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FACT SHEET February 2023

Timekeeping for AB 1058 Child Support Commissioner and Family Law Facilitator Program

Purpose

This fact sheet is intended to provide courts with a broad overview of the complex federal, state, and judicial branch timekeeping requirements for court staff who work in the AB 1058 Child Support Program. AB 1058 court funding includes federal and state funds that mandate courts to comply with very specific service and timekeeping requirements. The vast majority of grant funds are used to reimburse courts for program-related court personnel and contract staff salaries and benefits. Thus, accurate timekeeping and documentation by the AB 1058 court staff are essential to ensure continued funding for the program. Courts should refer to the resources found at https://www.courts.ca.gov/48700.htm for additional detailed information on program timekeeping requirements.

Background and Program Overview

The AB 1058 Child Support Commissioner (CSC) and Family Law Facilitator (FLF) Program is a mandated statewide court program authorized by Assembly Bill 1058 (stats. 1996, Ch. 957) to expedite processing of child support cases receiving services by the local child support agency. The Judicial Council administers this program by overseeing program and budget administration and ensuring successful implementation of the program.

Funding

Judicial branch program funding (approximately $64 million per year) is authorized by Title IV-D of the Social Security Act and Assembly Bill 1058. A cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council provides statewide program funding for the courts in exchange for the provision of specified court services that support the federal and state child support program. A standard agreement between the Judicial Council and each court provides for local court program funding. Court funds are to be used for court activities related to the establishment of parentage and child support orders,

modification of child support orders and enforcement of those orders for cases that are currently receiving services from the local child support agency, and designated outreach activities.

- **Why is accurate timekeeping important for the court's AB 1058 Program**?
    - The purpose of timekeeping is to ensure and document that Title IV-D funds are used solely for staff activities that directly benefit the Title IV-D program as determined by federal and state legal requirements.
    - Proper timekeeping ensures that courts will not have to return funds in an audit.
    - Accurate timekeeping ensures that Title IV-D funding will continue to be available to the judicial branch.
- **Which court staff must track program time?**

    All court staff paid by the AB 1058 grant funds for personal services rendered in support of the grant must track their time. This includes both court employees (W-2 staff) and contract staff. This includes those who work 100% of their time on grant and those who split time with other activities paid by other funding sources (other grants, trial court trust funds, etc.). Court employees must track time on a mandatory timesheet. Contract staff must track time on a mandatory contractor activity log. Timesheets can be found here: https://www.courts.ca.gov/48700.htm.
- **What is required to ensure and document accurate timekeeping?**
    - Courts must comply with basic federal timekeeping requirements:
        - Base charges for salary/wages on records that accurately reflect the work performed;
        - Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
        - Certify that an employee's timesheet reasonably reflects all activities for which they are compensated regardless of whether they are reimbursable by the grant;

- Comply with established accounting policies and practices;
- Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works in more than one federal award or a federal award and non-federal award;
- Ensure that if an expense benefits more than one program, the cost is shared proportionally to the benefit of each program; and,
- Be aware that budget estimates alone do not qualify as support for charges to federal awards.

- For courts using the traditional time-keeping methodology, each court staff who charges any time to be reimbursed by AB 1058 funding must complete a timesheet or contractor activity log that:
  - Accounts for 100% of the time spent on all activities, separately tracking actual time spent on IV-D and non-IV-D activities;
  - Reports staff time on the mandatory grant timesheet and follows Judicial Council instructions, policies, and procedures, including those contained in the AB 1058 Grant Accounting Manual; and,
  - Tracks actual time spent on the activity.
- Supervisory staff must review and approve staff timesheets to ensure their accuracy before submitting for reimbursement.
- Court maintains back-up documentation for a minimum of 4 year, 4 months to support the information reflected timesheet in the event of an audit. For example: Prior audits have verified the timesheets of CSCs and their staff by pulling court calendars, matching party names with DCSS data base to ensure all cases were active Title IV-D cases and checking minute orders to confirm no non-reimbursable issues were heard without being properly documented on the timesheet.

- **What court staff activities can be reported as reimbursable on the timesheet?**
    - Generally, an activity is reimbursable when it is work done on a case that is currently receiving services from a local child support agency; AND
        - Is limited only to issues of parentage, child support (establishment, modification or enforcement), companion spousal support, or health insurance, in that case (i.e., Title IV-D Issues); OR
        - Very brief (5 minutes of less per customer) FLF services such as providing basic information on court processes, distribution of court forms, making a referral or customer triage (screening the customer to determine eligibility for services and type of service needed).
    - Time spent by FLF staff providing customer services on Title IV-D issues presented in a group/workshop setting and providing information about the availability of Title IV-D services.
    - Approved staff training limited to Title IV-D issues only. *(See AB 1058 Grant Accounting Manual for details on limitations)*

Frequently Asked Questions

Is all assistance to a customer with an open child support case reimbursable?
No, only work on Title IV-D activities is billable to the grant. For example, if the FLF assists a customer (who has an open child support case at the LCSA) request a domestic violence restraining order, this assistance cannot be charged to the AB 1058 grant as this is not a reimbursable service.

Can FLF be reimbursed for answering non-IV-D related questions?
Yes, brief information and referral (triage) can be charged to the AB 1058 grant, even if the issues discussed are not related to child support (for example if a customer seeks information about how to file for divorce). However, triage services need to be limited to less than 5 minutes per customer.

Can FLF charge the AB 1058 grant for a divorce workshop?
Yes, but only if: 1) more than one customer is present; 2) time billed is only for time spent discussing parentage, child support, health insurance and other IV-D issues; and 3) the workshop must provide information regarding available IV-D services.

How do hearings with multiple issues (IV-D and non-IV-D) get tracked?
If there is an open case with the LCSA and a hearing is conducted on a motion to modify child support and child custody/visitation, only the time spent on child support is charged to the AB 1058 grant. The CSC and court clerk should track the actual time spent on the reimbursable (child support modification) and non-reimbursable (custody/visitation) issues and report the time under the appropriate categories on their timesheet. The fact that there is an open case with the support agency does not make an otherwise "non-reimbursable service" reimbursable.

If 100% of my time is spent working on IV-D issues, do I still need to complete a timesheet?
Yes, all court staff paid by the AB 1058 grant funds must complete the appropriate timesheet.

Our program receives one-half its funding from AB 1058 grant and one-half from another source. Can staff timesheets just charge 50% of all hours worked to each funding source?
No, staff timesheets must show actual time worked and report it under the appropriate timesheet category based upon whether the activity is IV-D reimbursable or not. Estimates or projections based upon the court's grant budget do not support salary charges to the grant.

I'm a court supervisor and on average my staff report one-half their actual time on IV-D activities and one-half on non-IV-D activities. Can I charge my time "50/50" based on my staff's reported time?
No. Supervisory staff need to report their actual time spent on IV-D activities. Using staff reported time would be an unauthorized alternative timekeeping methodology. However, it may be more appropriate for supervisory staff to recover costs of their time in the court's Indirect Cost Rate, if tracking actual time is not practical.

Do contract employees need to track their time?
Yes, even if the court pays a flat rate to a contract employee (for example $250 per day for a court reporter), the contract employee must track actual time worked on the

required Contractor Activity Log. Like regular court staff, the contractor must track their actual time spent on IV-D activities and non-IV-D activities and the court must allocate the contractor's costs between reimbursable and non-reimbursable activities.

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