

The Workload Formula is the Judicial Council-approved methodology that determines the need for trial court staff and funding based on workload measures. The Workload Formula Adjustment Request Process (ARP) allows the trial courts to request a change in the Workload Formula for unforeseen factors not currently accounted for in the model to better serve the needs of the courts.

Requests for the 2025 ARP submission cycle are **due by Wednesday, January 15, 2025**, and should include the following information:

1. A description of how the factor is not currently accounted for in the Workload Formula.

AB3038 goes into effect January 1, 2025, which requires courts to conduct a criminal search in the Automated Firearms System (AFS) to determine if a subject of a proposed domestic violence restraining order owns or possesses a firearm. The bill amends Family Code 6306 which previously designated this search conditional on available funding and now makes it a requirement. The additional time has not been accounted for that is necessary to include this task in the CLETS background check which is completed on each request for a domestic violence restraining order that the court receives.

2. Identification and description of the basis for which the adjustment is requested.

The additional AFS background screen will require additional time to complete.

3. A detailed analysis of why the adjustment is necessary.

Court Investigators complete over 750 background CLETS searches each month on subjects pertaining to requests for a domestic violence restraining order. The details of this search are transcribed onto an Investigative Summary form and provided to judges for review. The average time to complete this task is one to two and a half hours per day depending upon the number of cases and the extent of the criminal history being reviewed. Initial test cases of the results from AFS show that the data about gun purchases and transfers is detailed including information about the make and model of the firearm, identifying details about the dealer, name and address of the purchaser and date of transaction. Currently, a .25 FTE Court Investigator position is allocated to this task. Depending on the extent of information that will be necessary to transcribe onto the Investigative Summary form from AFS an additional 3 hours (.075 FTE) of time per week could be necessary to fulfill this obligation.

4. A description of whether the unaccounted-for factor is unique to the applicant court(s) or has broader applications.

The passage of AB3038 impacts all courts in California by making it mandatory for all requests for a DVRO to include a search in AFS.

5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by the Workload Formula.

The cost to meet this requirement is \$11,422 per year to allocate 3 hours per week of Court Investigator time. The average salary of a court investigator in our court is \$48.81 per hour, and \$73.22 with benefits.

6. Description of the consequences to the public and access to justice without funding.

An essential issue of public safety will not occur in tracking access to firearms by potential violent perpetrators. This will hinder a judge's awareness of the level of risk associated with allegations of violence and the necessity of court action to restrict a potentially dangerous perpetrator from having access to firearms.

7. Description of the consequences to the requesting court(s) of not receiving the funding.

Since doing background checks in AFS is now required, without receiving funding necessary to this task our court will resort to using existing Court Investigation resources which will reduce the allocation of time to other essential job duties such as guardianship and conservatorship investigations. This will result in longer wait times to complete these investigations and leave vulnerable populations such as children without permanent residences and disabled persons in potentially unsafe living environments.

Requests should be submitted to Michelle Curran, Judicial Council Administrative Director, and copied to the Trial Court Budget Advisory Committee mailbox at tcbac@jud.ca.gov.

The ARP procedures are attached for reference. Please contact Oksana Tuk at Oksana.Tuk@jud.ca.gov if you have any questions.