

Office of the State Controller
State-Mandated Costs Claiming Instructions No. 2023-01
Juveniles: Custodial Interrogation – Program No. 380
Revised October 1, 2024

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 Juveniles: Custodial Interrogation program. SCO issues these claiming instructions subsequent to the Commission on State Mandates (CSM) adopting the program’s Parameters and Guidelines (Ps & Gs). The [Ps & Gs](#) are an integral part of the claiming instructions and are located on CSM’s website.

On January 27, 2023, the CSM adopted a Decision finding that Welfare and Institutions Code section 625.6 as amended by Statutes 2020, Chapter 335, imposed a reimbursable state-mandated program only on counties and cities within the meaning of Article XIII B, section 6 of the California Constitution and GC section 17514.

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

Only a city, county, or city and county that incurs increased costs as a result of this mandate is eligible to claim reimbursement. School districts and community college districts are not eligible for reimbursement under this program.

Reimbursement Claim Deadline

- **Initial Reimbursement Claims**

Initial reimbursement claims must be filed within 120 days from the issuance date of the claiming instructions. Costs incurred for compliance with this mandate are reimbursable for the period beginning January 1, 2021 through June 30, 2021 for fiscal year 2020-21; and the period beginning July 1, 2021 through June 30, 2022 for fiscal year 2021-22, must be filed with the SCO and be delivered or postmarked on or before **October 24, 2023**, before a late fee is assessed. A separate claim must be filed for each fiscal year.

- **Annual Reimbursement Claims**

Annual reimbursement claims for subsequent fiscal years 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 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 GC 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 the 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 the 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 the 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 the 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 the SCO to initiate an audit will commence to run from the date of initial payment of the claim.

Record Retention

All documentation to support actual costs claimed must be retained during the period subject to audit and made available to the SCO upon request. The period subject to audit is at a minimum, three years after the date that the actual reimbursement claim is filed or last amended, whichever is later, or, 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, three years after the date of initial payment of the claim. If an audit has been initiated by the 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 the SCO on request.

Claim Submission

Electronic submissions of the signed Form FAM-27, all other forms, and supporting documentation are accepted through an online file transfer protocol called the **Data Exchange Portal (DEP)**. All information regarding [DEP](#) is available on the SCO's website.

If submitting via mail, submit the documents listed for electronic submission and include an additional copy of the Form FAM-27 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

For more information, contact the Local Reimbursements Section by [email](#).

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|--|---------------------------|--|-----------------|------------------------|
| JUVENILES: CUSTODIAL INTERROGATION CLAIM FOR PAYMENT FORM | | For State Controller's Office Use Only (19) Program Number 00380 (20) Date Filed (21) LRS Input | | PROGRAM 380 |
| (01) Claimant Identification Number | | Reimbursement Claim Data | | |
| (02) Claimant Name | | (22) | FORM 1, (04)(g) | |
| County of Location | | (23) | FORM 1, (06) | |
| Street Address or P.O. Box and Suite | | (24) | FORM 1, (07) | |
| City, State, and Zip Code | | (25) | FORM 1, (09) | |
| (03) | Type of Claim | (26) | FORM 1, (10) | |
| (04) | (09) Reimbursement | (27) | | |
| (05) | (10) Combined | (28) | | |
| (06) | (11) Amended | (29) | | |
| (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 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.

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

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

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| PROGRAM 380 | JUVENILES: CUSTODIAL INTERROGATION CLAIM FOR PAYMENT INSTRUCTIONS | FORM FAM-27 |
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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.

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| PROGRAM 380 | JUVENILES: CUSTODIAL INTERROGATION CLAIM FOR PAYMENT INSTRUCTIONS (CONTINUED) | FORM FAM-27 |
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- (22) to (26) Bring forward the cost information as specified in the left-hand column of lines (22) through (26) for the reimbursement claim, e.g., Form 1, (04)(g), means the information is located on Form 1, line (04)(g). 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.
- (27) 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 printed 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 or electronic signature. If submitting by U.S. Postal Service or by other delivery service, attach a copy of the FAM-27 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, claim preparer, telephone number, and email address.

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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

For more information, contact the Local Reimbursements Section by [email](#).

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| PROGRAM 380 | JUVENILES: CUSTODIAL INTERROGATION CLAIM SUMMARY | | | | | | FORM 1 | | | |
| (01) Claimant | | | (02) | | | Fiscal Year 20__/20__ | | | | |
| (03) Department | | | | | | | | | | |
| Claim Statistics | | | | | | | | | | |
| Number of 16 and 17 year olds that required consultation in accordance with the reimbursable activity | | | | | | | | | | |
| Direct Costs | | | | Object Accounts | | | | | | |
| | | | | (a) | (b) | (c) | (d) | (e) | (f) | (g) |
| (04) Reimbursable Activity | | | | Salaries | Benefits | Materials and Supplies | Contract Services | Fixed Assets | Travel | Total |
| <p>Ensure that youths, ages 16 and 17, <i>except for those who affirmatively request to consult with retained legal counsel</i>, consult with legal counsel prior to custodial interrogation and before the waiver of any <i>Miranda</i> rights. In instances where the youth does not exercise their right to retain a private attorney, this includes providing legal counsel to consult with the youth in person, by telephone, or by video conference prior to a custodial interrogation, and before the waiver of any <i>Miranda</i> rights.</p> <p>Reimbursement is not required in the following situations:</p> <ul style="list-style-type: none"> • When the 16 or 17 year old affirmatively requests to consult with retained private counsel prior to interrogation and before waiver of any <i>Miranda</i> rights, which is required by existing state and federal law. • For school districts or community college districts, who are authorized but not required by state law to employ peace officers. • When the officer who questioned the youth reasonably believed the information the officer sought was necessary to protect life or property from an imminent threat and the officer's questions were limited to those questions that were reasonably necessary to obtain that information. • In the normal performance of a probation officer's duties under Welfare and Institutions Code sections 625, 627.5, or 628. | | | | | | | | | | |
| (05) Total Direct Costs | | | | | | | | | | |

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| PROGRAM 380 | JUVENILES: CUSTODIAL INTERROGATION CLAIM SUMMARY | FORM 1 |
| (01) Claimant | (02) | Fiscal Year 20__/20__ |
| (03) Department | | |
| 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) plus line (07)] | |
| Cost Reduction | | |
| (09) Less: Offsetting Revenues (<i>see Attachment A</i>) | | |
| (10) Less: Other Reimbursements | | |
| (11) Total Claimed Amount | [Line (08) minus {line (09) plus line (10)}] | |

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| PROGRAM 380 | JUVENILES: CUSTODIAL INTERROGATION CLAIM SUMMARY INSTRUCTIONS | FORM 1 |
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of costs.
- (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 totals from Form 2, line (05), columns (d) through (i), to Form 1, block (04), columns (a) through (f), in the appropriate row. Total each row.
Note: Please refer to the parameters and guidelines for the details of the reimbursable activity.
- (05) Total columns (a) through (g).
- (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 the 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%, excluding fringe benefits. 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)(g), and Total Indirect Costs, line (07).
- (09) If applicable, enter any offsetting revenue received by the claimant for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes. The funds listed on Attachment A **must** be identified as offsetting revenues if used by the claimant to pay for the mandated activities in this program. Complete Attachment A detailing all offsetting revenues.
- (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.
- (11) From 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.

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| PROGRAM 380 | JUVENILES: CUSTODIAL INTERROGATION DETAILED SUMMARY OF OFFSETTING REVENUES | ATTACHMENT A |
| (01) Claimant | (02) | Fiscal Year 20 ____ /20 ____ |
| OFFSETTING REVENUES | | Amount |
| 1. Funding appropriated from the General Fund by Statutes 2020, chapter 92 (AB 1869) to backfill a county for the revenue lost due to the repeal of former Penal Code section 987.4 and former Government Code section 27712, which provided funding for the costs of defense counsel and legal assistance in criminal proceedings, to the extent that the funds are used to offset a county's costs to comply with the mandate | | |
| 2. Funding made available to counties pursuant to Penal Code section 987.6 for providing legal assistance for persons charged with violations of state criminal law or involuntarily detained under the Lanterman-Petris-Short Act and used to offset a county's costs to comply with the mandate | | |
| TOTAL OFFSETTING REVENUES | | |

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| PROGRAM 380 | JUVENILES: CUSTODIAL INTERROGATION ACTIVITY COST DETAIL | FORM 2 |
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| (01) Claimant | (02) | Fiscal Year 20__/20__ |
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(03) Reimbursable Activity:
 Ensure that youths, ages 16 and 17, *except for those who affirmatively request to consult with retained legal counsel*, consult with legal counsel prior to custodial interrogation and before the waiver of any *Miranda* rights. In instances where the youth does not exercise their right to retain a private attorney, this includes providing legal counsel to consult with the youth in person, by telephone, or by video conference prior to a custodial interrogation, and before the waiver of any *Miranda* rights.

| (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) Fixed Assets | (i) Travel |
| | | | | | | | | |
| (05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: _____ of _____ | | | | | | | | |

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| PROGRAM 380 | JUVENILES: CUSTODIAL INTERROGATION ACTIVITY COST DETAIL INSTRUCTIONS | FORM 2 |
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of costs.
- (03) A separate Form 2 must be prepared for applicable activity.

Note: Please refer to the parameters and guidelines for the details of the reimbursable activity.

- (04) The following table identifies the type of information required to support reimbursable costs. To itemize costs for the activity 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. The descriptions required in column (04)(a) must be of sufficient detail to explain the cost of activities or items being claimed.

| Required Documentation to Support Reimbursable Costs | | | | | | | | | | |
|---|---|--|---|---|--|---|---|------------------------------------|---------------------------------------|--|
| Object Accounts | Columns | | | | | | | | | Submit Supporting Documents with the Claim |
| | (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) | (i) | |
| Salaries | Employee Name and Job Classification | Hourly Rate | Hours Worked | Salaries equal Hourly Rate times Hours Worked | | | | | | |
| Benefits | Activities Performed | Benefit Rate | | | Benefits equal Benefit Rate times Salaries | | | | | |
| Materials and Supplies | Description of Supplies Used | Unit Cost | Quantity Used | | | Costs equal Unit Cost times Quantity Used | | | | |
| Contract Services | Name of Contractor and Specific Tasks Performed | Hourly Rate | Hours Worked and Inclusive Dates of Service | | | | Costs equal Hourly Rate times Hours Worked or Total Contract Cost | | | Copy of Contract and/or Invoices |
| Fixed Assets | Description of Equipment Purchased | Unit Cost times Quantity | Usage | | | | | Costs equal Total Cost times Usage | | Copy of Contract and/or Invoices |
| Travel | 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 | | | | | | Costs equals Rate times Days or Miles | |

- (05) Total line (04), columns (d) through (i) 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 (i) to Form 1, block (04), columns (a) through (f) in the appropriate row.