in excess of allowable costs claimed		<u>\$ (4,185,340)</u>		

<sup>1</sup> See the Findings and Recommendations section.

<sup>2</sup> The county originally claimed \$1,072,924 for FY 2016-17; however, the SCO's Local Government Programs and Services Division identified an overstatement of claimed indirect costs and adjusted the claim down to \$1,054,752, a difference of \$18,172.

<sup>3</sup> Payment amount current as of August 2, 2022.

<sup>4</sup> The county originally claimed \$1,099,002 for FY 2017-18; however, the SCO's Local Government Programs and Services Division identified an overstatement of claimed indirect costs and adjusted the claim down to \$1,076,425, a difference of \$22,577.

# Findings and Recommendations

**FINDING 1—  
Unsupported salaries,  
benefits, and related  
indirect costs**

The county claimed \$3,080,447 in salaries and benefits for the audit period. We determined that the entire amount is unallowable. The related unallowable indirect costs total \$900,617, for total unallowable costs of \$3,981,064. The costs are unallowable because the county did not provide contemporaneous source documentation to support the mandated functions performed or the actual number of hours devoted to each function.

Following is a summary of the unallowable salaries and benefits, the related indirect costs, and the audit adjustment:

	Fiscal Year				Total
	2016-17	2017-18	2018-19	2019-20	
Total unallowable salaries and benefits	A (777,518)	(779,242)	(757,952)	(765,735)	(3,080,447)
Claimed indirect cost rate	B 27.00%	28.00%	29.00%	33.00%	
Related indirect costs (A × B)	C (209,930)	(218,188)	(219,806)	(252,693)	(900,617)
Audit Adjustment (A + C)	D \$ (987,448)	\$ (997,430)	\$ (977,758)	\$ (1,018,428)	\$ (3,981,064)

The county provided monthly time studies that included hours charged to the following activity titles:

- CC: Enforcement of Decrees – Family Code Sections 3130 & 3131;
- CC: Court Activity – Family Code Sections 3130 & 3131;
- Out-of-State Decrees – CC: Offender Detention – Family Code Section 3400 et seq. UCCJEA; and
- PC: Return of Detained or Concealed Child – CA Penal Code Sections 278 & 278.5 (Criminal).

Other monthly time studies provided by the county included only the hours charged to the Child Abduction and Recovery Unit.

In addition, the county provided payroll reports for one Senior Attorney position that was charged 100% to the CAR Program. We requested source documentation for the mandated activities performed. The county stated that that the Senior Attorney position does not include collateral assignments or duties and thus does not maintain time studies.

During fieldwork, the county also provided us with declarations and time estimates for 13 different child abduction and recovery cases. These estimates were based on the employees’ memory, date and timestamped emails, and their training and experience. Per the program’s parameters and guidelines, signed declarations of estimated time spent on case activities are considered corroborating documents, and are not a substitute for source documents. Only actual costs traceable to source documents may be claimed for this program.

Based on the documentation provided, we were unable to determine the mandated functions performed, the actual number of hours devoted to each

function, or the validity of such costs. Without a description of the mandated functions, we were unable to determine whether the county claimed unallowable costs associated with criminal prosecution commencing with the defendant’s first appearance in a California court, or claimed costs associated with non-mandated activities.

In addition, the county did not separately identify its time spent for on activities related to cases under PC section 278.7 (commonly referred to as “good cause” cases). Time spent on good-cause cases is unallowable because the parameters and guidelines do not identify “good cause” cases as reimbursable costs.

The parameters and guidelines incorporate requirements of PC sections 278 and 278.5, as amended by Chapter 988, Statutes of 1996. This law, known as the Parental Kidnapping Prevention Act, also added PC section 278.7. However, PC section 278.7 was not incorporated into the parameters and guidelines; therefore, any costs claimed under this section are not reimbursable.

Section VII.A.1., “Salaries and Employees’ Benefits” of the parameters and guidelines states, in part:

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. . . .

Section V., “Reimbursable Costs,” of the parameters and guidelines begins:

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** [emphasis added].

### Recommendation

We recommend that the county:

- Follow the SCO's *Mandated Cost Manual* and the mandated program's parameters and guidelines when preparing its reimbursement claims; and
- Ensure that claimed costs are supported by source documentation.

### County's Response

"Finding 1" relates to unsupported salaries, benefits, and related indirect costs. During the period subject to audit, the CARP unit was staffed with a prosecutor and investigators. The assigned investigators maintained monthly time studies (in addition to timesheets). The prosecutor, who served full-time in the CARP unit, completed timesheets indicating that her activities were 100% dedicated to CARP activities. When SCO staff indicated that the time studies and timesheets, in their current form, would not be considered a "source document," the CARP unit provided evidence corroborating the source documents, such as email correspondence, written legal instruments and other written product, court dockets, attestations, and case file documents. Despite these efforts to supplement the record of the time spent on CARP activities, all costs were determined to be unallowable. It is, however, undisputed that over 150 children were reunited with their legal parent or guardian during the period audited—activities subject to reimbursement pursuant to the mandate.

The audit determined that the DAO costs were unallowable, in part, because the time studies and timesheets did not exclude "good cause" cases. The Guidelines for CARP were initially drafted in 1981 and allow reimbursement for activities related to Penal Code sections 278 and 278.5 (child abduction statutes). Good Cause was established as a defense to child abduction where a parent claims in good faith that removal was necessary to prevent harm to the child. The codification of a Good Cause defense did not exist in 1981 but was later memorialized in Penal Code section 278.7. Notwithstanding subsequent amendments to the Guidelines, they have never been updated to expressly include or exclude 278.7. The SCO asserts that because Good Cause cases were created after the Guidelines and never explicitly incorporated, they are not a reimbursable activity. Significantly, Good Cause cases were not excluded from reimbursement in the 2003-2007 audit. Moreover, since Good Cause is a defense to a reimbursable activity, the litigation of Good Cause cases necessarily involves a reimbursable activity. Good Cause is so intertwined with reimbursable activity that its exclusion is arbitrary and inconsistent with the CARP mandate.

To ensure that our costs are reimbursed in the future, the DAO is implementing time keeping software that will capture extensive detail about cases and allowable activities. The DAO believes that with the enhanced record keeping, all future claims will be allowed. Additionally, with respect to Good Cause, the DAO will seek the specific inclusion of Penal Code section 278.7 in the Guidelines.

SCO Comments

Our findings and recommendation remain unchanged.

The county states:

When SCO staff indicated that the time studies and timesheets in their current form, would not be considered a “source document,” the CARP unit provided evidence corroborating the source documents, such as email correspondence, written legal instruments and other written product, court dockets, attestations, and case file documents. Despite these efforts to supplement the record of the time spent on CARP activities, all costs were determined to be unallowable.

The county must claim only the actual costs for the reimbursable program. Actual costs are supported by source documentation. Email correspondence, written legal instruments and other written products, court dockets, attestations, and case file documents are not considered source documents. The parameters and guidelines do not allow the county to “supplement the record” when source documents are not provided.

Section V., “Reimbursable Costs,” of the parameters and guidelines states, in part:

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** [emphasis added].

The county states “The audit determined that the DAO costs were unallowable, in part, because the time studies and timesheets did not exclude ‘good cause’ cases.” During fieldwork, we determined that employees claimed time on activities related to cases under PC section 278.7 (commonly referred to as “good cause” cases). Activities performed under this penal code are not considered reimbursable mandated activities. Furthermore, the documentation provided as support for the claims did not contain the required detail to determine the mandated functions performed or identify employees’ time spent on activities related to cases under PC section 278.7.

**FINDING 2—  
Overstated materials  
and supplies costs**

The county claimed a total of \$305,087 in materials and supplies costs for the audit period. We determined that \$100,811 is allowable and \$204,276 is unallowable. These costs are unallowable because the county claimed costs that were not actual costs incurred to implement the mandated activities, and costs that were allocated to the CAR Program rather than actual costs supported by source documentation, as required by the program’s parameters and guidelines.

The following table shows the materials and supplies costs claimed by the DAO, the allowable costs, and the audit adjustment by fiscal year:

<u>Materials and Supplies</u>	<u>Total Claimed</u>	<u>Total Allowable</u>	<u>Audit Adjustment</u>
<u>FY 2016-17</u>			
Direct Materials and Supplies (including GSA Fleet)	\$ 36,155	\$ 22,383	\$ (13,772)
Rent Allocation	28,370	-	(28,370)
IT Services Allocation	2,779	-	(2,779)
	<u>\$ 67,304</u>	<u>\$ 22,383</u>	<u>\$ (44,921)</u>
<u>FY 2017-18</u>			
Direct Materials and Supplies (including GSA Fleet)	\$ 42,492	\$ 29,716	\$ (12,776)
Rent Allocation	34,750	-	(34,750)
IT Services Allocation	3,391	-	(3,391)
	<u>\$ 80,633</u>	<u>\$ 29,716</u>	<u>\$ (50,917)</u>
<u>FY 2018-19</u>			
Direct Materials and Supplies (including GSA Fleet)	\$ 45,700	\$ 27,029	\$ (18,671)
Rent Allocation	29,453	-	(29,453)
IT Services Allocation	3,248	-	(3,248)
	<u>\$ 78,401</u>	<u>\$ 27,029</u>	<u>\$ (51,372)</u>
<u>FY 2019-20</u>			
Direct Materials and Supplies (including GSA Fleet)	\$ 45,396	\$ 21,683	\$ (23,713)
Rent Allocation	29,709	-	(29,709)
IT Services Allocation	3,644	-	(3,644)
	<u>\$ 78,749</u>	<u>\$ 21,683</u>	<u>\$ (57,066)</u>
<u>Total for Audit Period</u>			
Direct Materials and Supplies (including GSA Fleet)	\$ 169,743	\$ 100,811	\$ (68,932)
Rent Allocation	122,282	-	(122,282)
IT Services Allocation	13,062	-	(13,062)
	<u>\$ 305,087</u>	<u>\$ 100,811</u>	<u>\$ (204,276)</u>

Direct Materials and Supplies (including General Services Agency Fleet)

The county claimed a total of \$169,743 in direct costs, including General Services Agency (GSA) Fleet, for the audit period. The county provided a summary of all costs charged to the CAR Program (Function SP04 Activity 3401) within the Special Prosecution Division (Unit 2101) of the DAO's.

We judgmentally selected Object 2301 – Gas and Diesel Fuel ISF and Object 2302 – Transportation Charges ISF for review. We requested information from the county on what the charges were for and how they were recorded by employees. We also asked the county to provide documentation to show how these charges were related to child abduction and recovery cases. The county responded that investigators assigned to child abduction and recovery cases are issued county vehicles, and must report their mileage reading to the GSA Fleet department every month; however, fleet charges are not associated with specific cases. We were unable to verify that the monthly vehicle and fuel charges were spent directly on the mandated activities.

Rental Cost Allocations

The county claimed a total of \$122,282 in rental costs allocated to the CAR Program. The county developed a methodology by which to allocate a percentage of rental costs incurred by the DAO’s as direct costs applicable to the mandated program. For each fiscal year, the county calculated the ratio of CAR-related full time equivalent (FTE) to total employees working at the Ralston Street location. To determine program-related materials and supplies costs, the county applied the percentage to the total rental costs incurred at the Ralston Street location.

The following table illustrates the methodology the county used to calculate the CAR Program’s rent costs, and the related audit adjustments by fiscal year.

CAR Program	FY 2016-17			FY 2017-18			FY 2018-19			FY 2019-20			Total Audit Adjustment
	Total Claimed	Total Allowable	Audit Adjustment	Total Claimed	Total Allowable	Audit Adjustment	Total Claimed	Total Allowable	Audit Adjustment	Total Claimed	Total Allowable	Audit Adjustment	
CAR Program FTE	4.29			4.29			3.68			3.61			
Ralston Street total employees	÷ 44			÷ 37			÷ 38			÷ 40			
CAR Program % of Ralston Street employees	9.75%			11.59%			9.68%			9.03%			
Total rent charges at Ralston Street	× \$ 290,975			× \$ 299,706			× \$ 304,134			× \$ 329,190			
CAR Program rent allocation	\$ 28,370	\$ -	\$ (28,370)	\$ 34,750	\$ -	\$ (34,750)	\$ 29,453	\$ -	\$ (29,453)	\$ 29,709	\$ -	\$ (29,709)	\$ (122,282)

Based on the documentation provided, we determined that a total of \$122,282 in rental costs is unallowable. The costs are unallowable because the county did not claim actual costs that were supported by source documentation.

IT Service Cost Allocations

The county claimed a total of \$13,062 for IT service costs allocated to the CAR Program. The county developed a methodology by which to allocate a percentage of IT service costs incurred by the DAO’s as direct costs applicable to the mandated program. For each fiscal year, the county calculated the ratio of the CAR Program-related FTE to total DAO’s FTE. To determine program-related materials and supplies costs, the county applied the percentage to the total IT service costs incurred by the DAO.

The following table illustrates the methodology used to calculate the CAR Program’s IT service costs, and the related audit adjustments by fiscal year:

CAR Program	FY 2016-17			FY 2017-18			FY 2018-19			FY 2019-20			Total Audit Adjustment
	Total Claimed	Total Allowable	Audit Adjustment	Total Claimed	Total Allowable	Audit Adjustment	Total Claimed	Total Allowable	Audit Adjustment	Total Claimed	Total Allowable	Audit Adjustment	
CAR Program FTE	\$ 4.29			\$ 4.29			\$ 3.68			\$ 3.61			
Total DAO FTE	÷ 59			÷ 64			÷ 64			÷ 58			
CAR Program allocation %	7.27%			6.70%			5.75%			6.28%			
Total IT service costs	× \$ 38,216			× \$ 50,594			× \$ 56,493			× \$ 58,036			
CAR Program IT service costs allocation	\$ 2,779	\$ -	\$ (2,779)	\$ 3,391	\$ -	\$ (3,391)	\$ 3,248	\$ -	\$ (3,248)	\$ 3,644	\$ -	\$ (3,644)	\$ (13,062)

Based on the documentation provided, we determined that a total of \$13,062 in IT service costs is unallowable. The costs are unallowable because the county did not claim actual costs that were supported by source documentation.

Section V., “Reimbursable Costs,” of the parameters and guidelines begins:

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.

#### Recommendation

We recommend that the county:

- Follow the SCO’s *Mandated Cost Manual* and the mandated program’s parameters and guidelines when preparing its reimbursement claims; and
- Ensure that claimed costs include only eligible costs, are based on actual costs, and are properly supported.

#### County’s Response

“Finding 2” relates to material and supply costs. The Guidelines state that, “The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased costs is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.” The DAO interpreted this portion of the mandate differently than the SCO. The DAO applied a common practice among cost sharing programs where the proportional share of usage is applied to the appropriate program. As an example, if an investigator’s time studies demonstrated that fifty percent of her time was spent on CARP activities, then fifty percent of her vehicle cost or office rent could be attributed to CARP. It is the SCO’s position, however, that only increased costs solely attributable to CARP activity [are] allowable. For instance, because the DAO needs office space for activities other than CARP, no portion of the rent can be attributed to CARP even when determined on a value proportional to CARP activities performed. In the future, the DAO will no longer include any (proportionally) shared costs in its reimbursement requests.

#### SCO Comment

Our findings and recommendation remain unchanged.

The county states:

The DAO applied a common practice among cost sharing programs where the proportional share of usage is applied to the appropriate program. As an example, if an investigator’s time studies demonstrated that 50 percent of her time was spent on CARP activities, then fifty percent of her vehicle cost or office rent could be attributed to CARP. It is the SCO’s position, however, that only increased costs solely attributable to CARP activity are allowable.

We disagree. We did not make the determination that “only increased costs solely attributable to CAR Program activity are allowable.” Per the parameters and guidelines, only actual costs may be claimed; these costs are defined as “those costs actually incurred to implement the mandated activities.” Costs based on full-time equivalency or a proportional share of usage are not considered actual costs.

**Attachment—  
County’s Response to Draft Audit Report**

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**JEFFERY S. BURGH  
AUDITOR-CONTROLLER**

COUNTY OF VENTURA  
800 SOUTH VICTORIA AVE.  
VENTURA, CA 93009-1540



**ASSISTANT  
AUDITOR-CONTROLLER**  
JOANNE McDONALD

**CHIEF DEPUTIES**  
BARBARA BEATTY  
AMY HERRON  
MICHELLE YAMAGUCHI

September 30, 2022

Lisa Kurokawa, Chief  
Compliance Audits Bureau  
State Controller's Office  
Division of Audits

***Via Email: lkurokawa@sco.ca.gov***

**SUBJECT: CUSTODY OF MINORS – CHILD ABDUCTION AND RECOVERY PROGRAM DRAFT AUDIT FINDINGS**

Dear Ms. Kurokawa:

The purpose of this letter is to provide a response as requested to the draft of the State Controller's Office report regarding the claims of Ventura County for the legislatively mandated Custody of Minors – Child Abduction and Recovery Program (Chapter 1399, Statutes of 1976; Chapter 162, Statutes of 1992; and Chapter 988, Statutes of 1996) for the period of July 1, 2016, through June 30, 2020.

We have reviewed the draft report and the summary findings are as previously reported to us. Enclosed is the District Attorney's response which includes their views concerning the findings and their corrective actions.

The County disagrees with the disallowance of costs, in particular Good Cause cases, and reserves the right to file an "Incorrect Reduction Claim" with the Commission on State Mandates within three years of the State Controller's Office notification of adjustment.

If you have any questions, please contact Joanne McDonald, Assistant Auditor-Controller, at (805) 654-3191.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Burgh", written over a horizontal line.

JEFFERY S. BURGH  
Auditor-Controller

Enclosure

Cc: Stuart Gardner, District Attorney's Office Fiscal and Administrative Services Director


**OFFICE OF THE DISTRICT ATTORNEY**
**COUNTY OF VENTURA, STATE OF CALIFORNIA**
**ERIK NASARENKO**  
 District Attorney

September 30, 2022

 California State Controller, Division of Audits  
 Attn: Lisa Kurokawa, Chief Compliance Audits Bureau  
 Post Office Box 942850  
 Sacramento, California 94250

RE: Custody of Minors – Child Abduction and Recovery Program

To Lisa Kurokawa:

The Ventura County District Attorney's Office ("DAO") is extremely proud of our efforts to reunite children with their legal parents and guardians from whom they were unlawfully taken. Although it is undisputed that the DAO performed the actual duties required by the Custody of Minors – Child Abduction and Recovery Program ("CARP") mandate, the audit of the DAO's CARP found that nearly all the DAO claimed expenditures are unallowable. The findings do not suggest in any way that there has been any misuse of government funds, rather, the sole issue is whether the DAO provided adequate source documents of its efforts to recover children.

By way of background, the DAO's CARP was last audited by the State Controller's Office ("SCO") in 2010 for the period of July 1, 2003 through June 30, 2007. That audit was successful in that the claimed expenses were found to be allowable. Considering the audit results and endorsement of the then current DAO practices regarding source documents and time keeping, the DAO did not change or alter its practices.

In 2009, the Commission on State Mandates ("Commission") amended the parameters and guidelines ("Guidelines") relating to CARP. The amendment imposed the requirement that actual costs must be supported by a source document. "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." There is no evidence that the Commission or SCO notified

Ventura County – Child Abduction and Recovery Program  
September 30, 2022  
Page 2

agencies that had previously submitted for reimbursement under CARP activity of the new amendment. Additionally, the Commission did not provide an example or template of an approved source document that would meet their requirements. Regardless, and with an understanding that an agency seeking reimbursement has a burden to consult the Guidelines when seeking reimbursement, the DAO maintained what it believed to be source documents and corroborating evidence to support its allowable expenditures (i.e., the same documents found to support the allowable costs in the audit of years 2003-2007).

“Finding 1” relates to unsupported salaries, benefits, and related indirect costs. During the period subject to audit, the CARP unit was staffed with a prosecutor and investigators. The assigned investigators maintained monthly time studies (in addition to timesheets). The prosecutor, who served full-time in the CARP unit, completed timesheets indicating that her activities were 100% dedicated to CARP activities. When SCO staff indicated that the time studies and timesheets, in their current form, would not be considered a “source document,” the CARP unit provided evidence corroborating the source documents, such as email correspondence, written legal instruments and other written product, court dockets, attestations, and case file documents. Despite these efforts to supplement the record of the time spent on CARP activities, all costs were determined to be unallowable. It is, however, undisputed that over 150 children were reunited with their legal parent or guardian during the period audited – activities subject to reimbursement pursuant to the mandate.

The audit determined that the DAO costs were unallowable, in part, because the time studies and timesheets did not exclude “good cause” cases. The Guidelines for CARP were initially drafted in 1981 and allow reimbursement for activities related to Penal Code sections 278 and 278.5 (child abduction statutes). Good Cause was established as a defense to child abduction where a parent claims in good faith that removal was necessary to prevent harm to the child. The codification of a Good Cause defense did not exist in 1981 but was later memorialized in Penal Code section 278.7. Notwithstanding subsequent amendments to the Guidelines, they have never been updated to expressly include or exclude 278.7. The SCO asserts that because Good Cause cases were created after the Guidelines and never explicitly incorporated, they are not a reimbursable activity. Significantly, Good Cause cases were not excluded from reimbursement in the 2003-2007 audit. Moreover, since Good Cause is a defense to a reimbursable activity, the litigation of Good Cause cases necessarily involves a reimbursable activity. Good Cause is so intertwined with reimbursable activity that its exclusion is arbitrary and inconsistent with the CARP mandate.

To ensure that our costs are reimbursed in the future, the DAO is implementing time keeping software that will capture extensive detail about cases and allowable activities.

Ventura County – Child Abduction and Recovery Program  
September 30, 2022  
Page 3

The DAO believes that with the enhanced record keeping, all future claims will be allowed. Additionally, with respect to Good Cause, the DAO will seek the specific inclusion of Penal Code section 278.7 in the Guidelines.

“Finding 2” relates to material and supply costs. The Guidelines state that, “The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased costs is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.” The DAO interpreted this portion of the mandate differently than the SCO. The DAO applied a common practice among cost sharing programs where the proportional share of usage is applied to the appropriate program. As an example, if an investigator’s time studies demonstrated that fifty percent of her time was spent on CARP activities, then fifty percent of her vehicle cost or office rent could be attributed to CARP. It is the SCO’s position, however, that only increased costs solely attributable to CARP activity is allowable. For instance, because the DAO needs office space for activities other than CARP, no portion of the rent can be attributed to CARP even when determined on a value proportional to CARP activities performed. In the future, the DAO will no longer include any (proportionally) shared costs in its reimbursement requests.

Among the many services the DAO provides to the Ventura County citizens, CARP is one of the most time intensive and sensitive – recovering children wrongly withheld from a custodial parent. Our professional staff of attorneys and investigators work in all fifty states on behalf of parents who are seeking to be reunited with their children. These efforts on behalf of the parents and children are inarguably consistent with CARP mandates. Importantly, the audit findings do not conclude that the reimbursement requests and expenditures were unnecessary or improper. The SCO simply held that the previously approved source documents were inadequate for reimbursement purposes. While this is unfortunate, it does not tarnish the reputation of the DAO or professional staff working on CARP activities. We believe that we can quickly implement corrective actions to fully recover our expenditures in future years.

Sincerely,



Stuart Gardner  
Director, Fiscal and Administrative Services

SG:sg

**State Controller's Office  
Division of Audits  
Post Office Box 942850  
Sacramento, CA 94250**

**<http://www.sco.ca.gov>**

State Controller's Office

Local Mandated Cost Manual

<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT</b>		<b>For State Controller Use Only</b>		<b>PROGRAM</b>
		(19) Program Number 00013 (20) Date Filed <b>FEB 15 2018</b> (21) LRS Input		<b>013</b>
(01) Claimant Identification Number 9956		<b>Reimbursement Claim Data</b>		
(02) Claimant Name Auditor-Controller		(22) FORM 1, (04) 1. (f)	844,822	
County of Location County of Ventura		(23) FORM 1, (04) 2. (f)		
Street Address or P.O. Box 800 S. Victoria Ave.		(24) FORM 1, (04) 3. (f)		
Suite City Ventura State CA Zip Code 93009		(25) FORM 1, (04) 4. (f)		
		(26) FORM 1, (06)	27%	
(03) (09) Reimbursement <input checked="" type="checkbox"/>		(27) FORM 1, (07)	228,102	
(04) (10) Combined <input type="checkbox"/>		(28) FORM 1, (09)		
(05) (11) Amended <input type="checkbox"/>		(29) FORM 1, (10)	0	
Fiscal Year of Cost (06) (12) 2016-17		(30)		
Total Claimed Amount (07) (13) 1,072,924		(31)		
Less: 10% Late Penalty (refer to attached Instructions) (14)		(32)		
Less: Prior Claim Payment Received (15)		(33)		
Net Claimed Amount (16) 1,072,924		(34)		
Due from State (08) (17) 1,072,924		(35)		
Due to State (18)		(36)		
<b>(37) CERTIFICATION OF CLAIM</b>				
In accordance with the provisions of Government Code sections 17560 and 17561, I certify that I am the officer authorized by the local agency to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 Government Code.				
I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received for reimbursement of costs claimed herein and claimed costs are for a new program or increased level of services of an existing program. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.				
The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.				
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.				
Signature of Authorized Officer				
[Signature]		Date Signed <u>2/12/2018</u>		
[Redacted Name and Title]		Telephone Number [Redacted]		
Type or Print Name and Title of Authorized Signatory		Email Address [Redacted]		
(38) Name of Agency Contact Person for Claim				
[Redacted Name]		Telephone Number [Redacted]		
Name of Consulting Firm / Claim Preparer		Email Address [Redacted]		
		Telephone Number _____		
		Email Address _____		

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>1</b>
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(01) Claimant County of Ventura	(02)	Fiscal Year 20 <u>16</u> /20 <u>17</u>
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(03) Department District Attorney

Direct Costs	Object Accounts					
(04) Reimbursable Activities	(a) Salaries	(b) Benefits	(c) Materials And Supplies	(d) Contract Services	(e) Travel And Training	(f) Total
1. Compliance with Court Orders	515,204	262,314	67,304			844,822
2. Court Costs for Out-of-Jurisdiction Cases						
3. Secure Appearance of Offender						
4. Return of Children to Custodian						
(05) Total Direct Costs	515,204	262,314	67,304			844,822

Ind	<i>M+S \$67,304 x .27 = \$18,172</i>	
	<i>Salaries+ benefits 515,204+262,314 = 777,518</i>	
	<i>777,518 x .27 = 209,929.86</i>	
(06)	<i>claimed indirect \$228,102</i>	[From ICRP or 10%] <b>27 %</b>
(07)	<i>allowable indirect \$209,930</i>	[Refer to Claim Summary Instructions] 228,102
(08)	<i>overclaimed \$18,172</i>	[Line (05)(g) + line (07)] 1,072,924
Co:		
(09)		
(10)		0
(11)		[Line (08) - {line (09) + line (10)}] 1,072,924

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>REIMBURSEMENT SOURCE SUMMARY</b>		<b>FORM</b> <b>1.2</b>
(01) Claimant County of Ventura		(02)	Fiscal Year 20 <u>16</u> / 20 <u>17</u>
(03) Indirect Costs Computation			
(a) Cost Activity	(b) Case Number	(c) Reimbursement Source	(d) Amount
Compliance with Court Orders	See attached	Restitution	0
(04) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/>		0	

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>2</b>
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(01) Claimant County of Ventura	(02)	Fiscal Year 20 <u>16</u> /20 <u>17</u>
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<input checked="" type="checkbox"/> 1. Compliance with Court Orders	<input type="checkbox"/> 3. Secure Appearance of Offender
<input type="checkbox"/> 2. Court Costs for Out-of-Jurisdiction Cases	<input type="checkbox"/> 4. Return of Children to Custodian

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries	(e) Benefits	(f) Materials and Supplies	(g) Contract Services	(h) Travel and Training
See attached			515,204	262,314	38,934		
Building Rent					28,370		

(05) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/>	Page: <u>1</u> of <u>1</u>	515,204	262,314	67,304		
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**FY16/17  
DISTRICT ATTORNEY SB90 CLAIM SUMMARY  
CHILD ABDUCTION AND RECOVERY SUMMARY**

Employee Name	Salaries	Benefits	Total
[REDACTED]	[REDACTED]	[REDACTED]	58,488
[REDACTED]	[REDACTED]	[REDACTED]	968
[REDACTED]	[REDACTED]	[REDACTED]	6,949
[REDACTED]	[REDACTED]	[REDACTED]	21,850
[REDACTED]	[REDACTED]	[REDACTED]	222,953
[REDACTED]	[REDACTED]	[REDACTED]	122,479
[REDACTED]	[REDACTED]	[REDACTED]	223,105
[REDACTED]	[REDACTED]	[REDACTED]	311
[REDACTED]	[REDACTED]	[REDACTED]	59,612
[REDACTED]	[REDACTED]	[REDACTED]	48,664
[REDACTED]	7,249	4,890	12,139
<b>TOTAL SALARIES AND BENEFITS</b>	<b>515,204</b>	<b>262,314</b>	<b>777,518</b>

Sq Ft Billing	28,370	
Service and Supplies	22,383	Materials & Supplies } 67,304
IT Services	2,779	
GSA Fleet Charges	13,772	
<b>Direct Cost Claim Total</b>	<b>844,822</b>	
DA ICRP=27%	228,102	
<b>CLAIM TOTAL</b>	<b>1,072,924</b>	
Less Restitution	-	
<b>ADJ CLAIM TOTAL</b>	<b>1,072,924</b>	

### SB 90 AGENCY CERTIFICATION

AGENCY: District Attorney's Office

MANDATE NAME(S) AND PROGRAM NUMBER(S):

Custody of Minors-Child Abduction and Recovery (Program No. 13)

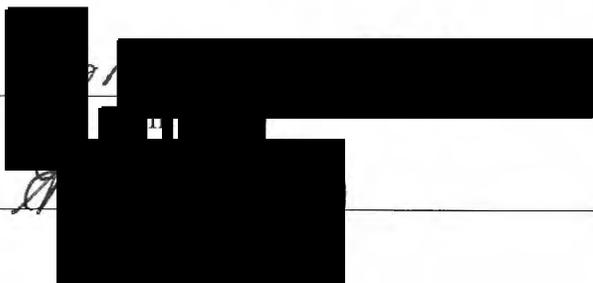
COSTS INCURRED IN FISCAL YEAR 2016/17: \$844,822.30

I, the undersigned, offer the following certification:

- 1) I affirm that the above listed mandate is performed by agency personnel.
- 2) I affirm that the claim amount is a fair and reasonable representation of actual costs to perform the reimbursable mandated activities.
- 3) Adequate supporting documentation for the claim will be provided upon request in a timely manner.

The above declarations are made to the best of my knowledge and belief,

Authorized Official: \_\_\_\_\_

A large black rectangular redaction covers the signature and name of the authorized official. A handwritten signature is visible through the redaction on the line above.

Date: 12/19/17

## INDIRECT COST RATE PROPOSAL

Claimant Name: County of Ventura  
 Department: District Attorney  
 Fiscal Year: 2016-17

Description of Costs	Total Costs	Unallowable Costs	Allowable Indirect Costs	Allowable Direct Costs
<b>Personnel Services</b>				
1 Salaries & Wages	30,325,625		4,224,000	26,101,625
2 Part-time Wages & Overtime				0
3 Benefits	31% 13,741,022		1,591,213	12,149,809
<b>SUBTOTAL</b>	<b>44,066,647</b>	<b>0</b>	<b>5,815,213</b>	<b>38,251,434</b>
<b>Line Item Costs (Services, Supplies &amp; Other):</b>				
4 Services and Supplies	6,388,885		3,364,187	28,370
5				
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35				
<b>SUBTOTAL:</b>	<b>6,388,885</b>	<b>0</b>	<b>3,364,187</b>	<b>28,370</b>
<b>TOTAL EXPENDITURES</b>	<b>50,455,532</b>			
<b>Cost Adjustments and/or Cost Plan Costs</b>				
36 Cost Allocation Plan	1,209,713		1,209,713	
37				
<b>SUBTOTAL</b>	<b>1,209,713</b>		<b>1,209,713</b>	
<b>TOTAL COSTS</b>	<b>51,665,245</b>	<b>0</b>	<b>10,389,113</b>	<b>38,279,804</b>
<b>CALCULATED INDIRECT COST RATE =</b>	<b>27%</b>	10,389,113 = Total Allowable Indirect Costs		
<b>Rate is based on: Salaries &amp; Benefits</b>		38,251,434 = Total direct salaries and benefits		

Hourly Rate	Hourly Rate	Hours	Billable Time
-------------	-------------	-------	---------------

121.25  
106.33  
109.81  
112.95  
109.81  
115.94  
115.92  
140.04

\$ 116.51 502.00 \$ 58,487.30

129.01

\$ 129.01 7.50 \$ 967.55

107.48

130.10







State Controller's Office

Mandated Cost Manual for Local Agencies

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS- CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT</b>	<b>For State Controller Use Only</b>	<b>FORM FAM-27</b>
		(19) Program Number 00013	<b>FEB 14 2019</b>
		(20) Date Filed	
		(21) LRS Input	

(01) Claimant Identification Number		9956	<b>Reimbursement Claim Data</b>	
(02) Claimant Name		Auditor-Controller		(22) FORM 1, (04) 1. (f) 859,875
County of Location		County of Ventura		(23) FORM 1, (04) 2. (f)
Street Address or P.O. Box		Suite		(24) FORM 1, (04) 3. (f)
800 S. Victoria Ave				(25) FORM 1, (04) 4. (f)
City	State	Zip Code		
Ventura	CA	93009		
		<b>Type of Claim</b>	(26) FORM 1, (06)	28%
	(03)	(09) Reimbursement <input checked="" type="checkbox"/>	(27) FORM 1, (07)	240,765
	(04)	(10) Combined <input type="checkbox"/>	(28) FORM 1, (09)	
	(05)	(11) Amended <input type="checkbox"/>	(29) FORM 1, (10)	1,638
<b>Fiscal Year of Cost</b>		(06)	(12) 2017-18	(30)
<b>Total Claimed Amount</b>		(07)	(13) 1,099,002	(31)
Less: 10% Late Penalty (refer to attached Instructions)		(14)		(32)
Less: Prior Claim Payment Received		(15)		(33)
<b>Net Claimed Amount</b>		(16)	1,099,002	(34)
<b>Due from State</b>		(08)	(17) 1,099,002	(35)
<b>Due to State</b>		(18)		(36)

**(37) CERTIFICATION OF CLAIM** E.L.

In accordance with the provisions of Government Code sections 17560 and 17561, I certify that I am the officer authorized by the local agency to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.

I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received for reimbursement of costs claimed herein and claimed costs are for a new program or increased level of services of an existing program. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer



Email Address

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY</b>	<b>FORM 1</b>
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(01) Claimant County of Ventura	(02)	Fiscal Year 20 <u>17</u> /20 <u>18</u>
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(03) Department District Attorney

Direct Costs	Object Accounts					
	(a) Salaries	(b) Benefits	(c) Materials and Supplies	(d) Contract Services	(e) Travel and Training	(f) Total
(04) Reimbursable Activities						
1. Compliance with Court Orders	509,815	269,427	80,633			859,875
2. Court Costs for Out-of-Jurisdiction Cases						
3. Secure Appearance of Offender						
4. Return of Children to Custodian						
(05) Total Direct Costs	509,815	269,427	80,633			859,875

Indirect Costs	$115$ $\$80,633 \times .28 = \$22,577$						
	Salaries + benefits $509,815 + 269,427 = \$779,242$						
	$\text{ICRP} \times .28$						
(06) Indirect Cost Rate	$\frac{\text{Allowable } \$218,187.76}{779,242}$					28 %	
(07) Total Indirect Costs	$\text{claimed } 240,765$					240,765	
(08) Total Direct and Indirect Costs	$- \text{Allowable } 218,188$					1,100,640	
	$\text{overstated } \underline{\underline{22,577}}$						
Cost Reduction							
(09) Less: Offsetting Revenues							
(10) Less: Other Reimbursements							1,638
(11) Total Claimed Amount							1,099,002

<b>PROGRAM 013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY REIMBURSEMENT SOURCE SUMMARY</b>		<b>FORM 1.2</b>
(01) Claimant County of Ventura		(02)	Fiscal Year 20__/20__
(03) Indirect Costs Computation			
(a) Cost Activity	(b) Case Number	(c) Reimbursement Source	(d) Amount
Compliance with Court Orders	See attached	Restitution	1,638
(04) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/>			1,638

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>2</b>
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(01) Claimant County of Ventura	(02) Fiscal Year 2017 /2018
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<input checked="" type="checkbox"/> 1. Compliance with Court Orders	<input type="checkbox"/> 3. Secure Appearance of Offender
<input type="checkbox"/> 2. Court Costs for Out-of-Jurisdiction Cases	<input type="checkbox"/> 4. Return of Children to Custodian

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries	(e) Benefits	(f) Materials and Supplies	(g) Contract Services	(h) Travel and Training
See attached Building Rent			509,815	269,427	45,883 34,750		

(05) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/> Page: 1 of 1	509,815	269,427	80,633	
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## INDIRECT COST RATE PROPOSAL

Claimant Name: County of Ventura  
 Department: District Attorney  
 Fiscal Year: 2017-18

Description of Costs	Total Costs	Unallowable Costs	Allowable Indirect Costs	Allowable Direct Costs
<b>Personnel Services</b>				
1 Salaries & Wages	31,546,367		4,541,194	27,005,173
2 Part-time Wages & Overtime				0
3 Benefits	31% 14,302,503		2,112,289	12,190,214
<b>SUBTOTAL</b>	<b>45,848,870</b>	<b>0</b>	<b>6,653,483</b>	<b>39,195,387</b>
<b>Line Item Costs (Services, Supplies &amp; Other):</b>				
4 Services and Supplies	6,584,521		3,152,165	34,750
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<b>SUBTOTAL:</b>	<b>6,584,521</b>	<b>0</b>	<b>3,152,165</b>	<b>34,750</b>
<b>TOTAL EXPENDITURES</b>	<b>52,433,391</b>			
<b>Cost Adjustments and/or Cost Plan Costs</b>				
36 Cost Allocation Plan	1,130,228		1,130,228	
37				
<b>SUBTOTAL</b>	<b>1,130,228</b>		<b>1,130,228</b>	
<b>TOTAL COSTS</b>	<b>53,563,619</b>	<b>0</b>	<b>10,935,876</b>	<b>39,230,137</b>
<b>CALCULATED INDIRECT COST RATE =</b>	<input style="width: 50px;" type="text" value="28%"/>			
<b>Rate is based on: Salaries &amp; Benefits</b>				
		10,935,876 = Total Allowable Indirect Costs		
		39,195,387 = Total direct salaries and benefits		

FY17/18  
DISTRICT ATTORNEY SB90 CLAIM SUMMARY  
CHILD ABDUCTION AND RECOVERY SUMMARY



Service and Supplies	29,556	Materials
GSA Fleet Charges	12,936	& Supplies
IT Services	3,391	80,633
Direct Cost Claim Total	<u>859,875</u>	
DA ICRP=28%	<u>240,765</u>	
CLAIM TOTAL	<u>1,100,640</u>	
Less Restitution	<u>(1,638)</u>	
ADJ CLAIM TOTAL	<u><u>1,099,002</u></u>	

### SB 90 AGENCY CERTIFICATION

AGENCY: District Attorney's Office

MANDATE NAME(S) AND PROGRAM NUMBER(S):

Custody of Minors-Child Abduction and Recovery (Program No. 13)

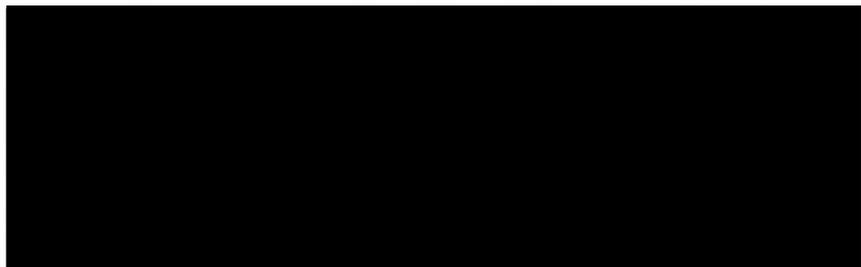
COSTS INCURRED IN FISCAL YEAR 2017/2018: ~~\$858,469.53~~ <sup>858,236.33</sup> <sup>STG</sup> <sup>2/5/19</sup>

I, the undersigned, offer the following certification:

- 1) I affirm that the above listed mandate is performed by agency personnel.
- 2) I affirm that the claim amount is a fair and reasonable representation of actual costs to perform the reimbursable mandated activities.
- 3) Adequate supporting documentation for the claim will be provided upon request in a timely manner.

The above declarations are made to the best of my knowledge and belief,

Authorized Official:

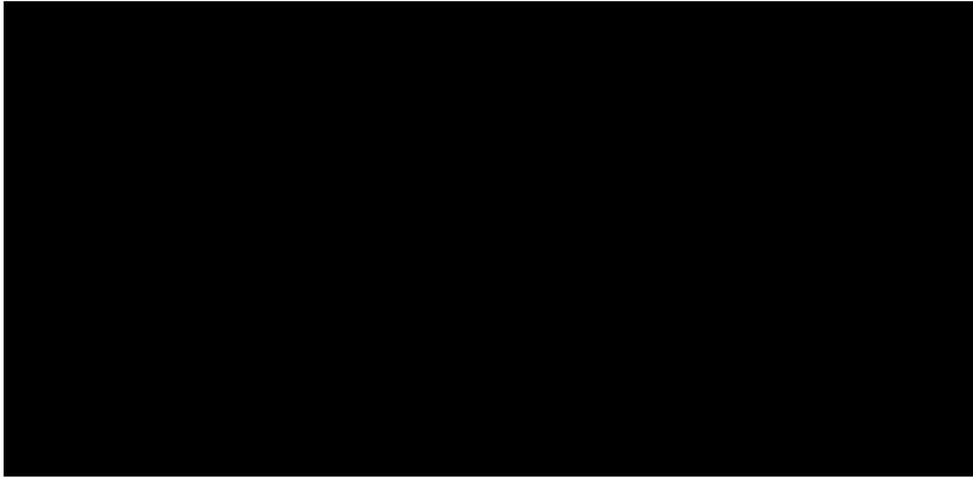


Date: 11/26/18

Ventura County District Attorney  
Child Abduction and Recovery  
FY 2017/2018 Summary

Salaries and Benefits	\$	799,403.05
Ralston Rent	\$	34,749.65
Services and Supplies	\$	42,491.79
IT Services	\$	3,391.37
Less Restitution Received	\$	(1,637.69)
Less 181.5 hours for DDA's time on criminal charges	\$	(20,161.84)
<b>Total FY 17-18 Billable SB90 Cost</b>	<b>\$</b>	<b><u>858,236.33</u></b>

Ventura County District Attorney  
Child Abduction and Recovery - FY 2017/2018  
**Summary of Salaries and Benefits**



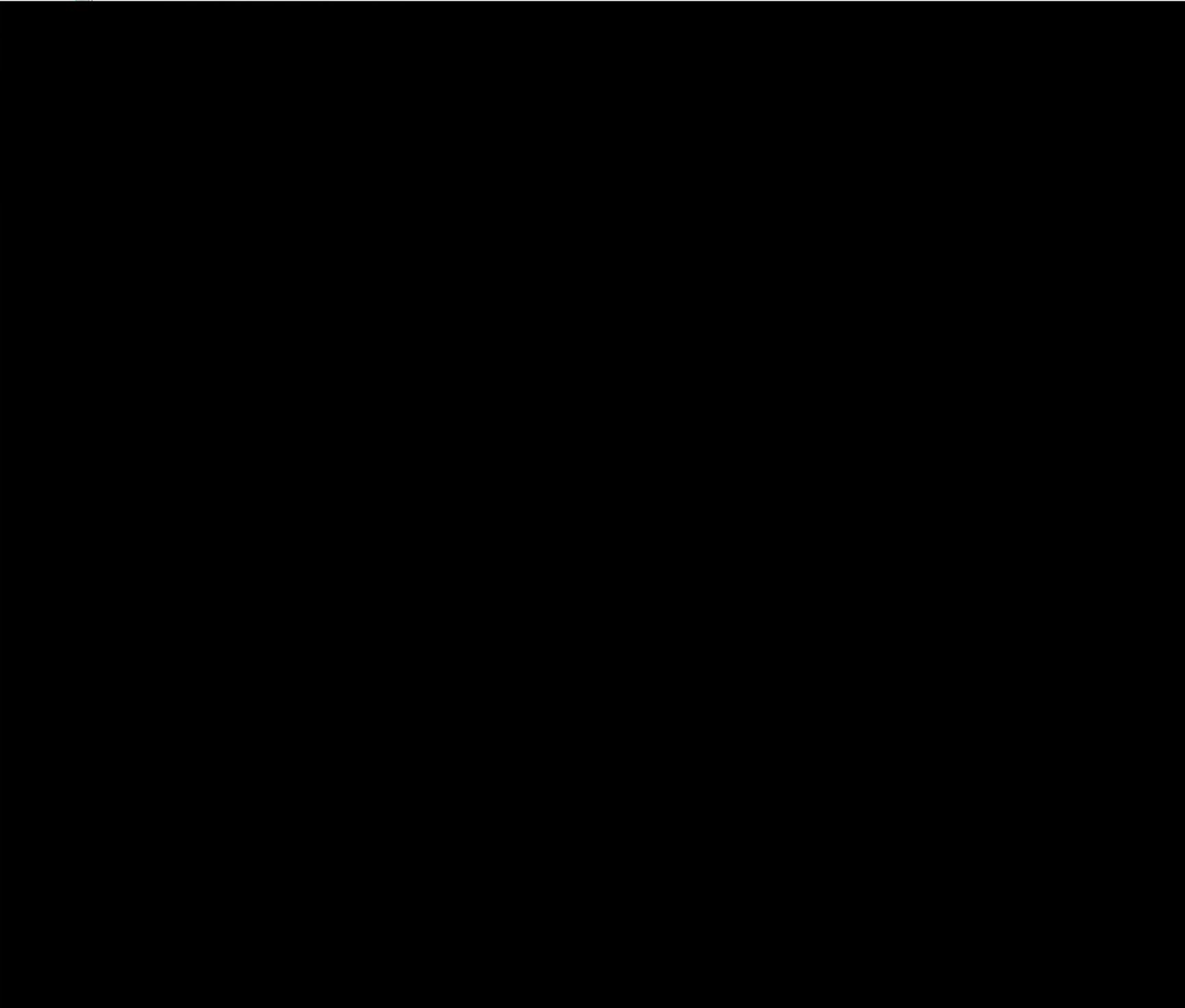
<u>Billable Time</u>
108.57
6,767.64
22,349.64
275.11
231,055.74
193,762.61
233,770.27
39,841.57
71,471.89
<b>799,403.05</b>

e	Billable Hours	Billable Time
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7 1.00 \$ 108.57

3 54.00 \$ 6,767.64

7 539.00 \$ 22,349.64

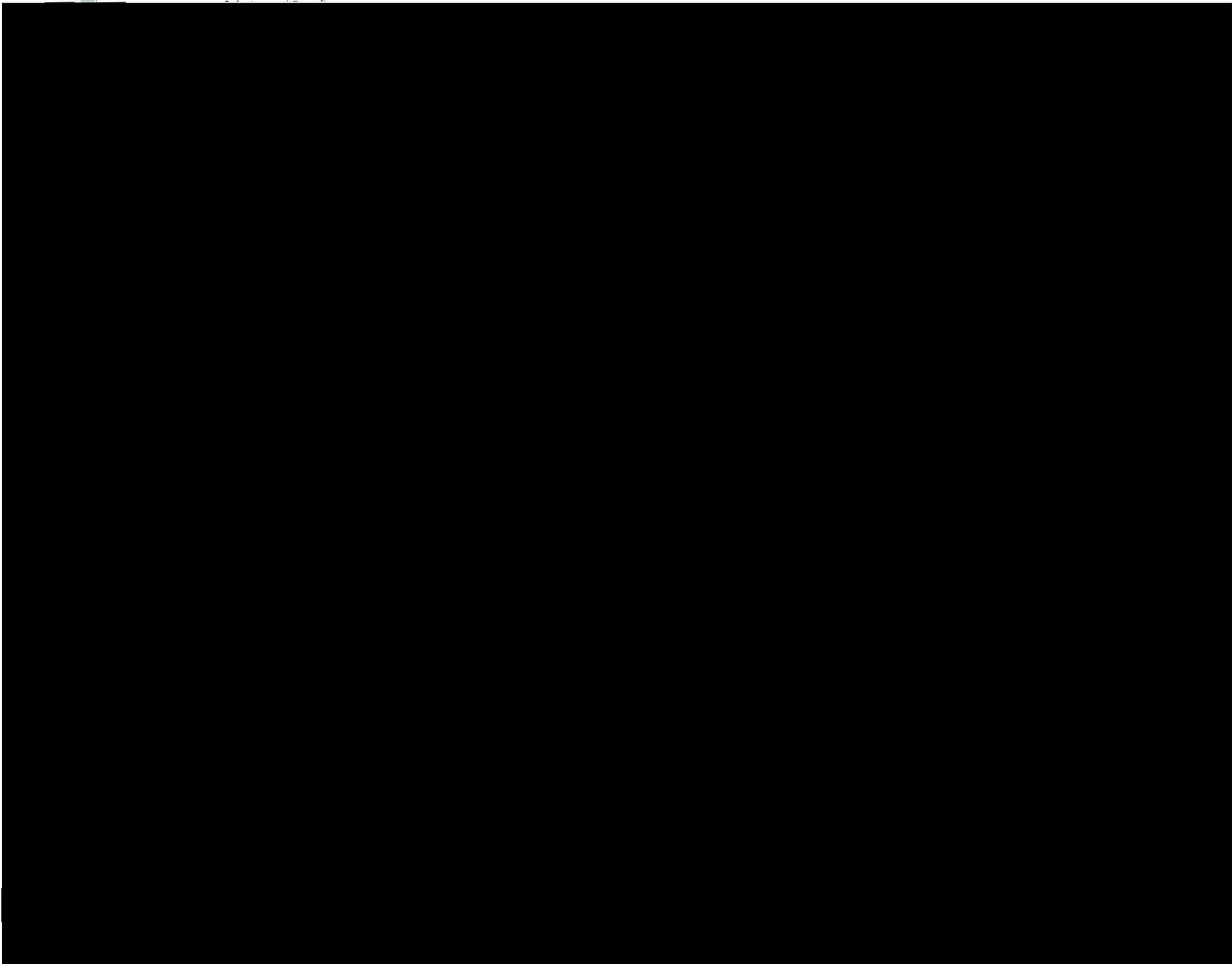


Average Hourly Rate	Billable Hours	Billable Time
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137.56 2.00 \$ 275.11

111.08 2,080.00 \$ 231,055.74

117.72 1,646.00 \$ 193,762.61



	Billable Time
--	---------------

75 \$ 233,770.27

75 \$ 39,841.57

75 \$ 71,471.89  
75 \$ 799,403.05

Ventura County District Attorney  
 Child Abduction and Recovery - FY 2017/2018

2241

**Rent Allocation**

Date	Amount	Vendor Invoice No	Jrnl Doc Code	Jrnl Doc Dept Code	Jrnl Doc ID	Vendor Name
7/3/2017	\$ 24,606.29	RENT 07/17 AAA	PRM	PWA	20170727000000003641	5700-5720-5740 RALSTON ST LLC
7/27/2017	\$ 24,606.29	RENT 8/17 TY	PRM	PWA	20170703000000000178	5700-5720-5740 RALSTON ST LLC
8/30/2017	\$ 24,606.29	RENT 09/17 TR	PRM	PWA	20170830000000007063	5700-5720-5740 RALSTON ST LLC
9/28/2017	\$ 24,606.29	RENT 10/17	PRM	PWA	20170928000000010356	5700-5720-5740 RALSTON ST LLC
10/30/2017	\$ 24,606.29	RENT 11/17 R	PRM	PWA	20171030000000014178	5700-5720-5740 RALSTON ST LLC
11/29/2017	\$ 24,606.29	RENT 12/17 H	PRM	PWA	20171129000000017568	5700-5720-5740 RALSTON ST LLC
12/19/2017	\$ 25,344.48	01/18 RENT NN	PRM	PWA	20171219000000019825	5700-5720-5740 RALSTON ST LLC
1/30/2018	\$ 25,345.48	RENT 02/18 FF	PRM	PWA	20180130000000024177	5700-5720-5740 RALSTON ST LLC
2/22/2018	\$ 25,344.48	RENT 03/18 WW	PRM	PWA	20180227000000027243	5700-5720-5740 RALSTON ST LLC
3/28/2018	\$ 25,344.48	RENT 04/18 Z	PRM	PWA	20180328000000030871	5700-5720-5740 RALSTON ST LLC
4/24/2018	\$ 25,344.48	RENT 05/18 TTY	PRM	PWA	20180426000000034492	5700-5720-5740 RALSTON ST LLC
5/30/2018	\$ 25,344.48	RENT 05/18 TTY	PRM	PWA	20180530000000038348	5700-5720-5740 RALSTON ST LLC
	<b>\$ 299,705.62</b>					

CARU FTE 4.29 (From EE Hours)

Ralston Total Employees 37.00 37 From PP 2018-12 (FY 16/17 was 44)

CARU % of Ralston Employees 11.59% (4.29/37.00)

**Rent Allocation**

Total Ralston Rent	\$	299,705.62
CARU %		11.59%
CARU Rent Allocation	\$	<b>34,749.65</b>

Ventura County District Attorney  
 Child Abduction and Recovery - FY 2017/2018

Services and Supplies

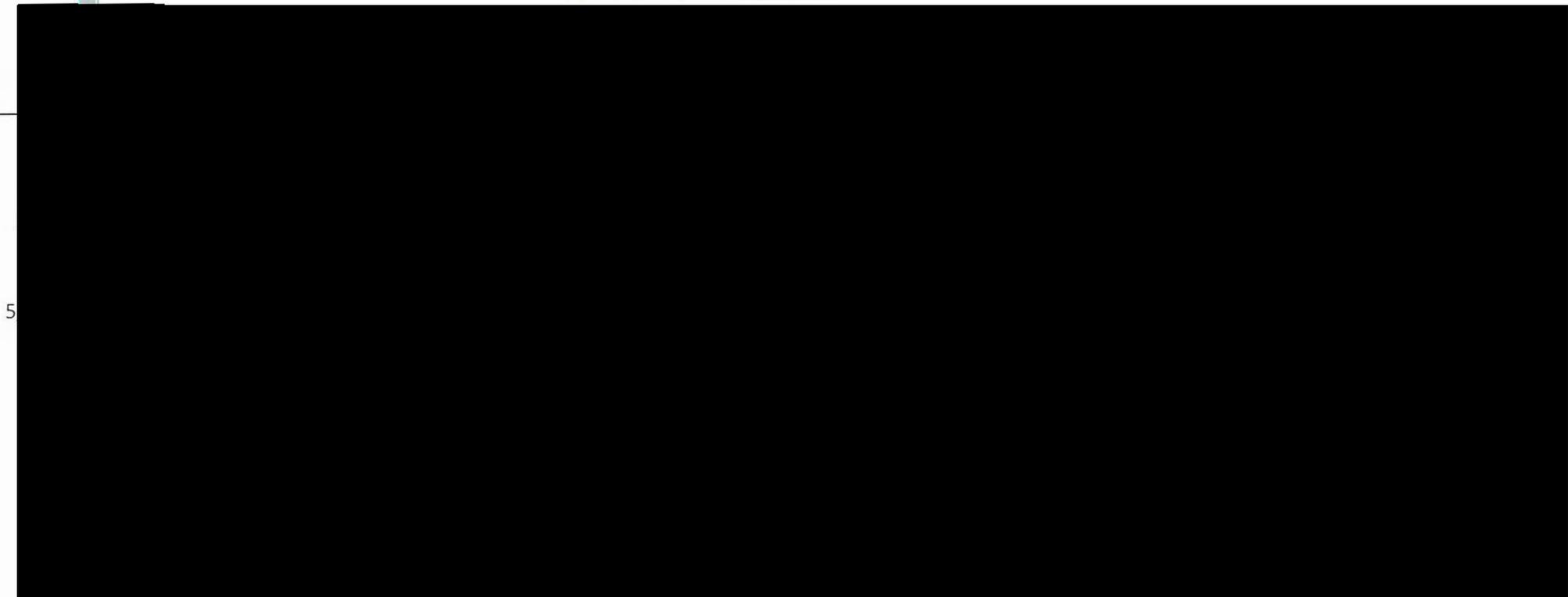
Object	Description	Accounting Period													Total	
		01 Jul-17	02 Aug-17	03 Sep-17	04 Oct-17	05 Nov-17	06 Dec-17	07 Jan-18	08 Feb-18	09 Mar-18	10 Apr-18	11 May-18	12 Jun-18	13		
2022	Uniform Allowance	-	-	-	-	1,750.00	-	-	-	-	-	-	-	-	-	\$ 1,750.00
2091	Witness and Interpreter Expense	-	371.80	-	-	-	1,743.86	1,993.91	(2.49)	(363.66)	2,852.32	2,334.32	2,957.47	3,337.10	-	\$ 15,224.63
2131	Memberships and Dues	-	-	-	-	-	383.00	165.00	29.13	-	-	-	-	-	-	\$ 577.13
2159	Miscellaneous Expense	-	-	-	-	-	-	-	-	-	43.08	-	-	-	-	\$ 43.08
2194	Software Maintenance Agreements	-	133.00	-	-	-	-	-	-	-	-	-	-	-	-	\$ 133.00
2199	Other Professional and Speciality	1,743.97	200.00	-	-	231.55	-	291.00	-	-	3,545.01	-	325.00	-	-	\$ 6,336.53
2261	Computer Equipment <\$5,000	-	1,043.07	-	-	-	-	-	-	-	-	-	-	-	-	\$ 1,043.07
2292	Travel Expense	-	-	-	-	-	57.00	1,060.62	-	-	3,279.73	41.34	-	-	-	\$ 4,438.69
2299	Transportation Expense	-	-	-	-	-	-	-	9.81	-	-	-	-	-	-	\$ 9.81
2301	Gas and Diesel Fuel ISF	-	91.85	117.86	119.71	140.12	94.96	117.62	182.72	283.99	181.54	306.52	310.05	210.58	-	\$ 2,157.52
2302	Transportation Charges ISF	-	776.84	884.30	763.86	757.38	833.52	663.06	794.52	1,092.60	939.94	1,175.96	1,109.16	827.59	-	\$ 10,618.73
2304	Transportation Work Order	-	-	-	-	-	-	-	-	-	-	159.60	-	-	-	\$ 159.60
		\$ 1,743.97	\$ 2,615.56	\$ 1,002.16	\$ 883.57	\$ 2,879.05	\$ 3,112.34	\$ 4,291.21	\$ 1,013.69	\$ 1,012.93	\$ 10,841.62	\$ 4,017.74	\$ 4,701.68	\$ 4,375.27	-	\$ 42,491.79

Ventura County District Attorney  
 Child Abduction and Recovery - FY 2017/2018  
 IT Services Allocation

	<u>Object</u>	<u>Total Cost</u>	
INFORMATION TECHNOLOGY ISF	2202	\$ 13,018.50	
COUNTY GEOGRAPHICAL INFORMATION	2203	\$ -	
RADIO COMMUNICATIONS ISF	2033	\$ -	
VOICE DATA ISF	2032	\$ 37,575.37	
		<u>\$ 50,593.87</u>	
CARU Full Time Employees	4.29		
Total DAO 2101 FTE Employees	64		(PP 18-08 Allocation Report)
CARU Allocation Percentage		<u>6.7031%</u>	
IT Services Allocation		<u>\$ 3,391.37</u>	

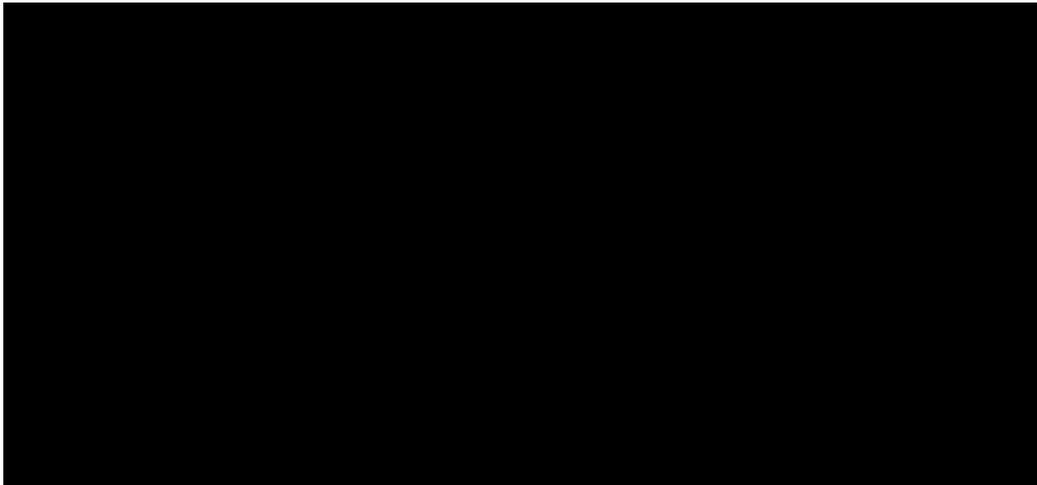
Ventura County District Attorney  
Child Abduction and Recovery - FY 2017/2018

Restitution Received



5

Ventura County District Attorney  
Child Abduction and Recovery  
Criminal Charge Calculation



State of California  
State Controller's Office

Mandated Cost Manual for Local Agencies

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS- CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT</b>	<b>For State Controller Use Only</b>		<b>FORM FAM-27</b>
		(19) Program Number 00013	(20) Date Filed <b>FEB 18 2020</b>	
		(21) LRS Input		

(01) Claimant Identification Number	9956	<b>Reimbursement Claim Data</b>		
(02) Claimant Name	Auditor-Controller	(22) FORM 1, (04) 1. (f)	836,353	
County of Location	County of Ventura	(23) FORM 1, (04) 2. (f)		
Street Address or P.O. Box	800 S. Victoria Ave. Suite	(24) FORM 1, (04) 3. (f)		
City	Ventura State CA Zip Code 93009	(25) FORM 1, (04) 4. (f)		
		(26) FORM 1, (06)	29%	
	(03) (09) Reimbursement <input checked="" type="checkbox"/>	(27) FORM 1, (07)	219,806	
	(04) (10) Combined <input type="checkbox"/>	(28) FORM 1, (09)		
	(05) (11) Amended <input type="checkbox"/>	(29) FORM 1, (10)	116	
Fiscal Year of Cost	(06) (12) 2018-19	(30)		
Total Claimed Amount	(07) (13) 1,056,043	(31)		
Less: 10% Late Penalty (refer to attached Instructions)	(14)	(32)		
Less: Prior Claim Payment Received	(15)	(33)		
Net Claimed Amount	(16) 1,056,043	(34)		
Due from State	(08) (17) 1,056,043	(35)		
Due to State	(18)	(36)		

**(37) CERTIFICATION OF CLAIM** *EL*

In accordance with the provisions of Government Code sections 17560 and 17561, I certify that I am the officer authorized by the local agency to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.

I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received for reimbursement of costs claimed herein and claimed costs are for a new program or increased level of services of an existing program. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



\_\_\_\_\_  
Email Address

PROGRAM <b>013</b>	CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY					FORM <b>1</b>	
(01) Claimant County of Ventura			(02)		Fiscal Year 2018 /2019		
(03) Department District Attorney							
<b>Direct Costs</b>		<b>Object Accounts</b>					
		(a)	(b)	(c)	(d)	(e)	(f)
(04) Reimbursable Activities		Salaries	Benefits	Materials and Supplies	Contract Services	Travel and Training	Total
1. Compliance with Court Orders		513,101	244,851	78,401			836,353
2. Court Costs for Out-of-Jurisdiction Cases							
3. Secure Appearance of Offender							
4. Return of Children to Custodian							
(05) Total Direct Costs		513,101	244,851	78,401			836,353
<b>Indirect Costs</b>							
(06) Indirect Cost Rate		[From ICRP or 10%]				29%	
(07) Total Indirect Costs(S&B only)		[Refer to Claim Summary Instructions]				219,806	
(08) Total Direct and Indirect Costs		[Line (05)(g) + line (07)]				1,056,159	
<b>Cost Reduction</b>							
(09) Less: Offsetting Revenues							
(10) Less: Other Reimbursements						116	
(11) Total Claimed Amount		[Line (08) - {line (09) + line (10)}]				1,056,043	

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>REIMBURSEMENT SOURCE SUMMARY</b>		<b>FORM</b> <b>1.2</b>
(01) Claimant County of Ventura		(02) Fiscal Year 2018 /2019	
(03) Indirect Costs Computation			
(a) Cost Activity	(b) Case Number	(c) Reimbursement Source	(d) Amount
Compliance with Court Orders	See attached	Refund from Stanislaus and Maricopa County Sheriff	116
(04) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/>		116	

<b>PROGRAM</b> <b>013</b>	<b>CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY</b> <b>ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>2</b>
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(01) Claimant County of Ventura	(02) Fiscal Year 2018 /2019
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<input checked="" type="checkbox"/> 1. Compliance with Court Orders	<input type="checkbox"/> 3. Secure Appearance of Offender
<input type="checkbox"/> 2. Court Costs for Out-of-Jurisdiction Cases	<input type="checkbox"/> 4. Return of Children to Custodian

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries	(e) Benefits	(f) Materials and Supplies	(g) Contract Services	(h) Travel and Training
See attached			513,101	244,851	48,948		
Building Rent					29,453		
(05) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/> Page: <u>1</u> of <u>1</u>			513,101	244,851	78,401		

## INDIRECT COST RATE PROPOSAL

Claimant Name: County of Ventura  
 Department: District Attorney  
 Fiscal Year: 2018-19

Description of Costs	Total Costs	Unallowable Costs	Allowable Indirect Costs	Allowable Direct Costs
<b>Personnel Services</b>				
1 Salaries & Wages	32,432,039		4,541,194	27,890,845
2 Part-time Wages & Overtime				0
3 Benefits	32% 14,916,040		2,112,289	12,803,751
<b>SUBTOTAL</b>	<b>47,348,079</b>	<b>0</b>	<b>6,653,483</b>	<b>40,694,596</b>
<b>Line Item Costs (Services, Supplies &amp; Other):</b>				
4 Services and Supplies	7,292,339		3,855,380	29,453
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
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34				
35				

<b>SUBTOTAL:</b>	<b>7,292,339</b>	<b>0</b>	<b>3,855,380</b>	<b>29,453</b>
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<b>TOTAL EXPENDITURES</b>	<b>54,640,418</b>
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**Cost Adjustments and/or Cost Plan Costs**

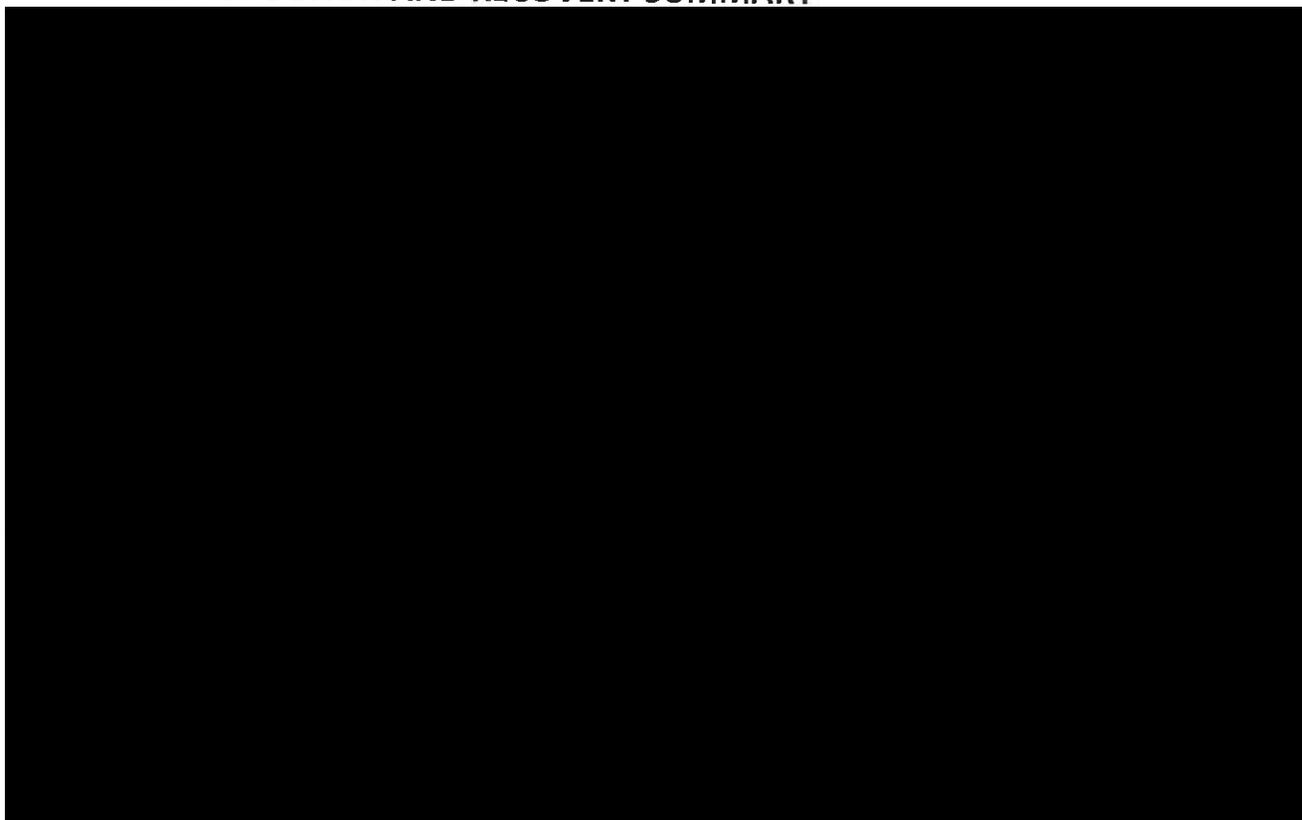
36 Cost Allocation Plan	1,324,181	1,324,181
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37		
<b>SUBTOTAL</b>	<b>1,324,181</b>	<b>1,324,181</b>

<b>TOTAL COSTS</b>	<b>55,964,599</b>	<b>0</b>	<b>11,833,044</b>	<b>40,724,049</b>
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<b>CALCULATED INDIRECT COST RATE =</b>	<input type="text" value="29%"/>	11,833,044 = Total Allowable Indirect Costs
<b>Rate is based on: Salaries &amp; Benefits</b>		40,694,596 = Total direct salaries and benefits

FY18/19  
DISTRICT ATTORNEY SB90 CLAIM SUMMARY  
CHILD ABDUCTION AND RECOVERY SUMMARY



Total	
035	
599	
812	
738	
757	
<u>441</u>	
489)	
952	
<hr/>	
453	
029	Materials
671	& Supplies
248	78,401
<hr/>	
853	
806	
<u>159</u>	
116)	
043	
<hr/>	

### SB 90 AGENCY CERTIFICATION

AGENCY: District Attorney's Office

MANDATE NAME(S) AND PROGRAM NUMBER(S):

Custody of Minors-Child Abduction and Recovery (Program No. 13)

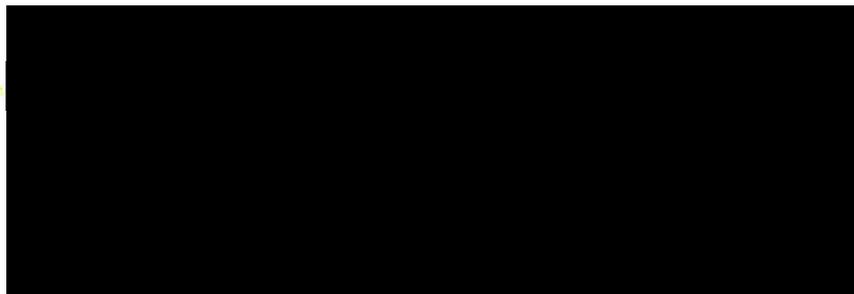
COSTS INCURRED IN FISCAL YEAR 2018/2019: \$836,236.69 ✓

I, the undersigned, offer the following certification:

- 1) I affirm that the above listed mandate is performed by agency personnel.
- 2) I affirm that the claim amount is a fair and reasonable representation of actual costs to perform the reimbursable mandated activities.
- 3) Adequate supporting documentation for the claim will be provided upon request in a timely manner.

The above declarations are made to the best of my knowledge and belief,

Authorized Official:



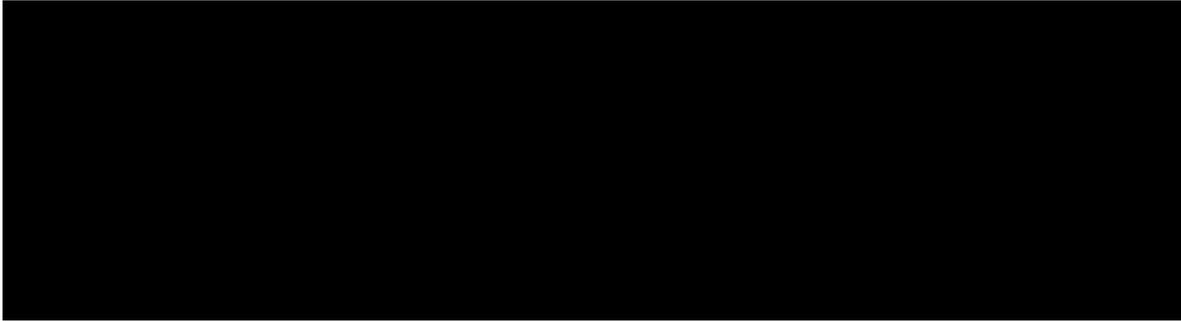
Date:

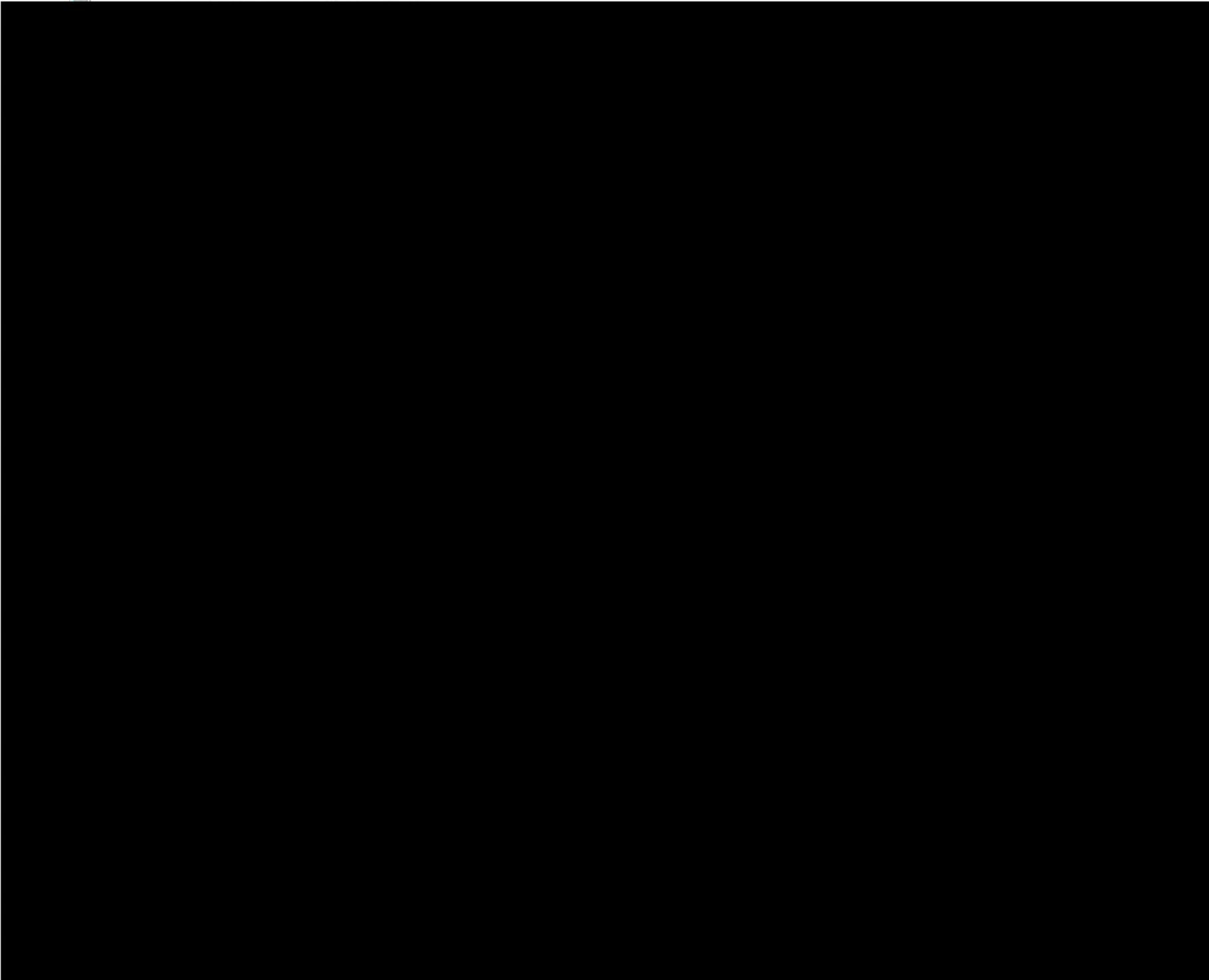
11/18/19

Ventura County District Attorney  
Child Abduction and Recovery  
FY 2018/2019 Summary

Salaries and Benefits	\$	760,440.19
Ralston Rent	\$	29,452.95
Services and Supplies	\$	45,700.29
IT Services	\$	3,248.34
Less Restitution and Refunds Received	\$	(116.20)
Less 22 hours for DDA's time on criminal charges	\$	(2,488.88)
<b>Total FY 18-19 Billable 5B90 Cost</b>	<b>\$</b>	<b>836,236.69</b> ✓

Ventura County District Attorney  
Child Abduction and Recovery - FY 2018/2019  
**Summary of Salaries and Benefits**

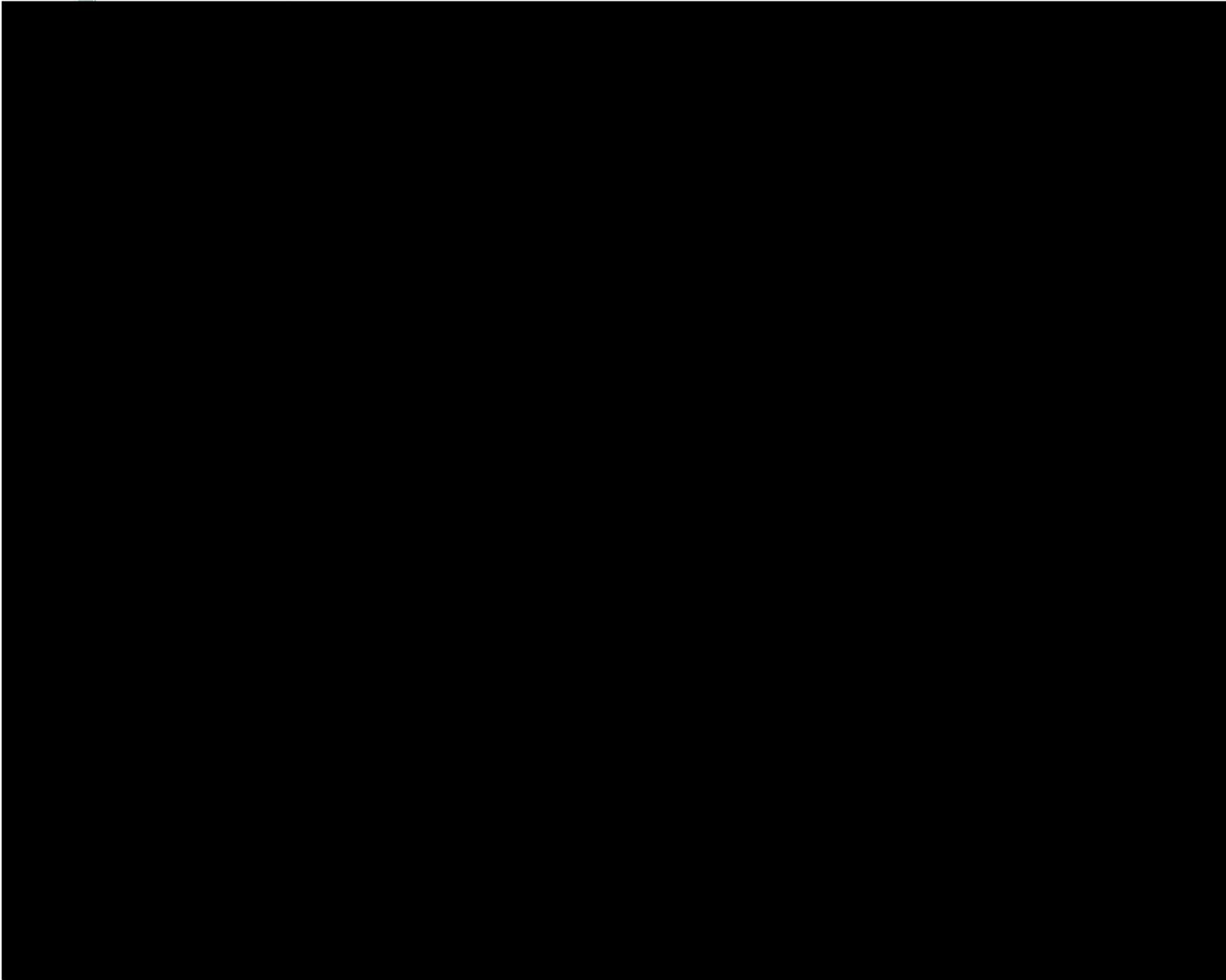




Billable Hours	Billable Time
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1,685.50 \$ 211,034.57

529.00 \$ 22,598.74



Billable Hours	Billable Time
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2,080.00 5:235,311.89

1,731.25 5:222,738.10



Billable Hours	Billable Time
650.50	\$ 68,756.89
,676.25	\$ 760,440.19

Ventura County District Attorney  
 Child Abduction and Recovery - FY 2018/2019

2241

**Rent Allocation**

Date	Amount	Vendor Invoice No	Jrnl Doc Code	Jrnl Doc Dept Code	Jrnl Doc ID	Vendor Name
7/2/2018	\$ 25,344.48	RENT 07/18 X	PRM	PWA	20180702000000000118	5700-5720-5740 RALSTON ST LLC
7/30/2018	\$ 25,344.48	RENT 08/18 TRR	PRM	PWA	201807300000000003789	5700-5720-5740 RALSTON ST LLC
8/30/2018	\$ 25,344.48	RENT 09/18 L	PRM	PWA	201808300000000006424	5700-5720-5740 RALSTON ST LLC
9/26/2018	\$ 25,344.48	RENT 10/18 D	PRM	PWA	201809260000000009231	5700-5720-5740 RALSTON ST LLC
10/29/2018	\$ 25,344.48	RENT 11/18 TY	PRM	PWA	201810290000000013502	5700-5720-5740 RALSTON ST LLC
11/28/2018	\$ 25,344.48	RENT 12/18 DP	PRM	PWA	201811280000000016546	5700-5720-5740 RALSTON ST LLC
12/19/2018	\$ 25,344.48	RENT 01/19 AX	PRM	PWA	201812190000000019407	5700-5720-5740 RALSTON ST LLC
1/29/2019	\$ 25,344.48	RENT 02/19A	PRM	PWA	201901290000000023774	5700-5720-5740 RALSTON ST LLC
2/26/2019	\$ 25,344.48	RENT 03/19 Z	PRM	PWA	201902260000000027153	5700-5720-5740 RALSTON ST LLC
3/27/2019	\$ 25,344.48	RENT 04/19 5720 RAL	PRM	PWA	201903270000000031223	5700-5720-5740 RALSTON ST LLC
4/29/2019	\$ 25,344.48	RENT 05/19 ZX	PRM	PWA	201904290000000035457	5700-5720-5740 RALSTON ST LLC
5/29/2019	\$ 25,344.48	RENT 06/19 Q	PRM	PWA	201905290000000039162	5700-5720-5740 RALSTON ST LLC
<b>\$ 304,133.76</b>						

CARU FTE 3.68 (From EE Hours)

Ralston Total Employees 38 38 From PP 2019-10 37 From PP 2018-12

CARU % of Ralston Employees 9.68% (3.68/38.00)

**Rent Allocation**

Total Ralston Rent	\$	304,133.76
CARU %		9.68%
CARU Rent Allocation	\$	<b>29,452.95</b> <i>CL</i>

Ventura County District Attorney.  
Child Abduction and Recovery - FY 2018/2019

Services and Supplies

Object	Description	Accounting Period ▶	01	02	03	04	05	06	07	08	09	10	11	12	13	Total
		Month-Year ▶	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19		
2022	Uniform Allowance	-	-	-	-	-	1,856.00	-	-	-	-	-	-	-	-	\$ 1,856.00
2091	Witness and Interpreter Expense	-	1,954.85	6,916.61	389.75	1,349.40	4,955.53	-	3,473.51	798.82	2,663.89	-	93.52	-	-	\$ 22,595.88
2131	Memberships and Dues	-	-	-	-	-	-	-	575.78	-	-	-	-	-	-	\$ 575.78
2159	Miscellaneous Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -
2186	Court Reporter/Transcript	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -
2194	Software Maintenance Agreements	-	-	-	-	-	-	-	-	-	-	-	-	40.00	-	\$ 40.00
2199	Other Professional and Speciality	-	60.00	729.00	-	-	-	-	200.00	-	-	-	-	-	235.00	\$ 1,224.00
2261	Computer Equipment <\$5,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -
2292	Travel Expense	-	-	-	114.00	207.58	11.03	15.00	-	-	390.02	-	-	-	-	\$ 737.63
2299	Transportation Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -
2301	Gas and Diesel Fuel ISF	-	63.33	101.16	112.05	403.86	394.87	498.82	459.43	275.23	719.24	363.30	572.49	316.21	-	\$ 4,279.99
2302	Transportation Charges ISF	-	528.74	577.86	569.14	1,689.19	1,101.50	1,715.71	1,535.68	1,233.42	1,586.34	1,306.69	1,380.13	1,166.61	-	\$ 14,391.01
2304	Transportation Work Order	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -
			\$ -	\$ 2,606.92	\$ 8,324.63	\$ 1,184.94	\$ 5,506.03	\$ 6,462.93	\$ 2,805.31	\$ 5,668.62	\$ 2,307.47	\$ 5,359.49	\$ 1,669.99	\$ 2,086.14	\$ 1,717.82	\$ 45,700.29

\* Fleet  
18,671

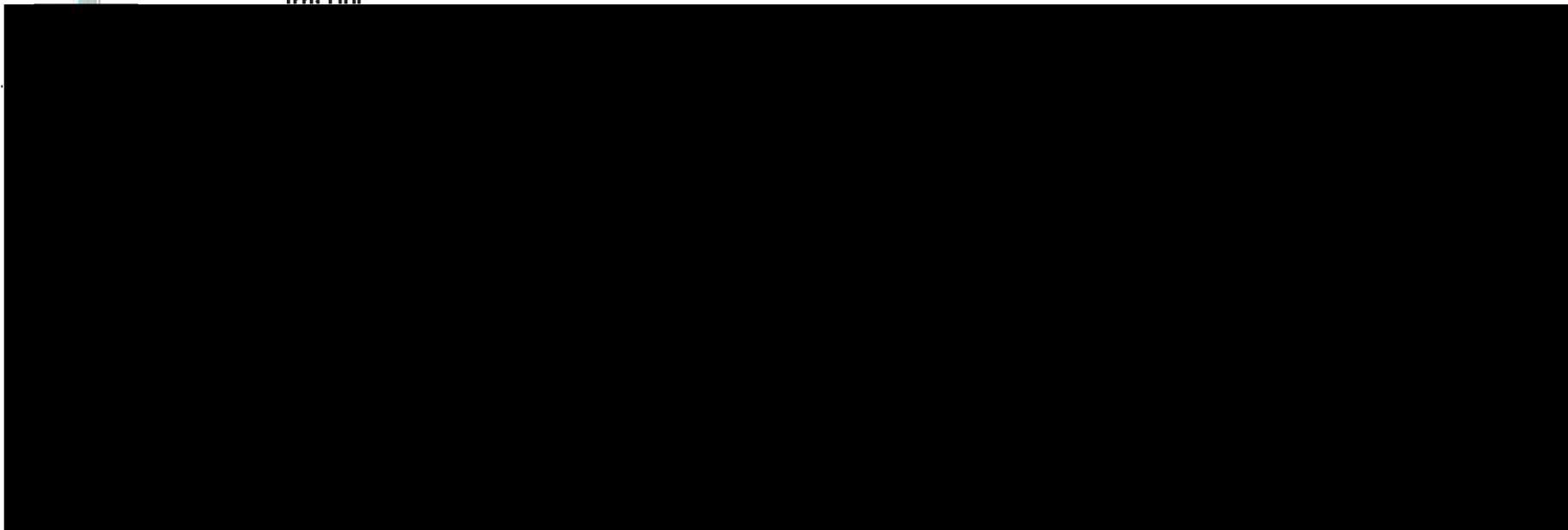
Ventura County District Attorney  
Child Abduction and Recovery - FY 2018/2019

**IT Services Allocation**

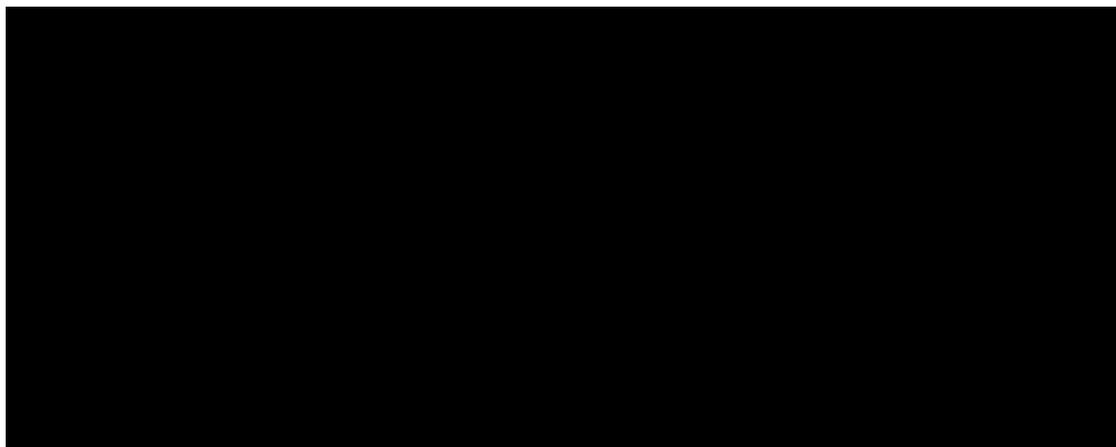
	Object Total Cost	
INFORMATION TECHNOLOGY ISF	2202	\$ 13,545.00
COUNTY GEOGRAPHICAL INFORMATION	2203	\$ -
RADIO COMMUNICATIONS ISF	2033	\$ -
VOICE DATA ISF	2032	\$ 42,947.90
		<u>\$ 56,492.90</u>
CARU Full Time Employees	3.68	
Total DAO 2101 FTE Employees	64	
CARU Allocation Percentage		<u>5.7500%</u>
IT Services Allocation		\$ <b>3,248.34</b> <i>OC</i>

Ventura County District Attorney  
Child Abduction and Recovery - FY 2018/2019  
**Restitution and Refunds Received**

Incl Doc



Ventura County District Attorney  
Child Abduction and Recovery  
**Criminal Charge Calculation**



State of California  
State Controller's Office

Mandated Cost Manual for Local Agencies

<b>CUSTODY OF MINORS- CHILD ABDUCTION AND RECOVERY CLAIM FOR PAYMENT FORM</b>		For State Controller Use Only (19) Program Number 00013 (20) Date Filed (21) LRS Input		<b>Program 013</b>
(01) Claimant Identification Number 9956		Reimbursement Claim Data		
(02) Claimant Name	Auditor-Controller	(22)	FORM 1, (04) 1. (f)	844,484
County of Location	County of Ventura	(23)	FORM 1, (04) 2. (f)	
Street Address or P.O. Box and Suite	800 S. Victoria Ave.	(24)	FORM 1, (04) 3. (f)	
City, State, and Zip Code	Ventura, CA, 93009	(25)	FORM 1, (04) 4. (f)	
(03) Type of Claim		(26)	FORM 1, (06)	33%
(04) X (09) Reimbursement		(27)	FORM 1, (07)	252,693
(05) (10) Combined		(28)	FORM 1, (09)	
(06) (11) Amended		(29)	FORM 1, (10)	
(07) (12) Fiscal Year of Cost	2019-20	(30)		
(08) (13) Total Claimed Amount	1,097,177	(31)		
(14) Less: 10% Late Penalty		(32)		
(15) Less: Prior Claim Payment Received		(33)		
(16) Net Claimed Amount	1,097,177	(34)		
(17) Due from State	1,097,177	(35)		
(18) Due to State		(36)		

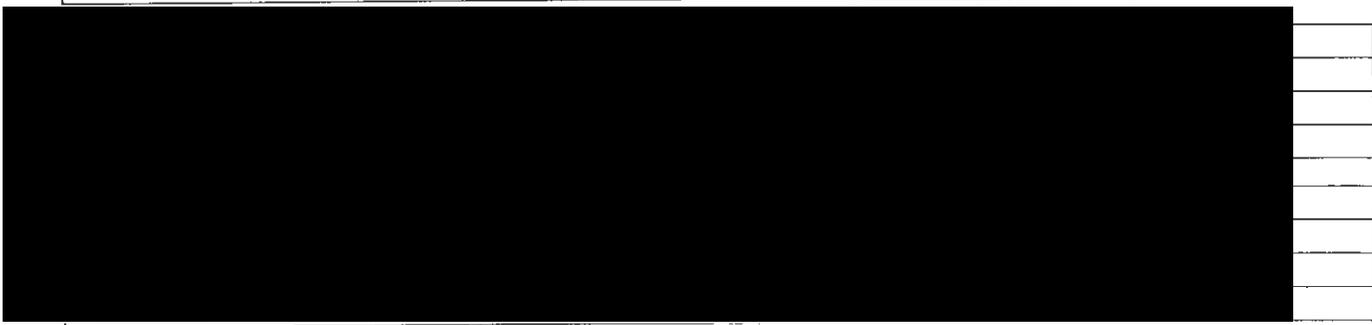
**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code sections 17560 and 17561, I certify that I am the officer authorized by the local agency to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.

I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received, for reimbursement of costs claimed herein and claimed costs are for a new program or increased level of services of an existing program. All offsetting revenues and offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



State of California  
State Controller's Office

Mandated Cost Manual for Local Agencies

PROGRAM <b>013</b>	CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY					FORM <b>1</b>	
(01) Claimant County of Ventura			(02)		Fiscal Year 2019 /2020		
(03) Department District Attorney							
<b>Direct Costs</b>		<b>Object Accounts</b>					
		(a)	(b)	(c)	(d)	(e)	(f)
(04) Reimbursable Activities		Salaries	Benefits	Materials and Supplies	Contract Services	Travel and Training	Total
1. Compliance with Court Orders		480,935	284,800	78,749			844,484
2. Court Costs for Out-of-Jurisdiction Cases							
3. Secure Appearance of Offender							
4. Return of Children to Custodian							
(05) Total Direct Costs		480,935	284,800	78,749			844,484
<b>Indirect Costs</b>							
(06) Indirect Cost Rate [From ICRP or 10%] 33%							
(07) Total Indirect Costs (S&B Only) [Refer to Claim Summary Instructions] 252,693							
(08) Total Direct and Indirect Costs [Line (05)(g) + line (07)] 1,097,177							
<b>Cost Reduction</b>							
(09) Less: Offsetting Revenues							
(10) Less: Other Reimbursements							
(11) Total Claimed Amount [Line (08) minus (line (09) + line (10))] 1,097,177							

Revised 9/2020

State of California  
State Controller's Office

Mandated Cost Manual for Local Agencies

PROGRAM <b>013</b>			CUSTODY OF MINORS-CHILD ABDUCTION AND RECOVERY ACTIVITY COST DETAIL				FORM <b>2</b>	
(01) Claimant County of Ventura			(02)		Fiscal Year 2019 /2020			
(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.								
<input checked="" type="checkbox"/> 1. Compliance with Court Orders			<input type="checkbox"/> 3. Secure Appearance of Offender					
<input type="checkbox"/> 2. Court Costs for Out-of-Jurisdiction Cases			<input type="checkbox"/> 4. Return of Children to Custodian					
(04) Description of Expenses			Object Accounts					
(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries	(e) Benefits	(f) Materials and Supplies	(g) Contract Services	(h) Travel and Training	
See attached Building Rent			480,935	284,800	49,040 29,709			
(05) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/> Page: <u>1</u> of <u>1</u>			480,935	284,800	78,749			

Revised 9/2020

Ventura County District Attorney's Office  
Employee Time Study

Employee Name: [REDACTED] Investigator I

Month: April, 2018

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total		
REFU											7																					7		
MF																																	0	
CEPU			9	9	9		8			8	4	9	8			9	9	9	9	8				9	8		9					143		
CARU													1																				1	
WCFU																																	0	
VCAT																																	0	
AIFU																																	1	
SRT											1	1																					11	
Background Inv.																																	0	
Duty Desk																																		0
Annual Leave / Comp. Leave																																		0
Vacation Leave																																		0
Sick Leave																																		0
SIU																																		0
Other																																		0
<b>Total Time:</b>	0	9	9	9	0	8	0	0	0	9	12	9	9	0	0	9	9	9	9	8	0	0	0	9	9	9	9	0	0	9	0		163	

This employee worked on multiple projects during the month, and hours listed under "CARU" does not identify the mandated activities performed or the actual time spent on each activity.

[REDACTED]  
 Date 4.30.18  
 Date 5/1/18

**Child Abduction / Recovery Unit**

[Redacted]

July-17

Program Description	Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
CHILD ABDUCTION																																		
CLERICAL SUPPORT			2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	4	46
Allocable Hours			2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	4	46	

[Redacted] report of my time shown.  
 [Redacted] *[Signature]*  
 Employee's Signature Job Classification Date

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities  
 [Redacted] *7-17-18*  
 Job Classification Date



Time is listed under "clerical support", but that is not a listed reimbursable activity. Time study was also for July 2017, but it was signed on July 2018. This is not considered a contemporaneous source document.

This pattern continues for this employee for the entire year.

**Child Abduction / Recovery Unit**

[Redacted]

August-17

Program Description	Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
CHILD ABDUCTION																																	
CLERICAL SUPPORT	3	4	1	5			6	4	2	1				2	2	5	3	4			3	1	3	2									
Allocable Hours	3	4	1	5			6	4	2	1				2	2	5	3	4			3	1	3	2							62		

EMPLOYEE: I certify that this is a true and accurate report of my time

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature]

7/16/2018

[Redacted Signature]

7-17-18

Employee's Signature Job Classification Date

Supervisor's Signature Job Classification Date

Weekend  
Holiday  
Day Off

Time is listed under "clerical support", but that is not a listed reimbursable activity. Time study was also for August 2017, but it was signed on July 2018. This is not considered a contemporaneous source document.

This pattern continues for this employee for the entire year.

**Child Abduction / Recovery Unit**

[Redacted]

September-17

Program Description	Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
CHILD ABDUCTION																																	
CLERICAL SUPPORT	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	47
Allocable Hours	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	47	

EMPLOYEE: I certify that this is a true and accurate report of my time

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature]

7/16/2018

[Redacted Signature]

7-17-18

Employee's Signature Job Classification Date

Supervisor's Signature Job Classification Date

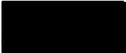
Weekend  
Holiday  
Day Off

Time is listed under "clerical support", but that is not a listed reimbursable activity. Time study was also for September 2017, but it was signed on July 2018. This is not considered a contemporaneous source document.

This pattern continues for this employee for the entire year.

Ventura County District Attorney's Office  
Employee Time Study

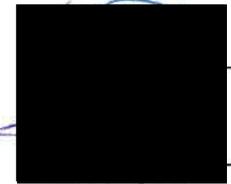
Employee Name:

 Sr. DAI

Month: September-18

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total		
REFU																			2													2		
MF																				2													2	
CEPU																					2												2	
CARU																						2											2	
WCFU																							2										2	
VCAT																																	0	
AIFU																										2							2	
SRT																																	0	
Background Inv.																																	0	
Duty Desk																																	0	
Annual Leave / Comp. Leave																																	0	
Vacation Leave																																	0	
Sick Leave																																	0	
SIU																																	0	
Other: HT (SAFPU, File No. 2017024251)																															9		9	
Other: HT (VCAT 549)																				7	7	7	7	7			6	9			0	9	9	68
<b>Total Time:</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	9	9	9	9	0	0	8	9	0	9	9	9	89		

**This employee worked on multiple projects during the month, and hours listed under "CARU" does not identify the mandated activities performed or the actual time spent on each activity.**

 10/20/18  
Date  
10/24/17  
Date

10/24

**Child Abduction / Recovery Unit**

██████████ DA Inv. II

July 2017

CHILD ABDUCTION		Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.		
ACTIVITIES		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
A	Family Code Sections 3130 & 3131 CC:Enforcement of Decrees					9	5	9			9	7	9	9	8			9	9	9	6					9	9	9	9	9		9			152
B	Family Code Sections 3130 & 3131 CC: Court Activity					4																													4
C	Out-of-State Decrees Family Code Section 3400 et seq. UCCJEA CC: Offender Detention																																		0
D	CA Penal Code Sections 278 & 278.5 (Criminal) PC: Return of Detained or Concealed Child																																		0
E	Total: Lines A through D																																		0
F	Non-Custody of Minors																																		0
G	Subtotal (Add Lines E and F)																																		0
H	Training / Other Case/ Range/ Meetings											2																							2
I	Vacation, Sick Leave, Holiday, Etc. Duty Desk					9																2													11
I	DAILY GRAND TOTAL	0	0	0	9	9	9	9	0	0	9	9	9	9	8	0	0	9	9	9	8	0	0	0	9	9	9	9	9	0	0	9			169
																																			0
																																			0
																																			0
	DUTY OFFICER																																		0

EMPLOYEE : I certify that this is a true and accurate report of my time and the activities were performed as shown.

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Employee's Signature \_\_\_\_\_ Job Classification \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Job Classification \_\_\_\_\_ Date 8/14/17

No date from the employee. The hours listed under Activity B (CC:Court Activity) was commingled with Activity A on the claim. 100% of salaries and benefits costs for FY 2017-18 were claimed under Activity A only.

**Child Abduction / Recovery Unit**

DA Inv. II *August*  
 July 2017

CHILD ABDUCTION		Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.		
ACTIVITIES		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
A	Family Code Sections 3130 & 3131 CC:Enforcement of Decrees	9	9	9				9	9	9	4			9								9	9	4	8			9	9	9	2			0	
B	Family Code Sections 3130 & 3131 CC: Court Activity										4													9	5									0	
C	Out-of-State Decrees Family Code Section 3400 et seq. UCCJEA CC: Offender Detention																																	0	
D	CA Penal Code Sections 278 & 278.5 (Criminal) PC: Return of Detained or Concealed Child																																		
E	Total: Lines A through D																																		
F	Non-Custody of Minors																																		0
G	Subtotal (Add Lines E and F) Training / Other Case/ Range/ Meetings																																7		
H	Vacation, Sick Leave, Holiday, Etc. Duty Desk									9						9	9	9																	
I	<b>DAILY GRAND TOTAL</b>	9	9	9	0	0	0	9	9	9	9	8	0	0	9	9	9	9	0	0	0	9	9	9	9	8	0	0	9	9	9	9		187	
																																			0
																																			0
																																			0
	<b>DUTY OFFICER</b>																																		0

EMPLOYEE : I certify that this is a true and accurate report of my time and the activities were performed as shown.

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Employee's Signature \_\_\_\_\_  
 Job Classification \_\_\_\_\_  
 Date \_\_\_\_\_

\_\_\_\_\_  
 Date *5/10/13*

No date from the employee and the supervisor signed the time study form multiple months after the work was documented. This is not a contemporaneous document.

The hours listed under Activity B (CC: Court Activity) was commingled with Activity A on the claim. 100% of salaries and benefits costs for FY 2017-18 were claimed under Activity A only.





**Child Abduction / Recovery Unit**

██████████ / Investigator III

November-17

CHILD ABDUCTION		Round hours to the nearest quarter hour or 15 min = .25. Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.																																
ACTIVITIES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30				
A	Family Code Sections 3130 & 3131 CC: Enforcement of Decrees	9	9	8			9	9	9					9	9	9	9	8			9							8	6	8	9			<b>138</b>
B	Family Code Sections 3130 & 3131 CC: Court Activity																											1	3	1				<b>4</b>
C	Out of State Decrees Family Code 3400 et seq. UCCJEA CC: Offender Detention																																	
D	CA Penal Code Sections 278 & 278.5 (Criminal) PC: Return of Detained or Concealed Child																																	
E	Total: Lines A through D																																	
F	Non-Custody of Minors																																	
G	Subtotal (Add Lines E and F)																																	
H	Training / Other Case/ Range/ Meetings/ Personnel																																	
I	Vacation, Sick Leave, Holiday, Etc.										9											9	9	9										<b>36</b>
J	DUTY DESK																																	
	<b>DAILY GRAND TOTAL</b>	9	9	8			9	9	9	9				9	9	9	9	8			9	9	9	9			9	9	9	9	9		<b>178</b>	

EMPLOYEE : I certify that this is a true and accurate report of my time and the activities were performed as shown.

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

██████████ 01-18-17  
Employee's Signature Job Classification Date

██████████ 2/13/18  
Supervisor's Signature Job Classification Date

Employee is splitting time under Activity A into two parts. We received no explanation for the reason, and the County's IRC says that these two should be the same. Supervisor should have signed in December, but did not sign until February the following year.

**Child Abduction / Recovery Unit**

**[Redacted] / Investigator III**

**January-18**

**CHILD ABDUCTION**

Round hours to the nearest quarter hour or 15 min = .25 Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.

ACTIVITIES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
A Family Code Sections 3130 & 3131 CC: Enforcement of Decrees		9	9	15				9	9	9	3.5	9				9	9	9	8			9		9	9					8.5	9	9	<b>161</b>	
B Family Code Sections 3130 & 3131 CC: Court Activity																																		
C Out of State Decrees Family Code 3400 et seq. UCCJEA CC: Offender Detention																																		
D CA Penal Code Sections 278 & 278.5 (Criminal) PC: Return of Detained or Concealed Child																																		
E Total: Lines A through D																																		
F Non-Custody of Minors																																		
G Subtotal (Add Lines E and F)																																		
H Training / Other Case/ Range/ Meetings/ Personnel																																		
I Vacation, Sick Leave, Holiday, Etc.	9										4.5				9																0.5		<b>23</b>	
J DUTY DESK																							9											<b>9</b>
DAILY GRAND TOTAL	9	9	9	15				9	9	9	8	9			9	9	9	9	8			9	9	9	9				9	9	9		<b>193</b>	

EMPLOYEE : I certify that this is a true and accurate report of my time and the activities were performed as shown.

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Employee's Signature [Redacted] Job Classification 05-08-18 Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Job Classification \_\_\_\_\_ Date \_\_\_\_\_

No signature from the supervisor, and the employee signed this 5 months after the month ended. This is not a contemporaneous document.



**Child Abduction / Recovery Unit**

Investigator III

March-18

CHILD ABDUCTION		Round hours to the nearest quarter hour or 15 min = .25 Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total																															
ACTIVITIES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
A Family Code Sections 3130 & 3131 CC: Enforcement of Decrees					9	9		9	8			9	9	9	9	8			9	9	9	11				9	9			9			144
B Family Code Sections 3130 & 3131 CC: Court Activity																																	
C Out of State Decrees Family Code 3400 et seq. UCCJEA CC: Offender Detention																												13.5	18.5				32
D CA Penal Code Sections 278 & 278.5 (Criminal) PC: Return of Detained or Concealed Child																																	
E Total: Lines A through D					9	9		9	8			9	9	9	9	8			9	9	9	11				9	9			9			
F Non-Custody of Minors																																	
G Subtotal (Add Lines E and F)					9	9		9	8			9	9	9	9	8			9	9	9	11				9	9			9			
H Training / Other Case/ Range/ Meetings/ Personnel																																	
I Vacation, Sick Leave, Holiday, Etc.	9																																9
J DUTY DESK								9																									9
DAILY GRAND TOTAL	9				9	9		9	8			9	9	9	9	8			9	9	9	11				9	9			9			194

EMPLOYEE: I certify that this is a true and accurate report of my time and the activities were performed as shown.

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Employee's Signature \_\_\_\_\_ Job Classification \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Job Classification \_\_\_\_\_ Date \_\_\_\_\_

No signature from the supervisor, and the employee signed this 2 months after the month ended. This is not a contemporaneous document.

Costs also listed under Activity C, but this was commingled on the claim under Activity A.





**Child Abduction / Recovery Unit**

DAI II

July-18

CHILD ABDUCTION		Round hours to the nearest quarter hour or 15 min = 25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total			
ACTIVITIES		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				
A	Family Code Sections 3130 & 3131 CC: Enforcement of Decrees		8	9		9	9			5	9	9					8	9	9	9	9				9	9	9	9				8	9			155
										4																										4
B	Family Code Sections 3130 & 3131 CC: Court Activity																																			0
																																				0
C	Out of State Decrees Family Code 3400 et seq. UCCJEA CC: Offender Detention																																			0
																																				0
D	CA Penal Code Sections 278 & 278.5 (Criminal) PC: Return of Detained or Concealed Child																																			0
																																				0
E	Total: Lines A through D																																			0
F	Non-Custody of Minors																																			0
G	Subtotal (Add Lines E and F)																																			0
H	Training / Other Case/ Range/ Meetings/ Personnel																																			0
I	Vacation, Sick Leave, Holiday, Etc.				9								9	9																					27	
J	DUTY DESK																																		0	
	DAILY GRAND TOTAL	0	8	9	9	9	9	0	0	9	9	9	9	9	0	0	8	9	9	9	9	9	0	0	0	9	9	9	9	0	0	8	9			186

EMPLOYEE: I certify that this is a true and accurate report of my time shown.

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Employee's Signature

Job Classification

Date

*10/4/18*

Supervisor's Signature

Job Classification

Date

*10/16/18*

Time study was signed several months after the month ended. This is not a contemporaneous source document.

**Child Abduction / Recovery Unit**

[Redacted]

July-18

Program Description	Round hours to the nearest quarter hour or 15 min = .25											Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total																						
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
CHILD ABDUCTION																																		
CLERICAL SUPPORT		4	3						6	4	4	2				3	4	5	2	2			3	3	2	4					2	3	56	
Allocable Hours		4	3						6	4	4	2				3	4	5	2	2			3	3	2	4					2	3	56	

EMPLOYEE: I certify that this is a true and accurate report of my time and the activities were performed as shown

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature] 10/23/19  
 Employee's Signature      Job Classification      Date

\_\_\_\_\_  
 Supervisor's Signature      Job Classification      Date

Weekend  
 Holiday  
 Day Off

July time sheet signed by the employee in October, and no signature or date from the supervisor. This is not a contemporaneous source document.

**Child Abduction / Recovery Unit**

[Redacted]

**August-18**

Program Description	Round hours to the nearest quarter hour or 15 min = .25											Holiday(s) record paid hours. If scheduled to work, on non-alloc line and total																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
CHILD ABDUCTION																																
CLERICAL SUPPORT	3	2	2			4	2	3	2					3	2	1	3	2			3	1	2	4			3	1	2	5	2	52
Allocable Hours	3	2	2			4	2	3	2					3	2	1	3	2			3	1	2	4			3	1	2	5	2	52

EMPLOYEE: I certify that this is a true and accurate report of my time and the activities were performed as shown

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature] 10/23/18

Employee's Signature Job Classification Date

Supervisor's Signature Job Classification Date

Weekend  
Holiday  
Day Off

August time sheet signed by the employee in October, and no signature or date from the supervisor. This is not a contemporaneous source document.

**Child Abduction / Recovery Unit**

[Redacted]

September-18

Program Description	Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
CHILD ABDUCTION																																		
CLERICAL SUPPORT				3	4	1					5	4	2	2			3	3	2	3				4	1	1	2	3					43	
Allocable Hours				3	4	1				5	4	2	2			3	3	2	3				4	1	1	2	3					43		

EMPLOYEE: I certify that this is a true and accurate report of my time and the activities were performed as shown.

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature]

10/23/18

Employee's Signature Job Classification Date

Supervisor's Signature Job Classification Date

Weekend  
Holiday  
Day Off

September time sheet signed by the employee in late October, and no signature or date from the supervisor. This is not a contemporaneous source document.

This employee's July, August, and September time sheet were all signed on the same day (10/23/2018).

**Child Abduction / Recovery Unit**

**October-18**

Program Description	Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
CHILD ABDUCTION																																	
CLERICAL SUPPORT		3	1	1				4	4	2	1	3			2	2	3	2				4	1	3	3	2			1	1	2	45	
Allocable Hours	3	1					4	4	2	1	3			2	2	3	2				4	1	3	3	2			1	1	2	45		

EMPLOYEE: I certify that this is a true and accurate report of my time

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Employee's Signature: [Redacted] *Y 10/19*  
 Job Classification: [Redacted]  
 Date: [Redacted]

Supervisor's Signature: \_\_\_\_\_  
 Job Classification: \_\_\_\_\_  
 Date: \_\_\_\_\_

Weekend  
 Holiday  
 Day Off

October time sheet signed by the employee 1/10/2019, and no signature or date from the supervisor. This is not a contemporaneous source document.

This employee's October and November time sheet were signed on the same day (1/10/2019).

**Child Abduction / Recovery Unit**

[Redacted]

*November 18*  
-October-18

**Program Description**

Round hours to the nearest quarter hour or 15 min = .25 Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.

Program Description	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
CHILD ABDUCTION																																	
CLERICAL SUPPORT	3				2	2	3	1	2				4	1	1				2	1	1		1			3	2	1	1			31	
Allocable Hours	3				2	2	3	1	2				4	1	1				2	1	1		1			3	2	1	1			31	

EMPLOYEE: I certify that this is a true and accurate report of my time and the activities were performed as shown.

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature]

*1/10/19*

Supervisor's Signature \_\_\_\_\_ Job Classification \_\_\_\_\_ Date \_\_\_\_\_

Weekend  
Holiday  
Day Off

November time sheet signed by the employee 1/10/2019, and no signature or date from the supervisor. This is not a contemporaneous source document.

This employee's October and November time sheet were signed on the same day (1/10/2019).

**Child Abduction / Recovery Unit**

**December-18**

Program Description	Round hours to the nearest quarter hour or 15 min = .25											Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.																					
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
CHILD ABDUCTION																																	
CLERICAL SUPPORT			2	4	2	2	4			5	3	2	2				3	4	2	2	3			2		1	3						46
Allocable Hours			2	4	2	2	4			5	3	2	2				3	4	2	2	3			2		1	3						46

EMPLOYEE: I certify that this is a true and accurate report of my time

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature]

3/6/19

[Redacted Signature]

3/7/19

Employee's Signature      Job Classification      Date

Supervisor's Signature      Job Classification      Date

Weekend  
Holiday  
Day Off

December time sheet signed by the employee 3/6/2019. This is not a contemporaneous source document.

This employee's December and January time sheet were signed on the same day (3/6/2019).

**Child Abduction / Recovery Unit**

January-19

Program Description	Round hours to the nearest quarter hour or 15 min = .25											Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
CHILD ABDUCTION																																
CLERICAL SUPPORT		3	1	2				4	4	2	1					3	2	2	3	3				2	2	3						
Allocable Hours		3	1	2				4	4	2	1					3	2	2	3	3				2	2	3						

EMPLOYEE: I certify that this is a true and accurate report of my time

Employee's Signature: [Redacted]  
 Job Classification: [Redacted]  
 Date: 3/6/19

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Supervisor's Signature: [Redacted]  
 Job Classification: [Redacted]  
 Date: 3/7/19

Weekend  
 Holiday  
 Day Off

January time sheet signed by the employee 3/6/2019. This is not a contemporaneous source document.

This employee's December and January time sheet were signed on the same day (3/6/2019).

**Child Abduction / Recovery Unit**

[Redacted]

February-19

Program Description	Round hours to the nearest quarter hour or 15 min = .25											Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
CHILD ABDUCTION																																
CLERICAL SUPPORT	3			2	3	2	2				1	2	4	2	1			4	2	1					3	2	1	4				39
Allocable Hours	3			2	3	2	2				1	2	4	2	1			4	2	1					3	2	1	4				39

EMPLOYEE: I certify that this is a true and accurate report of my time and the activities were performed as shown.

[Redacted Signature]

*W. Kelly*

Employee's Signature      Job Classification      Date

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Supervisor's Signature      Job Classification      Date

Weekend  
Sporadic  
Day Off

February time sheet signed by the employee 6/6/2019, and no signature or date from the supervisor. This is not a contemporaneous source document.

This employee's February, March, April and May time sheets were signed on the same day (6/6/2019).

**Child Abduction / Recovery Unit**

[Redacted]

March-19

Program Description	Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
CHILD ABDUCTION																																	
CLERICAL SUPPORT	3			2	1	1	3				3	1	1	2	2			3	2	2	2				2	4	3	1	2			40	
Allocable Hours	3			2	1	1	3				3	1	1	2	2			3	2	2	2				2	4	3	1	2			40	

EMPLOYEE: I certify that this is a true and accurate report of my time.

[Redacted Signature]

6/6/19

Employee's Signature

Job Classification

Date

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Supervisor's Signature

Job Classification

Date

Weekend  
Holiday  
Day Off

March time sheet signed by the employee 6/6/2019, and no signature or date from the supervisor. This is not a contemporaneous source document.

This employee's February, March, April and May time sheets were signed on the same day (6/6/2019).

**Child Abduction / Recovery Unit**

[Redacted]

April-19

Program Description		Round hours to the nearest quarter hour or 15 min = .25											Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total																					
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
1	CHILD ABDUCTION																																	
	CLERICAL SUPPORT	4	1	1	2				3	4	4	2	2										5	4	2	1	1			3	2		41	
	Allocable Hours	4	1	1	2				3	4	4	2	2										5	4	2	1	1			3	2		41	

EMPLOYEE: I certify that this is a true and accurate report of my time.

[Redacted Signature]

Employee's Signature      Job Classification      Date

Weekend  
Holiday  
Day Off

6/6/19

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature]

Supervisor's Signature      Job Classification      Date

6/6/19

April time sheet signed by the employee 6/6/2019. This is not a contemporaneous source document.

This employee's February, March, April and May time sheets were signed on the same day (6/6/2019).

**Child Abduction / Recovery Unit**

[Redacted]

May-19

Program Description	Round hours to the nearest quarter hour or 15 min = 25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
CHILD ABDUCTION																																		
CLERICAL SUPPORT	2	3				4	2	2	3				3	2	3	3				2	1	1	3	2				2	2	4		44		
Allocable Hours	2	3				4	2	2	3				3	2	3	3				2	1	1	3	2				2	2	4		44		

EMPLOYEE: I certify that this is a true and accurate report of my time

[Redacted Signature]

Employee's Signature

Job Classification

Date

6/6/19

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

Supervisor's Signature

Job Classification

Date

Weekend  
Holiday  
Day Off

May time sheet signed by the employee 6/6/2019, and no signature or date from the supervisor. This is not a contemporaneous source document.

This employee's February, March, April and May time sheets were signed on the same day (6/6/2019).

**Child Abduction / Recovery Unit**

[Redacted]

June-19

Program Description	Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
CHILD ABDUCTION																																		
CLERICAL SUPPORT			4	2	4	1	2			2	3	3	2				4	3	3	2	3		3	2	1	3							47	
Allocable Hours			4	2	4	1	2			2	3	3	2				4	3	3	2	3		3	2	1	3							47	

EMPLOYEE: I certify that this is a true and accurate report of my time

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature]

7/3/19

Employee's Signature

Job Classification

Date

Supervisor's Signature

Job Classification

Date

Weekend  
Holiday  
Day Off

June time sheet not signed by the supervisor.

Ventura County District Attorney's Office  
Employee Time Study

Employee Name: [REDACTED]

Month: February-20

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total			
REFU																																0			
MF																																	0		
CEPU																																	0		
CARU																				1	2	5				1.5	1	2					12.5		
GFU																																	0		
WCFU				8.5	6.5	6	6			7	2	1	2	2				8	7	5.5	3			7	6	6.5	7	5				96			
VCAT																																	0		
AIFU																																		0	
NSF																																		0	
Evidence Room				0.5	2.5	3	1			1	7	8	6	6				1	1	1.5	1			1	3	1	1	2				47.5			
Comp. Leave																																		0	
Vacation Leave							2																											2	
Sick Leave																																			0
Holiday																		9																9	
Other: (Specify Unit)	Off	Off	Off					Off	Off						Off	Off						Off	Off						Off					0	
Total Time:	0	0	0	9	9	9	9	0	0	8	9	9	8	8	0	0	9	9	9	9	9	9	0	0	8	9	9	9	9	0	0	0	167		

This employee worked on multiple projects during the month, and hours listed under "CARU" does not identify the mandated activities performed or the actual time spent on each activity.

[REDACTED] 3/4/2020  
Employee Signature Date

[REDACTED] 03-04-2020  
Supervisor Signature Date

Child Abduction / Recovery Unit

Inv. Asst. III

March-20

CHILD ABDUCTION		Round hours to the nearest quarter hour or 15 min + 25. Holiday(s) second paid hour, if scheduled to work, on non-alloc line and total.																															
ACTIVITIES		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
A	Family Code Sections 3130 & 3131 CC: Enforcement of Decrees			2		4	3			2	6	8	8	5				6	9	4	4			3	5	7	6	6				3	
B	Family Code Sections 3130 & 3131 CC: Court Activity			3		3	4			5				2			2				3												
C	Out-of-State Decrees Family Code Section 3400 et seq. UCC/JEA CC: Offender Detention																																
D	CA Penal Code Sections 278 & 278.5 (Criminal) PC: Return of Detained or Concealed Child																																
E	Total Lines A through D																																
F	Non-Custody of Minors																																
G	Subtotal (Add Lines E and F)																																
H	Training / Other Case/ Range/ Meetings			4	9	2	2			1	3	1	1	2				1		5	2			5	4	2	3	3				6	
I	Vacation, Sick Leave, Holiday, Etc. Duty Desk																																
J	DAILY GRAND TOTAL			9	9	9	9			8	9	9	9	9				9	9	9	9			8	9	9	9	9				9	
	DUTY OFFICER																																

EMPLOYEE: [Signature] that this is a true and accurate report of my time

SUPERVISOR: I certify that the employee's time records have been examined and that, to

[Redacted] 4/7/2020  
Date

[Signature] 4-7-2020  
Supervisor's Signature Job Classification Date

The same employee in February (on the prior page) changes their time study to this form in March 2020. On the FY 2019-20 claim all of the costs are claimed Activity A, but 22 hours are listed under Activity B for this employee.



**Child Abduction / Recovery Unit**

[Redacted]

July-19

Program Description	Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
CHILD ABDUCTION																																	
CLERICAL SUPPORT	2	3	1		1			3	2	2	2				1	2	3	2	1			3	4	4	2				3	1	4	46	
Allocable Hours	2	3	1		1			3	2	2	2				1	2	3	2	1			3	4	4	2				3	1	4	46	

EMPLOYEE: I certify that this is a true and accurate report of my time

[Redacted Signature] 11/12/19

Employee's Signature      Job Classification      Date

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature] 11/13/19

Supervisor's Signature      Job Classification      Date

Weekend  
Sick  
Day Off

July, August, September and October time sheets were all signed by the employee on 11/12/2019 and by the supervisor on 11/13/2019. These time sheets are not contemporaneous and appear to be estimated.

**Child Abduction / Recovery Unit**

[Redacted]

August-19

Program Description	Round hours to the nearest quarter hour or 15 min = .25																															Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
CHILD ABDUCTION																																	
CLERICAL SUPPORT	1	3			4	2	3	3				4	2	1	1	2			2	2	2	2	4				1	1	2	1	3		44
Allocable Hours	1	3			4	2	3	3				4	2	1	1	2			2	2	2	2	4				1	1	2	1	3		44

EMPLOYEE: I certify that this is a true and accurate report of my time

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature] 11/12/19  
 Employee's Signature Job Classification Date

Weekend  
 Holiday  
 Day Off

[Redacted Signature] 11/13/19  
 Supervisor's Signature Job Classification Date

July, August, September and October time sheets were all signed by the employee on 11/12/2019 and by the supervisor on 11/13/2019. These time sheets are not contemporaneous and appear to be estimated.

**Child Abduction / Recovery Unit**

[Redacted]

September-19

Program Description	Round hours to the nearest quarter hour or 15 min = 25											Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total.																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
CHILD ABDUCTION																																
CLERICAL SUPPORT				4	4	2										6	4	2	2				1	3	2	2	2			4		38
Allocable Hours				4	4	2										6	4	2	2				1	3	2	2	2			4		38

EMPLOYEE: I certify that this is a true and accurate report of my time

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature] 11/21/19  
 Employee's Signature Job Classification Date

[Redacted Signature] 11/13/19  
 Supervisor's Signature Job Classification Date

Weekend  
 Holiday  
 Day Off

July, August, September and October time sheets were all signed by the employee on 11/12/2019 and by the supervisor on 11/13/2019. These time sheets are not contemporaneous and appear to be estimated.

**Child Abduction / Recovery Unit**

[Redacted]

October-19

Program Description	Round hours to the nearest quarter hour or 15 min = .25											Holiday(s) record paid hours, if scheduled to work, on non-alloc line and total																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
CHILD ABDUCTION																																
CLERICAL SUPPORT	2	1	1					4	1	2	1	2									3	1	2	2	4			1	1	1	3	41
Allocable Hours	2	1	1					4	1	2	1	2									3	1	2	2	4			1	1	1	3	41

EMPLOYEE: I certify that this is a true and accurate report of my time

SUPERVISOR: I certify that the employee's time records have been examined and that, to the best of my knowledge and belief, this time record is true and correct and the activities

[Redacted Signature] 11/12/19  
 Employee's Signature      Job Classification      Date

[Redacted Signature] 11/13/19  
 Supervisor's Signature      Job Classification      Date

Weekend  
 Holiday  
 Day Off

July, August, September and October time sheets were all signed by the employee on 11/12/2019 and by the supervisor on 11/13/2019. These time sheets are not contemporaneous and appear to be estimated.

Ventura County District Attorney's Office  
Employee Time Study

Employee Name: [REDACTED] investigator

Month: February-20

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total
REFU																																0
MF																																0
CEPU																																0
CARU																										2						2
WCFU																																0
VCAT																																0
AIFU				8	9	9	9			9	9	9	9	9				9	9		9			7	9	9	9	9			150	
SRT																																0
Background Inv.																																0
Duty Desk																					9											9
Annual Leave / Comp. Leave																																0
Vacation Leave				1																												1
Sick Leave																																0
SIU																																0
Other: HOLIDAY																		9														9
Total Time:	0	0	0	9	9	9	9	0	0	9	9	9	9	9	0	0	9	9	9	9	9	0	0	9	9	9	9	9	0	0	0	171

This employee worked on multiple projects during the month, and hours listed under "CARU" does not identify the mandated activities performed or the actual time spent on each activity.

[REDACTED] 2/28/20  
Employee Signature Date

[REDACTED] 3/9/20  
Supervisor Signature Date



**COMMISSION ON STATE MANDATES**

980 NINTH STREET, SUITE 300  
SACRAMENTO, CA 95814  
PHONE: (916) 323-3562  
FAX: (916) 445-0278  
E-mail: csminfo@csm.ca.gov



March 30, 2016

Ms. Elizabeth Pianca Deputy County Counsel Office of the County Counsel, County of Santa Clara 70 West Hedding Street, East Wing, Ninth Floor San Jose, CA 95110-1770	Ms. Jill Kanemasu State Controller's Office Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816
---	--

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

Re: **Decision**

*Child Abduction and Recovery*, 08-4237-I-02 and 12-4237-I-03  
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  
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162; Statutes 1996, Chapter 988  
Fiscal Years: 1999-2000, 2000-2001, 2001-2002, 2003-2004, 2004-2005, 2005-2006,  
and 2006-2007  
County of Santa Clara, Claimant

Dear Ms. Pianca and Ms. Kanemasu:

On March 25, 2016, the Commission on State Mandates adopted the decision on the above-entitled matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Halsey".

Heather Halsey  
Executive Director

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

**IN RE INCORRECT REDUCTION CLAIM  
ON:**

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

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

Fiscal Years 1999-2000, 2000-2001,  
2001-2002, 2003-2004, 2004-2005,  
2005-2006, and 2006-2007

County of Santa Clara, Claimant

Case Nos.: 08-4237-I-02 and 12-4237-I-03

*Child Abduction and Recovery*

DECISION PURSUANT TO  
GOVERNMENT CODE SECTION 17500  
ET SEQ.; CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, DIVISION 2,  
CHAPTER 2.5, ARTICLE 7

*(Adopted March 25, 2016)*

*(Served March 30, 2016)*

**DECISION**

The Commission on State Mandates (Commission) heard and decided this consolidated incorrect reduction claim (IRC) during a regularly scheduled hearing on March 25, 2016. Jim Spano, Chris Ryan, and Masha Vorobyova appeared on behalf of the State Controller's Office. The County of Santa Clara did not appear, but filed a letter indicating that it was standing on the record submitted.

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 section 17500 et seq., and related case law.

The Commission adopted the proposed decision to deny this IRC by a vote of 6-0 as follows:

<b>Member</b>	<b>Vote</b>
Ken Alex, Director of the Office of Planning and Research	Yes
John Chiang, State Treasurer, Vice Chairperson	Yes
Richard Chivaro, Representative of the State Controller	Yes
Sarah Olsen, Public Member	Yes
Eraina Ortega, Representative of the Director of the Department of Finance, Chairperson	Yes
Carmen Ramirez, City Council Member	Yes
Don Saylor, County Supervisor	Absent

### **Summary of the Findings**

Incorrect Reduction Claim (IRC) 08-4237-I-02 (fiscal years 1999-2000, 2000-2001, and 2001-2002) and IRC 12-4237-I-03 (fiscal years 2003-2004, 2004-2005, 2005-2006, and 2006-2007)<sup>1</sup> have been consolidated for hearing. These consolidated IRCs challenge the State Controller's Office (Controller's) reductions to reimbursement claims of the County of Santa Clara (claimant) for the *Child Abduction and Recovery* program.

The only issue remaining in contention for this matter is whether the Controller's reductions totaling \$1,183,619 for unsupported salaries, benefits, and related indirect costs claimed for fiscal years 1999-2000 through 2001-2002 and 2003-2004 are correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

To claim costs for employee salaries and benefits, the parameters and guidelines require that the claimant either specify the actual number of hours devoted to each mandated function and provide source documents or worksheets that show evidence of the validity of the costs, or claim costs based on the average number of hours devoted to each mandated function if supported by a documented time study. Average time accountings to support employee time claimed "can be deemed akin to worksheets."<sup>2</sup> However, the time study is still required to "show evidence of and the validity of [the] costs [claimed]" for the mandated program.<sup>3</sup>

The Commission finds that the Controller's reduction of costs claimed for fiscal year 1999-2000 through 2001-2002 is correct as a matter of law, and not arbitrary, capricious, or entirely lacking in evidentiary support. The payroll documentation originally provided by the claimant to the Controller, which does not verify the time spent on the program, does not comply with the documentation requirements of the parameters and guidelines. Moreover, based on the evidence in the record, the Controller's decision to reject the time study that claimant later prepared using data from later fiscal years as inadequate documentation to support the costs claimed for all the employees is not arbitrary, capricious, or entirely lacking in evidentiary support. The record shows that the Controller considered the claimant's arguments and all relevant factors, and has demonstrated a rational connection between those factors and the decision made to reject the time study. The Commission cannot substitute its judgment for that of the Controller on audit decisions.

The Commission also finds that the Controller's reduction of salary and benefit costs for fiscal year 2003-2004 is not arbitrary, capricious, or entirely lacking in evidentiary support. For this reimbursement claim, the claimant resubmitted the same four week time study conducted from November 15, 2004, through December 10, 2004 to support fiscal year 2003-2004 claimed costs, with a summary of the time study results and a projection of the results to a full fiscal year. The Controller determined, however, that the claimant's time study did not adequately support the time claimed for fiscal year 2003-2004 because the time study included three employee classifications that the county did not include in their claim for reimbursement; the time study period included a holiday week when employees worked fewer hours; and actual timesheets kept for January 2005 through June 2005 showed varying changes in staffing levels and workload.

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<sup>1</sup> Note that there was no audit for 2002-2003 and that year is not in issue in this IRC.

<sup>2</sup> *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794, 804.

<sup>3</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, pages 53-60.

Since the claimant did not provide time logs or other adequate documentation supporting the time spent on the mandate in fiscal year 2003-2004, the Controller extrapolated employee hours identified on timesheets for January 2005 through June 2005 to approximate the actual hours spent on the program for the 2003-2004 fiscal year, instead of reducing costs to \$0. The Commission finds that there is no evidence in the record that the Controller's rejection of the claimant's time study or the Controller's calculation of employee costs for fiscal year 2003-2004, is arbitrary, capricious, or entirely lacking in evidentiary support.

Therefore, the Commission denies these IRCs.

### **I. Chronology**

- 03/17/2006 Controller issued the final audit report for fiscal years 1999-2000 through 2001-2002.<sup>4</sup>
- 01/28/2009 Claimant filed IRC 08-4237-I-02.<sup>5</sup>
- 12/04/2009 Controller issued the final audit report for fiscal years 2003-2004 through 2006-2007.<sup>6</sup>
- 11/29/2012 Claimant filed IRC 12-4237-I-03.<sup>7</sup>
- 12/22/2014 Controller filed Late Comments on IRC 08-4237-I-02.<sup>8</sup>
- 12/22/2014 Controller filed Late Comments on IRC 12-4237-I-03.
- 12/31/2014 Controller filed Revised Late Comments on IRC 12-4237-I-03.<sup>9</sup>
- 04/02/2015 Claimant filed Rebuttal to Controller's Late Comments on IRC 08-4237-I-02.<sup>10</sup>
- 04/02/2015 Claimant filed Rebuttal to Controller's Late Comments on IRC 12-4237-I-03.<sup>11</sup>
- 1/13/2016 Commission staff issued the Draft Proposed Decision.<sup>12</sup>
- 1/15/2015 Controller filed Comments on the Draft Proposed Decision.<sup>13</sup>

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<sup>4</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 19.

<sup>5</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 1.

<sup>6</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 16.

<sup>7</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 1.

<sup>8</sup> Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, page 1.

<sup>9</sup> Exhibit D, Controller's Revised Late Comments on IRC 12-4237-I-03, page 1. Note that these revised comments simply replaced illegible pages with legible ones and these revised comments filed December 31, 2014 replace the late comments filed December 22, 2014.

<sup>10</sup> Exhibit E, Claimant's Rebuttal to Controller's Late Comments on IRC 08-4237-I-02, page 1.

<sup>11</sup> Exhibit F, Claimant's Rebuttal to Controller's Late Comments on IRC 12-4237-I-03, page 1.

<sup>12</sup> Exhibit G, Draft Proposed Decision.

<sup>13</sup> Exhibit H, Controller's Comments on the Draft Proposed Decision.

3/22/2016 Claimant filed a letter with the Commission indicating that a representative of the county would not be present at the hearing and that it stands on the record submitted.

## II. Background

### A. Child Abduction and Recovery Program

On September 19, 1979, the Board of Control approved a test claim filed by the County of San Bernardino, finding that the test claim statutes imposed a reimbursable state-mandated program on counties by requiring district attorney offices to actively assist in the resolution of child custody problems, including visitation disputes and the enforcement of custody and other orders of the court in a child custody proceeding. These activities include actions necessary to locate and return a child; the enforcement of child custody orders, 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 minor in court actions. Reimbursement was found not to be required for the costs associated with criminal prosecutions under the Penal Code.<sup>14</sup>

On January 21, 1981, the Board of Control adopted the parameters and guidelines for this program for costs incurred beginning January 1, 1977. Since the adoption of the original parameters and guidelines, the test claim statutes have been renumbered and some have been amended.<sup>15</sup> In addition, the parameters and guidelines have been amended several times. The parameters and guidelines that govern the reimbursement claims at issue in this case were amended on August 26, 1999, and provide that counties may claim reimbursement for the following activities:

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.

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<sup>14</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, pages 43-50 (parameters and guidelines, as amended July 22, 1993), 53-60 (parameters and guidelines, as amended August 26, 1999).

<sup>15</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, pages 53-54 (parameters and guidelines, as amended August 26, 1999), which explain under the Summary of Mandate section of the parameters and guidelines, the statutory changes as follows:

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.

- (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, 99<sup>th</sup> Congress, 1<sup>st</sup> 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.<sup>16</sup>

Section VI. of these parameters and guidelines describe the non-reimbursable costs as follows: “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.”

Section VII. of these parameters and guidelines further require that claimed costs “shall be supported” by cost element information, as specified. With respect to claims for salaries and benefits, claimants are required to:

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.

Section VIII. further requires that “all costs claimed must be traceable to source documents and/or worksheets that show evidence of and the validity of such costs,” and that these “documents must be kept on file by the agency submitting the claim for [the audit] period specified in Government Code section 17558.5.” However, contemporaneous source documentation was not required by these parameters and guidelines.

#### B. The Audit Findings of the Controller

The audit report for fiscal years 1999-2000 through 2001-2002 reduced costs by \$1,278,468 because claimant overstated productive hourly rates when calculating employee salaries and benefits (Finding 1) and claimed unsupported salaries, benefits, and related indirect costs (Finding 2).<sup>17</sup> The audit report for fiscal years 2003-2004 through 2006-2007 reduced costs by

<sup>16</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, pages 53-60 (parameters and guidelines, as amended August 26, 1999).

<sup>17</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, pages 18-38. The audit report also reduced costs in Finding 3 for overstated indirect costs, which are not challenged by the claimant.

\$296,732 on similar grounds: the claimant overstated productive hourly wage rates in all audit years (Finding 1) and claimed unsupported salaries, benefits, and related indirect costs in fiscal year 2003-2004 (Finding 2).<sup>18</sup>

The claimant originally challenged both findings made by the Controller. After the IRCs were filed, however, the claimant withdrew the challenge to audit Finding 1 in both audit reports relating to the reduction of costs based on overstated productive hourly rates.<sup>19</sup> Thus, the claimant now only challenges the reductions in Finding 2 of the audit reports for unsupported salaries and benefits and related indirect costs claimed for fiscal years 1999-2000 through 2001-2002 and 2003-2004, totaling \$1,183,619, described as follows:<sup>20</sup>

- The Controller reduced costs for salaries and benefits claimed for fiscal years 1999-2000 through 2001-2002 for two full-time employees in the claimant's Child Abduction and Recovery Unit because the county did not provide any documentation to support mandate-related hours claimed. In addition, one of the full-time employees stated that she spent part of her time assisting with criminal trial preparation after the defendant's first court appearance, which is not eligible for reimbursement. Moreover, the time study later submitted by the claimant shows that the two full-time employees worked between 42.50 and 69.27 percent and 60 and 92.94 percent, respectively, on the mandated program during the four week time study,<sup>21</sup> which contradicts the claimant's assertion that the full-time employees performed only mandate-related activities during the audit period.

The Controller also partially reduced costs claimed for the remaining employees working part-time on the program in these fiscal years because the county provided time logs that did not support all of the mandate-related hours claimed. The time logs identified mandate-related time, non-mandate related time, and non-productive time, but did not reconcile and support the hours claimed. Subsequently, the claimant submitted a four-week time study conducted in fiscal year 2004-2005 in lieu of the employee time logs, which the Controller rejected because the time study is not competent evidence to replace time logs provided to support the costs claimed for earlier fiscal years. In addition, the Controller found that the county did not identify how the time period studied (four weeks in fiscal year 2004-2005) was representative of the costs incurred in fiscal years 1999-2000 through 2001-2002, and did not show how the results could be projected to approximate actual costs for the audit period. The Controller concluded that a time study

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<sup>18</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, pages 15-43. Finding 3 of this audit report also finds understated salaries, benefits, and related indirect costs for one employee, which occurred as result of an input error in the claimant's payroll system. The adjustment in Finding 3 is not disputed.

<sup>19</sup> Exhibit E, Claimant's Rebuttal to Controller's Late Comments on IRC 08-4237-I-02, page 4; Exhibit F, Claimants Rebuttal to Controller's Late Comments on IRC 12-4237-I-03, page 4.

<sup>20</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 28; Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 31.

<sup>21</sup> Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, pages 16 and 43 (Tab 8, Controller's Analysis of Paralegal and Legal Clerk Time Study Hours).

is not appropriate since the entire program requires varying levels of effort and includes activities that are not mandated by the state.

The Controller, therefore, allowed reimbursement for salaries and benefits for fiscal years 1999-2000 through 2001-2002 based on mandate-related hours supported by employee time logs.

- The Controller reduced costs for salaries and benefits claimed for fiscal year 2003-2004 because the claimant did not provide documentation to support the mandate-related hours claimed. Instead, the claimant resubmitted the four week time study from fiscal year 2004-2005 with a summary of the results and a projection of the results to estimate costs for 2003-2004. However, the Controller found that the time study was still not representative of the 2003-2004 costs because the time study included three employee classifications that the county did not include in their claim for reimbursement; the time study period included a holiday week when employees worked fewer hours; and actual timesheets kept from January 2005 through June 2005 showed varying changes in staffing levels and workload.

The Controller, therefore, rejected the claimant's time study and, instead, extrapolated the employee hours identified on the timesheets for January 2005 through June 2005 to approximate the actual hours spent on the program for the 2003-2004 fiscal year.

### III. Positions of the Parties

#### A. County of Santa Clara

The claimant contends that the Controller's reductions for salary, benefits, and related indirect costs are incorrect and should be reinstated. For fiscal years 1999-2000 through 2001-2002, the claimant asserts that the employees working full-time on the mandated program should not be required to provide time logs, and that payroll documentation for these employees is sufficient, alone, to substantiate the hours claimed for full-time employees. The claimant argues in its rebuttal to the Controller's comments that while the "SCO response devalues the time study because it does not show that the County employees worked on mandate-related activities on a full-time basis...it does show that a percentage of these employees time was spent on mandate-related activities and the County should be reimbursed for this time."<sup>22</sup>

The claimant also asserts that it provided time logs to substantiate the hours spent in mandate activities for those employees who did not perform mandate-activities full time.<sup>23</sup> The claimant asserts that "to the extent that the SCO believed that the time logs were insufficient, a time study was performed from November 15, 2004 through December 10, 2004."<sup>24</sup> The claimant argues that "[t]he county did perform a time study in FY 2004-2005 to support costs claimed for FY 1999-2000, FY 2000-2001, and FY 2001-2002 because the source document requirement was not in the Commission's parameters and guidelines at the time the mandate claim was filed."<sup>25</sup> The claimant further argues that to the extent the Controller felt the time logs provided

<sup>22</sup> Exhibit E, Claimant's Rebuttal to Controller's Late Comments on IRC 08-4237-I-02, page 5.

<sup>23</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 15.

<sup>24</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 15.

<sup>25</sup> Exhibit E, Claimant's Rebuttal to Controller's Late Comments on IRC 08-4237-I-02, page 5.

were insufficient, the time study performed provides a reliable measure of the time needed to perform mandated activities and that the Controller should rely on a current time study to support the hours claimed.<sup>26</sup> The claimant argues that the time study relied on contemporaneous documentation of mandated and non-mandated activities to fully account for the time; that it covered four weeks that corresponded with pay periods to assure that the time study documentation could be checked against payroll information; and that all employees performing mandated activities participated in order to eliminate errors due to small sample size or extrapolation. Further, the claimant argues that the time study is representative of a full fiscal year because the activities related to the program are not seasonal and have not changed appreciably over time.<sup>27</sup>

For fiscal year 2003-2004, the claimant makes similar arguments regarding the appropriateness of the fiscal year 2004-2005 time study to support the costs claimed. The claimant also argues that the time study was done “in close proximity to the claim period and for a reasonable length of time to merit acceptance as representative of the fiscal year.” The claimant asserts that the Controller failed to recognize that the time study substantiated the County’s claims and wrongfully applied its own standard.<sup>28</sup>

Claimant did not file comments on the draft proposed decision.

#### B. State Controller’s Office

It is the Controller’s position that the audit adjustments are correct and that these IRCs should be denied. The Controller states that unallowable salary, benefits, and indirect costs were claimed because the claimant did not provide any documentation to support the hours claimed for two full-time employees, and that for other employees the county provided time logs that did not support the hours claimed and included time for non-mandate-related activities. The Controller argues that claimant has not complied with the documentation requirements of the parameters and guidelines by merely providing payroll documentation in support of the costs claimed for full-time employees for fiscal years 1999-2000 through 2001-2002. The Controller further found that for fiscal years 1999-2000, 2000-2001, and 2001-2002, a time study conducted during fiscal year 2004-2005 and provided in lieu of time logs was not competent evidence to replace time logs in support of the costs claimed. For fiscal year 2003-2004, the Controller found that the county did not support costs claimed with source documents showing the evidence of and the validity of such costs and that the 18-day time study in fiscal year 2004-2005, was not representative of the audit period.

On January 15, 2016, the Controller filed comments on the draft proposed decision, supporting the Commission’s conclusion and recommendation.

#### IV. Discussion

Government Code section 17561(b) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state mandated costs that the Controller determines is excessive or unreasonable.

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<sup>26</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 15.

<sup>27</sup> *Id.*

<sup>28</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 12.

Government Code Section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to a local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission's regulations requires the Commission to send the decision to the Controller and request that the costs in the claim be reinstated.

The Commission must review questions of law, including interpretation of the parameters and guidelines, de novo, without consideration of legal conclusions made by the Controller in the context of an audit. The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.<sup>29</sup> The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitutional and statutory scheme. In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."<sup>30</sup>

With regard to the Controller's audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.<sup>31</sup> Under this standard, the courts have found that:

When reviewing the exercise of discretion, "[t]he scope of review is limited, out of deference to the agency's authority and presumed expertise: 'The court may not reweigh the evidence or substitute its judgment for that of the agency. [Citation.]'"... "In general...the inquiry is limited to whether the decision was arbitrary, capricious, or entirely lacking in evidentiary support..." [Citations.] When making that inquiry, the " "court must ensure that an agency has adequately considered all relevant factors, and has demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute." [Citation.]' "<sup>32</sup>

The Commission must review the Controller's audit in light of the fact that the initial burden of providing evidence for a claim of reimbursement lies with claimant.<sup>33</sup> In addition, section 1185.1(f)(3) and 1185.2(c) of the Commission's regulations requires that any assertions of fact

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<sup>29</sup> *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

<sup>30</sup> *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

<sup>31</sup> *Johnston v. Sonoma County Agricultural Preservation and Open Space District* (2002) 100 Cal.App.4th 973, 983-984. See also *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.

<sup>32</sup> *American Bd. of Cosmetic Surgery, Inc., v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

<sup>33</sup> *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

by the parties to an IRC must be supported by documentary evidence. The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>34</sup>

**The Controller's Reduction of Costs for Employee Salaries, Benefits, and Related Indirect Costs Is Correct as a Matter of Law and Not Arbitrary, Capricious, or Entirely Lacking in Evidentiary Support.**

08-4237-I-02 (fiscal years 1999-2000, 2000-2001, and 2001-2002) and 12-4237-I-03 (fiscal years 2003-2004, 2004-2005, 2005-2006, and 2006-2007)<sup>35</sup> have been consolidated for hearing. These consolidated IRCs challenge the Controller's reductions to reimbursement claims filed by claimant for the *Child Abduction and Recovery* program.

The only issue remaining in contention for this matter is whether the Controller's reductions totaling \$1,183,619 for unsupported salaries, benefits, and related indirect costs claimed for fiscal years 1999-2000 through 2001-2002 and 2003-2004 are correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

Reimbursement claims filed with the Controller are required as a matter of law to be filed in accordance with the parameters and guidelines adopted by the Commission.<sup>36</sup> Parameters and guidelines provide instructions for eligible claimants to prepare reimbursement claims for the direct and indirect costs of a state-mandated program, and also identify the supporting documentation required to be retained.<sup>37</sup>

As indicated in the Background, the parameters and guidelines amended by the Commission on August 26, 1999, apply to these reimbursement claims.<sup>38</sup> Section VII.A.1. of the parameters and guidelines provide instructions on how to claim costs for employee salaries and benefits as follows:

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

<sup>34</sup> 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.

<sup>35</sup> Note that there was no audit for 2002-2003 and it is unclear whether or not a reimbursement claim was filed in that year but that year is not in issue in this IRC.

<sup>36</sup> Government Code sections 17561(d)(1); 17564(b); and 17571; *Clovis Unified School District v. Chiang* (2010) 188 Cal.App.4th 794, 801, where the court ruled that parameters and guidelines adopted by the Commission are regulatory in nature and are "APA valid"; *California School Boards Association v. State of California* (2009) 171 Cal.App.4th 1183, 1201, where the court found that the Commission's quasi-judicial decisions are final and binding, just as judicial decisions.

<sup>37</sup> Government Code section 17557; California Code of Regulations, title 2, section 1183.7.

<sup>38</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 7; Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 4, Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, page 8; Exhibit D, Controller's Revised Late Comments on IRC 12-4237-I-03, page 9.

benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study. Benefits are reimbursable; however, benefits rates must be itemized. If no itemization is submitted, 21 percent must be used for computation of claimed costs.

Section VIII. of the parameters and guidelines also requires that costs claimed “be traceable to source documents and/or worksheets that show evidence of and the validity of such costs.”<sup>39</sup>

Therefore the parameters and guidelines require that the claimant either specify the actual number of hours devoted to each mandated function and provide source documents or worksheets that show evidence of the validity of the costs, or claim costs based on the average number of hours devoted to each mandated function if supported by a documented time study. Average time accountings to support employee time claimed “can be deemed akin to worksheets.”<sup>40</sup> However, the time study is still required to “show evidence of and the validity of [the] costs [claimed]” for the mandated program.<sup>41</sup>

For the reasons discussed below, the Commission finds that the reduction costs claimed for employee salaries, benefits, and related indirect costs is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

A. The Controller’s Reduction of Costs for Fiscal Years 1999-2000 Through 2001-2002 Is Correct as a Matter of Law and Not Arbitrary, Capricious, or Entirely Lacking in Evidentiary Support.

1. Reduction of costs for full-time employees

The Controller reduced salary and benefit costs claimed for fiscal years 1999-2000 through 2001-2002 for two full-time employees because the county did not provide adequate documentation to support mandate-related *hours* claimed. The claimant originally provided payroll documents to support the costs claimed for these employees, and asserts that the provision of payroll documentation for full-time employees should be sufficient to substantiate the hours claimed.<sup>42</sup> However, payroll documentation does not show the actual number of hours the employees worked on mandated activities, as required by the parameters and guidelines. In addition, the reimbursement claims for fiscal years 1999-2000, 2000-2001, and 2001-2002, list the employee names, job classifications, and a brief description of the activities performed, but do not identify the actual number of hours devoted to each reimbursable function.<sup>43</sup> Further, the Controller noted that one of the full-time employees stated during the audit that she did not work full-time on mandate-related activities, and that she assisted in trial preparation after the

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<sup>39</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, pages 58, 60; Exhibit B, Incorrect Reduction Claim 12-4237-I-03, pages 50, 52.

<sup>40</sup> *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794, 804.

<sup>41</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 60 (parameters and guidelines, amended August 26, 1999).

<sup>42</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 37.

<sup>43</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, pages 82, 117-118, 155.

defendant's first court appearance, which is not eligible for reimbursement.<sup>44</sup> There is no evidence in the record contradicting this statement.

Therefore, for full-time employees, the payroll documentation provided by the claimant does not comply with the requirements of the parameters and guidelines to support the actual number of hours devoted to each reimbursable function.

The claimant then tried to support the salary and benefit costs claimed for fiscal years 1999-2000, 2000-2001, and 2001-2002 by providing to the Controller a four-week time study of the program, conducted from November 15, 2004, through December 10, 2004. The claimant states that the time study relied on contemporaneous documentation of mandated and non-mandated activities to fully account for the time; that it covered four weeks that corresponded with pay periods to assure that the time study documentation could be checked against payroll information; and that all employees performing mandated activities participated in order to eliminate errors due to small sample size or extrapolation. Further, the claimant argues that the time study is representative of a full fiscal year because the activities related to the program are not seasonal and the time spent on the program has not changed appreciably over time.<sup>45</sup>

The Controller, however, rejected the time study because it does not adequately support the costs claimed for these employees. The Controller found that the time study specifically contradicted the claimant's assertion that the full-time employees worked on mandate activities full-time. The two full-time employees, a paralegal and legal clerk, reported the following percentages of time spent on mandate activities for the time study period:

	<u>Week 1</u>	<u>Week 2</u>	<u>Week 3</u>	<u>Week 4</u>
Paralegal	91.50%	0.00%	60.00%	92.94%
Legal Clerk	47.44%	42.50%	67.78%	69.27% <sup>46</sup>

The claimant admits that the time study shows less than full-time hours for these employees, but argues that it should be reimbursed for the time identified in the study.<sup>47</sup> The claimant states that while the "SCO response devalues the time study because it does not show that the County employees worked on mandate-related activities on a full-time basis...it does show that *a percentage of these employees time* was spent on mandate-related activities and the County should be reimbursed for this time."<sup>48</sup>

However, the Controller found that the time study itself, was not representative of the costs claimed for fiscal years 1999-2000, 2000-2001, and 2001-2002. The mandate-related hours

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<sup>44</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 30; Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, page 16.

<sup>45</sup> *Id.*

<sup>46</sup> Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, pages 16, 43 (Tab 8, Controller's Analysis of Paralegal and Legal Clerk's Time Study Hours).

<sup>47</sup> Exhibit E, Claimant's Rebuttal to Controller's Late Comments on IRC 08-4237-I-02, page 5.

<sup>48</sup> Exhibit E, Claimant's Rebuttal to Controller's Late Comments on IRC 08-4237-I-02, page 5 (emphasis added).

reported during the time study, 606.5 hours,<sup>49</sup> extrapolates to approximately 7,885 mandate-related hours annually.<sup>50</sup> However, for the fiscal year in which the time study was done (2004-2005), the county only claimed 3,335 mandate-related hours.<sup>51</sup> In addition, and as more fully explained in the next section below, the Controller found that the time spent on this state-mandated program varied from year to year and was not constant and, thus, the time study does not adequately support the time spent on the program during these earlier fiscal years.<sup>52</sup>

The Commission finds that the Controller's full reduction of costs for these employees is correct as a matter of law, and not arbitrary, capricious, or entirely lacking in evidentiary support. As indicated above, the payroll documentation originally provided by the claimant, which does not verify the time spent on the program, does not comply with the documentation requirements of the parameters and guidelines. Moreover, based on the evidence in the record, the Controller's decision to reject the time study as inadequate documentation to support the costs claimed is not arbitrary, capricious, or entirely lacking in evidentiary support. The Commission cannot substitute its judgment for that of the Controller on audit decisions to reject the time study. With respect to audit decisions of the Controller, the Commission need only determine if the Controller "has adequately considered all relevant factors, and has demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute."<sup>53</sup> The Commission finds that the Controller has met this burden. Based on the evidence in the record, the Controller's finding that the time study does not support or "show evidence of and the validity of [the] costs [claimed]" for the full-time employees is not arbitrary, capricious, or entirely lacking in evidentiary support.

Accordingly, the Commission finds that the claimant did not comply with the documentation requirements of the parameters and guidelines and, thus, the Controller's reduction of all costs claimed for the full-time employees is correct as a matter of law, and not arbitrary, capricious, or entirely lacking in evidentiary support.

## 2. Reduction of costs for the remaining employees

The Controller also partially reduced the costs claimed for the remaining employees that worked on this program part-time in these fiscal years because the county provided time logs, but the time logs did not support all of the mandate-related hours claimed. The time logs identified mandate-related time, non-mandate related time, and non-productive time, but did not reconcile

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<sup>49</sup> Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, page 45 (Tab 9, Analysis of Time Study).

<sup>50</sup> The time study occurred over a 4 week period, including Thanksgiving Break: 606.5 hour/4 weeks equals: 151.625 mandated-hours per week. Multiplied by 52 weeks is 7884.5 hours. See also, Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, page 16.

<sup>51</sup> Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, pages 16, 56 (Tab 10, Santa Clara County's Total Mandate-Related Hours Claimed).

<sup>52</sup> Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, pages 16, 51-56 (Tab 10, Santa Clara County's Total Mandate-Related Hours Claimed).

<sup>53</sup> *American Bd. of Cosmetic Surgery, Inc.*, *supra*, 162 Cal.App.4th 534, 547-548.

and support the hours claimed. The Controller allowed the time supported by documentation as required by the parameters and guidelines, and reduced the unsupported costs claimed.<sup>54</sup>

Subsequently, the claimant submitted the four-week time study conducted in November and December 2004 *in lieu* of the employee time logs to support the costs claimed for these employees, which the Controller rejected. The Controller found that the time-study (conducted in 2004) was not competent evidence to replace actual time records provided for costs claimed for fiscal years 1999-2000 through 2001-2002, and that the time study results did not represent the time spent on the program in the fiscal years claimed.<sup>55</sup> Further, in the time study plan overview, the claimant also asserts that “the activities in this mandate do not vary by the time of year.”<sup>56</sup> However, the Controller found that neither the time study, nor the claimant’s annual reimbursement claims, support the claimant’s assertion that the workload is constant as follows:

[T]he Child Recovery Unit Lieutenant Investigator testified that the unit routinely loaned investigators to other units because of shortages or not enough work in the Child Recovery Unit. Furthermore, the county’s claims show significant workload variance from year to year based on total mandate-related hours that the county reported...

<u>Fiscal Year</u>	<u>Total Mandated-Related Hours Reported</u>
1999-2000	10,694
2000-01	14,150
2001-02	13,531
2002-03	12,814
2003-04	7,783
2004-05	3,334 <sup>57</sup>

The Commission finds that the Controller’s audit decision to reject the time study as inadequate documentation to support the costs claimed is not arbitrary, capricious, or entirely lacking in evidentiary support. The record shows that the Controller considered the claimant’s arguments and all relevant factors, and has demonstrated a rational connection between those factors and the decision made.<sup>58</sup> The claimant has not filed any evidence rebutting the Controller’s findings on the variability of time spent on mandated activities in the fiscal years reported. Therefore, the Commission is required to defer to the Controller’s audit decision.<sup>59</sup>

Accordingly, based on the evidence in this record, the Commission finds that the claimant did not comply with the documentation requirements of the parameters and guidelines and, thus, the Controller’s partial reduction of costs claimed for employees working on the program on a part-

<sup>54</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, pages 28, 58, 60.

<sup>55</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, pages 30-31.

<sup>56</sup> Exhibit A, Incorrect Reduction Claim 08-4237-I-02, page 190.

<sup>57</sup> *Id.*, page 31.

<sup>58</sup> *American Bd. of Cosmetic Surgery, Inc.*, *supra*, 162 Cal.App.4th 534, 547-548.

<sup>59</sup> *Ibid.*

time basis in fiscal years 1999-2000, 2000-2001, and 2001-2002 is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

B. The Controller's Reduction of Costs for Fiscal Year 2003-2004 Is Not Arbitrary, Capricious, or Entirely Lacking in Evidentiary Support.

For fiscal year 2003-2004, the claimant did not provide time logs or payroll documentation to support the costs claimed, but resubmitted the four week time study conducted from November 15, 2004, through December 10, 2004 to support fiscal year 2003-2004 claimed costs, with a summary of the time study results and a projection of the results to a full fiscal year.<sup>60</sup> However, the Controller found that the time study was still not representative of the 2003-2004 costs because the time study included three employee classifications that the county did not include in their claim for reimbursement; the time study period included a holiday week when employees worked fewer hours; and actual timesheets kept from January 2005 through June 2005 showed varying changes in staffing levels and workload.<sup>61</sup> The Controller, therefore, rejected the claimant's time study and, instead, extrapolated the employee hours identified on the timesheets for January 2005 through June 2005 to approximate the actual hours spent on the program for the 2003-2004 fiscal year.<sup>62</sup> The Controller's audit resulted in a partial reduction of salary, benefit, and related indirect costs totaling \$169,848.<sup>63</sup>

The claimant argues that the Controller wrongfully applied its own standard and failed to recognize the time study the claimant provided, which substantiates the claim.<sup>64</sup> The claimant argues that the time study provided is a reliable measure of the time needed to perform the mandated activities as follows:

The time study relied on contemporaneous documentation of the mandated and non-mandated activities to provide a full accounting of time; it covered four weeks that corresponded with pay periods to assure that the time study documentation could be checked back against payroll information; it was done in close proximity to the claim period and for a reasonable length of time to merit acceptance as representative of the fiscal year; and all employees performing mandated activities participated to eliminate any errors that could have occurred due to small sample size or extrapolation. Moreover, because the activities related to the program are not seasonal and have not changed appreciably over time, the November-December 2004 time study is a reliable indicator of the time spent on the same activities during the claiming period in question.<sup>65</sup>

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<sup>60</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 31.

<sup>61</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 13, 31.

<sup>62</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 32.

<sup>63</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 31.

<sup>64</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 12.

<sup>65</sup> *Id.*

In their response to the draft audit report, the claimant also argues that the time study was conducted close in proximity to the claim period and for a reasonable length of time to be representative of the claim period.<sup>66</sup>

The Controller found the time study does not adequately represent the costs claimed for fiscal year 2003-2004.<sup>67</sup> The evidence in the record supports the Controller's decision. For example, the four week time study period included the Thanksgiving holiday, in which three employees did not work at all, and the remaining time-studied employees worked fewer hours.<sup>68</sup> The subsequent timesheets submitted for January 2005 through June 2005 also contradict the claimant's assertion that there were no substantial staffing level or workload changes within the program. County employees maintained actual timesheets for the period of January 2005 through June 2005. During that time, employees documented monthly mandate-related time between 440.5 hours and 662.5 hours, a variance of 50 percent.<sup>69</sup> The Controller concluded that this variance of 50 percent shows that the time study of 18 work days is not representative of the fiscal year 2003-2004 costs.<sup>70</sup> Further, the time study results for the seven employees the county claimed do not support the mandate-related hours claimed for fiscal year 2003-2004. For fiscal year 2003-2004 the county claimed 7,783 mandate-related hours attributable to seven employees.<sup>71</sup> However an extrapolation of the time study hours for these same seven employees total only 6,646.25 mandate-related hours.<sup>72</sup>

The Commission finds that the Controller considered the claimant's arguments and all relevant factors, and has demonstrated a rational connection between those factors and the decision made.<sup>73</sup> And the claimant has not filed any evidence rebutting the Controller's findings. Therefore the Controller's conclusion that the time study does not adequately support the actual hours claimed is not arbitrary, capricious, or lacking in evidentiary support.

The Commission further finds that the Controller's decision to estimate fiscal year 2003-2004 salary and benefit costs based on an extrapolation of hours actually spent on the mandate and documented on timesheets from January 2005 through June 2005 is not arbitrary, capricious, or entirely lacking in evidentiary support. As indicated above, the claimant did not provide time logs or other adequate documentation supporting the time spent on the mandate in fiscal year 2003-2004 as required by the parameters and guidelines and, instead of reducing the costs to \$0, the Controller used actual time spent on the program the following year. There is no evidence in

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<sup>66</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 40.

<sup>67</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 31.

<sup>68</sup> Exhibit D, Controller's Revised Late Comments on IRC 12-4237-I-03, page 17.

<sup>69</sup> Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 34.

<sup>70</sup> Exhibit D, Controller's Revised Late Comments on IRC 12-4237-I-03, page 17.

<sup>71</sup> Exhibit D, Controller's Revised Late Comments on IRC 12-4237-I-03, page 18; Exhibit B, Incorrect Reduction Claim 12-4237-I-03, page 81; Exhibit C, Controller's Late Comments on IRC 08-4237-I-02, page 55 (Tab 10, Santa Clara County's Total Mandate-Related Hours Claimed).

<sup>72</sup> Exhibit D, Controller's Revised Late Comments on IRC 12-4237-I-03, page 18.

<sup>73</sup> *American Bd. of Cosmetic Surgery, Inc.*, *supra*, 162 Cal.App.4th 534, 547-548.

the record that the time spent on the mandate in 2005 is not representative of the fiscal year 2003-2004 costs.

The Commission therefore finds that the Controller's reduction of costs for employees' salaries, benefits, and related indirect costs for fiscal year 2003-2004 is not arbitrary, capricious, or entirely lacking in evidentiary support.

#### **V. Conclusion**

The Commission finds that the Controller's reductions are correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

Based on the foregoing, the Commission denies this IRC.

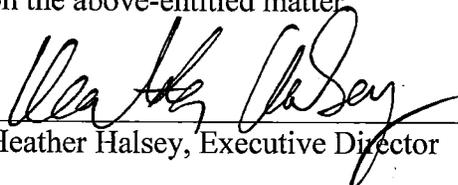
**COMMISSION ON STATE MANDATES**

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**RE: Decision**

*Child Abduction and Recovery*, 08-4237-I-02 and 12-4237-I-03  
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  
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162; Statutes 1996, Chapter 988  
Fiscal Years: 1999-2000, 2000-2001, 2001-2002, 2003-2004, 2004-2005, 2005-2006,  
and 2006-2007  
County of Santa Clara, Claimant

On March 25, 2016, the foregoing decision of the Commission on State Mandates was adopted on the above-entitled matter.

  
Heather Halsey, Executive Director

Dated: March 30, 2016

**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 March 30, 2016, I served the:

**Decision**

*Child Abduction and Recovery*, 08-4237-I-02 and 12-4237-I-03

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

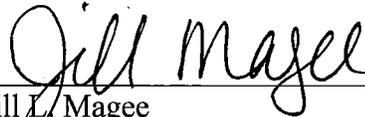
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162; Statutes 1996, Chapter 988

Fiscal Years: 1999-2000, 2000-2001, 2001-2002, 2003-2004, 2004-2005, 2005-2006, and 2006-2007

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 March 30, 2016 at Sacramento, California.



Jill L. Magee

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 3/24/16

**Claim Number:** 08-4237-I-02 Consolidated with 12-4237-I-03

**Matter:** Child Abduction and Recovery

**Claimant:** County of Santa Clara

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Timesheets  
**Date:** Thursday, January 6, 2022 11:07:38 AM

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**CAUTION:**

This email originated from outside of the organization.

Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

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Good Morning! [REDACTED]

My holidays were great, thank you!

Happy New Year!! I hope your holidays were great as well!

I have forwarded your questions to [REDACTED] and will get back to you as soon as I hear back from the District Attorney's Office with the responses.

Thank you!

[REDACTED]  
Finance Analyst  
County of Ventura  
Auditor-Controller's Office  
[REDACTED]  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, January 5, 2022 3:32 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Timesheets

**CAUTION:** If this email looks suspicious, DO NOT click. Forward to  
[Spam.Manager@ventura.org](mailto:Spam.Manager@ventura.org)

Hi [REDACTED]

Hope you had a great holiday and Happy New Year!

We are trying to wrap up the audit and conduct a status meeting within the next month. At this point, I have a couple questions regarding the timesheets that were submitted.

1. Can you please explain why some timesheets were signed and dated months after the timesheet month. For example, [REDACTED] August and October 2016 timesheets were signed and dated on December 11, 2017 and [REDACTED]'s July and November 2016 timesheets were signed and dated June 28, 2017 (see attached – Sample Timesheets).
2. Can you please explain the two different time sheets (see attached – Types of Timesheets)? One timesheet has a list of activities and the other only lists the different programs.
3. For the timesheets with only programs listed, can you please explain what activities were performed?

Thank you for your help!

[REDACTED] | Auditor  
Office of State Controller Betty T. Yee  
Division of Audits, Compliance Audits Bureau  
[REDACTED]  
Sacramento, CA 95816 | [REDACTED]

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**CHILD ABDUCTION AND RECOVERY (CSM-4237)**

Case Name / type / number: [REDACTED] "Locate and Recover" in county / Case [REDACTED]

Case Description: [REDACTED]

[REDACTED]

"Good Cause"?: Yes/No

Staff Assigned: [REDACTED]

**REIMBURSABLE ACTIVITY HOURS**

CARU Work done obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation orders estimated as follows:

<u>Tab</u>	<u>Activity</u>	<u>Hours</u>
1	Receipt, Review reports & requests for assistance	6
2	Mediating / advising	∅
3	Locating offender/children	5
4	Court action	4
5	Physical restraint offender/children	3
6	Case Meetings	2
7	Travel time	∅
8	Legal Research/writings for court	∅
	<b>TOTAL HOURS</b>	<b>20</b>

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.

[REDACTED]

IA III

06/15/2022

Name/Title

Date

**CHILD ABDUCTION AND RECOVERY (CSM-4237)**

Case Name / type / number: [REDACTED] "Locate and Recover" in county / Case # [REDACTED]

Case Description: [REDACTED]

[REDACTED]

"Good Cause"?: Yes/No

Staff Assigned: [REDACTED]

**REIMBURSABLE ACTIVITY HOURS**

CARU Work done obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation orders estimated as follows:

<u>Tab</u>	<u>Activity</u>	<u>Hours</u>
1	Receipt, Review reports & requests for assistance	6
2	Mediating / advising	0
3	Locating offender/children	23
4	Court action	0
5	Physical restraint offender/children	0
6	Case Meetings	2
7	Travel time	0
8	Legal Research/writings for court	0
	<b>TOTAL HOURS</b>	<b>31</b>

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.

[REDACTED] *DAI*

*5-18-22*

Name/Title

Date

**CHILD ABDUCTION AND RECOVERY (CSM-4237)**

Case Name / type / number: [REDACTED] "Locate and Recover" in county / Case [REDACTED]

Case Description: [REDACTED]

"Good Cause"?: Yes/No

Staff Assigned: [REDACTED]

**REIMBURSABLE ACTIVITY HOURS**

CARU Work done obtaining compliance with court orders relating to child custody or visitation proceedings and the enforcement of child custody or visitation orders estimated as follows:

<u>Tab</u>	<u>Activity</u>	<u>Hours</u>
1	Receipt, Review reports & requests for assistance	2.25
2	Mediating / advising	∅
3	Locating offender/children	∅
4	Court action	11.50
5	Physical restraint offender/children	5
6	Case Meetings	13.35
7	Travel time	
8	Legal Research/writings for court	
	<b>TOTAL HOURS</b>	<b>32.10</b>

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

[REDACTED Signature]

Name/Title

[REDACTED Title]

Date

5-24-2022

July 30, 2018

Mr. Christian Keiner  
Dannis Woliver Kelly  
555 Capitol Mall, Suite 645  
Sacramento, CA 95814

Ms. Jill Kanemasu  
Division of Accounting and Reporting  
State Controller's Office  
3301 C Street, Suite 700  
Sacramento, CA 95816

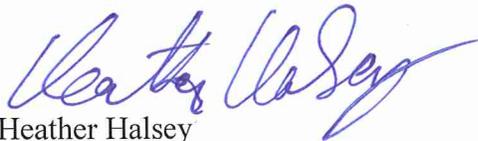
*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

Re: **Decision**  
*The Stull Act*, 14-9825-I-02  
Education Code Sections 44660-44665;  
Statutes 1983, Chapter 498; Statutes 1999, Chapter 4  
Fiscal Years: 2005-2006, 2006-2007, 2007-2008, and 2008-2009  
Carlsbad Unified School District, Claimant

Dear Mr. Keiner and Ms. Kanemasu:

On July 27, 2018, the Commission on State Mandates adopted the Decision on the above-entitled matter.

Sincerely,



Heather Halsey  
Executive Director

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE INCORRECT REDUCTION CLAIM  
ON:

Education Code Sections 44662 and 44664<sup>1</sup>  
Statutes 1983, Chapter 498 and Statutes 1999,  
Chapter 4

Fiscal Years 2005-2006, 2006-2007, 2007-  
2008, and 2008-2009

Filed on June 9, 2015

Carlsbad Unified School District, Claimant

Case No.: 14-9825-I-02

*The Stull Act*

DECISION PURSUANT TO  
GOVERNMENT CODE SECTION 17500 ET  
SEQ.; CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, DIVISION 2,  
CHAPTER 2.5. ARTICLE 7

*(Adopted July 27, 2018)*

*(Served July 30, 2018)*

**DECISION**

The Commission on State Mandates (Commission) heard and decided this Incorrect Reduction Claim (IRC) during a regularly scheduled hearing on July 27, 2018. Sean Mick appeared on behalf of the claimant, and Masha Vorobyova appeared on behalf of the State Controller's Office (Controller).

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 section 17500 et seq., and related case law.

The Commission adopted the Proposed Decision to deny the IRC by a vote of 5-0 as follows:

<b>Member</b>	<b>Vote</b>
Lee Adams, County Supervisor	Yes
Ken Alex, Director of the Office of Planning and Research	Absent
Richard Chivaro, Representative of the State Controller	Absent
Sarah Olsen, Public Member	Yes
Carmen Ramirez, City Council Member	Yes
Andre Rivera, Representative of the State Treasurer, Vice Chairperson	Yes
Jacqueline Wong-Hernandez, Representative of the Director of the Department of Finance, Chairperson	Yes

<sup>1</sup> Note that this caption differs from the Test Claim and Parameters and Guidelines captions because it only includes those code sections approved for reimbursement by the Commission and not those pled in the Test Claim but denied.

### **Summary of the Findings**

This analysis addresses reductions made by the Controller to reimbursement claims filed by the Carlsbad Unified School District (claimant) for costs incurred during fiscal years 2005-2006 through 2008-2009 (audit period) for the *Stull Act* program. The claimant disputes reductions totaling \$274,101 for the audit period.

The Commission denies this IRC, finding that reductions related to the claimant's time study, and disallowances of completed employee evaluations in all four fiscal years were correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

Specifically, the Controller reduced costs based on denial of 19 of 22 discrete activities identified in the claimant's time study, relating to training, meetings, observation, report writing, conferences between evaluators and teachers, and other activities relating to planning, preparation, and organizing notes, and STAR testing. These activities are beyond the very narrow scope of the approved higher level of service, and the claimant has presented no argument or evidence establishing the relationship to the mandated activities included in the Parameters and Guidelines. The reduction based on the 19 denied activities is therefore correct as a matter of law, and not arbitrary, capricious, or entirely lacking in evidentiary support.

In addition, the Controller reduced reimbursement based on disallowed completed evaluations for non-instructional certificated employees, such as administrators, counselors, and librarians, among others; and preschool teachers. Preschool teachers do not perform the requirements of educational programs mandated by state or federal law, and therefore evaluations of preschool teachers are not reimbursable. Similarly, evaluations of non-instructional certificated personnel are reimbursable under Part IV.B. of the Parameters and Guidelines only if such employees' last regularly-scheduled evaluation resulted in an unsatisfactory evaluation; those facts are not supported in the record. The reduction based on disallowed completed evaluations is therefore correct as a matter of law.

### **COMMISSION FINDINGS**

#### **I. Chronology**

- 12/28/2006     The claimant filed its 2005-2006 reimbursement claim.<sup>2</sup>
- 01/25/2008     The claimant filed its 2006-2007 reimbursement claim.<sup>3</sup>
- 02/13/2009     The claimant filed its 2007-2008 reimbursement claim.<sup>4</sup>
- 01/29/2010     The claimant filed its 2008-2009 reimbursement claim.<sup>5</sup>

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<sup>2</sup> Exhibit A, IRC, page 338 [Claim Documentation for Fiscal Year 2005-2006].

<sup>3</sup> Exhibit A, IRC, page 270 [Claim Documentation for Fiscal Year 2006-2007].

<sup>4</sup> Exhibit A, IRC, page 184 [Claim Documentation for Fiscal Year 2007-2008].

<sup>5</sup> Exhibit A, IRC, page 85 [Claim Documentation for Fiscal Year 2008-2009].

- 06/24/2010 The Controller issued a letter informing the claimant of the initiation of the audit.<sup>6</sup>
- 05/02/2012 The Controller issued the Draft Audit Report.<sup>7</sup>
- 05/09/2012 The claimant responded to the Draft Audit Report
- 06/15/2012 The Controller issued its Final Audit Report.<sup>8</sup>
- 07/13/2012 The Controller issued “results of review” letters.<sup>9</sup>
- 06/09/2015 The claimant filed the IRC.<sup>10</sup>
- 10/02/2015 The Controller filed late comments on the IRC.<sup>11</sup>
- 05/22/2018 Commission staff issued the Draft Proposed Decision.<sup>12</sup>
- 05/29/2018 The Controller filed comments on the Draft Proposed Decision.<sup>13</sup>

## II. Background

The Stull Act was originally enacted in 1971 to establish a uniform system of evaluation and assessment of the performance of “certificated personnel” within each school district. (Former Ed. Code, §§ 13485-13490.) As originally enacted, the Stull Act required the governing board of each school district to develop and adopt specific guidelines to evaluate and assess certificated personnel, and to avail itself of the advice of certificated instructional personnel before developing and adopting the guidelines.<sup>14</sup> The evaluation and assessment of the certificated personnel was required to be reduced to writing and a copy transmitted to the employee no later than sixty days before the end of the school year.<sup>15</sup> The employee then had the right to initiate a written response to the evaluation, which became a permanent part of the employee’s personnel file.<sup>16</sup> The school district was also required to hold a meeting with the employee to discuss the evaluation.<sup>17</sup>

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<sup>6</sup> Exhibit B, Controller’s Late Comments on the IRC, page 62 [Audit Entrance Conference Letter].

<sup>7</sup> Exhibit A, IRC, page 62 [Final Audit Report, p. 3].

<sup>8</sup> Exhibit A, IRC, page 57 [Final Audit Report Cover Letter].

<sup>9</sup> Exhibit A, IRC, page 4.

<sup>10</sup> Exhibit A, IRC, page 1.

<sup>11</sup> Exhibit B, Controller’s Late Comments on the IRC.

<sup>12</sup> Exhibit C, Draft Proposed Decision.

<sup>13</sup> Exhibit D, Controller’s Comments on the Draft Proposed Decision.

<sup>14</sup> Former Education Code sections 13486-13487.

<sup>15</sup> Former Education Code section 13488.

<sup>16</sup> Former Education Code section 13488.

<sup>17</sup> Former Education Code section 13488.

Prior law also required that the evaluation and assessment be continuous.<sup>18</sup> For probationary employees, the evaluation had to occur once each school year. For permanent employees, the evaluation was required every other year. Former section 13489 also required that the evaluation include recommendations, if necessary, for areas of improvement in the performance of the employee. If the employee was not performing his or her duties in a satisfactory manner according to the standards, the “employing authority” was required to notify the employee in writing, describe the unsatisfactory performance, and confer with the employee making specific recommendations as to areas of improvement and endeavor to assist in the improvement. Reimbursement for these prior requirements was denied by the Commission.<sup>19</sup>

The test claim statutes amended the Stull Act in 1983 and 1999 to expand the scope of evaluation and assessment of certificated personnel. The test claim statutes added additional criteria that must be included in those evaluations: the employee’s instructional techniques and strategies, and adherence to curricular objectives; and the performance of instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 (i.e., the STAR test subjects) as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests.<sup>20</sup> And, in the case the employee receives an unsatisfactory result, the test claim statutes require an additional evaluation “in the years in which the permanent certificated employee would not have otherwise been evaluated.”<sup>21</sup>

Since prior law already required evaluation and assessment of certificated personnel, the Commission partially approved the Test Claim on May 27, 2004, for those activities that represent the *limited* new program or higher level of service mandated by the state by the test claim statutes. The Test Claim Decision also found that the mandate was limited to certificated personnel performing the requirements of educational programs mandated by state or federal law; in other words, if the personnel being evaluated are performing the duties of voluntary school programs, the evaluation of those personnel would not be mandated by the state.<sup>22</sup>

The Parameters and Guidelines were adopted September 27, 2005. As relevant to this IRC, the Parameters and Guidelines identify the following reimbursable activities and limitations:

#### A. Certificated Instructional Employees

1. Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to the instructional techniques and strategies used by the employee and the employee's adherence to curricular objectives (Ed. Code, § 44662, subd. (b), as amended by Stats. 1983, ch. 498.).

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<sup>18</sup> Former Education Code section 13489.

<sup>19</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 2; 17-18.

<sup>20</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 29-33.

<sup>21</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 33-34.

<sup>22</sup> See Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 5-12.

Reimbursement for this activity is limited to:

- a. reviewing the employee's instructional techniques and strategies and adherence to curricular objectives, and
- b. including in the written evaluation of the certificated instructional employees the assessment of these factors during the following evaluation periods:
  - o once each year for probationary certificated employees;
  - o every other year for permanent certificated employees; and
  - o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated instructional employees.*

2. Evaluate and assess the performance of certificated instructional employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11 as it reasonably relates to the progress of pupils towards the state adopted academic content standards as measured by state adopted assessment tests (Ed. Code, § 44662, subd. (b), as amended by Stats. 1999, ch. 4.).

Reimbursement for this activity is limited to:

- a. reviewing the results of the Standardized Testing and Reporting test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and
- b. including in the written evaluation of those certificated employees the assessment of the employee's performance based on the Standardized Testing and Reporting results for the pupils they teach during the evaluation periods specified in Education Code section 44664, and described below:
  - o once each year for probationary certificated employees;
  - o every other year for permanent certificated employees; and
  - o beginning January 1, 2004, every five years for certificated employees with permanent status who have been employed at least ten years with the school district, are highly qualified (as defined in 20 U.S.C. § 7801), and whose previous evaluation rated the employee as meeting or exceeding standards, if the evaluator and certificated employee being evaluated agree.

## B. Certificated (Instructional and Non-Instructional) Employees

1. Evaluate and assess permanent certificated, instructional and non-instructional, employees that perform the requirements of educational programs mandated by state or federal law and receive an *unsatisfactory evaluation* in the years in which the permanent certificated employee would not have otherwise been evaluated pursuant to Education Code section 44664 (i.e., every other year). The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district (Ed. Code, § 44664, as amended by Stats. 1983, ch. 498).

This additional evaluation and assessment of the permanent certificated employee requires the school district to perform the following activities:

- a. evaluating and assessing the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted content standards as measured by state adopted criterion referenced assessments; (2) the instructional techniques and strategies used by the employee; (3) the employee's adherence to curricular objectives; (4) the establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel (Ed. Code, § 44662, subs. (b) and (c));
- b. reducing the evaluation and assessment to writing (Ed. Code, § 44663, subd. (a)). The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance (Ed. Code, § 44664, subd. (b));
- c. transmitting a copy of the written evaluation to the certificated employee (Ed. Code, § 44663, subd. (a));
- d. attaching any written reaction or response to the evaluation by the certificated employee to the employee's personnel file (Ed. Code, § 44663, subd. (a)); and
- e. conducting a meeting with the certificated employee to discuss the evaluation (Ed. Code, § 44553, subd. (a)).

*Note: For purposes of claiming reimbursement, eligible claimants must identify the state or federal law mandating the educational program being performed by the certificated, instructional and non-instructional, employees.*<sup>23</sup>

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<sup>23</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 3-5].

Additionally, the Parameters and Guidelines require that actual costs claimed “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.”<sup>24</sup>

### **Controller’s Audit and Summary of the Issues**

The Controller’s Final Audit Report states that “[i]nitially, all costs claimed [for employee salaries and benefits] by the district were unallowable because they were based on average time increments supported with time records that were not completed contemporaneously.”<sup>25</sup> In other words, the claimant did not provide adequate source documentation, and utilized average times to calculate the reimbursement requested. The Controller initially disallowed the entire claim. The claimant’s representatives then conducted a time study in fiscal year 2010-2011, as a substitute for records of actual time spent on evaluations, to determine the costs for the audit period (fiscal years 2005-2006 through 2008-2009).<sup>26</sup> The Controller accepted and applied that time study to the audit period, but as explained below determined that the scope of the time study included unallowable activities and costs.

There is no indication in the record that claimant disputes the Controller’s initial rejection of the claimant’s source documentation; the dispute in this IRC is focused on the development and application of the claimant’s time study.<sup>27</sup>

The claimant’s time study documented the time to perform 22 “activities of the teacher evaluation process,” and determined that it takes evaluators approximately 10 hours and 38 minutes, on average, to complete each required evaluation.<sup>28</sup> Of those 22 “activities” included in the time study, the Controller disallowed 19, as follows:

1. Preparing before training or planning meetings/conferences;
2. Training or planning meetings/conferences;
3. Preparing/organizing notes from training or planning meetings/conferences;
4. Preparing before meeting with teachers;
5. Conducting actual conference with teachers;
6. Preparing or organizing notes from meetings with teachers;
7. Preparing before “Pre-Observation” conferences with teachers;

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<sup>24</sup> Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3].

<sup>25</sup> Exhibit A, IRC, page 65 [Controller’s Final Audit Report, p. 6].

<sup>26</sup> Exhibit A, IRC, page 65 [Controller’s Final Audit Report, p. 6].

<sup>27</sup> Exhibit A, IRC, page 11 [“In response to the Controller’s exclusion at the beginning of the audit of all of the original claim documentation, the District with the agreement of the auditor prepared a time study based on the FY 2010-2011 certificated staff evaluation cycle.”].

<sup>28</sup> Exhibit A, IRC, page 65 [Controller’s Final Audit Report, p. 6]. See also, Exhibit A, IRC, page 11 [“The time study identified 22 discrete activities established as a result of staff interviews.”].

8. Conducting “Pre-Observation” conferences with teachers;
9. Preparing/organizing notes form “Pre-Observation” conferences with teachers;
10. Preparing before classroom observations of teachers;
11. Preparing/organizing notes from classroom observations, finalizing Collect Data forms;
12. Reporting observations, preparing the Standards for Excellence in Teaching observation checklists;
13. Preparing before “Post-Observation” conferences with teachers;
14. Conducting “Post-Observation” conferences with teachers;
15. Preparing notes from “Post-Observation” conferences and preparing Reflecting Conference worksheets;
16. Preparing before Final Evaluation conferences with teachers;
17. Conducting Final Evaluation conferences with teachers;
18. Preparing/organizing notes from Final Evaluation conferences with teachers; and
19. Discussing the STAR results with teachers and assessing how to improve instructional abilities.<sup>29</sup>

The Controller determined that activities related to planning, preparation, and organizing notes are not reimbursable because they are not required activities under the Parameters and Guidelines; that the claimant duplicated costs by including training in the time study, which was identified as a separate reimbursable activity in the Parameters and Guidelines on a one-time basis for each employee performing the mandate; and that conferences between teachers and evaluators are not reimbursable because they were required under prior law.<sup>30</sup>

Accordingly, the Controller allowed three elements, or “activities” of the time study:

- Conducting “informal” classroom observations;
- Conducting “formal” classroom observations; and
- Writing Final Evaluation Reports and/or preparing Teacher Evaluation Report.<sup>31</sup>

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<sup>29</sup> Exhibit A, IRC, pages 65-66 [Controller’s Final Audit Report, pp. 6-7].

<sup>30</sup> Exhibit A, IRC, page 66 [Controller’s Final Audit Report, p. 7].

<sup>31</sup> Exhibit A, IRC, page 67 [Controller’s Final Audit Report, p. 8].

Based on these three activities, the Controller found that it takes approximately 5 hours and 8 minutes to complete each required teacher evaluation under the mandated program.<sup>32</sup>

In addition to limiting the elements of the time study, the Controller disallowed costs for 46 of 660 completed evaluations, which the Controller determined were claimed in excess of the scope of the mandate. The evaluations that the Controller found to be non-reimbursable were for:

- Principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists who are not certificated *instructional* employees;
- Preschool teachers who do not perform the requirements of the program that is mandated by state or federal law;
- Duplicate teacher evaluations claimed multiple times in one school year;
- Permanent biannual teacher evaluations claimed every year rather than every other year; and
- Permanent five-year teacher evaluations claimed multiple times in a five-year period rather than once every five years.<sup>33</sup>

The claimant responded to these findings in the Draft Audit Report, concurring with the findings on duplicate evaluations and evaluations conducted in years that they were not mandated, but asserting that the remaining reductions for administrative or library personnel, who were also certificated employees, and for preschool teachers, were not supported in the audit report or by any law or rule cited by the Controller.<sup>34</sup> In addition, the claimant conceded that training activities and costs were duplicated in the time study, and agreed that because the Parameters and Guidelines permitted training only once for each employee, the Controller's adjustment is reasonable.<sup>35</sup>

Accordingly, based on the claimant's response to the audit report and its IRC filing, the following issues are in dispute:

- Reductions based on the 19 disallowed activities in the claimant's time study; and
- Disallowed completed evaluations based on the type of certificated employee (i.e., Principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists, which are not certificated *instructional* employees; and preschool teachers, which the Controller found were not

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<sup>32</sup> Exhibit A, IRC, page 67 [Controller's Final Audit Report, p. 8].

<sup>33</sup> Exhibit A, IRC, page 67 [Controller's Final Audit Report, p. 8].

<sup>34</sup> Exhibit A, IRC, pages 70-71 [Controller's Final Audit Report, pp. 11-12].

<sup>35</sup> Exhibit A, IRC, page 70 [Controller's Final Audit Report, p. 11].

performing the requirements of state- or federally-mandated educational programs).<sup>36</sup>

### III. Positions of the Parties

#### A. Carlsbad Unified School District

##### 1. Time Study

The claimant groups the 19 disallowed activities from the time study into four categories: evaluation conferences; preparation activities; training activities; and STAR testing results.<sup>37</sup> The claimant acknowledges that the audit report allows reimbursement for training costs elsewhere in the findings, and therefore the claimant “does not dispute removal of the training time from the time study.”<sup>38</sup> With respect to evaluation conferences, the claimant cites the Controller’s finding that evaluation conferences are not new to the test claim statute, and argues that “[t]he Controller has confused the subject matter of the old and new mandates with the method of implementation.”<sup>39</sup> The claimant notes that the Commission’s Test Claim Decision found that the test claim statute added two new factors or criteria for evaluation of certificated instructional employees: “the instructional techniques and strategies used by the employee, and the employee’s adherence to curricular objectives.”<sup>40</sup> The claimant argues that “the fact that districts used evaluation conferences to implement the previous mandated activities does not exclude reimbursement to use the same method to implement the new activities.”<sup>41</sup>

With respect to “preparation activities,” the claimant argues that preparation time was stated as a separate element in the time study only to promote accuracy: “preparation time could have been logically merged with the activity relevant to the preparation.”<sup>42</sup> The claimant notes that the Parameters and Guidelines “enumerates the subject matter of the evaluation process and not the entire process to implement the mandate.”<sup>43</sup> The claimant further notes, “[e]ven the Controller characterizes the parameters and guidelines as an ‘outline.’”<sup>44</sup> The claimant therefore concludes that preparation relating to evaluation conferences “is a rational, relevant, reasonable and

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<sup>36</sup> The total disputed reduction over four fiscal years is \$258,812 in salaries and benefits, and \$15,289 in related indirect costs. (Exhibit A, IRC, page 65 [Controller’s Final Audit Report, p. 6].)

<sup>37</sup> Exhibit A, IRC, pages 13-16.

<sup>38</sup> Exhibit A, IRC, page 16.

<sup>39</sup> Exhibit A, IRC, page 13.

<sup>40</sup> Exhibit A, IRC, page 14.

<sup>41</sup> Exhibit A, IRC, page 14.

<sup>42</sup> Exhibit A, IRC, page 15.

<sup>43</sup> Exhibit A, IRC, page 15.

<sup>44</sup> Exhibit A, IRC, page 15.

necessary part of implementing the mandated activities in the usual course of business and the Controller has stated no basis to exclude it from the scope of the evaluation process.”<sup>45</sup>

And with respect to STAR testing results, the claimant argues that the audit disallows time to review STAR test results “as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11...” despite such review being found reimbursable in the Commission’s Test Claim Decision.<sup>46</sup>

Accordingly, the claimant alleges that the Controller incorrectly denied costs for activities properly included within the time study, and, incorrectly reduced the average time resulting from the study.

## 2. Excluded Evaluations

The claimant’s time study assigned a value (in staff time) to each evaluation, for purposes of tracking costs and claiming reimbursement. The Controller, however, disallowed costs for 46 of 660 completed evaluations claimed, based on findings that those evaluations were beyond the scope of the mandate. Evaluations claimed beyond the scope of the mandate include those that were conducted at a time they were not required, including duplicate evaluations within a single school year and evaluations conducted more than once every five years for permanent five-year-tenured teachers, or more than every other year for permanent non-tenured teachers.<sup>47</sup> The remaining disallowances were for certificated employees who were not required to be evaluated under the mandate (specifically, administrative and other non-instructional personnel, and preschool instructors).<sup>48</sup> While the claimant concurs with the Controller’s findings relating to evaluations conducted in a year they were not required, the claimant also notes in its IRC that the Controller has not identified the number of evaluations excluded based on each of these grounds.<sup>49</sup> With respect to excluded employees, such as “principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists,”<sup>50</sup> the claimant argues that the Test Claim Decision and Parameters and Guidelines do not limit reimbursement to employees providing classroom instruction. Rather, the claimant argues that the Test Claim Decision includes all certificated personnel “involved in the education process...”<sup>51</sup>

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<sup>45</sup> Exhibit A, IRC, page 15.

<sup>46</sup> Exhibit A, IRC, page 16 [citing the Test Claim Decision, *The Stull Act*, 98-TC-25].

<sup>47</sup> Exhibit A, IRC, page 67 [Controller’s Final Audit Report, p. 8].

<sup>48</sup> Exhibit A, IRC, page 67 [Controller’s Final Audit Report, p. 8].

<sup>49</sup> Exhibit A, IRC, pages 19-20.

<sup>50</sup> Exhibit A, IRC, page 67 [Controller’s Final Audit Report, p. 8].

<sup>51</sup> Exhibit A, IRC, page 17 [citing the Test Claim Decision, *The Stull Act*, 98-TC-25, pages 18-20 (“Certificated employees are those employees directly involved in the educational process and include both instructional and non-instructional employees such as teachers, administrators, supervisors, and principals.”)].

With respect to the exclusion of completed evaluations for preschool teachers, the claimant argues that the Commission identified a number of voluntary educational programs for which reimbursement for this mandate was not required, and preschool instruction was not among them.<sup>52</sup> Accordingly, the claimant asserts that “[t]here is no stated basis to exclude certificated preschool instructors.”<sup>53</sup>

The claimant did not file comments on the Draft Proposed Decision.

### **B. State Controller’s Office**

The Controller explains that “[i]nitially, all costs claimed by the district were unallowable because they were based on average time increments supported with time records that were not completed contemporaneously.”<sup>54</sup> The claimant conducted a time study in fiscal year 2010-2011, “as a substitute for records of actual time spent on teacher evaluations.”<sup>55</sup> The Controller accepted and applied that time study to the audit period, but determined that the scope of the time study included unallowable activities and costs:

The time study documented the time it took district evaluators to perform 22 separate activities of the teacher evaluation process. The time study results reported time for training, planning, preparation, meetings, observation, report writing and other activities within the evaluation process. We determined that 19 activities reported in the time study were unallowable.<sup>56</sup>

The claimant disputed those 19 disallowed activities, and grouped them into four categories: evaluation conferences; preparation activities; training activities; and STAR testing results.<sup>57</sup> Responding to the claimant’s categories, the Controller asserts that “evaluation conferences” as described by the claimant are not reimbursable for two reasons: first, section IV.B.1. of the Parameters and Guidelines only provides reimbursement for evaluation conferences every other year, unless a previous evaluation results in an unsatisfactory evaluation. The Controller states that no unsatisfactory evaluations were reported.<sup>58</sup> And second, the Controller maintains that section IV.A.1. and IV.A.2. do not provide reimbursement for evaluation conferences, and the Commission’s Statement of Decision expressly found that conferences were not reimbursable “because they were required before the enactment of the test claim legislation.”<sup>59</sup> The Controller

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<sup>52</sup> Exhibit A, IRC, pages 18-19 [citing Parameters and Guidelines, p. 3; Test Claim Decision, p. 11, Fn 42].

<sup>53</sup> Exhibit A, IRC, page 19.

<sup>54</sup> Exhibit B, Controller’s Late Comments on the IRC, page 10.

<sup>55</sup> Exhibit B, Controller’s Late Comments on the IRC, page 10.

<sup>56</sup> Exhibit B, Controller’s Late Comments on the IRC, page 10.

<sup>57</sup> Exhibit A, IRC, pages 13-16.

<sup>58</sup> Exhibit B, Controller’s Late Comments on the IRC, page 14.

<sup>59</sup> Exhibit B, Controller’s Late Comments on the IRC, page 14.

notes that the test claim statutes added “two new evaluation factors,” but the evaluation itself was required under prior law.<sup>60</sup>

With respect to “preparation activities,” the Controller argues that reimbursement is limited to those activities outlined in the Parameters and Guidelines, which do not list any preparation activities as reimbursable.<sup>61</sup> To the extent the claimant asserts that preparation activities are “reasonable and necessary,” the Controller suggests that “[t]he district may file an amendment with the Commission on State Mandates to amend the existing parameters and guidelines.”<sup>62</sup>

And with respect to “STAR testing results,” the Controller asserts that the claimant “did not claim any activity that is reimbursable.”<sup>63</sup> The Controller notes that “[r]eimbursement for the activity IV.A.2 is limited to ‘review of the results of the STAR test...and to include in the written evaluation...the assessment of the employee’s performance based on STAR results...’<sup>64</sup> The claimant instead claimed reimbursement for “discussing the STAR results with teachers and how to improve instructional abilities.”<sup>65</sup> The Controller asserts that “these two activities are not interchangeable,” and “[w]e believe conference activities are not reimbursable, as they are not listed as allowable activities in the respective section of the program’s parameters and guidelines.”<sup>66</sup>

Finally, with respect to the number of completed evaluations claimed, and the number disallowed, the Controller notes that the claimant disagrees with the disallowed evaluations for “non-instructional certificated personnel,” including administrators, counselors, librarians, and others; and disallowed evaluations for preschool teachers.<sup>67</sup> The Controller maintains that the claimant is reading the Commission’s Test Claim Decision out of context, and therefore misinterpreting the Parameters and Guidelines with respect to employees for whom evaluations are reimbursable.<sup>68</sup> Addressing preschool teachers specifically, the Controller argues that the claimant failed to identify any specific state or federal law making preschool instruction mandatory, and therefore evaluations of preschool teachers are beyond the scope of this mandate.<sup>69</sup>

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<sup>60</sup> Exhibit B, Controller’s Late Comments on the IRC, page 14.

<sup>61</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>62</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>63</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>64</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>65</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>66</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

<sup>67</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 18-19.

<sup>68</sup> Exhibit B, Controller’s Late Comments on the IRC, page 18.

<sup>69</sup> Exhibit B, Controller’s Late Comments on the IRC, page 19.

The Controller's Comments on the Draft Proposed Decision state that the Controller agrees with the findings and recommendations in the Draft Proposed Decision.<sup>70</sup>

#### IV. Discussion

Government Code section 17561(d) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state mandated costs that the Controller determines is excessive or unreasonable.

Government Code Section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission's regulations requires the Commission to send the decision to the Controller and request that the costs in the claim be reinstated.

The Commission must review questions of law, including interpretation of the parameters and guidelines, de novo, without consideration of legal conclusions made by the Controller in the context of an audit. The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.<sup>71</sup> The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitutional and statutory scheme. In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."<sup>72</sup>

With regard to the Controller's audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.<sup>73</sup> Under this standard, the courts have found that:

When reviewing the exercise of discretion, "[t]he scope of review is limited, out of deference to the agency's authority and presumed expertise: 'The court may not reweigh the evidence or substitute its judgment for that of the agency. [Citation.]'" ... "In general ... the inquiry is limited to whether the decision was arbitrary, capricious, or entirely lacking in evidentiary support. . . ." [Citations.] When making that inquiry, the " "court must ensure that an agency has adequately considered all relevant factors, and has demonstrated a rational

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<sup>70</sup> Exhibit D, Controller's Comments on the Draft Proposed Decision.

<sup>71</sup> *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

<sup>72</sup> *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

<sup>73</sup> *Johnston v. Sonoma County Agricultural Preservation and Open Space Dist.* (2002) 100 Cal.App.4th 973, 983-984. See also *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.

connection between those factors, the choice made, and the purposes of the enabling statute.” [Citation.]’ ”<sup>74</sup>

The Commission must review the Controller’s audit in light of the fact that the initial burden of providing evidence for a claim of reimbursement lies with the claimant.<sup>75</sup> In addition, section 1185.1(f)(3) and 1185.2(d) and (e) of the Commission’s regulations require that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Commission’s ultimate findings of fact must be supported by substantial evidence in the record.<sup>76</sup>

**A. The Claimant Timely Filed this IRC Within Three Years From the Date It First Received From the Controller Written Notice of the Adjustment as Required by Former Section 1185.1 of the Commission’s Regulations.**

Government Code section 17561 authorizes the Controller to audit the reimbursement claims and records of local government to verify the actual amount of the mandated costs, and to reduce any claim that the Controller determines is excessive or unreasonable. If the Controller reduces a claim on a state-mandated program, the Controller is required to notify the claimant in writing, specifying the claim components adjusted, the amounts adjusted, interest charges on claims adjusted to reduce the overall reimbursement to the claimant, and the reason for the adjustment.<sup>77</sup> The claimant may then file an IRC with the Commission “pursuant to regulations adopted by the Commission” contending that the Controller’s reduction was incorrect and to request that the Controller reinstate the amounts reduced to the claimant.<sup>78</sup>

To be complete, an IRC filing must be timely filed “no later than three years following the date of the Office of State Controller’s final audit report, letter, remittance advice, or other written notice of adjustment to a reimbursement claim.”<sup>79</sup>

Here, the Final Audit Report is dated June 15, 2012.<sup>80</sup> The IRC was filed with the Commission on June 9, 2015.<sup>81</sup> Less than three years having elapsed between the issuance of the final audit

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<sup>74</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th, 534, 547-548.

<sup>75</sup> *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

<sup>76</sup> 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.

<sup>77</sup> Government Code section 17558.5(c).

<sup>78</sup> Government Code sections 17551(d), 17558.7; California Code of Regulations, title 2, sections 1185.1, 1185.9.

<sup>79</sup> Former California Code of Regulations, title 2, sections 1185.1(c), 1185.2(a) (Register 2014, No. 21).

<sup>80</sup> Exhibit A, IRC, pages 4; 57.

<sup>81</sup> Exhibit A, IRC, page 1.

report and the filing of the IRC, this IRC was filed within the period prescribed in former Code of Regulations, title 2, section 1185.1.

Based on the foregoing, the Commission finds the IRC was timely filed.

**B. The Controller’s Reductions Based on the Denial of Activities Included in the Claimant’s Time Study that the Controller Found Were Beyond the Scope of the Mandate Are Correct as Matter of Law, and Not Arbitrary, Capricious, or Entirely Lacking in Evidentiary Support.**

The Parameters and Guidelines for this program, adopted September 27, 2005, require that reimbursement be based on *actual costs* supported by contemporaneous source documents created at or near the same time the actual cost was incurred, as follows:

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.<sup>82</sup>

The claimant’s original reimbursement claim documentation is comprised of forms and schedules containing administrators’ assertions of estimated staff time spent on the mandate, which were then compiled to produce average times to perform the mandated activities, and translated into costs.<sup>83</sup> The Controller rejected the claimant’s initial claimed costs for fiscal years 2005-2006 through 2008-2009 “because they were based on average time increments supported with time records that were not completed contemporaneously.”<sup>84</sup> This amounts to a finding that the claimant did not comply with the contemporaneous source document rule, and did not claim actual costs, as required by the Parameters and Guidelines.<sup>85</sup> There is no assertion or evidence in the record rebutting that finding. Pursuant to Government Code section 17564, reimbursement claims filed with the Controller shall be filed in the manner prescribed in the Parameters and Guidelines, and the Parameters and Guidelines, as a quasi-judicial decision of the Commission, are final and binding.<sup>86</sup> The claimant failed to comply with the Parameters and

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<sup>82</sup> Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3].

<sup>83</sup> Exhibit A, IRC, pages 85-366. See, e.g., Exhibit A, IRC, pages 101; 104-122; 124-125; 141.

<sup>84</sup> Exhibit A, IRC, page 65 [Final Audit Report, p. 6].

<sup>85</sup> See Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3]; *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794, 802-803 [Discussing non-enforceability of the Controller’s Contemporaneous Source Document Rule when imposed only by Controller’s Claiming Instructions, prior to valid incorporation within Parameters and Guidelines, a regulatory document].

<sup>86</sup> *California School Boards Association v. State of California* (2009) 171 Cal.App.4th 1183, 1201.

Guidelines, and therefore the Controller could have reduced the entire claim to zero. Any such reduction would have been correct as a matter of law.

Instead, the Controller permitted the claimant to conduct a time study based on fiscal year 2010-2011 activities, “as a substitute for records of actual time spent on teacher evaluations.”<sup>87</sup> The results of that time study were then applied to the earlier audit period, and the issue before the Commission in this IRC is whether the Controller’s adjustments to and application of the time study is arbitrary, capricious, or entirely lacking in evidentiary support.

The claimant’s time study identified 22 discrete activities involved in the teacher evaluation process, and identified the time spent on each item, in order to determine average times to perform the reimbursable activities.<sup>88</sup> Those items included time for training, planning, preparation, meetings, observation, report writing, and other activities, for a total (average) of 10 hours, 38 minutes per evaluation.<sup>89</sup>

The Controller disallowed 19 of the 22 discrete activities of the time study, based on the following findings:

- (1) The activities related to planning, preparation, and organizing notes are not reimbursable under the mandate.
- (2) Training-related activities were included in the time study, but were also claimed as a direct cost item in each fiscal year. “We determined allowable time spend on training from the district’s original claims.”
- (3) Conferences between the evaluators and teachers are not reimbursable because they were required before the enactment of the test claim legislation.<sup>90</sup>

And, according to the claimant’s narrative, the Controller also denied one activity related to evaluation and assessment of teachers with respect to their pupils’ STAR testing results, and progress toward state standards.<sup>91</sup>

The Controller found that each completed evaluation takes an average of 5 hours and 8 minutes, based on the three allowed activities from the claimant’s time study.<sup>92</sup>

The claimant disputes the disallowance of activities related to evaluation conferences, preparation and planning activities, and reviewing STAR test results.<sup>93</sup> Specifically, the claimant argues that evaluation conferences are “a method of implementing this mandate, and

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<sup>87</sup> Exhibit A, IRC, page 65 [Final Audit Report, p. 6].

<sup>88</sup> See Exhibit A, IRC, page 11.

<sup>89</sup> Exhibit A, IRC, page 65 [Final Audit Report, p. 6].

<sup>90</sup> Exhibit A, IRC, page 66 [Final Audit Report, p. 7].

<sup>91</sup> Exhibit A, IRC, page 16.

<sup>92</sup> Exhibit A, IRC, page 67 [Final Audit Report, p. 8].

<sup>93</sup> Exhibit A, IRC, pages 13-16.

not just a subject matter activity.”<sup>94</sup> The claimant further asserts that preparation activities were not explicitly considered or denied by the Test Claim Decision, and “[p]reparation is a rational, relevant, reasonable and necessary part of implementing the mandated activities in the usual course of business and the Controller has stated no basis to exclude it from the scope of the evaluation process.”<sup>95</sup> In addition, the claimant argues that the Test Claim Decision approved “the review of the results of the STAR test as it reasonably relates to the performance of those certificated employees [that teach STAR test subjects], and to include in the written evaluation of those certificated employees the assessment of the employee’s performance based on the STAR results for the pupils they teach.”<sup>96</sup>

The Commission finds that the Controller’s denial of the 19 activities included in the claimant’s time study is correct as a matter of law, and not arbitrary, capricious, or without evidentiary support.

The Parameters and Guidelines limit reimbursement for evaluation and assessment of certificated employees as follows:

- Evaluate and assess the performance of certificated instructional employees *that perform the requirements of educational programs mandated by state or federal law* as it reasonably relates to the instructional techniques and strategies used by the employee; and the employee’s adherence to curricular objectives.

*Reimbursement for this activity is limited to:*

- *review* of the employee’s instructional techniques and strategies and adherence to curricular objectives, and
  - *include in the written evaluation* of the certificated instructional employees the assessment of these factors during the specified evaluation periods.
- Evaluate and assess the performance of certificated instructional employees that teach [STAR test subjects, reading, writing, mathematics, etc.] in grades 2 to 11 as it reasonably relates to the progress of pupils toward [STAR test statewide standards].

*Reimbursement for this activity is limited to:*

- *review* of the results of the STAR test as it reasonably relates to the performance of those certificated employees that teach reading, writing, mathematics, history/social science, and science in grades 2 to 11, and
- *include in the written evaluation* of those certificated employees the assessment of the employee’s performance based on the STAR results for the pupils they teach during the specified evaluation periods.

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<sup>94</sup> Exhibit A, IRC, page 13.

<sup>95</sup> Exhibit A, IRC, pages 13-15.

<sup>96</sup> Exhibit A, IRC, page 16.

- Evaluate and assess permanent *certificated, instructional and non-instructional employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation* in the years in which the permanent certificated employee would not have otherwise been evaluated. The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district. The following activities are reimbursable:
  - evaluate and assess the certificated employee performance as it reasonably relates to the following criteria: (1) the progress of pupils toward the standards established by the school district of expected pupil achievement at each grade level in each area of study, and, if applicable, the state adopted content standards as measured by state adopted criterion referenced assessments; (2) the instructional techniques and strategies used by the employee; (3) the employee's adherence to curricular objectives; (4) the establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities; and, if applicable, (5) the fulfillment of other job responsibilities established by the school district for certificated non-instructional personnel;
  - the evaluation and assessment shall be reduced to writing. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. If the employee is not performing his or her duties in a satisfactory manner according to the standards prescribed by the governing board, the school district shall notify the employee in writing of that fact and describe the unsatisfactory performance;
  - transmit a copy of the written evaluation to the certificated employee;
  - attach any written reaction or response to the evaluation by the certificated employee to the employee's personnel file; and
  - conduct a meeting with the certificated employee to discuss the evaluation.<sup>97</sup>

This is a very narrow higher level of service, and reimbursement is not required for the full evaluation and assessment of those certificated employees who have received satisfactory evaluations. For those employees, reimbursement is limited to the review and the inclusion of the new criteria mandated by the test claim statutes in the written evaluation. Further, the Parameters and Guidelines require the claimant to identify the state or federal law that mandates the educational program being performed by the employee being evaluated.<sup>98</sup>

Nowhere in the time study documentation, the response to the Draft Audit Report, or the IRC narrative itself, does the claimant attempt to isolate the narrow higher level of service approved by the Commission in the Test Claim Decision, or to tie the 19 disallowed time study items to the approved activities. As explained in the Test Claim Decision, prior law already required

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<sup>97</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6].

<sup>98</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6].

evaluation of certificated employees.<sup>99</sup> The test claim statutes merely added additional criteria to be considered within those evaluations, and required a follow-up evaluation when a certificated employee receives an unsatisfactory evaluation and annual evaluations thereafter until the employee receives a satisfactory evaluation or, is separated from the school district.<sup>100</sup> The time study activities proposed by the claimant make are not restricted to the time and costs of evaluations pertaining to only the new evaluation and assessment criteria,<sup>101</sup> nor are they limited to only those evaluations required for employees whose last regularly-scheduled evaluation resulted in an unsatisfactory rating.<sup>102</sup> The Parameters and Guidelines require documentation to establish the relationship between the activities and costs claimed and the reimbursable activities stated in the Parameters and Guidelines.<sup>103</sup> The claimant’s time study activities (which generally include evaluation conferences, preparation and planning activities) are described too generally to establish that connection.<sup>104</sup>

Furthermore, the activity proposed for claimant’s time study related to STAR testing goes beyond the scope of the reimbursable activity. The claimant argues that the Commission approved “the review of the results of the STAR test as it reasonably relates to the performance of those certificated employees [teaching STAR test subjects] and to include in the written evaluation of those certificated employees the assessment of the employee’s performance based on the STAR results for the pupils they teach...”<sup>105</sup> That description is substantially similar to and consistent with the Parameters and Guidelines, which indeed provide reimbursement to evaluate and assess the performance of teachers of STAR test subjects<sup>106</sup> “as it reasonably relates to the progress of pupils towards the state adopted academic content standards...” The Parameters and Guidelines also clarify that reimbursement for this activity is limited to “reviewing the results” of the STAR test and “including in the written evaluation...the assessment of the employee’s performance based on the [STAR test] results for the pupils they teach.”<sup>107</sup> However, the activity stated in the claimant’s proposed time study pertaining to STAR testing is “*Discussing* the STAR results with teachers and assessing how to improve instructional abilities.”<sup>108</sup> The activity as described in the claimant’s time study implies interaction between

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<sup>99</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 18-25.

<sup>100</sup> Exhibit A, IRC, pages 31-32 [Parameters and Guidelines, pp. 4-5].

<sup>101</sup> Exhibit A, IRC, pages 31-32 [Parameters and Guidelines, pp. 4-5, Parts IV.A.1. & 2.].

<sup>102</sup> Exhibit A, IRC, page 32 [Parameters and Guidelines, p. 5, Part IV.B.1.].

<sup>103</sup> Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3]. Actual costs claimed “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.”

<sup>104</sup> Exhibit A, IRC, pages 31-32 [Parameters and Guidelines, pp. 4-5].

<sup>105</sup> Exhibit A, IRC, page 16 [citing Test Claim Decision, *The Stull Act*, 98-TC-25, p. 31].

<sup>106</sup> Grades 2 through 11, teaching Reading, Writing, Mathematics, History/Social Science, and Science.

<sup>107</sup> Exhibit A, IRC, page 31 [Parameters and Guidelines, p. 4].

<sup>108</sup> Exhibit A, IRC, page 13.

the teacher and the evaluator that is not required by the plain language of the approved activity as stated in the Parameters and Guidelines. Both reviewing the results of the STAR test, and including an assessment in the written evaluation can be done unilaterally by the evaluator, and do not require a discussion.

And, to the extent certain elements of the claimant's time study related to evaluation conferences, preparation, and planning activities seem "rational, relevant, reasonable and necessary part[s] of implementing the mandated activities,"<sup>109</sup> they are not identified as reimbursable activities in the Parameters and Guidelines. The claimant had an opportunity to include those activities within the Parameters and Guidelines as "reasonably necessary activities" pursuant to Government Code section 17557(a) and Code of Regulations, title 2, section 1183.7(d). Section 1183.7 describes the "Content of Parameters and Guidelines," and subdivision (d) defines "reasonably necessary activities" as those activities "necessary to comply with the statutes, regulations and other executive orders found to impose a state-mandated program." The section further states that "[w]hether an activity is reasonably necessary is a mixed question of law and fact," the assertion of which must be supported by documentary evidence submitted in accordance with section 1187.5.<sup>110</sup> In other words, if the claimant seeks reimbursement for the various elements of its time study as "reasonably necessary" elements of the reimbursable mandate, those activities have to be approved by the Commission based on substantial evidence in the record and included within the Parameters and Guidelines, either when the Parameters and Guidelines were first adopted, or as an amendment request.<sup>111</sup> To the extent the activities claimed exceed the scope of the mandate as stated in the Parameters and Guidelines, they are not eligible for reimbursement. The Parameters and Guidelines, as adopted, are binding on the parties.<sup>112</sup> The argument that such items are "reasonably necessary" cannot now be employed as an end-run around the Parameters and Guidelines.

Finally, it is the claimant's burden to establish actual costs, using "source documents that show the validity of such costs, when they were incurred, and *their relationship to the reimbursable activities.*"<sup>113</sup> The claimant argues that the Controller's reduction of costs is incorrect or arbitrary or capricious, and frames these issues in terms of the Controller's failure to state a reason for the reduction.<sup>114</sup> The claimant, however, ignores its duty to establish the relationship to the reimbursable activities. The Controller's concession permitting the use of a time study does not alter the scope of the mandate, which is a question of law, or otherwise relieve the claimant of the burden to show that its claimed costs are eligible for reimbursement pursuant to the Test Claim Decision and Parameters and Guidelines. Moreover, there is no evidence in the

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<sup>109</sup> Exhibit A, IRC, page 15.

<sup>110</sup> California Code of Regulations, title 2, section 1183.7.

<sup>111</sup> See California Code of Regulations, title 2, section 1183.17.

<sup>112</sup> *California School Boards Association v. State of California* (2009) 171 Cal.App.4th 1183, 1201.

<sup>113</sup> Exhibit A, IRC, page 30 [Parameters and Guidelines, p. 3].

<sup>114</sup> See, e.g., Exhibit A, IRC, page 15 [Discussing "Preparation Activities," the claimant states that the Controller "has stated no basis to exclude it from the scope of the evaluation process."].

record that the Controller's reduction of costs based on the denial of these 19 activities is arbitrary, capricious, or entirely lacking in evidentiary support.

Accordingly, the Commission finds that the Controller's reduction of costs based on the Controller's denial of 19 of the activities included in claimant's time study is correct as a matter of law, and is not arbitrary, capricious, or entirely lacking in evidentiary support.

**C. The Controller's Disallowance of Completed Evaluations that Are Beyond the Scope of the Mandate Is Correct as a Matter of Law.**

As noted above, the Parameters and Guidelines for *The Stull Act* program require reimbursement for the following:

- Evaluate and assess the performance of certificated instructional employees that perform the requirements of educational programs mandated by state or federal law as it reasonably relates to
  - the instructional techniques and strategies used by the employee; and
  - the employee's adherence to curricular objectives;
- Evaluate and assess the performance of certificated instructional employees that teach [STAR test subjects, reading, writing, mathematics, etc.] in grades 2 to 11 as it reasonably relates to the progress of pupils toward [STAR test statewide standards]; and
- Evaluate and assess permanent certificated, instructional, and non-instructional employees that perform the requirements of educational programs mandated by state or federal law and receive an unsatisfactory evaluation in the years in which the permanent certificated employee would not have otherwise been evaluated. The additional evaluations shall last until the employee achieves a positive evaluation, or is separated from the school district.<sup>115</sup>

The Parameters and Guidelines further require the claimant to identify the state or federal law mandating the educational program being performed by the employee being evaluated and assessed.<sup>116</sup>

The Controller disallowed reimbursement for evaluations completed for employees that are not within the scope of the mandate. Specifically, as disputed here, the Controller disallowed reimbursement for evaluations of the following employees:

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<sup>115</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6].

<sup>116</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6]. Note that this caveat is not stated under section IV.A.2. of the Parameters and Guidelines, with respect to certificated instructional employees that teach STAR test subjects in grades 2 to 11 (presumably because simply claiming costs under this very specific activity makes clear which state and federal laws are implicated).

- Principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists who are not certificated instructional employees; and
- Preschool teachers [because they] do not perform the requirements of the program that is mandated by state or federal law.<sup>117</sup>

The claimant argues that all certificated employees are “instructional personnel even if they are not ‘classroom teachers’” and that preschool teachers are not excluded by the Parameters and Guidelines.<sup>118</sup> Addressing preschool instructors specifically, claimant argues that “[t]he audit report excludes preschool teachers in general based on the Controller’s opinion that preschool teachers do not perform the requirements of an educational program mandated by state or federal law.”<sup>119</sup> The claimant further argues that the Commission identified voluntary programs for which reimbursement is not required in a footnote in the Test Claim Decision, “and preschool is not included in that enumeration.”<sup>120</sup> Accordingly, claimant asserts that “[t]here is no stated basis to exclude certificated preschool instructors.”<sup>121</sup>

With respect to other personnel, such as administrators, librarians, and others for whom evaluations and assessments were excluded from reimbursement, the claimant states that the audit report misstates the standard for judging which employees’ evaluations are reimbursable and which are not:

The intent of this component is to evaluate the elements of classroom instruction. Principals, vice principals, directors, coordinators, counselors, psychologists, librarians, and library media specialists do not provide classroom instruction and are considered “non-instructional” certificated personnel.<sup>122</sup>

The claimant concedes that “the portion of the mandate relating to the evaluation of compliance with the testing assessment standards (the STAR component) is limited to classroom teachers because the parameters and guidelines specifically state ‘employees that teach’ specified curriculum.”<sup>123</sup> However, the claimant maintains that all certificated employees are instructional personnel and that “[i]t has not been established as a matter of law that involvement in the educational process requires a ‘classroom.’”<sup>124</sup>

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<sup>117</sup> Exhibit A, IRC, pages 73-74 [Final Audit Report, pp. 14-15].

<sup>118</sup> Exhibit A, IRC, pages 18-19 and 71.

<sup>119</sup> Exhibit A, IRC, page 18.

<sup>120</sup> Exhibit A, IRC, page 19.

<sup>121</sup> Exhibit A, IRC, page 19.

<sup>122</sup> Exhibit A, IRC, page 17 [quoting Controller’s Final Audit Report, p. 15 (Exhibit A, IRC, p. 74)].

<sup>123</sup> Exhibit A, IRC, page 71 [Controller’s Final Audit Report, p. 12].

<sup>124</sup> Exhibit A, IRC, page 18 and 71.

The claimant is wrong on both counts. The Test Claim Decision analyzed at length the distinction between instructional and non-instructional personnel, in an attempt to isolate the higher level of service imposed by the test claim statutes. The Commission found that prior law “required school districts to develop evaluation and assessment guidelines and to evaluate both instructional and non-instructional certificated employees based on the guidelines on a continuing basis.”<sup>125</sup> The Commission also found case law to support the conclusion that the Stull Act, prior to the test claim statutes, applied to both instructional and non-instructional certificated personnel.<sup>126</sup> In analyzing the test claim statutes the Commission found, and the Department of Finance and the test claimant agreed, that the new categories of “instructional techniques and strategies,” and “the employee’s adherence to curricular objectives,” represented new criteria for the evaluation and assessment of certificated *instructional* personnel equating the term “instructional” with “teachers.”<sup>127</sup>

Accordingly, Part IV.A.1. of the Parameters and Guidelines limits reimbursement for the higher level of service imposed by the test claim statutes to “certificated *instructional* employees,” and to the *two new components* of the evaluation, both of which relate to the provision of *instruction*: “instructional techniques and strategies used by the employee and the employee’s adherence to curricular objectives.”<sup>128</sup> In addition, as noted, Part IV.A.1. *requires the claimant* to identify the state or federal law mandating the educational program being performed by the certificated instructional personnel.<sup>129</sup> Therefore, this section provides reimbursement for evaluation and assessment of *instructional* employees only, and only those performing the requirements of educational programs mandated by state or federal law. Although administrators, librarians, counselors, and psychologists are positions requiring certification, they generally do not provide instruction to students.<sup>130</sup> The claimant argues that these employees are *not excluded* by the

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<sup>125</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, page 22.

<sup>126</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 22-23.

<sup>127</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, pages 28-30; 21 [The plain language of these statutes does not distinguish between instructional employees (teachers) and non-instructional employees (principals, administrators), or specifically exclude certificated non-instructional employees.].

<sup>128</sup> Exhibit A, IRC, page 31 [Parameters and Guidelines, p. 4].

<sup>129</sup> Exhibit A, IRC, page 31 [Parameters and Guidelines, p. 4].

<sup>130</sup> Education Code section 44065, which governs teaching and services credential requirements. See also, California Code of Regulations, title 5, section 80049.1, which authorizes a school psychologist with a services credential to “provide services that enhance academic performance; design strategies and programs to address problems of adjustment; consult with other educators and parents on issues of social development, behavioral and academic difficulties; conduct psycho-educational assessments for purposes of identifying special needs; provide psychological counseling for individuals, groups and families; and coordinate intervention strategies for management of individual and school-wide crises.”

California Code of Regulations, title 5, section 80049.1 also authorizes a school counselor with a services credential to “develop, plan, implement and evaluate a school counseling and guidance

Parameters and Guidelines, but neither do they necessarily fall within the higher level of service that the Commission determined to be reimbursable, absent some evidence that they are indeed performing the requirements of educational programs mandated by state or federal law; a requirement that the Parameters and Guidelines expressly requires the claimant to establish and for which the claimant has submitted no evidence. Thus, the Controller correctly concludes that “instructional” employees excludes administrators, librarians, counselors, and psychologists, and others, absent additional evidence.<sup>131</sup>

With regard to preschool instruction, the claimant mistakenly relies on a footnote in the Test Claim Decision, which listed examples of voluntary educational programs funded by the Budget Act, to suggest that preschool instruction, which was not among the programs listed, must therefore be mandatory.<sup>132</sup> The list in the Test Claim Decision was not intended to represent an exhaustive cataloging of voluntary (or non-mandatory) educational programs, as the claimant suggests.<sup>133</sup> Rather, the Parameters and Guidelines expressly require the claimant to specifically identify the educational programs mandated by state or federal law being performed by the certificated instructional employee in order to get reimbursed for the evaluation, which the claimant has not done. In addition, Education Code section 48200 et seq., provides for compulsory education for pupils aged 6 to 18, but does not as a matter of law apply to preschool-

---

program that includes academic, career, personal and social development; advocate for the higher academic achievement and social development of all students; provide school-wide prevention and intervention strategies and counseling services; provide consultation, training and staff development to teachers and parents regarding students' needs; and supervise a district-approved advisory program as described in Education Code Section 49600.”

California Code of Regulations, title 5, section 80053, authorizes the librarian with a services credential to “instruct students in accessing, evaluating, using and integrating information and resources in the library program; to plan and coordinate school library programs with the instructional programs of a school district through collaboration with teachers; to select materials for school and district libraries; to develop programs for and deliver staff development for school library services; to coordinate or supervise library programs at the school, district or county level; to plan and conduct a course of instruction for those pupils who assist in the operation of school libraries; to supervise classified personnel assigned school library duties; and to develop procedures for and management of the school and district libraries.”

California Code of Regulations, title 5, section 80054.5, authorizes the school administrator with a services credential to develop, coordinate, and assess instructional programs; supervise and evaluate certificated and classified personnel; discipline students; manage fiscal services; develop, coordinate, and supervise student support services.

And, Code of Regulations, title 5, section 16043 states that persons employed by a school district as librarians may supplement classroom instruction, or conduct “a planned course of instruction for those pupils who assist in the operation of school libraries.”

<sup>131</sup> Exhibit A, IRC, pages 73-74 [Final Audit Report, pp. 14-15].

<sup>132</sup> Exhibit A, IRC, pages 18-19.

<sup>133</sup> Exhibit E, Test Claim Decision, *The Stull Act*, 98-TC-25, page 12, Fn 42.

aged children. The claimant argues that federal special education law requires preschool instruction for pupils when part of a pupil's Individualized Education Plan.<sup>134</sup> However, the claimant has not provided any evidence that preschool teachers evaluated and claimed provided instruction in educational programs mandated by federal law, as required by the Parameters and Guidelines.

In addition, Part IV.A.2. requires reimbursement only for evaluations of “certificated instructional employees that teach...” STAR test subjects in grades 2 to 11.<sup>135</sup> This provision also excludes non-instructional administrative and support personnel, and excludes preschool teachers, based on nothing more than its plain language.

Part IV.B.1. does provide for reimbursement for evaluation and assessment of certificated instructional *and* non-instructional employees, but only those whose last regularly-scheduled evaluation resulted in an unsatisfactory evaluation (i.e., off-year evaluations for permanent certificated employees, and more often than once every five years for permanent “tenured” certificated employees). Part IV.B.1. also includes the same caveat as above, that the claimant must identify the state or federal law mandating the educational program being performed. There has been no specific argument or evidence in the record to support a finding that any of the non-instructional personnel whose evaluations were disallowed were evaluated on the basis of having a previously unsatisfactory evaluation.

The claimant, with all of its arguments, attempts to shift the burden to the Controller to support its reductions, but it is the claimant's burden to make out its claim.<sup>136</sup> In addition, sections 1185.1(f)(3), 1185.2(d) and (e) of the Commission's regulations require that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Parameters and Guidelines specifically and expressly require the *claimant* to identify the state or federal law mandating the educational program being performed by the employee(s) evaluated, except in the case of STAR subject instructors in grades 2 to 11 (for whom the mandatory nature of the educational program is presumed).<sup>137</sup> The claimant has not complied with the Parameters and Guidelines.

Based on the foregoing, the Commission finds that the Controller's disallowance of 46 completed evaluations that were beyond the scope of the mandate is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

## V. Conclusion

Based on the foregoing, the Commission finds that the IRC was timely filed and denies this IRC. The Commission finds that the Controller's reduction of costs based the denial of 19 activities included in the claimant's time study and the disallowance of 46 completed evaluations that were beyond the scope of the mandate, are correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

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<sup>134</sup> Exhibit A, IRC, pages 71-74 [Controller's Final Audit Report, pp. 12-15].

<sup>135</sup> Exhibit A, IRC, pages 31-32 [Parameters and Guidelines, pp. 4-5].

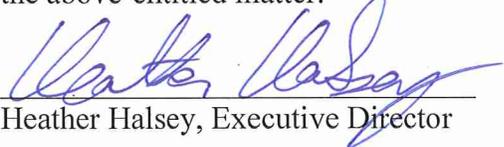
<sup>136</sup> *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

<sup>137</sup> Exhibit A, IRC, pages 31-33 [Parameters and Guidelines, pp. 4-6].

RE: **Decision**

*The Stull Act*, 14-9825-I-02  
Education Code Sections 44660-44665;  
Statutes 1983, Chapter 498; Statutes 1999, Chapter 4  
Fiscal Years: 2005-2006, 2006-2007, 2007-2008, and 2008-2009  
Carlsbad Unified School District, Claimant

On July 27, 2018, the foregoing Decision of the Commission on State Mandates was adopted on the above-entitled matter.

  
Heather Halsey, Executive Director

Dated: July 30, 2018

**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 July 30, 2018, I served the:

- **Decision adopted July 27, 2018**

*The Stull Act*, 14-9825-I-02

Education Code Sections 44662 and 44664;

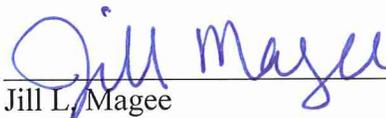
Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, and 2008-2009

Carlsbad Unified School District, 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 July 30, 2018 at Sacramento, California.



Jill L. Magee

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 7/2/18

**Claim Number:** 14-9825-I-02

**Matter:** The Stull Act

**Claimant:** Carlsbad Unified School District

### 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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**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Follow-up question response and outstanding case files  
**Date:** Tuesday, August 10, 2021 11:53:18 AM

---

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Good Morning! [REDACTED]

[REDACTED] who is the District Attorney's Office Bureau of Investigation supervisor, provided the following response to your inquiry about Child Abduction and Recovery activities:

"I spoke with [REDACTED] a DAI III who has been in CARU for 8+ years. [REDACTED] advised that any activities outside of CARU (Range, Covid 19 Kiosk at HOJ, SRT Training, training unrelated to their positions, helping other units with search warrants, vacation, etc.) are separated on their time studies onto lines that identify that time was not related to their mandate."

I have uploaded the FY 2018-19 documentation to the Teams SharePoint.

Thank you!

[REDACTED]  
Finance Analyst  
County of Ventura  
Auditor-Controller's Office  
[REDACTED]  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Monday, August 9, 2021 2:57 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Follow-up question response and outstanding case files

You are welcome! [REDACTED]

[REDACTED]  
Finance Analyst  
County of Ventura  
Auditor-Controller's Office  
[REDACTED]  
[REDACTED]

---

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Time records  
**Date:** Tuesday, January 11, 2022 8:29:02 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Good Morning [REDACTED]

Please see email below for response from [REDACTED] with District Attorney's Office in regards to your inquiry for [REDACTED] time records.

Thank you!

[REDACTED]  
Finance Analyst  
County of Ventura  
Auditor-Controller's Office

---

**From:** [REDACTED]  
**Sent:** Friday, January 7, 2022 2:30 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Time records

Hi [REDACTED]

That is correct, [REDACTED] is singularly assigned to Child Abduction. Unlike investigators, she does not have collateral assignments or duties. For this reason, she does not maintain a time study. When she completes her bi-weekly timecard, she does enter the activity/function for her hours worked. For instance, her hours worked on Child Abduction should be coded with Project #SB90CR3482 – see the snippet below. As I mentioned, this is entered bi-weekly so it is created at or near the time of the event. We can produce the payroll records for the audit period.

Not sure if this would assist, but our monthly org charts would corroborate her assignment. And, [REDACTED] is happy to complete attestations regarding her work on Child Abduction cases.

Let me know what else you need,

[REDACTED]

Project ID	Activity ID	Function	S
SB90CR3482	3401	SP04	

---

**From:** [REDACTED]  
**Sent:** Friday, January 7, 2022 1:56 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Time records

Good Afternoon! [REDACTED]

I received the email below from [REDACTED] inquiring as to whether the County keeps timesheets for the time that [REDACTED] spends on Program 13 reimbursable activities. At some point, I believe [REDACTED] explained that [REDACTED] does not keep a timesheet as do other employees because she is assigned fully to CARU and 100% of her time is spent on CARU assignments.

Please provide a response to [REDACTED] inquiry below.

Thank you!

[REDACTED]

---

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: COM Audit - Internal Control Questionnaire  
**Date:** Thursday, July 29, 2021 4:52:21 PM  
**Attachments:** [VCHRP Report for Function SP04 FY's 2016-17 through 2019-2020.xlsx](#)

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Hi! [REDACTED]

Per our Teams meeting this morning, here is an update on three of the follow-up items that I had to take care of:

- 1. Do hours claimed tie out to Ventura County Human Resources/Payroll (VCHRP) Software?**  
– [REDACTED] confirmed that, “VCHRP reflects 100% of the hours and costs an employee assigned to Child Abduction and Recovery reported. The EE may have worked on something totally unrelated from the mandate. The time study is where the EE reported their hours for Program 13 activities. The costs will never tie exactly to the hours and costs submitted on the claim for reimbursement.” Unfortunately there is no way to tie the hours claimed to VCHRP.
- 2. Documentation to show [REDACTED] time is 100% assigned to Child Abduction and Recovery** – [REDACTED] requested the attached report from VCHRP, which shows the salaries and benefits as well as the hours coded for all employees assigned to the Child Abduction and Recovery function, SP04, for the audit period July 1, 2016 through June 30, 2020. In this report you can see that [REDACTED] entire time is coded to function SP04. Will this suffice?
- 3. Meaning of Acronyms listed in timesheets:**
  - REFU Real Estate Fraud Unit
  - MF Major Fraud
  - CEPU Consumer Environmental Protection Unit
  - CARU Child Abduction Recovery Unit
  - WCFU Workers Comp Fraud Unit
  - VCAT Ventura County Combined Agency Team
  - AIFU Auto Insurance Fraud Unit
  - SRT Special Response Team
  - SIU Special Investigations Unit

Please let me know if you have questions.

Thank you!

[REDACTED]  
Finance Analyst

Bu,Agcy,Actvy,Deptid,Name,FnCd 1380													
Business Unit	Agency	Activity	Department ID	Empl Class	Name	Employee ID	Job Code	Function Code	Project ID	Hours	Direct Charges	InDirect Charges	Total Charges
DAOVC	DAO	3401	2101	01		102197	01089	SP04	SB90CR3482	3276.850000			
DAOVC	DAO	3401	2101	01		103177	01568	SP04	SB90CR3482	8530.500000			
DAOVC	DAO	FI06	2101	01		103177	01568	SP04	SB90CR3482	13.500000			
DAOVC	DAO	3401	2101	01		103480	00645	SP04		18.000000			
DAOVC	DAO	3401	2101	01		103480	00645	SP04	SB90CR3482	80.000000			
DAOVC	DAO	3401	2101	01		120059	00579	SP04		9.000000			
DAOVC	DAO	3401	2101	01		120059	00579	SP04	SB90CR3482	2569.000000			
DAOVC	DAO	3401	2101	01		120059	01089	SP04	SB90CR3482	4750.000000			
DAOVC	DAO	3401	2101	01		120695	00447	SP04		102.750000			
DAOVC	DAO	3401	2101	01		120695	00447	SP04	SB90CR3482	8291.750000			
DAOVC	DAO	3401	2101	01		120695	00447	SP04	SBSVP-3438	80.000000			
DAOVC	DAO	3401	2101	01		120695	00447	SP04	THOMASFIRE	26.000000			
DAOVC	DAO	3401	2101	01		121388	00650	SP04		80.000000			
DAOVC	DAO	3401	2101	01		121388	00650	SP04	SB90CR3482	4022.500000			
DAOVC	DAO	3401	2101	01		121927	01600	SP04	SB90CR3482	7.500000			
DAOVC	DAO	3401	2101	01		123490	00650	SP04	SB90CR3482	695.500000			
DAOVC	DAO	3401	2101	01		124004	00650	SP04	SB90CR3482	3274.500000			
DAOVC	DAO	3401	2101	01		124004	00650	SP04	THOMASFIRE	38.000000			
DAOVC	DAO	3401	2101	01		124004	00650	SP04	WCINS-3470	80.000000			
DAOVC	DAO	3401	2101	01		125417	00645	SP04		1.000000			
DAOVC	DAO	3401	2101	01		125417	00645	SP04	SB90CR3482	17.500000			
DAOVC	DAO	3401	2101	01		125417	00650	SP04	SB90CR3482	57.000000			
DAOVC	DAO	3401	2101	01		126347	00650	SP04	SB90CR3482	108.500000			
DAOVC	DAO	3401	2101	01		127825	01089	SP04		32.000000			
DAOVC	DAO	3401	2101	01		127825	01089	SP04	SB90CR3482	554.000000			



By the Comptroller General of the  
United States

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April 2021

# GOVERNMENT AUDITING STANDARDS

## 2018 Revision

Technical Update April 2021



By the Comptroller General of the  
United States

April 2021

# GOVERNMENT AUDITING STANDARDS

## 2018 Revision

Technical Update April 2021

The 2018 revision of *Government Auditing Standards* is effective for financial audits, attestation engagements, and reviews of financial statements for periods ending on or after June 30, 2020, and for performance audits beginning on or after July 1, 2019. Early implementation is not permitted. The 2018 revision of *Government Auditing Standards* supersedes the 2011 revision ([GAO-12-331G](#), December 2011), the 2005 *Government Auditing Standards: Guidance on GAGAS Requirements for Continuing Professional Education* ([GAO-05-568G](#), April 2005), and the 2014 *Government Auditing Standards: Guidance for Understanding the New Peer Review Ratings* ([D06602](#), January 2014). The 2018 revision should be used until further updates and revisions are made. An electronic version of this document can be accessed on GAO's Yellow Book web page at <http://www.gao.gov/yellowbook>.

## 2021 Technical Updates to the 2018 Revision of *Government Auditing Standards*

The following technical updates have been made to the 2018 revision of *Government Auditing Standards* (known as the Yellow Book). These technical updates to the 2018 revision of *Government Auditing Standards* are effective upon issuance.

### 2018 Revision of *Government Auditing Standards*

**1.02** The concept of accountability for use of public resources and government authority is key to our nation's governing processes. Management and officials entrusted with public resources are responsible for carrying out public functions and providing service to the public effectively, efficiently, economically, and ethically within the context of the statutory boundaries of the specific government program.

**1.03** As reflected in applicable laws, regulations, agreements, and standards, management and officials of government programs are responsible for providing reliable, useful, and timely information for transparency and accountability of these programs and their operations. Legislators, oversight bodies, those charged with governance, and the public need to know whether (1) management and officials manage government resources and use their authority properly and in compliance with laws and regulations; (2) government programs are achieving their objectives and desired outcomes; and (3) government services are provided effectively, efficiently, economically, and ethically.

**1.23** Examples of program effectiveness and results audit objectives include

- f. determining whether a program provides access to or distribution of public resources within the context of statutory parameters;

**3.83** Auditors who previously provided nonaudit services for an entity that is a prospective subject of an engagement should evaluate the effect of those nonaudit services on independence before agreeing to conduct a GAGAS engagement. If auditors provided a nonaudit service in the period to be covered by the engagement, they should (1) determine if GAGAS expressly prohibits the nonaudit service; (2) if audited entity management requested the nonaudit service, determine whether the skills, knowledge, and experience of the individual responsible for overseeing the nonaudit service were sufficient; and (3) determine whether a threat to independence exists and address any threats noted in accordance with the conceptual framework.

### 2021 Technical Updates

**1.02** The concept of accountability for use of public resources and government authority is key to our nation's governing processes. Management and officials entrusted with public resources are responsible for carrying out public functions and providing service to the public effectively, efficiently, economically, ethically, and equitably within the context of the statutory boundaries of the specific government program.

**1.03** As reflected in applicable laws, regulations, agreements, and standards, management and officials of government programs are responsible for providing reliable, useful, and timely information for transparency and accountability of these programs and their operations. Legislators, oversight bodies, those charged with governance, and the public need to know whether (1) management and officials manage government resources and use their authority properly and in compliance with laws and regulations; (2) government programs are achieving their objectives and desired outcomes; and (3) government services are provided effectively, efficiently, economically, ethically, and equitably.

**1.23** Examples of program effectiveness and results audit objectives include

- f. determining whether a program provides equitable access to or distribution of public resources within the context of statutory parameters;

**3.83** Auditors who previously provided nonaudit services for an entity that is a prospective subject of an engagement should evaluate the effect of those nonaudit services on independence before agreeing to conduct a GAGAS engagement. If auditors provided a nonaudit service in the period to be covered by the engagement, they should (1) determine if GAGAS expressly prohibits the nonaudit service; (2) if audited entity management requested the nonaudit service, determine whether the skill, knowledge, or experience of the individual responsible for overseeing the nonaudit service was sufficient; and (3) determine whether a threat to independence exists and address any threats noted in accordance with the conceptual framework.

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**8.42** If internal control is significant to the audit objectives, auditors determine which of the five components of internal control and underlying principles are significant to the audit objectives, as all components of internal control are generally relevant, but not all components may be significant to the audit objectives. This determination can also identify whether specific controls are significant to the audit objectives. Determining which internal control components and principles and/or specific controls are significant to the audit objectives is a matter of professional judgment.

**8.42** If internal control is significant to the audit objectives, auditors determine which of the five components of internal control are significant to the audit objectives, as all components of internal control are generally relevant, but not all components may be significant to the audit objectives. This determination can also identify the underlying principles, control objectives, or specific controls that are significant to the audit objectives. Determining which internal control components, principles, control objectives, and/or specific controls are significant to the audit objectives is a matter of professional judgment.

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**8.49** If internal control is determined to be significant to the audit objectives, auditors should assess and document their assessment of the design, implementation, and/or operating effectiveness of such internal control to the extent necessary to address the audit objectives.

**8.49** If internal control is determined to be significant to the audit objectives, auditors should plan and perform audit procedures to assess internal control to the extent necessary to address the audit objectives.

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**9.30** If some but not all internal control components are significant to the audit objectives, the auditors should identify as part of the scope those internal control components and underlying principles that are significant to the audit objectives.

**9.30** When reporting on the scope of their work on internal control, auditors should identify the scope of internal control assessed to the extent necessary for report users to reasonably interpret the findings, conclusions, and recommendations in the audit report.

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**9.32** Control components and underlying principles that are not considered significant to the audit objectives may be identified in the scope if, in the auditors' professional judgment, doing so is necessary to preclude a misunderstanding of the breadth of the conclusions of the audit report and to clarify that control effectiveness has not been evaluated as a whole. Auditors may also identify and describe the five components of internal control so that report users understand the scope of the work within the context of the entity's internal control system.

**9.32** Auditors may identify the control components, underlying principles, control objectives, or specific controls assessed in describing the scope of their work on internal control. Auditors may also identify the level of internal control assessment performed, as discussed in paragraph 8.50. Control components and underlying principles that are not considered significant to the audit objectives may be identified in the scope if, in the auditors' professional judgment, doing so is necessary to preclude a misunderstanding of the breadth of the conclusions of the audit report and to clarify that control effectiveness has not been evaluated as a whole. Auditors may also identify and describe the five components of internal control so that report users understand the scope of the work within the context of the entity's internal control system.

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Conforming changes have been made to the figures to reflect the technical updates.

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### Abbreviations

AICPA	American Institute of Certified Public Accountants
AR-C	<i>AICPA Codification of Statements on Standards for Accounting and Review Services</i>
AT-C	<i>AICPA Codification of Statements on Standards for Attestation Engagements</i>
AU-C	<i>AICPA Codification of Statements on Auditing Standards</i>
CPA	certified public accountant
CPE	continuing professional education
GAGAS	generally accepted government auditing standards
IAASB	International Auditing and Assurance Standards Board
IT	information technology
OMB	Office of Management and Budget
PCAOB	Public Company Accounting Oversight Board
SAS	Statements on Auditing Standards
SSAE	Statements on Standards for Attestation Engagements

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Audits provide essential accountability and transparency over government programs. Given the current challenges facing governments and their programs, the oversight provided through auditing is more critical than ever. Government auditing provides the objective analysis and information needed to make the decisions necessary to help create a better future. The professional standards presented in this 2018 revision of *Government Auditing Standards* (known as the Yellow Book) provide a framework for performing high-quality audit work with competence, integrity, objectivity, and independence to provide accountability and to help improve government operations and services. These standards, commonly referred to as generally accepted government auditing standards (GAGAS), provide the foundation for government auditors to lead by example in the areas of independence, transparency, accountability, and quality through the audit process.

This revision contains major changes from, and supersedes, the 2011 revision. These changes, summarized below, reinforce the principles of transparency and accountability and strengthen the framework for high-quality government audits.

- All chapters are presented in a revised format that differentiates requirements and application guidance related to those requirements.
- Supplemental guidance from the appendix of the 2011 revision is either removed or incorporated into the individual chapters.
- The independence standard is expanded to state that preparing financial statements from a client-provided trial balance or underlying accounting records generally creates significant threats to auditors' independence, and auditors should document the threats and safeguards applied to eliminate and reduce threats to an acceptable level or decline to perform the service.
- The peer review standard is modified to require that audit organizations comply with their respective affiliated organization's peer review requirements and GAGAS peer review requirements. Additional requirements are provided for audit organizations not affiliated with recognized organizations.
- The standards include a definition for waste.
- The performance audit standards are updated with specific considerations for when internal control is significant to the audit objectives.

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Effective with the implementation dates for the 2018 revision of *Government Auditing Standards*, GAO is also retiring *Government Auditing Standards: Guidance on GAGAS Requirements for Continuing Professional Education* ([GAO-05-568G](#), April 2005) and *Government Auditing Standards: Guidance for Understanding the New Peer Review Ratings* ([D06602](#), January 2014).

This revision of the standards has gone through an extensive deliberative process, including public comments and input from the Comptroller General's Advisory Council on Government Auditing Standards (Advisory Council). The Advisory Council consists of experts in financial and performance auditing and reporting from federal, state, and local government; the private sector; and academia. The views of all parties were thoroughly considered in finalizing the standards.

The 2018 revision of *Government Auditing Standards* is effective for financial audits, attestation engagements, and reviews of financial statements for periods ending on or after June 30, 2020, and for performance audits beginning on or after July 1, 2019. Early implementation is not permitted.

An electronic version of this document can be accessed at <http://www.gao.gov/yellowbook>.

I extend special thanks to the members of the Advisory Council for their extensive input and feedback throughout the process of developing and finalizing the standards.



Gene L. Dodaro  
Comptroller General of the United States

July 2018

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## Supervision

**Requirement: Supervision**

**8.87** Auditors must properly supervise audit staff.

**Application Guidance: Supervision**

**8.88** Audit supervision involves providing sufficient guidance and direction to auditors assigned to the audit to address the audit objectives and follow applicable requirements, while staying informed about significant problems encountered, reviewing the work performed, and providing effective on-the-job training.

**8.89** The nature and extent of the auditors' supervision and the review of audit work may vary depending on a number of factors, such as the size of the audit organization, the significance of the work, and the experience of the auditors.

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## Evidence

**Requirements: Evidence**

**8.90** Auditors must obtain sufficient, appropriate evidence to provide a reasonable basis for addressing the audit objectives and supporting their findings and conclusions.

**8.91** In assessing the appropriateness of evidence, auditors should assess whether the evidence is relevant, valid, and reliable.

**8.92** In determining the sufficiency of evidence, auditors should determine whether enough appropriate evidence exists to address the audit objectives and support the findings and conclusions to the extent that would persuade a knowledgeable person that the findings are reasonable.

**8.93** When auditors use information provided by officials of the audited entity as part of their evidence, they should determine what the officials of the audited entity or other auditors did to obtain assurance over the reliability of the information.

**8.94** Auditors should evaluate the objectivity, credibility, and reliability of testimonial evidence.

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**Application Guidance: Evidence**

**8.95** Audit objectives may vary widely, as may the level of work necessary to assess the sufficiency and appropriateness of evidence to address the objectives. The concepts of audit risk and significance assist auditors in evaluating the audit evidence. Professional judgment assists auditors in determining the sufficiency and appropriateness of evidence taken as a whole. Interpreting, summarizing, or analyzing evidence is typically used in determining the sufficiency and appropriateness of evidence and in reporting the results of the audit work.

**8.96** When auditors use information that audited entity officials provided as part of their evidence, auditors may find it necessary to test management's procedures to obtain assurance, perform direct testing of the information, or obtain additional corroborating evidence. The nature, timing, and extent of the auditors' procedures will depend on the significance of the information to the audit objectives and the nature of the information being used. Using a risk-based approach, auditors may consider additional procedures if they become aware of evidence that conflicts with that provided by management. In their overall assessment, auditors may document how they resolved situations involving conflicting evidence.<sup>76</sup>

**8.97** Auditors may request that management provide written representations as to the accuracy and completeness of information provided.

**8.98** The nature, timing, and extent of audit procedures to assess sufficiency and appropriateness are affected by the effectiveness of the audited entity's internal controls over the information, including information systems controls, and the significance of the information and the level of detail presented in the auditors' findings and conclusions in the context of the audit objectives. The sufficiency and appropriateness of computer-processed information is assessed regardless of whether this information is provided to auditors or auditors independently extract it. Assessing the sufficiency and appropriateness of computer-processed information includes considering the completeness and accuracy of the data for the intended purposes.

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<sup>76</sup>See para. 8.105 for a discussion of the relationship between testimonial and documentary evidence.

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*Sufficiency*

**8.99** Sufficiency is a measure of the quantity of evidence used to support the findings and conclusions related to the audit objectives.

**8.100** When appropriate, auditors may use statistical methods to analyze and interpret evidence to assess its sufficiency.

**8.101** The sufficiency of evidence required to support the auditors' findings and conclusions is a matter of the auditors' professional judgment. The following presumptions are useful in judging the sufficiency of evidence.

- a. The greater the audit risk, the greater the quantity and quality of evidence required.
- b. Stronger evidence may allow less evidence to be used.

*Appropriateness*

**8.102** Appropriateness is the measure of the quality of evidence that encompasses the relevance, validity, and reliability of evidence used for addressing the audit objectives and supporting findings and conclusions.

- a. Relevance refers to the extent to which evidence has a logical relationship with, and importance to, the issue being addressed.
- b. Validity refers to the extent to which evidence is a meaningful or reasonable basis for measuring what is being evaluated. In other words, validity refers to the extent to which evidence represents what it is purported to represent.
- c. Reliability refers to the consistency of results when information is measured or tested and includes the concepts of being verifiable or supported. For example, in establishing the appropriateness of evidence, auditors may test its reliability by obtaining supporting evidence, using statistical testing, or obtaining corroborating evidence.
- d. Having a large volume of evidence does not compensate for a lack of relevance, validity, or reliability.

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**8.103** The degree of assurance associated with a performance audit is strongly associated with the appropriateness of evidence in relation to the audit objectives. Examples follow.

- a. The audit objectives might focus on verifying specific quantitative results presented by the audited entity. In these situations, the audit procedures would likely focus on obtaining evidence about the accuracy of the specific amounts in question. This work may include the use of statistical sampling.
- b. The audit objectives might focus on the performance of a specific program or activity in the audited entity. In these situations, the auditors may be provided information that the audited entity compiled in order to satisfy the audit objectives. The auditors may find it necessary to test the quality of the information, which includes both its validity and reliability.
- c. The audit objectives might focus on information that is used for widely accepted purposes and obtained from sources generally recognized as appropriate. For example, economic statistics issued by government agencies for purposes such as adjusting for inflation, or other such information issued by authoritative organizations, may be the best information available. In such cases, it may not be practical or necessary for auditors to perform procedures to verify the information. These decisions call for use of professional judgment based on the nature of the information, its common usage or acceptance, and how it is being used in the audit.
- d. The audit objectives might focus on comparisons or benchmarking between various government functions or agencies. These types of audits are especially useful for analyzing the outcomes of various public policy decisions. In these cases, auditors may perform analyses, such as comparative statistics of different jurisdictions or changes in performance over time, where it would be impractical to verify the detailed data underlying the statistics. Clear disclosure of the extent to which comparative information or statistics were evaluated or corroborated will likely be necessary to place the evidence in context for report users.
- e. The audit objectives might focus on trend information based on data that the audited entity provided. In this situation, auditors may assess the evidence by using overall analytical tests of underlying

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data, combined with knowledge and understanding of the systems or processes used for compiling information.

- f. The audit objectives might focus on identifying emerging and crosscutting issues using information that audited entities compiled or self-reported. In such cases, it may be helpful for the auditors to consider the overall appropriateness of the compiled information along with other information available about the program. Other sources of information, such as inspector general reports or other external audits, may provide the auditors with information regarding whether any unverified or self-reported information is consistent with or can be corroborated by these other external sources of information.

**8.104** In terms of its form and how it is collected, evidence may be categorized as physical, documentary, or testimonial. Physical evidence is obtained by auditors' direct inspection or observation of people, property, or events. Such evidence may be documented in summary memos, photographs, videos, drawings, charts, maps, or physical samples. Documentary evidence is already existing information, such as letters, contracts, accounting records, invoices, spreadsheets, database extracts, electronically stored information, and management information on performance. Testimonial evidence is obtained through inquiries, interviews, focus groups, public forums, or questionnaires. Auditors frequently use analytical processes, including computations, comparisons, separation of information into components, and rational arguments, to analyze any evidence gathered to determine whether it is sufficient and appropriate. Evidence may be obtained by observation, inquiry, or inspection. Each type of evidence has its own strengths and weaknesses. The following contrasts are useful in judging the appropriateness of evidence. However, these contrasts are not adequate in themselves to determine appropriateness. The nature and types of evidence used to support auditors' findings and conclusions are matters of the auditors' professional judgment based on the audit objectives and audit risk.

- a. Evidence obtained when internal control is effective is generally more reliable than evidence obtained when internal control is weak or nonexistent.<sup>77</sup>

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<sup>77</sup>See paras. 8.39 through 8.67 for a discussion of internal control.

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- b.** Evidence obtained through the auditors' direct physical examination, observation, computation, and inspection is generally more reliable than evidence obtained indirectly.
  - c.** Examination of original documents is generally more reliable than examination of copies.
  - d.** Testimonial evidence obtained under conditions in which persons may speak freely is generally more reliable than evidence obtained under circumstances in which the persons may be intimidated.
  - e.** Testimonial evidence obtained from an individual who is not biased and has direct knowledge about the area is generally more reliable than testimonial evidence obtained from an individual who is biased or has indirect or partial knowledge about the area.
  - f.** Evidence obtained from a knowledgeable, credible, and unbiased third party is generally more reliable than evidence obtained from management of the audited entity or others who have a direct interest in the audited entity.

**8.105** Testimonial evidence may be useful in interpreting or corroborating documentary or physical information. Documentary evidence may be used to help verify, support, or challenge testimonial evidence.

**8.106** Surveys generally provide self-reported information about existing conditions or programs. Evaluating the survey design and administration assists auditors in evaluating the objectivity, credibility, and reliability of the self-reported information.

**8.107** When sampling is used, the appropriate selection method will depend on the audit objectives. When a representative sample is needed, the use of statistical sampling approaches generally results in stronger evidence than that obtained from nonstatistical techniques. When a representative sample is not needed, a targeted selection may be effective if the auditors have isolated risk factors or other criteria to target the selection.

## Overall Assessment of Evidence

### Requirements: Overall Assessment of Evidence

**8.108** Auditors should perform and document an overall assessment of the collective evidence used to support findings and conclusions, including the results of any specific assessments performed to conclude on the validity and reliability of specific evidence.

**8.109** When assessing the overall sufficiency and appropriateness of evidence, auditors should evaluate the expected significance of evidence to the audit objectives, findings, and conclusions; available corroborating evidence; and the level of audit risk. If auditors conclude that evidence is not sufficient or appropriate, they should not use such evidence as support for findings and conclusions.

**8.110** When the auditors identify limitations or uncertainties in evidence that is significant to the audit findings and conclusions, they should perform additional procedures, as appropriate.

### Application Guidance: Overall Assessment of Evidence

**8.111** Professional judgments about the sufficiency and appropriateness of evidence are closely interrelated, as auditors interpret the results of audit testing and evaluate whether the nature and extent of the evidence obtained is sufficient and appropriate.

**8.112** Sufficiency and appropriateness of evidence are relative concepts, which may be thought of as a continuum rather than as absolutes. Sufficiency and appropriateness are evaluated in the context of the related findings and conclusions. For example, even though the auditors may identify some limitations or uncertainties about the sufficiency or appropriateness of some of the evidence, they may nonetheless determine that in total there is sufficient, appropriate evidence to support the findings and conclusions.

**8.113** The steps to assess evidence may depend on the nature of the evidence, how the evidence is used in the audit or report, and the audit objectives.

- a. Evidence is sufficient and appropriate when it provides a reasonable basis for supporting the findings or conclusions within the context of the audit objectives.

- b. Evidence is not sufficient or appropriate when (1) using the evidence carries an unacceptably high risk that it could lead auditors to reach an incorrect or improper conclusion; (2) the evidence has significant limitations, given the audit objectives and intended use of the evidence; or (3) the evidence does not provide an adequate basis for addressing the audit objectives or supporting the findings and conclusions.

**8.114** Evidence has limitations or uncertainties when its validity or reliability has not been assessed or cannot be assessed, given the audit objectives and the intended use of the evidence. Limitations also include errors identified by the auditors in their testing.

**8.115** Additional procedures that could address limitations or uncertainties in evidence that are significant to the audit findings and conclusions include

- a. seeking independent, corroborating evidence from other sources;
- b. redefining the audit objectives or the audit scope to eliminate the need to use the evidence;
- c. presenting the findings and conclusions so that the supporting evidence is sufficient and appropriate and describing in the report the limitations or uncertainties with the validity or reliability of the evidence, if such disclosure is necessary to avoid misleading the report users about the findings or conclusions; and
- d. determining whether to report the limitations or uncertainties as a finding, including any related significant internal control deficiencies.

## Findings

### Requirements: Findings

**8.116** As part of a performance audit, when auditors identify findings, they should plan and perform procedures to develop the criteria, condition, cause, and effect of the findings to the extent that these elements are relevant and necessary to achieve the audit objectives.

**8.117** Auditors should consider internal control deficiencies in their

evaluation of identified findings when developing the cause element of the identified findings when internal control is significant to the audit objectives.

### **Application Guidance: Findings**

**8.118** Findings may involve deficiencies in internal control; noncompliance with provisions of laws, regulations, contracts, and grant agreements; or instances of fraud.

**8.119** Given the concept of accountability for use of public resources and government authority, evaluating internal control in a government environment may also include considering internal control deficiencies that result in waste or abuse. Because the determination of waste and abuse is subjective, auditors are not required to perform specific procedures to detect waste or abuse in performance audits. However, auditors may consider whether and how to communicate such matters if they become aware of them. Auditors may also discover that waste or abuse are indicative of fraud or noncompliance with provisions of laws, regulations, contracts, and grant agreements.

**8.120** Waste is the act of using or expending resources carelessly, extravagantly, or to no purpose. Importantly, waste can include activities that do not include abuse and does not necessarily involve a violation of law. Rather, waste relates primarily to mismanagement, inappropriate actions, and inadequate oversight.

**8.121** The following are examples of waste, depending on the facts and circumstances:

- a. Making travel choices that are contrary to existing travel policies or are unnecessarily extravagant or expensive.
- b. Making procurement or vendor selections that are contrary to existing policies or are unnecessarily extravagant or expensive.

**8.122** Abuse is behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances, but excludes fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements. Abuse also includes misuse of authority or position for

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personal financial interests or those of an immediate or close family member or business associate.

**8.123** The following are examples of abuse, depending on the facts and circumstances:

- a. Creating unneeded overtime.
- b. Requesting staff to perform personal errands or work tasks for a supervisor or manager.
- c. Misusing the official's position for personal gain (including actions that could be perceived by an objective third party with knowledge of the relevant information as improperly benefiting an official's personal financial interests or those of an immediate or close family member; a general partner; an organization for which the official serves as an officer, director, trustee, or employee; or an organization with which the official is negotiating concerning future employment).

**8.124** Criteria: To develop findings, criteria may include the laws, regulations, contracts, grant agreements, standards, measures, expected performance, defined business practices, and benchmarks against which performance is compared or evaluated. Criteria identify the required or desired state or expectation with respect to the program or operation. The term program includes processes, projects, studies, policies, operations, activities, entities, and functions. Criteria provide a context for evaluating evidence and understanding the findings, conclusions, and recommendations in the report.

**8.125** Condition: Condition is a situation that exists. The condition is determined and documented during the audit.

**8.126** Cause: The cause is the factor or factors responsible for the difference between the condition and the criteria, and may also serve as a basis for recommendations for corrective actions. Common factors include poorly designed policies, procedures, or criteria; inconsistent, incomplete, or incorrect implementation; or factors beyond the control of program management. Auditors may assess whether the evidence provides a reasonable and convincing argument for why the stated cause is the key factor contributing to the difference between the condition and the criteria.

**8.127** Effect or potential effect: The effect or potential effect is the outcome or consequence resulting from the difference between the condition and the criteria. When the audit objectives include identifying the actual or potential consequences of a condition that varies (either positively or negatively) from the criteria identified in the audit, effect is a measure of those consequences. Effect or potential effect may be used to demonstrate the need for corrective action in response to identified problems or relevant risks.

**8.128** The elements needed for a finding are related to the objectives of the audit. Thus, a finding or set of findings is complete to the extent that the audit objectives are addressed and the report clearly relates those objectives to the elements of a finding. For example, an audit objective may be to determine the current status or condition of program operations or progress in implementing legislative requirements, and not the related cause or effect. In this situation, developing the condition would address the audit objective, and developing the other elements of a finding would not be necessary.

**8.129** The cause of a finding may relate to an underlying internal control deficiency. For example, auditors conducting a compliance audit may find that an audited entity has not complied with certain legislation. Upon further evaluation, the auditors may find the root cause of the finding to be that one of the entity's control activities was not properly designed. In this case, the finding would be an instance of noncompliance, but the cause of the finding would be an internal control deficiency.

**8.130** Considering internal control in the context of a comprehensive internal control framework, such as *Standards for Internal Control in the Federal Government* or *Internal Control—Integrated Framework*,<sup>78</sup> can help auditors to determine whether underlying internal control deficiencies exist as the root cause of findings. When the audit objectives include explaining why a particular type of positive or negative program performance, output, or outcome identified in the audit occurred, the underlying deficiencies are referred to as cause. Identifying the cause of

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<sup>78</sup>The COSO Framework and the Green Book provide suitable and available criteria against which management may evaluate and report on the effectiveness of the entity's internal control. The Green Book may be adopted by entities beyond those federal entities for which it is legally required, such as state, local, and quasi-governmental entities, as well as other federal entities and not-for-profit organizations, as a framework for an internal control system.

problems may assist auditors in making constructive recommendations for correction. Auditors may identify deficiencies in program design or structure as the cause of deficient performance. Auditors may also identify deficiencies in internal control that are significant to the subject matter of the performance audit as the cause of deficient performance. In developing these types of findings, the deficiencies in program design or internal control would be described as the cause. Often the causes of deficient program performance are complex and involve multiple factors, including fundamental, systemic root causes.

**8.131** When the audit objectives include estimating the extent to which a program has caused changes in physical, social, or economic conditions, “effect” is a measure of the program’s impact. In this case, effect is the extent to which positive or negative changes in actual physical, social, or economic conditions can be identified and attributed to the program.

## Audit Documentation

### Requirements: Audit Documentation

**8.132** Auditors must prepare audit documentation related to planning, conducting, and reporting for each audit. Auditors should prepare audit documentation in sufficient detail to enable an experienced auditor, having no previous connection to the audit, to understand from the audit documentation the nature, timing, extent, and results of audit procedures performed; the evidence obtained; and its source and the conclusions reached, including evidence that supports the auditors’ significant judgments and conclusions.

**8.133** Auditors should prepare audit documentation that contains evidence that supports the findings, conclusions, and recommendations before they issue their report.

**8.134** Auditors should design the form and content of audit documentation to meet the circumstances of the particular audit. The audit documentation constitutes the principal record of the work that the auditors have performed in accordance with standards and the conclusions that the auditors have reached. The quantity, type, and content of audit documentation are a matter of the auditors’ professional judgment.

**8.135** Auditors should document the following:

- a. the objectives, scope, and methodology of the audit;
- b. the work performed and evidence obtained to support significant judgments and conclusions, as well as expectations in analytical procedures, including descriptions of transactions and records examined (for example, by listing file numbers, case numbers, or other means of identifying specific documents examined, though copies of documents examined or detailed listings of information from those documents are not required); and
- c. supervisory review, before the audit report is issued, of the evidence that supports the findings, conclusions, and recommendations contained in the audit report.

**8.136** When auditors do not comply with applicable GAGAS requirements because of law, regulation, scope limitations, restrictions on access to records, or other issues affecting the audit, the auditors should document the departure from the GAGAS requirements and the impact on the audit and on the auditors' conclusions.

### **Application Guidance: Audit Documentation**

**8.137** Audit documentation is an essential element of audit quality. The process of preparing and reviewing audit documentation contributes to the quality of an audit. Audit documentation serves to (1) provide the principal support for the audit report, (2) aid auditors in conducting and supervising the audit, and (3) allow for the review of audit quality.

**8.138** An experienced auditor means an individual (whether internal or external to the audit organization) who possesses the competencies and skills that would have enabled him or her to conduct the performance audit. These competencies and skills include an understanding of (1) the performance audit processes, (2) GAGAS and applicable legal and regulatory requirements, (3) the subject matter associated with achieving the audit objectives, and (4) issues related to the audited entity's environment.

**8.139** When documenting departures from the GAGAS requirements, the audit documentation requirements apply to departures from unconditional

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requirements and from presumptively mandatory requirements when alternative procedures performed in the circumstances were not sufficient to achieve the objectives of the requirements.

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## Availability of Individuals and Documentation

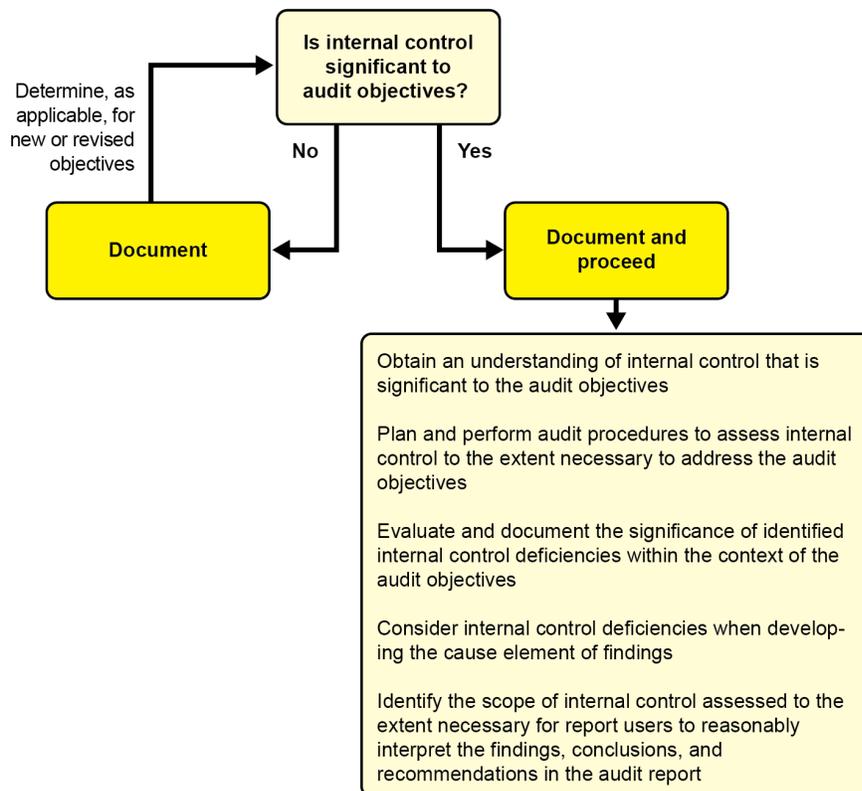
**Requirement: Availability of Individuals and Documentation**

**8.140** Subject to applicable provisions of laws and regulations, auditors should make appropriate individuals and audit documentation available upon request and in a timely manner to other auditors or reviewers.

**Application Guidance: Availability of Individuals and Documentation**

**8.141** Underlying GAGAS audits is the premise that audit organizations in federal, state, and local governments and public accounting firms engaged to conduct audits in accordance with GAGAS cooperate in auditing programs of common interest so that auditors may use others' work and avoid duplication of efforts. The use of auditors' work by other auditors may be facilitated by contractual arrangements for GAGAS audits that provide for full and timely access to appropriate individuals and to audit documentation.

**Figure 4: Consideration of Internal Control in a Generally Accepted Government Auditing Standards Performance Audit**



Source: GAO. | GAO-21-368G

## 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 March 12, 2026, I served the:

- **Current Mailing List dated February 3, 2026**
- **Controller's Comments on the Incorrect Reduction Claim filed on March 11, 2026**

*Child Abduction and Recovery, 25-4237-I-06*

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

Fiscal Years: 2016-2017, 2017-2018, 2018-2019, 2019-2020

County of Ventura, 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 March 12, 2026 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:** 2/3/26

**Claim Number:** 25-4237-I-06

**Matter:** Child Abduction and Recovery

**Claimant:** County of Ventura

### 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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