



JUDICIAL COUNCIL of CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel. 415-865-4200
Fax 415-865-4205
www.courts.ca.gov

HON. PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

HON. BRAD R. HILL
Chair, Executive and Planning Committee

HON. ANN C. MOORMAN
Chair, Judicial Branch Budget Committee

HON. MARLA O. ANDERSON
Chair, Legislation Committee
Chair, Litigation Management Committee

HON. CARIN T. FUJISAKI
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

Hon. Maria Lucy Armendariz
Hon. C. Todd Bottke
Hon. Jonathan B. Conklin
Hon. Carol A. Corrigan
Hon. Michelle Williams Court
Hon. Charles S. Crompton
Hon. Samuel K. Feng
Mr. David D. Fu
Hon. Maureen F. Hallahan
Ms. Rachel W. Hill
Hon. Brian Maienschein
Ms. Gretchen Nelson
Mr. Maxwell V. Pritt
Hon. Thomas J. Umberg

ADVISORY MEMBERS

Ms. Kate Bieker
Hon. Judith K. Dulcich
Hon. Maria D. Hernandez
Mr. Charles Johnson
Mr. Darrel E. Parker
Mr. David H. Yamasaki
Hon. Erica R. Yew

MS. SHELLEY CURRAN
Administrative Director
Judicial Council

April 4, 2024

Hon. Scott D. Wiener
Chair, Senate Committee on Budget and Fiscal Review
Chair, Joint Legislative Budget Committee
1020 N Street, Room 502
Sacramento, California 95814

Hon. Jesse Gabriel
Chair, Assembly Committee on Budget
Vice-Chair, Joint Legislative Budget Committee
1021 O Street, Suite 8230
Sacramento, California 95814

*Re: Report on Allocation of Funding in 2023–24 for Federally Funded
Dependency Representation Program Shortfall*

Dear Senator Wiener and Assembly Member Gabriel:

Under item 0250-102-0932, provision 2, of the Budget Act of 2023, the Judicial Council is submitting this *Report on Allocation of Funding in 2023–24 for Federally Funded Dependency Representation Program Shortfall*.

In January 2019, the U.S. Department of Health and Human Services made court-appointed counsel in dependency proceedings eligible for federal matching funds. The Judicial Council established the Federally Funded Dependency Representation Program (FFDRP) beginning fiscal year 2019–20 to support the courts and court-appointed counsel (CAC) providers in accessing these newly available federal funds to support enhanced legal representation services for families and children in dependency proceedings. For fiscal year 2023–24, an estimated maximum of \$66 million is available in federal matching dollars to courts and CAC providers.

The \$66 million estimate is based on the amount that the 2023 Budget Act provided in state General Fund for court-appointed dependency counsel. FFDRP providers are unable to reach the federal reimbursement maximum for two reasons: (1) the scope of services eligible for reimbursement under federal funding is narrower than under the state General Fund, and (2) not all providers are currently capable of providing the type of documentation required for federal reimbursement. Participating providers were able to bill 53 percent in fiscal year 2019–20; 64 percent in fiscal year 2020–21; 72 percent in fiscal year 2021–22; and 71 percent in fiscal year 2022–23.

To address these issues, the Budget Act of 2023 includes a provision that up to \$30 million of General Fund be made available to the Judicial Council to reimburse courts and providers for any gap existing between the \$66 million estimate and what the state is able to recover in federal funds. In fiscal year 2022–23, \$15.6 million of the General Fund made available by the provisional authority was used to reimburse courts and providers for this purpose.

As required by the 2023 Budget Act, this report identifies (a) the total federal reimbursements invoiced statewide in the first two quarters of the current fiscal year; (b) projected shortfalls in year-end federal reimbursements; and (c) a proposed allocation and distribution of any portion of the \$30 million necessary to address projected shortfalls.

(a) The total federal reimbursements invoiced statewide in the first two quarters of the current fiscal year.

The Judicial Council received approximately 188 of the 410 invoices expected statewide for the first two quarters of the current fiscal year, for a total of \$13.2 million in federal reimbursements.

(b) Projected shortfalls in year-end federal reimbursements.

Based on the data on legal representation invoices that were eligible for federal reimbursement, Judicial Council staff project a shortfall in federal reimbursements of approximately \$17 million to \$25 million in fiscal year 2023–24.

(c) A proposed allocation and distribution of any portion of the \$30 million necessary to address projected shortfalls.

By June 30, 2024, the Judicial Council will issue contracts to fund approximately 56 to 70 providers that entered into an FFDRP contract and have submitted invoices for every month under contract or documented extenuating circumstances preventing them from invoicing.

It is expected that participating providers will have submitted all fiscal year 2023–24 FFDRP invoices to the Judicial Council by July 26, 2024, so that the final shortfall amount in federal reimbursements can be determined.

By August 19, 2024, providers will have invoiced the council for the federal reimbursement shortfall amount so that all quarterly payments can be issued before September 30, 2024.

Hon. Scott D. Wiener
Hon. Jesse Gabriel
April 4, 2024
Page 3

If you have any questions related to this report, please contact Ms. Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts, at 415-865-7706.

Sincerely,



Shelley Curran
Administrative Director
Judicial Council

SC/AF/gl

cc: Cara L. Jenkins, Legislative Counsel
Erika Contreras, Secretary of the Senate
Eric Dang, Counsel, Office of Senate President pro Tempore Mike McGuire
Emelyn Rodriguez, General Counsel, Office of Assembly Speaker Robert Rivas
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
Mark Jimenez, Principal Program Budget Analyst, Department of Finance
Henry Ng, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Mark McKenzie, Staff Director, Senate Appropriations Committee
Hans Hemann, Principal Consultant, Joint Legislative Budget Committee
Eric Csizmar, Consultant, Senate Republican Policy Office
Matt Osterli, Consultant, Senate Republican Fiscal Office
Morgan Branch, Consultant, Senate Republican Policy Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Sandy Uribe, Chief Counsel, Assembly Public Safety Committee
Nora Brackbill, Consultant, Senate Budget and Fiscal Review Committee
Jennifer Kim, Consultant, Assembly Budget Committee
Jay Dickenson, Chief Consultant, Assembly Appropriations Committee
Annika Carlson, Consultant, Assembly Appropriations Committee
Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget
Gary Olson, Consultant, Assembly Republican Office of Policy & Budget
Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget
Cory T. Jasperson, Director, Governmental Affairs, Judicial Council
Zlatko Theodorovic, Director, Budget Services, Judicial Council
Fran Mueller, Deputy Director, Budget Services, Judicial Council
Alona Daniliuk, Administrative Coordinator, Governmental Affairs, Judicial Council