



FAMILY COURT OF THE STATE OF DELAWARE

Michael K. Newell
CHIEF JUDGE

NEW CASTLE COUNTY COURTHOUSE
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INTERNAL POLICY MEMORANDUM NO. 23-001

TO: Family Court Judges
Family Court Commissioners
Family Court Administrative Team
Family Court Administrative Support Staff

FROM: Michael K. Newell
Chief Judge

DATE: July 1, 2023

RE: Travel Policy

This Internal Policy Memorandum replaces Internal Policy Memorandum -16-001 and is effective immediately.

1.0 BACKGROUND

Family Court recognizes the need to provide guidelines and specific procedures with regard to requesting, incurring and reporting travel expenses for employees and Judicial Officers of Family Court for authorized travel expenses incurred in the conduct of Court and State business.

2.0 PURPOSE

In collaboration with the Statewide Travel Policy contained in Chapter 11 of the State Budget and Accounting Manual, the Court is hereby establishing uniform standards for travel allowances, travel restrictions, and reimbursable items consistent with state laws and regulations.

This policy is an "Accountable Plan" for IRS purposes, and as such, employee reimbursements are not reported as pay. "Accountable Plans" require per diem rates be "similar in form to and not more than the federal rate". The federal rates are established by the U.S. General Services Administration (GSA) each year for the period October 1 to September 30. This policy requires employees to use the GSA rates effective during the period of travel.

3.0 SCOPE

This policy applies to all Family Court employees, including: Judges, Commissioners, Administrative Team, Law Clerks, Judicial Secretaries, and casual seasonals. This policy also applies to anyone approved by the Chief Judge to travel at the Court's expense.

While this policy does not cover every possible situation, it establishes adequate parameters for employees and approving authorities to make appropriate judgments about the expenditure of

State/Federal funds. When these parameters must be exceeded, appropriate documentation must be provided and approved by court approving authorities as designated in this policy. Alternatives to travel should always be considered prior to approving travel requests.

If any part of this policy is in conflict with any Federal or State law/policy, or Office of Management and Budget Director Mandate, that part shall be null and void; all other parts shall remain operative.

4.0 REFERENCES

- 4.1 Office of Management and Budget – Government Support Services – Fleet Services
Website: <http://gss.omb.delaware.gov/fleet/index.shtml>
- 4.2 United States General Services Administration – Travel – Plan & Book – Per Diem Rates
website: <http://www.gsa.gov/portal/content/104877>
- 4.3 United States Department of State Foreign Per Diem Rates by Location:
https://aoprals.state.gov/web920/per_diem.asp
- 4.4 National Association of Counties search by city website:
<http://explorer.naco.org/index.html?zipSearch>

5.0 DEFINITIONS

- 5.1 The “Court” is defined as Family Court of the State of Delaware.
- 5.2 “Judicial Officer” includes Judges and Commissioners.
- 5.3 “Employee” includes all Family Court staff, including Judges and Commissioners.
- 5.4 “Common Carrier” is defined as a carrier offering its services at published rates to all persons for interstate transportation.
- 5.5 A “Detailed/Itemized Receipt” is written documentation that contains ALL of the following pieces of information: Business Name, Date of Purchase, Item(s) Purchased, Price of Each Item, Total Amount of Bill, and Method of Payment. In some cases more than one piece of documentation may be needed to make up an itemized receipt.
- 5.6 “Incidental Expenses” include cash tips given to porters, baggage carriers, bellhops, etc.

6.0 RESPONSIBILITIES

- 6.1 Employees must become completely familiar with the requirements and limitations contained herein and are required to follow the provisions of this policy.
- 6.2 Employee’s requesting the authorization to travel must complete an Authorization for Travel Expense Form allowing at least two weeks for the approval process. No travel plans can be initiated until full approval as designated in this policy has been received by the employee.
- 6.3 The Family Court Fiscal Services Unit will coach and counsel employees as required on interpretation of this policy and any questions or concerns that they may have when completing the Authorization for Travel Expense and Personal Expense Reimbursement form, but at no time is it permissible for a fiscal unit employee to complete these forms for the submitting employee.
- 6.4 Employees who have been assigned a State of Delaware Procurement card are permitted to use the credit card for all allowable travel related expenses within the guidelines established herein and the Family Court State Procurement Card Internal Policy

- 6.5 If the situation arises where insufficient funds are available to support initially approved travel, the Fiscal Services Unit shall advise the Court Administrator and Director of Operations in the respective county of the funding issue. Initial approvals of the funding request will be rescinded until such time as the funding is identified. Employees will be reimbursed for any expenses that have already been incurred and cannot be refunded and any applicable cancelation fees. Refundable expenses that have already been reimbursed will need to be paid back to the court.
- 6.6 If travel is canceled by the employee, the employee must notify all approving authorities of the need to cancel and will be responsible for reimbursing the court for all previously reimbursed expenses and any applicable cancelation fees. Cancelations outside of the employee's control will be reviewed on a case-by-case basis.
- 6.7 Employees requesting reimbursement must complete a Personal Expense Reimbursement form within the timeframes established in this policy. There is no guarantee of repayment, if the form and all required documentation are not submitted within the established timeframes.
- 6.8 Employees are required to submit an itemized receipt for all charges incurred on the State of Delaware credit card and as required as established herein.

7.0 POLICY

7.1 Procedure to request Authorization to Travel

7.1.1 Same Day In-State Travel – Employees needing to travel in-state for Court or State business are required to use a State of Delaware Fleet Services vehicle unless the employee receives prior supervisory approval to use his or her personal vehicle. Judges, Commissioners and members of the Administrative Team are exempt from the requirement to use a Fleet vehicle.

7.1.1.1 *State Owned Vehicles* – An employee must have supervisory approval to make a reservation for a Fleet vehicle. Once approved, reservations must be made online at the [Office of Management and Budget – Government Support Services – Fleet Services website](#). Upon receipt of the reservation confirmation from Fleet Services, the employee must forward the confirmation to their immediate supervisor. Upon receipt, the supervisor is responsible for forwarding their approval and a copy of the confirmation to the Fiscal Services Unit. Any reservation made without supervisory approval will be brought to the supervisor's attention. Employees are encouraged to carpool when using Fleet vehicles when traveling to and from the same event or destination in order to reduce the cost of travel.

7.1.1.2 *Privately Owned Vehicles* – Supervisory approval for use of a personal vehicle should take into consideration the availability of a State Fleet vehicle, the best use of the employee's time, and the most economical route. Employees must submit to their supervisor for approval, written justification to use a personal vehicle including: purpose for travel, justification for personal vehicle use and an estimated mileage reimbursement amount. Approval must be received prior to use or reimbursement will not be authorized. If a personal vehicle is used due to non-availability of a Fleet vehicle, documentation of the fleet vehicle's non-availability must also be included. The supervisor is responsible for

forwarding their approval and a copy of the justification (including non-availability documentation when applicable) plus expense estimate to the Fiscal Services Office prior to use of the personal vehicle for review and approval. All documentation with approval must also be attached to the employee's Personal Expense Reimbursement form when submitted to the Fiscal Services Unit for reimbursement.

7.1.2 Overnight In-State or Out-of-State Travel – All travel delineated in this section, regardless of funding source, shall be assigned by the Court or approved prior to departure by the Chief Judge or Court Administrator on the Authorization for Travel Expenses form (Travel Authorization form) available on Courtdocs. Approval must be acquired prior to any registration or travel arrangements being finalized.

7.1.2.1 The Chief Judge's approval is mandatory for:

7.1.2.1.1 all travel that is taken outside the United States; and/or

7.1.2.1.2 all travel that is taken by a Judicial Officer.

7.1.2.2 Travel Authorization forms must be submitted for each employee (group forms will not be approved) to the employee's immediate supervisor and must include justification documenting the requirement for travel and attendance noting the direct benefit to the court, brochures or itinerary, registration, and documentation corroborating travel expense estimates (i.e. Federal per diem rate from the Federal General Services Administration (GSA) website, flight itinerary, etc.). If the source of funding is known by the employee, it should be noted on the Travel Authorization form prior to submission.

7.1.2.3 A Travel Authorization form will only be valid if it has been signed by all necessary approving authorities and all the required supporting documentation is attached. Reimbursement shall not be made unless the appropriate parties have approved the Travel Authorization form.

7.1.2.4 Approval or denial during each stage of this process will be immediately reported back the employee's supervisor who is responsible for notifying the requesting employee. Denial of authorization will include reason for refusal.

7.1.2.5 By signing/approving the Travel Authorization form, each approving authority is certifying that any travel authorized directly or recommended is in the best interest of the court, work absence and impact has been considered and resolved and is consistent with all Federal, State and Court requirements.

7.1.2.6 Approving Authority:

7.1.2.6.1 Judicial Officers Only: Travel Authorization forms for Judicial Officers traveling in or outside of the continental United States and all required documentation will be submitted directly to the Chief Judge for approval to attend and then forwarded to the Director of Fiscal Services for review, auditing, and determination of funding availability. Approval or denial will be immediately reported back to the requesting Judicial Officer. Denial of authorization will include reason for refusal.

7.1.2.6.2 Non-Judicial Officers: The employee's supervisor shall indicate approval by signing the authorization and forwarding

it with all documentation to the Director of Operations in the employee's respective county for review and approval. The approving Director of Operations will forward the completed form and corresponding documentation to the Director of Fiscal Services for review, auditing, and determination of funding availability. The source of funds, state or special, must be completed by the fiscal services unit prior to submission for final approval. Once approved for funding, the Travel Authorization form will be forwarded to the Court Administrator for final approval (exception: Travel Outside the Continental United States, see 7.1.2.1). Upon final approval, the Travel Authorization form will be forwarded to the requesting employee and all approving authorities.

7.2 Transportation

- 7.2.1 Transportation expenses shall be based on the cost of the most economical and direct route. The mode of travel must be justified on the basis of the most economical use of time of the personnel involved and the requirements of the trip.
- 7.2.2 When extenuating emergency conditions arise, reservations may be made other than the most economical means with the justification documented and approved.
- 7.2.3 When an employee travels via an indirect route or interrupts travel for personal reasons, the employee must note this on their Travel Authorization or Personal Reimbursement form and will be reimbursed for costs for the most economical and direct route, not to exceed the actual amount spent. The employee will be responsible for any extra expenses generated by taking indirect routes. Documentation reflecting the most economical direct flight price and the actual flight price must be included with the Travel Authorization or Personal Expense Reimbursement form to establish the reimbursement rate.
- 7.2.4 Same-day in-state travel where either no expenses are incurred, only a registration fee, or the cost to use a State vehicle are incurred or any travel assigned by the Court does not require the completion of a Travel Authorization form.
- 7.2.5 Common Carrier:
 - 7.2.5.1 Travel by air shall be coach/economy class (unless some other class is more economical.) Travel by rail shall be by the most economical class accommodation.
 - 7.2.5.2 The Court will reimburse employees for the cost of the first baggage fee, any baggage fees after the first within reasonable expectations (length of stay, presentation material, etc.) may be considered.
 - 7.2.5.3 Expenses related to personal accommodation (priority boarding, preferred seating, in-flight Wi-Fi, etc.) will not be reimbursed unless prior approval has been given. Requests for these accommodations including justification must be requested in advance either via email or included on the Travel Authorization form in order to receive approval and allow for reimbursement.
- 7.2.6 Passenger Vehicles

7.2.6.1 State-Owned (Fleet) Vehicles

- 7.2.6.1.1 Judges, Commissioners and members of the Administrative Team are exempt from the requirement to use a Fleet vehicle.
- 7.2.6.1.2 In order to obtain a state vehicle, the employee must complete an Authorized Driver Designation Application as required for use of any state vehicle (Supervisor can assist with the completion of this form).
- 7.2.6.1.3 Once authorized by Fleet Services, a PIN number is assigned to the employee, which must be safely retained by the employee for refueling Fleet vehicles with the vehicle assigned gas card.
- 7.2.6.1.4 All users of Fleet vehicles must be aware of the policies and procedures and the Fleet Services Handbook (which is available on the [Fleet Services website](#)).
- 7.2.6.1.5 Costs associated to parking will be reimbursed with documentation reflecting actual cost (receipt). Employees will only be reimbursed for tolls that cannot be paid utilizing the Fleet vehicle equipped EZ Pass with documentation reflecting actual cost. All documentation must be attached to the employee's Personal Expense Reimbursement form (located on Courtdocs) when submitted to the Fiscal Services Unit for reimbursement.

7.2.6.2 Use of Personal Vehicles – Mileage Reimbursement

- 7.2.6.2.1 Reimbursement will be made at the rate currently established by the State. No costs (gas, oil, repairs, etc.) will be reimbursed – only the established mileage rate. When two or more are traveling in a privately owned vehicle, only one mileage reimbursement shall be permitted.
- 7.2.6.2.2 Employees will be reimbursed for mileage based on actual mileage used for state or court related travel. Except for direct court to court travel, a copy of documentation reflecting the actual mileage usage must be obtained via an online direction providing website (MapQuest, Google Maps, etc.) and included with all mileage reimbursements. Parking and toll expenses incurred during court related travel will be reimbursed with documentation reflecting actual cost (instate tolls do not require a receipt but must be reflected in the mileage documentation). All support documentation must be attached to the employee's Personal Expense Reimbursement form (located on Courtdocs) when submitting to the Fiscal Service Unit for reimbursement.
- 7.2.6.2.3 When an employee requests reimbursement for the use of his or her personal vehicle on a regularly scheduled work day, and he or she does not travel to and/or from the normal work location, the employee's normal commute to and/or from work shall be deducted from the mileage request. If an employee leaves from their assigned work location to attend a court or state meeting, conference or training and returns

to work that same day, the amount of commuting mileage should not be deducted from the total mileage request. Documentation reflecting the actual mileage for the employee's regular commute must be obtained via an online direction providing website (MapQuest, Google Maps, etc.) and included with their mileage reimbursement.

7.2.6.2.4 Approval of mileage reimbursements not related to non-availability of a Fleet vehicle shall not exceed [Fleet Services'](#) daily (discounted) rate for sedans (not applicable to employees exempt from Fleet Vehicle requirement).

7.2.6.2.5 The State will not provide insurance coverage to repair an employee's vehicle for damages incurred when it was used for State business. An employee's personal automobile policy provides primary coverage for accidents in which an employee is involved in his or her personal vehicle.

7.2.6.3 Rental Cars

7.2.6.3.1 The use of a rental car when traveling in-state is not permissible under any circumstances.

7.2.6.3.2 The use of a rental car when traveling out-of-state must be justified as an economical need and not as a matter of personal convenience and requires prior approval by the Chief Judge or designee. Whenever possible, compact cars shall be rented unless a larger vehicle is more economical or appropriate (due to number of personnel traveling).

7.3 Travel Allowances

7.3.1 Employees authorized to travel in-state or out-of-state for court business will be reimbursed for their expenditures as outlined below. Reimbursement for travel expenses incurred without required receipts is strictly prohibited. A "no receipt-no reimbursement" policy applies. Exceptions to the receipt requirement are itemized throughout this policy. An affidavit for receipts that are lost, stolen, etc. may be acceptable, contingent on approval from the Director of Fiscal Services and Court Administrator/ Chief Judge.

7.3.2 Per Diem Rates:

7.3.2.1 The maximum per diem rate for a location is composed of (1) a lodging allowance (excluding taxes and fees), (2) meal and incidental expense allowance (including tips and taxes on meals).

7.3.2.2 All per diem rates for the continental United States can be located at the GSA website below. In the event a location cannot be located on this website, a predetermined standard rate applies. (see Note below) <http://www.gsa.gov/perdiem> .

Foreign Area Per Diem rates can be located at this website: https://aoprals.state.gov/web920/per_diem.asp

NOTE: When searching the location of travel, if the destination city is not listed, it may be located within a county for which rates are listed. To determine what county a city is located in, visit the [National Association of Counties \(NACO\) website](#). If the county is not listed than the standard per diem rate listed for that state is utilized.

7.3.2.3 The maximum reimbursement for lodging and meals is the actual cost limited to 150% times the local per diem rate as defined in 7.3.2.2 and 7.3.4. An increase in per diem may be needed due to:

7.3.2.3.1 Lodging and/or meal(s) being provided at a prearranged place such as the hotel where the conference is taking place,

7.3.2.3.2 Costs in the area may have increased dramatically due to special events,

7.3.2.3.3 Requested in advance for specific reasons relating to the travel, or

7.3.2.3.4 Reasons pre-approved by the Court.

7.3.2.4 Justification to qualify for lodging or meal reimbursement for more than 150% and up to 300% of the locality per diem rate must be submitted to and approved by the Director of Fiscal Services, Court Administrator, or Chief Judge prior to any registration or travel arrangements being finalized.

7.3.3 Lodging

7.3.3.1 The Court will pay via the State Procurement card or reimburse an employee for costs associated to lodging incurred during Court related travel up to the approved lodging per diem as described in 7.3.2.2. An itemized receipt is required for all lodging expenses (reimbursed or paid by State Procurement card).

7.3.3.2 Arrangements for hotel or motel accommodations are to be made on the basis of the lowest priced room available, vicinity to conference/meeting, and employee safety. If room arrangements are being made available through the conference, these must be utilized as a first choice.

7.3.3.3 If lodging is shared jointly with other employees, such fact shall be reflected on the Travel Authorization and Personal Expense Reimbursement form including the name(s) of the employees included.

7.3.3.4 If an employee's spouse accompanies him/her on an authorized overnight trip, the spouse's accommodations are not reimbursable. The employee will only be reimbursed on the single occupancy rate. No travel expenses for family members or others not on approved official Court business will be considered reimbursable.

7.3.3.5 When utilizing the State of Delaware Procurement card only authorized personnel expenses are permitted. Expenses for family members or others not on approved official Court business are prohibited even if the intention is to reimburse the Court.

7.3.3.6 Expenses related to personal accommodation (Wi-Fi, gym use, etc.) will not be reimbursed or paid using the State Procurement card unless prior approval has been given. Requests for these accommodations including justification must be requested in advance either via email or included on the Travel Authorization form in order to receive approval and allow for reimbursement.

7.3.4 Meals

7.3.4.1 The Court will pay or reimburse an employee for the necessary and reasonable cost of meals incurred during Court related travel up to the pre-approved meal per diem. The Court has established two meal per diem options, Basic Per Diem/No Receipt Required and Contingent Per

Diem/Receipts Required. The Per Diem option must be determined prior to the trip occurring and cannot be changed or combined during the course of the trip.

7.3.4.1.1 Basic Per Diem/No Receipts required: Employees will only be reimbursed up to 100% of the allowable per diem (not to exceed \$75 per day) as described in 7.3.2.2, 7.3.4.2, and 7.3.4.3. Receipts are not required for meal related and incidental expenses only. If an employee selects this option, the State Procurement Card cannot be utilized for any meal related expense (including room services) since receipts are required for all purchases made utilizing the State Procurement Card and the per diem methods cannot be combined. The per diem cannot be paid in advance of the trip occurring.

7.3.4.1.2 Contingent Per Diem/Receipts required: Employees will be reimbursed up to 150% of the allowable per diem as described in 7.3.2.2, 7.3.4.2, and 7.3.4.3. Individual meal expenses must be itemized regardless of cost and receipts are required. Meal expenses must be documented, identifying date, contents of meal and cost of meal with tip (also applicable to meals provided via room service). Incidental expenses under this per diem option do not require documentation but cannot exceed \$5 per day. Gratuities in excess of 20% will not be reimbursed.

7.3.4.2 Travel days, less than 12 hours, are given a reduced per diem of 75% of the travel locations allowable per diem amount. The full allowable per diem is provided for travel days in excess of 12 hours.

7.3.4.3 Meal per diems must be reduced for all meals provided and included in the conference fee without cost to the employee by the per diem portion associated to the provided meal as shown in the following table:

	% Reduction to the location rate round to the nearest whole dollar
Breakfast	20%
Lunch	24%
Dinner	50%

NOTE: The remaining 6% is related to other incidental expenses.

7.3.4.4 Employees are expected to seek meal arrangements that meet business and personal needs as well as consider the employee's safety.

7.3.4.5 Social activities outside of the general conference will not be reimbursed unless included in the meal per diem and an itemized receipt is submitted to ensure costs associated do not include expenses that are deemed not reimbursable.

7.3.5 Reimbursement for Expenses

7.3.5.1 Employees requesting reimbursement for in-state travel expenses must submit their reimbursement request on the Courts approved Personal Expense Reimbursement form located on Courtdocs within 7 days of

personal vehicle usage (employees exempt from Fleet usage must submit monthly). The Personal Expense Reimbursement form must detail and include:

- 7.3.5.1.1 The date(s) of travel,
 - 7.3.5.1.2 Travel to and from locations,
 - 7.3.5.1.3 Detailed reason for travel (i.e. title of conference, meeting, or training, etc.)
 - 7.3.5.1.4 When applicable, reduction due to regular commute,
 - 7.3.5.1.5 Documentation justifying and approving the use of a personal vehicle (when applicable),
 - 7.3.5.1.6 Documentation reflecting the actual mileage usage and regular commute amount (when applicable), obtained via an online direction providing website (MapQuest, Google Maps, etc.), and
 - 7.3.5.1.7 Detailed receipts for all parking related to court travel.
- 7.3.5.2 Employees requesting travel reimbursement for approved overnight in-state or out-of-state travel, must submit reimbursement requests on the Courts approved Personal Expense Reimbursement form located on Courtdocs within 7 days that the expense was incurred or upon return from travel. The Personal Expense Reimbursement form must detail and include:
- 7.3.5.2.1 Approved Travel Authorization form or Court provided itinerary for travel,
 - 7.3.5.2.2 The date(s) of travel,
 - 7.3.5.2.3 Travel to and from locations,
 - 7.3.5.2.4 Detailed reason for travel (i.e. title of conference, meeting, or training, etc.)
 - 7.3.5.2.5 Only when the State Procurement card has been utilized a completed Travel Expense Form detailing expenses by how they were paid (Personal Expense – “Cash” or State Procurement Card – “PCard”) including:
 - 7.3.5.2.5.1 Costs associated to meals by day,
 - 7.3.5.2.5.2 Incidental expenses with brief description by day
 - 7.3.5.2.5.3 Transportation information including transportation to and from airport and transportation to and from location hotel,
 - 7.3.5.2.5.4 Common carrier costs,
 - 7.3.5.2.5.5 Lodging costs per day, and
 - 7.3.5.2.5.6 Detailed description of any other expenses related to travel by day.
 - 7.3.5.2.6 Detailed/itemized receipts, as required, for all expenses requested for reimbursement.
- 7.3.6 Charges which Reimbursement or State Credit Card use is Prohibited:
- 7.3.6.1 Commercial rental vehicles within the State of Delaware,
 - 7.3.6.2 Charges for alcoholic beverages (including associated tax and tip) and personal registered or certified mail.
 - 7.3.6.3 Personal property damage/loss, fines and/or costs imposed for violation of any law or ordinance are not reimbursable whether or not the traveler

was driving a State owned or privately-owned motor vehicle and regardless of the fact that the traveler was on official State business.

8.0 Funding

Expenditures for out-of-State travel from Federal or Special funds are governed by the same provisions as the use of Court dollars unless specifically exempted by or more restrictively governed by Federal guidelines or grant award procedures. If Federal Funds are to be used, it must be noted on the Travel Authorization form.

9.0 Penalty

Non-compliance with any part of the requirements or limitations of this policy may result in disciplinary action including but not limited to: the traveler not receiving reimbursement for part or all of their travel expenses, even if prior approval to travel had been obtained, or to lose the privilege of future travel on official State business, or both.