



JUDICIAL COUNCIL OF CALIFORNIA

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Director, Governmental Affairs

May 18, 2015

Hon. Jimmy Gomez, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 900 (Levine), as amended April 23, 2015 – Fiscal Impact Statement
Hearing: Assembly Appropriations Committee – May 20, 2015

Dear Assembly Member Gomez:

AB 900 would, for the purposes of determining special immigrant juvenile status (SIJS), authorize a court to appoint a guardian of the person of an unmarried individual who is 18 years of age or older but who has not yet reached the age of 21 if the ward consents. The bill would also authorize a court to extend a guardianship of the person of a ward beyond 18 years of age, as specified, if the ward requests or consents. The bill would provide that the guardianship of the person terminates after the ward turns 18 years old unless the ward consents to, or requests the extension of, the guardianship of the person until he or she turns 21 years old.

Currently under California law, guardianships may be appointed for children until they reach the age of majority. By extending the availability of guardianships to wards until they reach the age of 21, or by allowing the appointment of a guardian to unmarried individuals between 18 and 21 years old, AB 900 creates a new workload impact on the courts.

To calculate the possible cost implications of the workload that might arise should AB 900 be enacted, there are two factors to be considered: the number of youth who might qualify for SIJS guardianships as allowed by the bill, and the cost to the court of establishing a guardianship.

Beginning with the cost to the court, Judicial Council staff conducted a time study of the time of judicial officers on certain case types. Because of the similarities in the work of the judicial officers, guardianships and conservatorships are combined into a single case type. The data show that on average in conservatorship and guardianship cases, judges spend about one and three quarter hours total on each case.

In conservatorships, there is a heavy emphasis on investigators; they are required to undertake investigations in each case, whereas investigations may occur, but are not required in guardianships. Additionally, both case types rely heavily on court staff (in addition to investigators), such as clerks in the court room and behind the scenes to ensure that the paperwork associated with each case is properly entered into the case file. The staff compliment may include research attorneys, clerks, and other court staff.

The combined time of the judicial officer and staff (including salary, benefits, and appropriate OE&E) is \$600 per hour. Using this figure for each guardianship case at one and three quarter hours of time for the judicial officer plus the associated time of the support staff, the cost to the court is estimated to be approximately \$1,050 per case.

To determine the universe of 18 to 21-year-olds who might be eligible for appointment of a guardianship pursuant to AB 900, a series of assumptions and calculations is required. The basic data on unaccompanied minors released from the custody of the federal Office of Refugee Resettlement (ORR) shows that 5,831 children were released to sponsors in 2014, and 1,355 children have been released in the first six months of this year¹. Of those, 27 percent, according to ORR, were under the age of 14. The calculation to determine those who might be between 18 and 21, or who might turn 18 and therefore become eligible for the guardianship provisions of AB 900, requires some extrapolation. Of the 73 percent who are 14 and older², we estimate that roughly 50 percent would be at, approaching or over 18³, and that of those, 50 percent could be placed with a parent, making them ineligible for a SIJS guardianship. That leaves a potential

¹ The federal government uses an October-September year. 2014 refers to October 2013 through September 2014, and "this year" refers to October 2014 through September 2015.

² Based on ORR numbers, 23% of the 5831 children released to sponsors in 2014 equals 1341 children. That leaves 4257 youth 14 and older in 2014. In the current year, the projected number of total youth is 2710. 23% of those youth released to sponsors would be 732, leaving 1978 youth 14 and older.

³ Of the total universe of 6235 youth 14 and older (4257+1978), we project that 50%, or 3117, will be close enough to be eligible for non-minor guardianships at some point this year. We further estimated that 50%, 1559, of those youth will have been/be placed with a parent and so not eligible for SIJS.

Hon. Jimmy Gomez
May 18, 2015
Page 3

universe of 1,559 children who might currently be eligible for a SJIS guardianship per the terms of AB 900.

For the purposes of this analysis, we present the possible impact of AB 900 should it be signed into law as a range, from low to high estimates using the above calculations as a reference. Assuming 1,000 youth between 18 and 21 in California who would be eligible for the SJIS guardianship, the cost to the courts in new workload would be about \$1 million. Using the 1,500 cases estimate above, the costs would be \$1.57 million. At 2,000, the number increases to \$2.10 million.

The Judicial Council is unable to precisely predict the number of youth between 18 and 21 who will qualify for and seek SJIS guardianships. The numbers presented here are to illustrate the potential workload and cost burden to the trial courts, recognizing that the burden will not be distributed evenly among California's courts.

Please note that the information contained in this request does not constitute a position in favor of or against the proposed legislation by the Judicial Council of California, and sets forth only the considerations related to the fiscal burdens that might be faced by the branch and branch entities should the bill be enacted into law.

Please contact me if you have questions about the information contained in this letter.

Sincerely,



Andi Liebenbaum
Senior Governmental Affairs Analyst

AL/yc-s

cc: Members, Assembly Appropriations Committee
Hon. Marc Levine, Member of the Assembly
Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Mr. Allan Cooper, Fiscal Consultant, Assembly Republican Fiscal Office
Ms. Stella Choe, Counsel, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Tiffany Garcia, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Director, Governmental Affairs

August 3, 2015

Hon. Ricardo Lara, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 900 (Levine), as amended June 24, 2015 – Fiscal Impact Statement
Hearing: Senate Appropriations Committee – August 17, 2015

Dear Senator Lara:

AB 900 would authorize a court to appoint a guardian, or extend a guardianship, for an unmarried individual who is between 18 and 21 years of age in connection with a petition to make the necessary findings regarding special immigrant juvenile status (SIJS), as specified, with the consent of the proposed ward.

Currently under California law, guardianships may be appointed for children until they reach the age of majority. By extending the availability of guardianships to wards until they reach the age of 21, or by allowing the appointment of a guardian to unmarried individuals between 18 and 21 years old, AB 900 would create a new workload impact on the courts.

To calculate the possible cost implications of the workload that might arise should AB 900 be enacted, there are two factors to be considered: the number of youth who might qualify for SIJS guardianships as allowed by the bill, and the cost to the court of establishing a guardianship.

Beginning with the cost to the court, Judicial Council staff conducted a time study of the time of judicial officers on certain case types. Because of the similarities in the work of the judicial officers, guardianships and conservatorships are combined into a single case type. The data show that on average in conservatorship and guardianship cases, judges spend about one and three quarter hours total on each case.

In conservatorships, there is a heavy emphasis on investigators; they are required to undertake investigations in each case, whereas investigations may occur, but are not required in guardianships. Additionally, both case types rely heavily on court staff (in addition to investigators), such as clerks in the court room and behind the scenes to ensure that the paperwork associated with each case is properly entered into the case file. The staff compliment may include research attorneys, clerks, and other court staff.

The combined time of the judicial officer and staff (including salary, benefits, and appropriate OE&E) is \$600 per hour. Using this figure for each guardianship case at one and three quarter hours of time for the judicial officer plus the associated time of the support staff, the cost to the court is estimated to be approximately \$1,050 per case.

To determine the universe of 18- to 21-year-olds who might be eligible for appointment of a guardianship pursuant to AB 900, a series of assumptions and calculations is required. The basic data on unaccompanied minors released from the custody of the federal Office of Refugee Resettlement (ORR) shows that 5,831 children were released to sponsors in 2014, and 1,355 children have been released in the first six months of this year¹. Of those, 27 percent, according to ORR, were under the age of 14. The calculation to determine those who might be between 18 and 21, or who might turn 18 and therefore become eligible for the guardianship provisions of AB 900, requires some extrapolation. Of the 73 percent who are 14 and older², we estimate that roughly 50 percent would be at, approaching or over 18³, and that of those, 50 percent could be placed with a parent, making them ineligible for a SJIS guardianship. That leaves a potential universe of 1,559 children who might currently be eligible for a SJIS guardianship per the terms of AB 900. These calculations are, however, best guesses. Assuming 1,000 youth between 18 and 21 in California would be eligible for the SJIS guardianship, the cost to the courts in new workload would be about \$1 million.

¹ The federal government uses an October-September year. 2014 refers to October 2013 through September 2014, and "this year" refers to October 2014 through September 2015.

² Based on ORR numbers, 23% of the 5831 children released to sponsors in 2014 equals 1341 children. That leaves 4257 youth 14 and older in 2014. In the current year, the projected number of total youth is 2710. 23% of those youth released to sponsors would be 732, leaving 1978 youth 14 and older.

³ Of the total universe of 6235 youth 14 and older (4257+1978), we project that 50%, or 3117, will be close enough to be eligible for non-minor guardianships at some point this year. We further estimated that 50%, 1559, of those youth will have been/be placed with a parent and so not eligible for SJIS.

The Judicial Council is unable to precisely predict the number of youth between 18 and 21 who will qualify for and seek SIJS guardianships. The cost presented here illustrates the potential workload and cost burden to the trial courts, recognizing that the burden will not be distributed evenly among California's courts.

Please note that the information contained in this request does not constitute a position in favor of or against the proposed legislation by the Judicial Council of California, and sets forth only the considerations related to the fiscal burdens that might be faced by the branch and branch entities should the bill be enacted into law.

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Sincerely,



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Hon. Marc Levine, Member of the Assembly
Ms. Jolie Onodera, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Ms. Nichole Rapiere, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor
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