

From: [Barbara Cockerham](#)
To: ["FamilyJuvenileComm@jud.ca.gov"](mailto:FamilyJuvenileComm@jud.ca.gov)
Subject: AB1058 Allocation Methodology
Date: Wednesday, November 18, 2015 10:22:56 AM
Attachments: [DOC \(13\).PDF](#)

Amador Court's letter concerning the funding for AB1058.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF AMADOR

500 ARGONAUT LANE • JACKSON, CA 95642
(209) 257-2600

BARBARA COCKERHAM, COURT EXECUTIVE OFFICER

November 17, 2015

AB 1058 Funding Allocation Joint Subcommittee of the Family and Juvenile Law
Advisory
Committee, Trial Court Budget Advisory Committee, and
Workload Assessment Advisory Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

RE: AB 1058 Funding Allocation

Dear Honorable Co-Chairs Juhas, Kuhl , Asberry and Joint Subcommittee Members:

This court has had the opportunity to review the posted materials for the AB1058 Funding Allocation Subcommittee meeting being held on Thursday, November 19, 2015. In view of the substantially reduced funding impact for the AB1058 child support program and Family Law Facilitator services, this drastic reduction will have an overwhelming impact on this court and small rural community, and the level of service we will be able to provide.

We are a 2-judge court with a .3 AB1058 Commissioner. At one point we used to share Commissioners with Calaveras and Tuolumne. As a result of the child support workload in each of our respective courts, we continued on with the original allocation for a Child Support Commissioner which is a .3 position.

Administering the AB1058 program in the courts under the proposed funding methodology would prove to be a catastrophic nightmare for this Court, as well as with other 2-judge courts in the State.

Like Nevada Superior Court, in respect to the distribution of funds allocated to the Family Law Facilitator Program, because we share resources with Calaveras, under this committee's recommendation the Amador- Calaveras Court would only receive one minimum floor sum of \$45,597. I firmly believe the method in applying this funding formula is unquestionably flawed. Each court should receive its own separate

J.S. Hermanson, Presiding Judge • Renee C. Day, Judge
• Barbara Cockerham, Court Executive Officer

funding floor. The combining of both Courts should provide for funding in the aggregate amount of \$91,194. This Court also takes the position Nevada Superior Court takes in questioning why are two totally separate county courts with its own operation budget, combined so as to avoid a minimum floor (if appropriate) for each court?

I would argue that Amador is subject to a separate calculation due to our collaborative services agreement with Calaveras. We are advised by and concur with Nevada Court's position that termination of our joint services agreement would be a necessary step to avoid defunding Amador.

There are sixteen rural courts in California: Alpine, Amador, Calaveras, Del Norte, Glenn, Humboldt, Inyo, Lassen, Mariposa, Trinity Siskiyou, Sierra, Plumas, Mono, Modoc, and Colusa. 80% of these courts will see a disparate, inequitable impact in its AB1058 funding if this recommendation is approved. Some Courts will see a deduction as high as 80.8% and 75.3%, while some counties such as Riverside will see an increase in its allocation totaling more than 125% in its total allocation. Services and resources are already sparse in rural communities and this decrease will be devastating.

It is troubling and disconcerting to see a recommended funding cut in Amador of 58.7%. For rural counties such as Amador, other factors should be considered when determining funding allocations. More consideration should be given in order to maintain service levels for these women and families seeking legal services, without undermining the funding in the larger Courts where there is without question more external resources and pro bono services available.

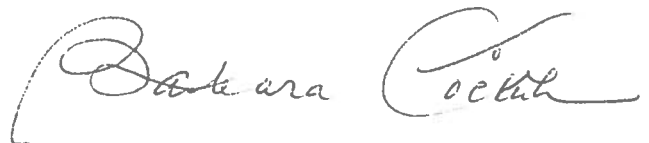
We respectfully join in Nevada's request that the subcommittee and judicial council approve Option 3, a more sustainable approach than to destabilize the balance of services and access to justice for California families in the very near future. In the event that either option 1 or option 2 is recommended, we request that the subcommittee recalculate the funds to be allocated to our court for the Child Support Commissioner and Family Law Facilitator Program, as well as the funding for other courts with (POC) plans of cooperation

Thank you for your consideration.

Sincerely,



J.S. Hermanson
Presiding Judge



Barbara Cockerham
Court Executive Officer

From: [Barbara Cockerham](#)
To: [Family Juvenile Comm](#)
Subject: AB 1058 Allocation- Attention AB 1058 Funding Allocation Joint Subcommittee
Date: Wednesday, November 18, 2015 10:07:29 AM

AB 1058 Funding Allocation Joint Subcommittee of the Family and Juvenile Law Advisory Committee, Trial Court Budget Advisory Committee, and Workload Assessment Advisory Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

RE: AB 1058 Funding Allocation

Dear Honorable Co-Chairs Juhas, Kuhl , Asberry and Joint Subcommittee Members:

First and foremost, thank you for taking the time to read my concerns regarding funding for AB1058. Like most courts throughout the state, I too had the opportunity to review the posted materials for the AB1058 Funding Allocation Subcommittee meeting to be held on Thursday, November 19, 2015. In view of the substantially reduced funding impact for the AB1058 child support program and Family Law Facilitator Program, this drastic reduction will have an overwhelming impact on this court and small rural communities, and the level of service we will be able to provide in the future.

We are a 2-judge court with a .3 AB1058 Commissioner. Administering the AB1058 program in the courts under the proposed funding methodology would prove to be a catastrophic nightmare for this Court, as well as with other 2-judge courts in the State.

Like Nevada Superior Court, in respect to the distribution of funds allocated to the Family Law Facilitator Program, because we share resources with Calaveras, under this committee's recommendation the Amador- Calaveras Court would only receive one minimum floor sum of \$45,597. I firmly believe the method in applying this funding formula is unquestionably flawed. Each court should receive its own separate funding floor. The combining of both Courts should provide for funding in the aggregate amount of \$91,194. This Court also takes the position its sister court has taken and that is asking for a qualified response as to why are two totally separate county courts with its own operations budget, combine so as to avoid a minimum floor (if appropriate) for each court?

I would argue that Amador is subject to a separate calculation due to our collaborative services agreement with Calaveras. We are advised by and concur with Nevada Court's position that termination of our joint services agreement would be a necessary step to avoid defunding Amador.

There are sixteen rural courts in California: Alpine, Amador, Calaveras, Del Norte, Glenn, Humboldt, Inyo, Lassen, Mariposa, Trinity Siskiyou, Sierra, Plumas, Mono, Modoc, and Colusa. 80% of these courts will see a disparate, inequitable impact in its AB1058 funding if this recommendation is approved. Some Courts will see a deduction as high as 80.8% and 75.3%, while some counties such as Riverside will see an increase in its allocation totaling more than 125% in its total allocation. Services and resources are already sparse

in rural communities this decrease will be devastating

It is troubling and disconcerting to see a recommended funding cut in Amador of 58.7%. For rural counties such as Amador, other factors should be considered when determining funding allocations. More consideration should be given in order to maintain service levels for these women and families seeking legal services, without undermining the funding of the larger Courts where there is without question more external resources and pro bono services available.

We respectfully join in Nevada's request that the subcommittee and judicial council approve Option 3, a more sustainable approach than to destabilize the balance of services and access to justice for California families in the very near future. In the event that either option 1 or option 2 is recommended, we request that the subcommittee recalculate the funds to be allocated to our court for the Child Support Commissioner and Family Law Facilitator Program, as well as the funding for other courts with (POC) plans of cooperation.

Thank you for your consideration.

Sincerely,

Barbara Cockerham, J.D.
Court Executive Officer
Amador Superior Court
500 Argonaut Lane
Jackson, CA 95642
Work: (209) 257-2681
bcockerham@amadorcourt.org

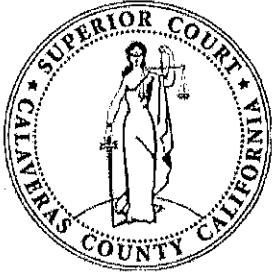
Mission Statement:

The Amador Superior Court is dedicated to serving the public by providing justice in an equal, fair, accessible, efficient, and courteous manner. The Court strives to achieve said goals by applying the law consistently and impartially to resolve disputes and by providing superb customer service to all patrons.

From: [Dan Vrtis](#)
To: [Family Juvenile Comm](#)
Subject: AB 1058 Funding Reallocation
Date: Wednesday, November 18, 2015 9:03:43 AM
Attachments: [AB1058 Reallocation -Calaveras.pdf](#)

Please see attached letter from Presiding Judge Barrett.

Dan Vrtis
Court Executive Officer
Calaveras Superior Court
400 Government Center Drive
San Andreas, CA 95249
209-754-6144
dvtis@calaveras.courts.ca.gov



**Superior Court of California
County of Calaveras**

400 Government Center Drive
San Andreas, CA 95249
(209) 754-9800 Voice (209) 754-6296 Fax
www.calaveras.courts.ca.gov

*Grant V. Barrett
Presiding Judge*

*Timothy S. Healy
Asst. Presiding Judge*

*Dan Vrtis
Court Executive Officer*

*David M. Sanders
Commissioner*

November 18, 2015

AB 1058 Funding Allocation Joint Subcommittee
of the Family and Juvenile Law Advisory
Committee, Trial Court Budget Advisory Committee,
and Workload Assessment Advisory Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: AB 1058 Funding Reallocation

Dear Honorable Co-Chairs Juhas and Kuhl and Joint Subcommittee Members:

I am writing in regards to the effect of such a reallocation of AB1058 funding, being discussed and determined, on Calaveras Superior Court. Thank you for the opportunity to comment on this proposal that would have monumental adverse consequences for our ability to provide access to justice for families in cases which we receive AB 1058 funding. A proposed funding decrease of 53% in the Commissioner program and 58% in the Family Law Facilitator would cripple these programs for Calaveras county citizens.

I am sure that you are aware that small rural courts struggle to provide adequate Court services to families. Overall funding to small courts have been reduced over the years by the WAFM calculations which fails to realize the inability of small courts to have "economies of scale".

With only a day to review the proposed funding methodology (yes - a cursory review), I am concerned that only a single data set was used to measure workload and fails to consider other important factors that impact the funding necessary to provide vital services to families with child support orders.

I strongly urge the Subcommittee to request more time to consider additional factors and gather additional input from Court leadership (PJ's and CEO's). With the additional gathering of data, it would be appropriate to delay any implementation until the FY 2017-18 so that an accurate methodology that serves the needs of families needing legal assistance could be implemented.

Thank you for your ongoing time and commitment to this very important issue.

Very truly yours,


Grant V. Barrett, Presiding Judge

From: [Gary Slossberg](#)
To: [Family Juvenile Comm](#)
Subject: AB 1058 Funding Allocation Letter for Consideration
Date: Wednesday, November 18, 2015 9:58:19 AM
Attachments: [AB 1058 Funding Allocation Letter 11.18.15.pdf](#)

Please include the attached letter as public comment at tomorrow's meeting.

Gary Slossberg
Family Law Facilitator
El Dorado Superior Court
495 Main Street
Placerville, CA 95667
tel: 530.621.6433
fax: 530.622.9774
email: gslossberg@eldoradocourt.org

Walk-in services are provided on every Tuesday and Wednesday from 9 a.m. to 2 p.m. and on every Friday from 9 a.m. to 12 p.m. on a first-come, first-serve basis.

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SUPERIOR COURT OF CALIFORNIA COUNTY OF EL DORADO

495 Main Street
Placerville, California 95667

November 18, 2015

AB 1058 Funding Allocation Joint Subcommittee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102

Dear Subcommittee Members:

This comment is being submitted for consideration at the November 19 meeting of the AB 1058 Funding Allocation Joint Subcommittee. I have had an opportunity to review the proposed new allocation methodology and believe that this methodology, if implemented, would threaten the long-term sustainability of AB 1058 programs throughout the state.

As a preliminary matter, the current proposal would result in a decrease in funding to 38 of the 54 Family Law Facilitator programs (over 70%) and 40 of the 54 Child Support Commissioner programs (over 74%). Looking specifically at the Facilitator programs, nearly half (26 of 54 programs) would receive a cut of over 30% of their funding, with 16% (9 of the 54) losing over half of their funding. Such cuts would devastate programs and compromise the ability of courts to maintain Facilitator offices as state-mandated per Family Code 10002.

While it is duly noted that the proposed cuts under this methodology could be phased in over a 3-year or 4-year time frame, given that many, if not most, of the Facilitators have served in their position for several years (some being in place since the inception of the AB 1058 program), such substantial decreases in funding compromise the ability of courts to retain experienced Facilitators over the long haul, thereby undermining the level of services provided to unrepresented litigants. Undoubtedly, some, seeing the changes on the horizon, including the inevitable reduction in staff, will consider seeking other positions sooner rather than later, resulting in a loss of resources that, for years, have provided significant support to AB 1058 programs everywhere.

These outcomes are not desirable and fortunately there are other methodologies that can be employed to provide a more equitable distribution of funds to ensure the effective provision of AB 1058 services in all courts.

Concerns with the primary use of DCSS caseload data

The majority of public comments already submitted for this meeting and the last have highlighted the problems inherent in relying on the DCSS caseload data. First, the data fails to weigh cases based on activity level. Second, the data does not include family law cases in which DCSS has intervened. Third, the data fails to account for

cases that have been active for several years (e.g., ones with contempt proceedings, multiple modifications, collection of arrears actions, etc.), in which the initial order was established years ago and therefore is missing from the data. In short, the DCSS caseload data is incomplete and not an accurate measurement of workload.

Additionally, qualitative factors are completely absent from the analysis. There is no consideration of the remoteness of rural court locations, who still, per California law, must fund an AB 1058 program. The availability (or lack) of outside and unpaid resources, such as interns, volunteers, and nearby legal services programs, that lessen the burden on court staff is not considered nor is the need for bilingual services in some counties. Similarly, the relative weighing of the need for an increase in services for courts who would get increases (some whose budgets would double) versus the negative impact of cuts to services in other courts and its effect on unrepresented litigants is not considered.

While the proposal has included factors to account for different costs of labor and a minimum floor for small courts, these factors only come into play after the DCSS caseload data is used to set a baseline. As such, the data is skewed by an incomplete measure from the onset.

At the August meeting, the Subcommittee rightly pointed out many of the limitations of using the DCSS caseload data, discussing the possibility of looking at the number of motions filed and other measures that give a better indication of case activity. Measures that more accurately reflect actual workload are a better starting point. While the Subcommittee voiced concern about the burden collection of this data would place on courts, this burden arguably is less than the burden created by significant cuts in funding and consequently services to the public.

Ultimately, however, using any single data set to proportionally allocate funds is problematic. It leads to the chasing of numbers – pressuring litigants to open cases with DCSS when it may only serve to add conflict to their family dynamic, encouraging the filing of motions when settlement is clearly within reach, limiting necessary enforcement actions that are not rewarded by the numbers to focus on those actions that are, and so forth. Instead, I encourage the Subcommittee to think differently about how to use any available data set.

An Alternative Approach

Despite the misgivings with purely quantitative data, as noted above, the numbers cannot be ignored. They certainly reflect to a great extent the relative number of people being served by AB 1058 programs. However, instead of using the data to proportionally allocate the funds, from which later adjustments can be made, I propose using the data to divide the 54 AB 1058 programs into 6 or 7 similarly-sized groups. Within each group, the Subcommittee could impose a minimum floor, not of funding, but of staffing (e.g., 0.5 FTE). Then, each court within the group could have that minimum staffing level increased if necessary based on qualitative factors, such as the need for additional staff due to multiple court locations within a particular AB 1058 program. Finally, the staffing needs in each court would be multiplied by the cost of labor in that jurisdiction as determined by the Bureau of Labor Statistics.

The resulting allocation might need to be adjusted, assuming the final result exceeded the total funding for the AB 1058 program, but following the approach outlined above would focus the analysis on the staffing needs of courts to provide an AB 1058 program. Rather than starting from the place of allocating funds based on a highly-compromised measure of workload, such as the DCSS caseload data, and then asking the courts to find a way to make it work, unrepresented litigants across the state would be better served by looking at the need for services and the cost of those services to create a baseline from which to make adjustments.

This particular methodology may not be the answer, but thinking in this direction provides a better framework for developing an allocation methodology that best serves the needs of families with child support cases. Additionally, it has the feature of offering a blueprint to request more funding for the AB 1058 program as a whole, as it reflects the actual funding needs of programs throughout the state.

In light of the options before the Subcommittee, it seems appropriate to continue to allocate funding based on the historical funding methodology for now to give time to consider the results of the DCSS program review and/or to give time to make a request for additional funding for the program as a whole. In either scenario, the Subcommittee will have time to gather additional input from the stakeholders most affected, namely Commissioners and Facilitators, on specific proposed methodologies and their impacts on individual AB 1058 programs. As to date, the only formal solicitation of input has occurred at a single roundtable for each constituency at the October AB 1058 conference. Given that any changes might be delayed until the FY 2017-2018, there appears to be time to proceed with caution in considering all options to ensure the continued health of the AB 1058 programs and the continued ability to serve unrepresented litigants in California.

Sincerely,



Gary Slossberg
Family Law Facilitator
El Dorado Superior Court

From: [Thomas Thiesen](#)
To: [Family Juvenile Comm](#)
Cc: [Lund, Andrew](#); [Bartleson, Kim](#)
Subject: AB1058 Funding Reductions
Date: Wednesday, November 18, 2015 5:36:10 PM

The current proposal before the Subcommittee should be rejected or reconsidered. It would devastate AB 1058 programs throughout the state. It relies on insufficient data, which inaccurately measure workload and fail to consider factors that ensure services to families that need child support.

Input from Family Law Facilitators, who work directly with families that need child support, has been limited to a short roundtable discussion at the October AB 1058 conference. More input is needed from all stakeholders affected by the proposed reduction. Consideration should be given to the following additional factors: the financial resources needed to support legal proceedings in child support cases and in family law cases in which DCSS has intervened and the availability of other legal services and the remoteness of court locations. Please be advised that funding for Legal Services has been drastically cut and assistance from this source is not a practical option.

At minimum, I urge the Subcommittee to set aside more time to consider additional factors and to gather more input from affected stakeholders. Adoption of any new funding model should be delayed until FY 2017-18 to ensure the new methodology makes practical sense and serves the needs of families that require child support. Without adequate child support many children will live in poverty.

Thomas A. Thiesen
Family Law Facilitator/Self-Help Attorney
Humboldt County Superior Court
825 Fifth Street
Eureka, CA 95501
707-269-1210

From: [Pamela M. Foster](#)
To: [Family Juvenile Comm](#)
Subject: AB 1058 Funding Allocation
Date: Wednesday, November 18, 2015 10:57:33 AM

TO: AB 1058 Funding Allocation Joint Subcommittee

Dear Honorable Co-Chairs Asberry, Juhas, Kuhl and Joint Subcommittee Members:

Thank you for the opportunity to submit comments on the AB 1058 Funding Allocation Methodology to be considered by your Subcommittee Thursday, November 19.

Any of the current proposals before the Subcommittee would have devastating consequences for AB 1058 programs throughout the state, particularly Cluster 1 and Cluster 2 courts, including Inyo.

From our review it seems that the proposal primarily relies on a single data set that inaccurately measures workload and fails to consider several important factors that impact the funding necessary to provide vital services to families with child support orders.

From my understanding, neither the Superior Court Presiding Judges nor CEO's were solicited for input on this proposal which could have significant adverse consequences for our ability to provide meaningful access to justice for citizens in cases for which we receive AB 1058 funding. While I can certainly understand the need to review and evaluate this vital program and the funding associated with it, I ask that the Subcommittee allow for additional time so that affected stakeholders can provide input and data that may impact the methodology.

I strongly urge the Subcommittee to request more time to consider additional factors and gather additional input from the affected stakeholders.

Pam

Pamela M. Foster

Court Executive Officer

Jury Commissioner/Clerk of Court

Superior Court of California, County of Inyo

pamela.foster@inyocourt.ca.gov

(760) 872-6728

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From: [Chris Ruhl](#)
To: [Family Juvenile Comm](#)
Cc: [Nelson, David](#); [Allen, April](#)
Subject: Comment on Process for Developing Recommendations for AB 1058 Funding Methodology
Date: Tuesday, November 17, 2015 5:45:07 PM

TO: AB 1058 Funding Allocation Joint Subcommittee

Dear Honorable Co-Chairs Juhas, Kuhl, Asberry and Joint Subcommittee Members:

Thank you very much for the opportunity to comment on the following proposal to be considered by the Subcommittee this Thursday, Nov. 19:

<http://www.courts.ca.gov/documents/famjuv-tcbac-waac-20151119-materials.pdf>

Thank you also for your time and commitment to the process of reviewing the allocation of AB1058 funding. There is no question this review of the funding methodology is timely and necessary.

This proposal and the opportunity to comment have just come to my attention in the last couple days. What I have been able to glean from my admittedly cursory initial review is that the current proposal before the Subcommittee would have devastating consequences for AB 1058 programs throughout the state, including Mendocino. It appears to rely primarily on only a single data set that inaccurately measures workload and fails to consider several important factors that impact the funding necessary to provide vital services to families with child support orders.

This proposal would have significant adverse consequences for our ability to provide meaningful access to justice for citizens in cases for which we receive AB 1058 funding. As such, I am sure my fellow CEO's and likely Presiding Judges as well would like to have more time and opportunity to closely consider the proposal so as to provide more informed and meaningful comment. (I am told the only formal solicitation of input to date was from Family Law Facilitators during a short roundtable discussion at the October AB 1058 conference.) More input from the stakeholders most affected – especially Superior Court leadership – is critical, as is the consideration of additional factors (e.g., level of activity of cases, family law cases in which DCSS has intervened, availability of other nearby legal services, remoteness of court locations, etc.).

The development of this workload methodology is no small task; and again I thank and applaud the Subcommittee for being willing to take it on. That is another reason I strongly urge the Subcommittee to request more time to consider the additional factors and gather additional input from the affected stakeholders. Given that one formulation of the proposal would be to delay implementation until FY 2017-18, requesting additional time to ensure the new methodology best serves the needs of families needing legal assistance makes practical

sense. At the very least, more in-depth exploration of the appropriate minimal funding floor for smaller and more rural courts is needed.

Again, for Mendocino – like for many other smaller and more rural courts – any reduction in the current minimum level of AB 1058 funding will have a devastating effect on our ability to provide meaningful services to families in these cases. Like most other similarly situated courts, each and every year our AB1058 operating costs exceed the AB1058 funding we receive, despite our ongoing efforts to streamline operations and minimize costs.

Thank you again for your efforts on this very important issue and for the opportunity to comment at this stage of the process.

Chris Ruhl
Executive Officer
Superior Court of California, County of Mendocino
100 North State St., Ukiah, CA 95482

(707) 467-2511

From: [Wendy Dier](#)
To: [Family Juvenile Comm](#)
Subject: AB 1058 Funding Allocation
Date: Monday, November 16, 2015 2:58:35 PM

Dear Committee members,

The current proposal before the Subcommittee would have devastating consequences for AB 1058 programs throughout the state. Unfortunately, it primarily relies on only a single data set that inaccurately measures workload and fails to consider several important factors that impact the funding necessary to provide vital services to families with child support orders.

The only formal solicitation of input from Facilitators was limited to a short roundtable discussion at the October AB 1058 conference. While the roundtable discussion was valuable and appreciated, more input from the stakeholders most affected is critical as is the consideration of additional factors like availability of other nearby legal services, remoteness of court locations, etc.

I urge the Subcommittee to request more time to consider additional factors and to gather additional input from the affected stakeholders. Given part of the proposal would be to delay implementation until FY 2017-18, requesting additional time to ensure the new methodology serves the needs of families needing legal assistance makes practical sense.

Very truly yours,

Wendy J. Dier
Modoc County Facilitator

From: [Judge Scott Thomsen](#)
To: [Maves, Anna](#)
Cc: [Family Juvenile Comm](#)
Subject: AB1058 Reallocation written comment
Date: Tuesday, November 17, 2015 1:39:00 PM
Attachments: [AB 1058 Reallocation written comment 11172015.pdf](#)

Good Afternoon Anna-

Pursuant to our brief telephone conversation yesterday, attached hereto please find our court's further written comment regarding the AB1058 reallocation issue. We would appreciate you forwarding this information to the co-chairs and joint subcommittee members as soon as possible for their consideration in advance of the meeting.

By reply back, please confirm that you have received this e-mail. Thank you.

Scott

B. Scott Thomsen,
Assistant Presiding Judge
Nevada County Superior Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA
County of Nevada

CANDACE S. HEIDELBERGER,
Presiding Judge



B. SCOTT THOMSEN,
Assistant Presiding Judge

201 Church Street
Nevada City, CA 95959
(530) 265-1311

G. SEAN METROKA,
Court Executive Officer

November 17, 2015

AB 1058 Funding Allocation Joint Subcommittee
of the Family and Juvenile Law Advisory
Committee, Trial Court Budget Advisory Committee, and
Workload Assessment Advisory Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

RE: AB1058 Reallocation

Dear Honorable Co-Chairs Juhas, Kuhl, Asberry, and Joint Subcommittee Members:

We have had the opportunity to review the posted materials for the upcoming AB1058 Funding Allocation Subcommittee meeting on November 19, 2015. Certainly, the charge to reconsider funding allocation to each of the 58 counties, in light of workload and a lack of increase in federal funding, despite the ongoing increases in court's costs to administer and operate the program while ensuring that people throughout the State continue to have access to justice within their AB1058 cases, is a difficult task.

As a smaller county who has experienced a large decrease in AB1058 cases and filings since the inception of the program and a county that is looking at perhaps the greatest percentage decrease in funding amongst all other counties, we were pleased to see that the subcommittee opted to retain the assumption in the original allocation model that each court, regardless of workload, should be provided with a minimum of 0.3 FTE Child Support Commissioner and 0.3 FTE Family Law Facilitator.

However, contrary to the above recommendation, it appears that some counties have been combined when determining if a certain court meets a funding floor. For instance, Nevada-Sierra according to the materials does not meet the minimum funding floor in a combined capacity for the Child Support Commissioner. Why are two totally separate county courts with separate budgets combined so as to avoid a minimum floor (if appropriate) for each court? Nevada and Sierra County courts have a plan of cooperation for purposes of processing and

November 17, 2015

Page 2

reimbursement of their respective AB1058 related expenses as do some other counties throughout the state (for example, I believe Shasta/Trinity and Alpine/El Dorado have similar POC's) but the Nevada County Court's costs, expenses and overhead for maintaining, supporting, and administering the AB1058 program is totally separate from those costs for Sierra County, especially where the support staff costs are rolled into WAFM.

By analogy, Lake County has a three year average DCSS caseload of 190 whereas Nevada County has a three year average of 185 (See page 5 of materials). Lake County qualifies for the minimum floor yet Sierra County does not because, when combined with Nevada County, the combined numbers exceed the minimum floor. If each county is to receive a minimum floor, why are two separate counties being combined? This effectively either gives one county \$0.00 or is calculating the Nevada-Sierra allocation by decreasing Sierra County's portion from the minimum floor of \$62,558 to effectively \$6,800.00. Perhaps this is an oversight, but this results in Nevada and Sierra Counties having to make do with a combined sum of \$70,494.00 instead of \$125,116.00 (\$62,558.00 [minimum floor] x 2 courts) or, by my calculations, slightly more as Nevada County on its own may be slightly in excess of the minimum floor due to BLS considerations. The fact that certain courts for efficiency and administration have entered into a plan of cooperation with another court should not alter the minimum funding floor or the amount of funding due to each based upon WAFM.

While Nevada and Sierra Counties share their Child Support Commissioner, so do other counties who each receive the minimum floor (i.e. Plumas and Colusa whose combined filings are 64% of Nevada County's filings). At a minimum, Sierra County should receive its own separate minimum floor funding based upon the subcommittee's stated recommendation and Nevada County should receive its' separate funding based upon the greater of WAFM or the funding floor.

The same problem outlined above holds true for the distribution of funds allocated to the Family Law Facilitator Program. Under the recommendation, Nevada and Sierra Counties only receive one minimum floor sum of \$45,597.00 whereas each court should receive a separate minimum funding floor of \$45,597.00. Thus, if combining the two separate counties, the Nevada-Sierra line item should provide for \$91,194.00. In summary, a multi county plan of cooperation between counties should not impact minimum county funding. If it is intended to effect funding, please be advised that we have the right to terminate the plan of cooperation and will do so immediately to insure that neither county is jeopardized from receiving their proper share of funding under the revised WAFM.

As an observation, the materials set forth the mechanism that was used to establish what the floor translates to in dollars but the mechanism itself for each county is not transparent. For instance: what 2013-2014 expenditure data was utilized; who supplied the data; is the BLS factor averaged for counties where the funds have been joined; what are the details of the BLS factor for the

November 17, 2015

Page 3

respective counties, etc.? Greater transparency ensures an opportunity for meaningful understanding behind the recommendations. This observation is made when looking to the historical funding of a 0.3 FTE Child Support Commissioner or Family Law Facilitator and how it significantly differed from county to county and the lack of understanding for how the numbers so greatly differed at the outset of this program.

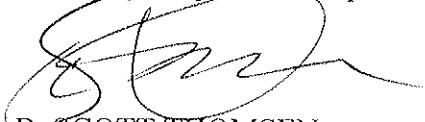
Having reviewed the co-chairs memorandum dated November 16, 2015, we respectfully request that this subcommittee and the judicial council take the more measured approach which is contained in option 3, before making such broad funding changes which will impact the level of services and access to justice for so many people statewide. This option also allows for completion of the two year review of the DCSS program which is currently underway and will take into account any additional and necessary changes. It also allows for more time to request and lobby the federal program for necessary funding increases to a mandated program which has continued to see significant increases in employee costs without any appropriate increases in funding. These cost increases have had to be absorbed by the trial courts' general operating funds at a time when the trial courts have experienced unprecedented cuts in their basic funding. In the event that either option 1 or option 2 is recommended, we request that the subcommittee recalculate the funds to be allocated to our court for the Child Support Commissioner and Family Law Facilitator Program, as well as the funding for other courts that are similarly situated with plans of cooperation.

Thank you for your consideration of these comments and for your work on this very important issue.

Sincerely,



CANDACE S. HEIDELBERGER
Presiding Judge of the Superior Court



B. SCOTT THOMSEN
Assistant Presiding Judge of the Superior Court

From: [Commissioner Yvette Durant](#)
To: [Family Juvenile Comm](#); [Maves, Anna](#)
Cc: [Heidelberger, Candace S.](#); [Ervin, Charles](#); [Metroka, Sean](#); [Kirby, Lee](#)
Subject: AB1058 Joint Subcommittee Public Comment Letter
Date: Thursday, November 12, 2015 10:18:57 AM
Attachments: [AB1058 Subcommittee Letter 11.12.15.pdf](#)

Please see the attached letter being submitted as public comment in relation to the upcoming AB1058 Joint Subcommittee meeting scheduled for November 19, 2015. Should you have any questions or should additional steps be necessary for this comment letter to be considered by the Subcommittee, please contact me. Thank you for your consideration.

Yvette Durant, Commissioner
Nevada and Sierra Country Superior Courts
Yvette.durant@nevadacountycourts.com
530-265-1476

SUPERIOR COURT OF THE STATE OF CALIFORNIA
County of Nevada

CANDACE S. HEIDELBERGER,
Presiding Judge



201 Church Street
Nevada City, CA 95959
(530) 265-1311

B. SCOTT THOMSEN,
Assistant Presiding Judge

G. SEAN METROKA,
Court Executive Officer

November 12, 2015

AB 1058 Funding Allocation Joint Subcommittee
of the Family and Juvenile Law Advisory
Committee, Trial Court Budget Advisory Committee, and
Workload Assessment Advisory Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: AB 1058 Reallocation

Dear Honorable Co-Chairs Juhas and Kuhl and Joint Subcommittee Members:

We are writing in relation to the AB1058 Reallocation currently being discussed and determined.

First, we would like to thank you for your time and commitment to the process of reviewing the allocation of AB1058 funding. While it is certainly appropriate to review the allocation of funding for AB1058 programs, there are some concerns we have which we would like to ensure the Committee takes note.

Both Nevada and Sierra Counties receive the minimum level AB1058 allocation of .3 for each court's Commissioner and each court's Family Law Facilitator. In addition, these two courts have a sharing/pooling agreement such that a total allocation for each position is a .6. Most importantly, each and every year, the AB1058 operating costs exceed the AB1058 funding. This occurs despite consistent efforts to streamline operations and minimize costs. As I am sure you can appreciate, there is simply a baseline amount of funding necessary for a county to provide the most basic of services related to 1058 matters. Moreover, any reduction in the current minimum level of funding will have a catastrophic effect on the smaller, more rural courts' abilities to provide meaningful services to families.

As you know, smaller rural Courts such as exist in Nevada and Sierra Counties struggle on a daily basis to provide adequate Court services to families. The smaller and/or more rural county courts do not have the myriad of county, city and even statewide funding and services that exist in urban counties, which have a more condensed population. For example, an order requiring a party to enroll at a job resource center (a commonplace order in AB1058 matters) may require a bus trip of an hour or more and, then, only after a person is able to get to a bus stop, which can easily be more than ten miles from his/her home. The Local Child Support Agency's office in

our counties is located 1 - 2 hours away from two of our three courthouses and just a far from litigants homes. The same is true for the Family Law Facilitator's office. In short, the logistics involved in getting assistance related to child support matters let alone appearing for a hearing can be daunting for a parent to say the least.

Further, rural counties typically employ one Commissioner, Facilitator and a few regular support staff who must travel to different courthouses, which takes time and money. Nevada and Sierra Counties have one Commissioner and one Family Law Facilitator who must travel approximately 1 – 1.5 hours one-way to two of our three courthouses. In addition, the Facilitator's office must assist people with pleadings over the telephone and through the mail, which is neither ideal nor efficient.

Most importantly, when it comes to parties' assessment of the judicial process, families feel the sting of disparate treatment and an inhibited if not wholly precluded access to justice solely because they live in a rural area.

In addition, as we believe the AB 1058 Reallocation Committee is already aware, the manner in which each court has tracked its AB 1058 related cases has varied widely over the years. Thus, to simply look at the number of case filings or cases put on calendar in any given period will not give an accurate picture of time spent on AB 1058 matters. Simply having a case on calendar gives no indication of the amount of time spent on the case. How many pleadings were filed, did the proceeding entail an evidentiary hearing, did the case take longer because an interpreter had to be utilized, etc.? A calendar with only a handful of cases could easily take longer than a calendar with triple the amount cases. Further, there are cases that never get put on calendar because parties reach a stipulation ahead of filing an RFO, yet the time spent getting to a stipulation may have been great.

In sum, it is Nevada and Sierra County Superior Courts' sincere hope you will keep well at the forefront of your minds the fact there needs to continue to exist a minimum level of funding for each and every county regardless of its size and the number of DCSS filings, and the fact that any reduction in the current minimum level of funding for the smaller counties will have a devastating effect on those counties' abilities to offer even the most minimal level of services to families and children in need.

Thank you for your ongoing time and commitment to this very important issue.

Very truly yours,



CANDACE S. HEIDELBERGER, Presiding Judge
Nevada County Superior Court



CHARLES H. ERVIN, Presiding Judge
Sierra County Superior Court

From: [Jake Chatters](#)
To: [Family Juvenile Comm](#)
Subject: Comment for Item on 11/19 Agenda
Date: Tuesday, November 17, 2015 5:19:44 PM
Attachments: [AB 1058 Funding Methodology Comment Nov 17 2015.pdf](#)

Please see attached. If you have any problems opening the document, please do not hesitate to contact me.

Jake Chatters
Court Executive Officer
Superior Court of Placer County
(916) 408-6186

Disclaimer: Superior Courts of California, County of Placer. This Message contains confidential information and it is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission can be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard copy version.



Superior Court of the State of California
In and For The County of Placer
Roseville, California

10820 JUSTICE CENTER DRIVE, ROSEVILLE, CALIFORNIA 95678
P.O. BOX 619072, ROSEVILLE, CALIFORNIA 95661

JAKE CHATTERS
COURT EXECUTIVE OFFICER
AND CLERK OF THE SUPERIOR COURT/
JURY COMMISSIONER
(916) 408-6186 FAX (916) 408-6188

November 17, 2015

AB 1058 Funding Allocation Joint Subcommittee
of the Family Law and Juvenile Law Advisory Committee,
Trial Court Budget Advisory Committee, and
Workload Assessment Advisory Committee
Submitted via email to: familyjuvenilecomm@jud.ca.gov

Re: Proposed New AB 1058 Funding Allocation Methodology

Hon. Mark Juhas and Hon. Carolyn Kuhl, Co-Chairs, and Joint Subcommittee Members:

Thank you for the opportunity to comment on the AB 1058 Funding Allocation Joint Subcommittee's (Subcommittee) proposed methodology for a workload-based funding model for the Child Support Commissioner (CSC) and Family Law Facilitator (FLF) programs.

On behalf of the Placer Superior Court, I want to express our support for this effort and acknowledge its absolute necessity. As with work done for general court operations via the Workload-Based Allocation and Funding Model (WAFM) and the Dependency Court Appointed Counsel (DCAC) funding efforts, we must move away from historical funding that does not adjust for both statewide and local trial court changes in workload. The use of workload-based models increases our ability to articulate the collective needs of the Judicial Branch while also providing for more consistent access to justice at the local trial court level.

Unfortunately, we have concerns with the model currently being proposed. The following are our most serious concerns:

1. **The proposed AB 1058 model does not calculate the actual workload and actual funding need for these programs.**

While the model uses a measure of workload to allocate existing funding, this is not the same as determining total workload and related funding needs. Unlike WAFM and DCAC, the proposed model does not provide the Branch with the

ability to articulate the total funding needed for the CSC and FLF programs. Instead, it focuses only on allocating existing funding. The model is unable to answer the key question of whether there is sufficient funding for the courts to meet their obligations in these areas, obligations that are specifically defined in agreements between each court and the Judicial Council. This is a major departure from the WAFM and DCAC models.

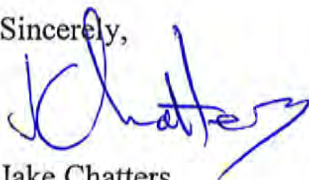
2. **The proposed AB 1058 model does not use our own data.**

Courts report and maintain significant data that could and should be used for our internal workload assessments. While improvements may need to be made to data definitions or additional data may need to be collected, we should not rely on external agency data to estimate our own workload. The Judicial Council has modified reporting requirements over the past few years to better refine data used in the WAFM model, and a similar approach could and should be used for the AB 1058 programs.

Developing any workload methodology is a difficult task. Every member of the Subcommittee should be commended for tackling such an important and complicated issue. However, we urge the Subcommittee to take the additional time necessary to develop a model that articulates the full workload need of our AB 1058 programs.

Thank you for considering our comments and we hope they prove helpful as you evaluate your next steps.

Sincerely,



Jake Chatters
Court Executive Officer

From: [Norrie, Deborah](#)
To: [Family Juvenile Comm](#)
Subject: Comment for Meeting November 19, 2015
Date: Wednesday, November 18, 2015 9:54:10 AM

Dear Honorable Co-Chairs Juhas and Kuhl and Joint Subcommittee Members,

I send this comment on behalf of the Plumas Superior Court in relation to the AB1058 Reallocation model currently being discussed by the subcommittee.

Based on the material we have reviewed, this proposed reallocation would have huge negative impacts on the Plumas Court's ability to provide necessary services to children and families.

The Plumas Court has concerns about the methodology being used to make reallocation recommendations. It appears to rely on data that may not accurately measure workload. In addition, the Plumas Court shares the challenges facing small rural courts as outlined in the letter dated November 12, 2015 from the Nevada and Sierra Superior Courts. Any significant reduction in AB1058 funding will ensure less than a minimal level of service.

We ask that the Subcommittee take the time necessary to make any reallocation decisions and keep in mind that a minimum level of funding is required for each court to provide a minimal level of services to the families and children it serves.

Thank you for considering this comment and for the time and attention you are giving this issue.

Deborah W. Norrie
Court Executive Officer
Plumas Superior Court
520 Main St., Room 104
Quincy, CA 95971
530-283-6016

From: [Roger Diefendorf](#)
To: [Family Juvenile Comm](#)
Subject: Proposed cuts to AB 1058 Program
Date: Wednesday, November 18, 2015 9:26:56 PM
Importance: High

Dear Committee Members:

This is a comment on the proposed reallocation of AB 1058 funding being considered by this committee.

I am the Family Law Facilitator and Director of Family Court Services in Plumas County on contract and have been since 2002.

Over the last few years we have seen our funding for services take cut after cut. Our office used to have a part-time clerk and that position was eliminated at the beginning of the 2014 Fiscal Year. In addition, our office had a child custody investigator who was also part-time and that position was also eliminated beginning in Fiscal Year 2014.

At a time when we should have been expanding civil self-help services, we were being forced to reduce our services. We operate a supervised visitation program because the court orders supervised visitation but we have absolutely no funding for that program. Cuts in Fiscal Year 2014, mean that most of my services are pro bono and only my paralegal and a retired part-time mediator actually receive any pay check.

While I am sure that many counties large and small could use additional funding, any further cuts in AB 1058 funding to small rural counties such as Plumas County would completely cripple the ability of this office to offer any services. Plumas County has no pro bono legal services. Legal Services of Northern California occasionally provides some assistance to low income persons in the county, but they have no office in Plumas County and our office is the only legal office in the county that provides self-help assistance to self-represented litigants.

In an era when comparatively few rural litigants are able to afford the services of an attorney, it is unthinkable that what little legal assistance is available in small rural counties would be virtually eliminated by a funding reallocation. While a few thousand or even a few hundred thousand dollars would have a deminimus impact on one of the large county courts, a small county court can virtually run an entire program for a year on that much money. I passionately urge this committee to consider the impact of cuts to small rural counties and to even consider increasing funding to the smaller rural counties. Justice delayed is justice denied and self-represented litigants in small rural counties are entitled to the same level of justice as that which is afforded to litigants in larger counties which have more private and public resources.

Roger Diefendorf
Plumas County Family Law Facilitator &
Director of Family Court Services

From: [Alfaro, Maria](#)
To: [Family Juvenile Comm](#)
Cc: [Solorio, Gil](#)
Subject: Comments for AB1058 Funding Allocation Joint Subcommittee
Date: Wednesday, November 18, 2015 8:55:51 AM
Attachments: [AB 1058 Funding Options.pdf](#)

To: Honorable Irma Poole Asberry, Co chair
Honorable Mark A. Juhas, Co chair
Honorable Carolyn B. Kuhl, Co chair

The attached letter is from the Superior Court of California, County of San Benito.

If you have any questions, please contact Gil Solorio, Court Executive Officer, 831-636-4057, ext. 211.

Maria E. Alfaro
Administrative/HR Assistant
Interpreter/Court Reporter Coordinator
Superior Court of California, County of San Benito
450 Fourth Street
Hollister, CA 95023
Tel: 831-636-4057, ext. 240
Fax: 831-636-4195



Superior Court of the State of California County of San Benito

450 Fourth Street, Hollister, CA 95023
www.sanbenito.courts.ca.gov

November 16, 2015

AB1058 Funding Allocation Joint Subcommittee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: AB1058 Funding Options for Consideration by Joint Subcommittee

Dear Honorable Irma Poole Asberry, Co chair, Honorable Mark A. Juhas, Co chair
Honorable Carolyn B. Kuhl, Co chair

The purpose of this letter is to submit brief comments about the options under consideration by the AB1058 Funding Allocation Joint Subcommittee, specifically the options for transitioning from the historical allocation methodology to a new workload-based model.

Please note that the draft overview for developing recommendations for AB1058 funding allocation methodologies reflects that funding for San Benito's FLF and CSC programs may be reduced significantly. Inasmuch as San Benito annually contributes over \$70,000 from its own general fund to augment existing funding received for AB1058 programs, these reductions along with ongoing WAFM reductions would force our court to curtail related services that would otherwise be accessible to local families and their children. We respectfully draw this to your attention in case the new methodology's negative impact on judicial services was underestimated.

Please also note that in part, the first option under consideration by the subcommittee includes the following suggestion: *The full subcommittee may also wish to consider whether to recommend implementation of the new allocation methodology immediately (i.e. FY2016-17) or delay its start until FY2017-18 in order to give the courts additional time to prepare for the transition.* We respectfully suggest that given the negative impact on our judicial services as well as that of other courts, the subcommittee may want to consider delaying implementation of a new workload-based model altogether in favor of further study. For example, is the subcommittee certain that factors such as case filings accurately represent the workload of all courts, regardless of size (i.e. budget / staff)?

November 16, 2015

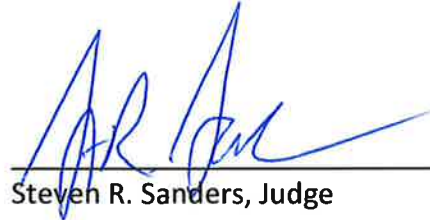
Page 2

Notwithstanding our elevated concern about implementation of a new workload-based model, please accept our appreciation for your consideration of this letter as well as for your time and effort to lead the discussion on this topic. If you have any questions about this message, please contact Gil Solorio, Court Executive Officer at 831-636-4057 ext 211.

Sincerely,



Harry J. Tobias, Presiding Judge



Steven R. Sanders, Judge

From: [Henderson, Frances](#)
To: [Family Juvenile Comm](#)
Subject: Proposed cuts in 1058 Budget
Date: Monday, November 16, 2015 1:45:58 PM

Dear Committee Members:

I am writing to encourage you to not adopt the current proposal for budget cuts to the 1058 Program. The proposal currently before the Subcommittee would have devastating consequences for AB 1058 programs throughout the state. Unfortunately, it primarily relies on only a single data set that inaccurately measures workload and fails to consider several important factors that impact the funding necessary to provide vital services to families with child support orders. I have observed these needs first hand for 15 years as the Family Law Facilitator for San Benito County. The need for our services is still increasing.

Moreover, the only formal solicitation of input from Facilitators was limited to a short roundtable discussion at the October AB 1058 conference, which I was unable to attend as I was presenting a workshop at the conference at the same time. While the roundtable discussion was undoubtedly valuable and appreciated, more input from the stakeholders most affected is critical. The committee should hear from those of us on the front lines throughout the state, who best recognize the challenges presented to litigants and know the benefit of the services currently provided by the 1058 Program. I respectfully request that the current proposal be tabled until all stakeholders have the opportunity to present more data and gather more information relevant to the proposed budget cuts.

I urge the Subcommittee to request more time to consider additional factors and to gather additional input from the affected stakeholders. Given part of the proposal would be to delay implementation until FY 2017-18, requesting additional time to ensure the new methodology serves the needs of families needing legal assistance makes practical sense.

Thank you for your attention to my correspondence.

Frances P. Henderson
Family Law Facilitator
Superior Court of California
County of San Benito
450 Fourth Street
Hollister, CA 95023
831-636-4057
frances.henderson@sanbenito.courts.ca.gov

From: [Rebecca Wightman](#)
To: [Family Juvenile Comm](#)
Subject: FW: Written Public Comment by Commissioner Rebecca Wightman
Date: Wednesday, November 18, 2015 1:14:29 AM
Attachments: [doc03369320151118011348.pdf](#)
Importance: High

Attached please find my written public comment for the Joint Sub-committee's consideration in advance of the public meeting scheduled for this coming Thursday, November 19, 2015. I had hoped to get this in sooner but was prevented by my "day" job. :)

Please let me know that you received this e-mail, as I want to ensure it meets the deadline.

PUBLIC COMMENT
By Commissioner Rebecca Wightman

November 17, 2015

TO: The HONORABLE CO-CHAIRS, AND COMMITTEE MEMBERS of the
AB1058 Funding Allocation Joint Subcommittee

This will be my second written public comment to this Joint Sub-Committee. I previously indicated to this Joint Sub-Committee that I have been involved in the AB1058 program practically since its inception in 1997, first in a very small county (Marin), and now in a bigger county (San Francisco since 2000), with extensive experience in AB1058 policy issues statewide. I did not mention last time that I am a statewide trainer for all new AB1058 Commissioners, which includes a curriculum that educates individuals on the operations and interactions between trial courts, the Judicial Council, the state Department of Child Support Services (DCSS) and – most importantly – the various local child support agencies (LCSAs). I was also one of only three Commissioners, with Commissioner Sue Alexander from Alameda and (now retired) Commissioner Rieger from Los Angeles, who directly participated in the operational assessment phases when the state DCSS was getting ready to implement CSE – their statewide child support enforcement computer system. This participation required us to consider and provide analysis and suggestions concerning the interaction between the processes of the work generated by the Local Child Support Agencies (LCSAs) through the CSE, and the impacts to the trial court system – a very important task, and one in which as I look back, I wish we had been given more time and obtained more information to allow us the opportunity to adequately assess the processes and provide even more meaningful input. I am hoping this joint sub-committee will also come to understand the need to **take the time** to be thorough. I make these comments as an individual Commissioner, and not on the behalf of any court or organization.

ONGOING CONCERNS:

In my last written public comment,¹ I raised four concerns:

- 1. Lack of Understanding of the unique operational aspects of the AB1058 program**
- 2. Lack of AB1058-experienced Joint Sub-Committee members**
- 3. Over-reliance on Statistics**
- 4. Unrealistic Time Frame**

These items *continue* to be of concern for the reasons stated in my last public written comment, and I would urge the members of this Sub-Committee to re-read it, and address them.

Having now had the benefit of sitting through the August 25th public meeting, as well as continuing to talk to a number of individuals who work within the program (colleagues and

¹ My prior written public comment was submitted for consideration prior to the last public meeting on August 25, 2015. It contains 7 pages of comments, with 12 pages of various table of data attached.

facilitators included), and in studying the materials provided for this upcoming meeting, I have additional comments and additional issues and concerns to raise, which I have tried to summarize below, and which I believe the Joint Sub-Committee needs to address. I apologize in advance for the length of my comments, but feel they are necessary to ensure that that this process gets the attention **and time** it deserves, and is done in a way that is fair and competent, in light of the complex issues created by the unique AB1058 program and federal requirements.

ADDITIONAL CONCERNS:

1. Joint Sub-Committee's Failure to Address One of its Own Initial Questions in a Meaningful Way.

I have attended all of the public meetings. At the initial meeting in June, a large segment of it was spent on initial education of the joint subcommittee members about the "RAS" model and "WAFM", and the structure, history and funding of the AB1058 program generally. There was some mention and "questions posed" about exactly what should be looked at, including some discussion about whether to do a workload study. At the August 25th meeting, one of the Co-Chairs from L.A. specifically opened the meeting with a series of seven questions (mostly "If" questions). The first/initial question posed was whether to have a workload based methodology, and if not, then what. The remaining questions all focused on "if" a workload based model is used, then...(what cases would be used, would a different model be used for the Facilitators side, should labor-based factors be considered, should there be a default, what should the mid-year distribution method be, and finally, what should be the phase in). Immediately following the questions posed, there were presentations made regarding the current AB1058 funding process, explaining base and federal draw-downs, followed by a presentation on JBSIS data/filings.

There was indeed a lot of discussion between the joint subcommittee members at the August meeting, but again, much of it focused on the "numbers" and "filings" (what to count, what not to count, the reliability of JBSIS vs. DCSS numbers etc.). At one point, it was noted by a Judicial Council staff member that there really had not been a discussion about the first question (whether or not to use a workload method, and if not then what). Shortly after that, and after the DCSS Director gave her presentation on federal performance measures, one subcommittee member asked whether this group had enough information; another expressed the opinion that more information was needed, and yet another expressed an opinion that it did not appear that something competent could be produced by the end of the year. After just a few more brief comments, one of the L.A. Co-Chairs mentioned "consensus" for a starting point to use a "workload based model" – in a "broad" sense/ "broad" strokes, and the other L.A. Co-Chair then asked about using DCSS' numbers. After a very brief discussion, again about the "numbers" and who's to use, a motion was put forth by an L.A. Co-Chair based upon a "consensus" of some sort of workload model, using DCSS' numbers.

The remainder of the entire public meeting was devoted to discussion on the various “adjustments” (the other questions posed from the beginning) to be considered, such as cost of living, a “floor” (default funding amount), with a subcommittee to the joint subcommittee formed to come up with proposals. **At no time was the initial first question addressed in a meaningful way.**

And because there was no discussion about it, there was no understanding, discussion or consideration given to, for example, the reasons why there were differences in the current actual funding and the original historical funding – i.e. the “evolution” of the funding levels between the counties in 15 years -- which in turn, could lead one to seriously consider why adjusting funding allocation *back* to a caseload number with some general adjustments back to defaults and labor adjustments, etc. would *not* make the most sense. I tried to point out in my prior public comment that the operational aspects of how a local child support agency (LCSA) works its cases can have a vastly different workload impact on the court. I believe the one of the focus questions at the AB1058 Commissioners Roundtable was overwhelmingly in agreement on that issue. **Over the past 15 years, many counties have had the opportunity to adjust their own operations in conjunction with the LCSAs operational workflow, if you will. And as a result, a number of counties have self-selected to, for example, not use all of their original base funding and/or to work on getting justified increases when the annual funding questionnaires were processed.**

If a “workload based model” *as is now being proposed* in Options 1 and 2 of the “Funding Options for Consideration” section of the November 16, 2015 Memorandum from the Co-Chairs of this Joint Sub-Committee is adopted – *without having adequately addressed that first/initial question of whether to use some other alternative to a workload based model* – you end up recommending *giving* money to count(ies) that have historically shown they don’t need it or want it. (This concept is also separately discussed below in another section).

In addition, this joint sub-committees’ failure to consider any other alternatives other than a workload based model in a meaningful way, deprived it from engaging in a meaningful exploration and discussion about ways to re-distribute and utilize the AB1058 funding monies to shore up different trial court’s operational and/or or functionality deficiencies. For example, many trial courts – and the respective workloads of such courts – would be greatly impacted if they could more readily implement e-filing (a more one-time type of funding need). Other counties may be struggling in other ways. For example, I am aware that L.A. has had a backlog of defaults to process. (This is separate from the fact that the default rate in many counties – not just L.A. whose has a greater than 75% default rate in the attached table – are in my view, unacceptably high).² It raises the question: Does it make more sense to give more funding to LA to be able to process the defaults faster? Or does it make more sense to see

² See Attachment 1 which is a table of certain default rates by county compiled from DCSS’ CSE system. It has been shown that cases with orders established by default yield lower collection rates than cases that do not proceed by default (i.e. by stipulation or Answer). Obviously, the latter cases better serve the children & families in CA.

if there is a way to collaboratively help reduce the default rate, so the “need” for a bench officer to review and/or staff to process so many no longer exists?

It was for that very reason that I also previously made the following concrete suggestion (and am once again asking) urging this Joint Sub-Committee to:

First and foremost – take a more measured approach, by having an AB1058-experienced consultant – such as a respected retired Commissioner who has sat in numerous counties – to go to the counties and work with the courts to assess their operations and operational needs, i.e. finding out what they really need, and providing critical operational assessment information that can help shape solution(s). (Taken from my written public comment submitted on August 20, 2015)

The recommended Options 3 (or a variation thereof) would allow this joint sub-committee to actually address the initial/first question that it posed in a meaningful way.

2. Why This Process Was Set Up On Such a Short Fuse? Where’s the Emergency???

To this day, I am still wondering... Can someone please explain why this process was set up on such a short fuse in the first instance?? What exactly prompted the Judicial Council to issue its directive to set up this joint sub-committee? Was there a particular county having a problem or complaint, or an emergency? If so, that issue should be brought to light for prompt consideration; and if not, then what’s the rush??

Having been an AB1058 Commissioner for so many years, including being involved in statewide policy issues, I have seen “problems” (big and small) crop up in different counties in different years, including “bottlenecks” of workflow in different stages of a case, and watched those problems go – all with no change in permanent funding. In some instances, the “problem” was solved by a joint consideration and/or collaboration between the trial court and the LSCA in changing something operationally on one or both ends (and, sadly, in others it was more of a “personality” clash). Nevertheless, unless there is some kind of emergency – which may very well be able to be addressed in ways which are not related to permanent funding reallocation (the charge of this joint sub-committee) – then it is appropriate, responsible, and a matter of common sense to actually take a more reasonable time frame to truly study the charge given to this joint sub-committee.³

3. Optics

I realize that this issue is going to be a sensitive one -- and *please* do not shoot the messenger – however, I am compelled to relay both the surprise and concern expressed to me by quite a number of individuals including colleagues and others (and again, not just a few) about

³ And hopefully with more experienced AB1058 Commissioner members to provide input.

the fact that the Co-Chairs (two or three, see **Note** below) who are directing and guiding this process are from the very count(ies) that appeared from the very first meeting,⁴ to this upcoming meeting,⁵ to stand to gain the most.

On an ethical level, the *appearance* if nothing else, simply looks bad, and would not be allowed if such decisions were being made in cases in and about our own courtrooms. As I have tried to educate individuals about this process and the work of this joint sub-committee, I was unable to explain this structure and why there was not some balance introduced at the Co-Chair level.

Taking additional time to not only coordinate with the Department of Child Support Services (DCSS) as they work on their current review of funding allocations for local child support agencies, but to study additional alternatives, would provide a perfect opportunity to correct this appearance/optics issue and concern not only to those within the AB1058 program, but to the public looking in.

Note: The Judicial Council’s website posted the Joint Sub-Committee membership as of June 1, 2015, listing only two Co-Chairs, both from L.A – see attached Ex. 2. The Trial Court Budget Advisory Committee’s site (Subcommittees tab) show the make-up of the AB1058 Funding Allocation Joint Subcommittee as having two Co-Chairs (both from LA). The Workload Assessment Advisory Committee’s site (Subcommittees tab) show the make-up of the AB1058 Funding Allocation Joint Subcommittee as also having the same two Co-Chairs (both from LA). The public meetings have been conducted primarily by the two Co-Chairs from L.A. However, I can see from the first public Agenda posted for the June 18, 2015 meeting, that a third Co-Chair is listed (from Riverside). The Judicial Council’s meeting minutes reflect that the Council: “Directed the Family and Juvenile Law Advisory Committee to pursue, with oversight provided by the Executive and Planning Committee, the formation of a joint subcommittee that will include representatives from the Family and Juvenile Law Advisory Committee, including the cochairs or their designees, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and the California Department of Child Support Services...” (Judicial Council of California – Meeting Minutes, April 16-17, 2015, pp. 18-19) I can see from the recent posting in the materials – i.e. the Memorandum dated November 16, 2015, from the Co-Chairs directed to the Joint Sub-Committee, show there are three Co-Chairs: two from L.A. and one from Riverside. This optics issue and concern is a very real one whether there are two or three Co-Chairs here.

⁴ When the public materials document “FOR DISCUSSION ONLY” was posted for the June meeting.

⁵ When the public materials document “FOR DELIBERATIVE PURPOSES ONLY” was posted for the November meeting.

4. Proposed Alternatives Allocation Options 1 and 2 (of base, and Option 1 of federal drawdown funds) *Raise More Questions than Providing Solutions*

In analyzing the materials posted on the website for this meeting, one of the things that initially struck me was how it did not differ in concept very much from what was being “eyed” at the beginning of this process (the June meeting). It simply adopts a let’s-just-re-run-the-numbers-and-make-some-adjustments-similar-to-the-initial-ones-made *without regard* to a deeper analysis of *what and why* the funding evolved the way it did. One can certainly see how the lack of time and ability to gather more in depth information in part, does not give this joint sub-committee many options under the circumstances.

What is more disconcerting however, is that the recommended allocation options noted above, provide no explanation as to why it is being proposed to give approximately 14 counties more money when I suspect the vast majority of those very same counties gave back (or left) monies on the table, so to speak in the immediate three years (the very same time years used to base on and “smooth” out the workload numbers). *If that is true*, how can the above noted allocation options 1 and 2 be justified? Proposing to give even just one county more money than it has ever asked for in the last 3 years makes me wonder if there has been a sufficient analysis of *why* that is... At the August 25th public meeting, one of the joint sub-committee members requested such information for consideration. I do not know if this information was provided or considered by the full membership; I did not see anything posted in the materials on this item. I happen to be aware in particular through having talked with a number of my colleagues, and having been exposed to such information in years past with the former AB1058 program manager (now retired) that Sacramento, and some other larger counties, including L.A., along with some smaller counties slated to get more funding by these particular allocation options actually left money on the table in the preceding three years.

Another question: Is it fair to provide a labor cost adjustment for support staff only on the Commissioner side, *without examining the wild differences (and reasons for them) in staff-to-Commissioner ratios*? Take a look at Attachment 3. And then consider that information not only against the backdrop of DCSS’ caseload numbers, but in conjunction with the 1997 original AB1058 Family and Juvenile Law Advisory’s Committee Summary Report on Child Support Commissioner and Facilitator Allocation Funding (this latter item was in the original public materials posted for the June meeting – I have taken the liberty of copying one page here [p.31] and attaching it as Attachment 4). Once again, examining some data on this topic provides some interesting information that yet again points out how AB1058 child support cases and caseloads and how they are processed – and hence “workloads” are *not* the same. *Why* do some counties average *far more* than the 5-7 average staff-to-Commissioner ratio (considered to be the appropriate norm by the original standards set), and other counties far less? Are these operational differences, or operational inefficiencies (or both)?

More questions: Before recommending the above-noted allocations options 1 and 2, was there any consideration of how one county seems able to process its workload with a far less Commissioner and staff than other counties? As I mentioned in my prior written comment, the EXACT same 50,000 or 100,000 cases in one county, creates a different “workload” for a court in County A, vs. County B, vs. County M. How does reverting back to – and relying primarily on – case numbers constitute an improvement without consideration of all of the above?

5. Coordinating with DCSS as it works on their review of funding allocations makes the absolute most sense in light of the above.

This comment may seem self-explanatory, but in view of some of the issues and concerns raised above, I find it difficult to support any other recommendation (although I actually disagree with the recommendation of doing absolutely nothing, and have said before that looking at funding allocation is a good thing). I tried to point out in my prior written comment the huge role played by the interconnection between the trial courts and their respective LCSAs, and how one can absolutely “impact” the other, different from another county. The importance of this symbiotic relationship has unfortunately either not been understood to date, or appreciated by this joint sub-committee. DCSS’ Director – and a member of this joint sub-committee indicated at the last meeting that she was embarking on the process of examining LCSA funding allocations, which she pointed out was going to be a two-year process. This is not only because of the complexity of the issues, but also due to the importance and need to do a well thought out analysis of funding allocations. Clearly, if funding on the LCSA side changes, it will change the dynamics and work-flow – impacting the “workload” on the court side. It simply makes no sense to implement a proposal that has essentially been developed in less than 8 months by a group of individuals who started out with little or no knowledge about the unique aspects of the federally funded (with federally imposed compliance requirements) AB1058 program. By coordinating with DCSS’ current review, as recommended in Option 3⁶, a wealth of additional data could be gathered in the interim, which can not only assist in asking and analyzing better questions, but in ultimately making better final recommendations that can not only help trial courts function, but actually help improve their efficiency. The public, our courts and especially the families of California deserve no less.

Respectfully submitted, with the heart and intent to include concerns and ideas from a number of individuals committed to the quality of the AB1058 program,

Rebecca Wightman

Rebecca Wightman
Commissioner, Dept. 416 (Child Support), Superior Court - San Francisco

⁶ Or even a variation of Option 3 that makes some one-time adjustments this next fiscal year and/or gives any/all mid-year reallocation money to the top seemingly neediest county or some variation thereon.

**California Department of Child Support Services
Percent of Cases with Support Orders Established by Default**

Federal Fiscal Year/2015	Assistance Type	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015	Apr 2015	May 2015
STATEWIDE	Current	61.7%	63.8%	63.1%	63.5%	63.1%	62.9%	62.7%	62.3%
	Former	58.2	59.5	57.8	57.2	56.9	56.9	57.1	57.0
	Never	40.5	40.6	39.0	37.7	37.2	37.2	37.0	36.4
	Total	57.1	58.7	57.3	56.9	56.4	56.2	56.0	55.5
Alameda	Current	56.4	71.1	67.5	69.1	67.2	67.6	65.2	65.4
	Former	69.4	62.3	60.7	60.4	58.6	57.1	55.4	55.2
	Never	30.4	36.3	34.4	33.5	33.3	35.5	35.7	35.0
	Total	52.6	61.3	58.3	58.5	56.9	57.1	55.5	55.3
Alameda/Alp/Cala/Tuol	Current	42.9	56.0	44.7	47.1	51.7	52.1	50.7	52.4
	Former	22.2	27.3	37.5	44.0	36.4	38.5	39.6	40.3
	Never	0.0	28.6	37.5	35.7	33.3	27.3	31.3	29.7
	Total	32.0	44.2	42.3	44.4	44.0	43.9	42.6	43.6
Butte	Current	14.3	26.3	35.1	35.5	37.6	35.6	36.7	35.1
	Former	33.3	32.0	23.1	22.5	21.7	22.7	23.9	27.0
	Never	0.0	12.5	26.7	13.3	12.1	9.3	8.5	9.6
	Total	16.2	26.7	30.5	28.4	29.7	28.2	29.1	29.4
Colusa	Current	100.0	100.0	80.0	71.4	62.5	83.3	88.9	92.3
	Former	*	*	100.0	100.0	*	50.0	37.5	37.5
	Never	*	*	33.3	33.3	33.3	20.0	37.5	44.4
	Total	100.0	100.0	66.7	63.6	54.5	62.9	56.0	63.3
Contra Costa	Current	70.3	57.0	52.6	52.7	56.7	56.7	56.1	56.3
	Former	48.3	49.4	44.8	41.0	45.4	42.1	42.8	44.8
	Never	41.7	31.7	33.9	35.1	32.5	33.5	32.7	29.3
	Total	57.4	48.9	45.6	44.8	47.2	46.2	45.7	45.2
Del Norte	Current	16.7	33.3	45.2	45.0	42.6	40.0	45.9	49.4
	Former	33.3	28.6	36.4	42.9	50.0	48.1	47.4	53.2
	Never	50.0	50.0	40.0	25.0	33.3	33.3	45.5	41.7
	Total	27.3	33.3	42.6	41.9	43.5	41.6	46.3	50.0
El Dorado	Current	30.0	25.0	33.3	38.4	37.0	38.3	38.1	40.1
	Former	0.0	12.5	22.2	36.0	25.0	26.7	25.8	29.2
	Never	0.0	10.0	15.4	15.0	12.5	19.5	17.0	19.6
	Total	17.6	20.0	27.8	33.9	29.4	31.6	30.6	32.8
Fresno	Current	80.3	75.0	78.1	76.7	74.9	73.1	71.7	72.4
	Former	58.3	62.0	62.8	63.7	62.9	63.5	62.1	63.1
	Never	36.4	17.6	37.9	42.9	40.9	39.3	38.6	39.8
	Total	73.7	67.4	71.1	70.6	68.7	67.1	65.7	66.3
Glenn	Current	100.0	50.0	41.7	33.3	48.0	51.4	51.1	54.0
	Former	50.0	50.0	45.5	41.7	33.3	34.8	41.7	40.0
	Never	0.0	0.0	0.0	11.1	9.1	23.1	21.4	17.6
	Total	40.0	36.4	33.3	31.0	35.2	40.8	43.4	43.3
Humboldt	Current	100.0	90.0	73.0	72.7	63.8	61.5	58.4	58.3
	Former	66.7	50.0	53.3	68.2	69.0	69.2	67.4	56.5
	Never	0.0	12.5	9.1	21.4	26.3	25.0	23.1	24.2
	Total	68.4	62.5	57.1	63.7	59.0	57.9	55.7	52.7
Imperial	Current	61.8	67.9	66.4	69.9	67.4	67.2	65.8	61.0
	Former	70.0	74.1	72.3	78.6	75.5	70.3	67.3	66.7
	Never	60.0	69.2	60.7	56.5	56.7	52.6	52.9	47.5
	Total	63.3	69.4	67.0	68.9	67.6	65.5	63.9	60.1
Inyo/Mono	Current	*	100.0	100.0	100.0	50.0	33.3	16.7	28.6
	Former	0.0	0.0	0.0	33.3	25.0	14.3	33.3	38.5
	Never	100.0	50.0	42.9	41.7	42.9	40.0	35.3	39.1
	Total	66.7	50.0	44.4	43.8	40.0	32.0	31.3	37.2
Kern	Current	64.0	64.2	62.0	64.4	65.6	66.1	68.8	67.8
	Former	55.6	47.2	47.9	51.5	53.6	55.1	61.0	62.2
	Never	66.7	52.9	46.6	45.5	44.0	40.2	38.9	36.7
	Total	61.8	57.1	55.6	56.9	57.9	57.4	60.3	59.9
Kings	Current	34.5	29.1	20.6	19.9	26.1	30.5	31.9	33.6
	Former	50.0	41.2	35.0	27.6	26.7	21.2	21.0	22.5
	Never	33.3	33.3	21.4	30.8	25.0	20.0	25.0	27.3
	Total	38.1	32.1	22.9	22.4	26.1	27.2	28.6	30.1
Lake	Current	22.2	19.0	27.3	26.1	20.4	22.2	19.7	22.5
	Former	33.3	22.2	10.0	21.4	23.5	28.0	27.6	21.1
	Never	0.0	0.0	0.0	0.0	0.0	8.3	7.7	17.6
	Total	23.1	18.2	21.3	23.1	19.7	22.0	20.4	21.5
Lassen	Current	61.1	56.5	61.8	60.0	58.8	56.9	55.4	58.8
	Former	75.0	80.0	85.7	75.0	54.5	44.4	47.8	37.9
	Never	71.4	77.8	78.6	75.0	70.6	73.7	75.0	73.9
	Total	65.5	64.9	69.1	65.2	60.8	57.9	57.4	56.7
Los Angeles	Current	87.1	88.0	84.5	84.6	80.7	81.7	83.6	81.0
	Former	84.9	84.1	83.1	80.6	76.4	77.7	78.4	77.2
	Never	69.0	66.3	60.9	54.3	51.7	53.4	55.0	53.1
	Total	82.9	83.1	79.6	77.3	73.4	74.7	76.4	74.1

SOURCE: CS 1257 Lines 17 (Unduplicated Aggregate Count - FFY) and 48 (Unduplicated Aggregate Count - FFY)

Note: The formula for Percent of Cases with Support Orders Established by Default is line 48 divided by line 17.

*There were no cases with support orders established by default.

7/17/2015

ATTACHMENT 1
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**California Department of Child Support Services
Percent of Cases with Support Orders Established by Default**

Federal Fiscal Year 2015	Assistance Type	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015	Apr 2015	May 2015
Madera	Current	60.9%	61.4%	55.0%	52.4%	48.8%	46.8%	43.8%	45.1%
	Former	85.7	60.0	45.8	42.9	41.5	44.1	46.2	45.0
	Never	25.0	25.0	27.8	23.1	21.2	23.7	22.2	25.0
	Total	59.5	57.4	50.9	47.5	44.4	43.7	41.9	42.6
Marin	Current	0.0	72.7	65.2	68.0	56.8	60.5	61.9	60.4
	Former	100.0	100.0	85.7	60.0	71.4	58.8	63.6	63.6
	Never	0.0	20.0	28.6	29.4	37.5	35.5	35.1	30.2
	Total	25.0	63.2	56.8	53.8	53.3	51.2	62.5	49.5
Mariposa	Current	0.0	0.0	33.3	33.3	37.5	28.6	40.0	44.4
	Former	*	*	*	*	0.0	33.3	50.0	50.0
	Never	*	100.0	50.0	50.0	33.3	33.3	16.7	14.3
	Total	0.0	50.0	40.0	37.5	33.3	30.8	35.0	36.4
Mendocino	Current	46.2	60.9	60.5	60.4	61.9	58.5	61.4	59.8
	Former	50.0	54.5	53.8	58.8	62.5	59.3	54.1	50.0
	Never	50.0	44.4	35.7	31.3	36.4	27.6	31.3	25.8
	Total	47.8	55.8	54.3	54.7	56.9	52.2	53.5	51.4
Merced	Current	67.8	70.6	72.9	71.1	66.5	63.6	62.7	62.1
	Former	60.0	55.6	56.7	59.2	56.7	57.3	58.6	58.5
	Never	60.0	40.0	36.8	43.3	37.8	38.5	33.3	30.7
	Total	65.8	65.2	67.1	66.1	61.9	59.8	69.0	58.2
Monterey	Current	72.3	74.5	71.9	71.3	72.6	62.6	62.5	61.4
	Former	42.9	49.1	42.7	45.0	51.3	51.9	48.7	50.2
	Never	45.0	45.5	37.7	34.4	41.6	38.0	34.8	34.2
	Total	57.9	60.9	55.4	54.8	58.5	53.3	51.3	50.8
Napa	Current	80.0	83.3	68.4	70.4	69.4	53.8	55.8	47.3
	Former	33.3	57.1	61.5	50.0	55.6	52.4	54.8	52.3
	Never	25.0	31.6	23.3	25.6	20.8	21.2	20.8	20.3
	Total	37.5	52.6	45.2	45.1	43.0	38.1	39.4	36.5
Orange	Current	46.8	53.5	57.2	57.3	58.3	59.7	58.7	57.3
	Former	38.7	53.4	50.2	45.1	48.7	49.9	49.4	50.0
	Never	34.6	33.7	33.5	33.3	31.9	34.2	33.0	31.6
	Total	42.2	47.6	48.6	47.2	47.6	49.0	47.7	46.8
Placer	Current	61.5	58.1	60.9	63.5	63.2	60.5	57.0	54.3
	Former	85.7	72.2	53.6	53.2	50.0	54.8	59.5	55.6
	Never	33.3	41.2	41.9	34.8	35.2	31.8	35.2	34.3
	Total	58.6	57.6	53.3	51.0	50.6	49.8	50.0	47.4
Plumas	Current	40.0	44.4	50.0	41.7	43.8	42.9	42.3	41.7
	Former	*	*	*	50.0	66.7	50.0	50.0	36.4
	Never	33.3	25.0	37.5	33.3	37.5	33.3	27.3	30.8
	Total	37.5	38.5	44.4	39.1	44.4	41.2	39.5	37.5
Riverside	Current	67.9	64.1	61.1	60.6	61.9	61.4	61.7	60.8
	Former	70.1	63.6	63.2	64.8	63.3	62.1	62.6	61.1
	Never	58.0	49.6	42.6	41.5	44.8	42.6	41.6	41.1
	Total	67.0	61.8	59.0	59.0	59.8	58.8	68.9	57.7
Sacramento	Current	58.5	55.8	50.4	51.8	51.3	48.7	49.5	49.9
	Former	49.0	50.8	47.1	49.1	48.6	46.2	47.7	48.2
	Never	38.9	35.9	30.1	32.3	29.4	25.6	26.2	26.8
	Total	52.7	52.1	47.1	48.8	47.9	45.0	46.1	46.6
San Bernardino	Current	60.3	63.7	64.9	66.3	66.0	65.2	63.8	63.7
	Former	66.1	62.8	61.2	59.8	58.4	58.6	58.6	57.7
	Never	33.3	35.4	35.8	35.5	35.9	35.7	36.7	35.6
	Total	59.5	60.2	60.5	60.9	60.4	59.8	58.9	58.4
San Diego	Current	63.2	59.4	59.0	59.6	61.9	62.0	60.5	59.4
	Former	49.0	45.4	45.1	46.6	50.4	51.0	51.9	50.9
	Never	33.0	37.5	35.1	33.6	33.8	33.6	33.1	32.4
	Total	51.7	50.6	49.1	48.8	50.5	50.4	49.7	48.5
San Francisco	Current	25.0	22.2	21.7	28.2	27.7	25.5	28.0	29.1
	Former	33.3	33.3	20.5	30.9	27.0	29.5	27.6	24.2
	Never	11.1	15.2	12.2	15.9	14.6	15.7	17.5	16.7
	Total	22.2	22.9	18.6	25.4	23.8	23.8	24.8	23.8
San Joaquin	Current	58.3	65.3	65.5	64.3	65.0	65.4	63.4	63.6
	Former	48.3	53.6	48.6	51.1	49.7	49.4	48.6	49.7
	Never	47.6	45.1	46.7	43.4	40.3	36.4	36.0	35.6
	Total	54.8	60.0	58.5	58.1	57.5	56.8	55.3	55.6
San Luis Obispo	Current	76.5	70.6	68.5	71.1	69.2	71.3	69.9	71.5
	Former	0.0	33.3	33.3	38.9	37.5	38.7	41.0	44.0
	Never	66.7	42.9	45.0	41.4	44.1	43.2	43.6	45.3
	Total	68.2	61.7	59.0	59.3	58.4	59.0	59.1	60.0
San Mateo	Current	72.7	47.6	61.1	73.6	69.4	69.4	67.4	69.3
	Former	100.0	100.0	85.0	59.4	57.5	57.1	56.3	58.8
	Never	66.7	46.2	51.1	55.1	48.9	47.7	43.8	43.2
	Total	73.9	64.5	57.4	62.0	57.3	56.6	54.0	55.3

SOURCE: CS 1257 Lines 17 (Unduplicated Aggregate Count - FFY) and 48 (Unduplicated Aggregate Count - FFY)

7/17/2015

Note: The formula for Percent of Cases with Support Orders Established by Default is line 48 divided by line 17.

*There were no cases with support orders established by default.

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**California Department of Child Support Services
Percent of Cases with Support Orders Established by Default**

Federal Fiscal Year 2015	Assistance Type	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015	Apr 2015	May 2015
Santa Barbara	Current	34.6%	27.5%	38.6%	34.9%	39.2%	41.3%	46.2%	45.6%
	Former	36.4	28.6	43.2	42.9	43.5	37.6	32.6	34.5
	Never	12.6	11.8	13.2	22.0	21.9	18.9	15.9	16.8
	Total	31.1	23.9	32.9	33.8	36.3	34.8	34.7	35.1
Santa Clara	Current	55.6	54.2	47.9	44.6	42.4	41.1	38.2	37.4
	Former	45.5	47.5	43.6	40.2	41.0	40.2	38.8	38.8
	Never	33.3	37.0	26.8	21.7	19.7	21.3	19.8	21.7
	Total	47.5	48.4	41.5	37.6	36.4	35.7	33.7	33.9
Santa Cruz/San Benito	Current	36.0	47.6	51.6	55.6	51.4	48.5	43.3	47.4
	Former	0.0	41.2	32.1	29.3	30.9	31.7	35.1	37.4
	Never	40.0	21.4	20.8	30.8	25.5	27.4	24.7	23.2
	Total	33.3	41.1	40.4	41.3	38.1	38.1	36.0	38.0
Shasta	Current	20.0	28.3	34.4	37.9	40.0	40.1	37.2	39.8
	Former	21.4	20.8	33.3	30.8	28.6	29.9	33.3	35.0
	Never	16.7	13.3	21.1	23.1	23.7	25.5	26.6	25.0
	Total	19.6	24.2	32.4	34.2	34.7	35.0	34.5	36.1
Sierra/Nevada	Current	66.7	52.6	50.0	51.5	52.5	45.8	45.1	45.5
	Former	33.3	50.0	50.0	52.9	52.6	54.2	48.3	46.9
	Never	0.0	20.0	11.1	9.1	18.8	31.6	33.3	33.3
	Total	50.0	46.7	42.6	44.3	45.3	45.1	43.6	43.2
Siskiyou/Modoc	Current	33.3	28.6	30.0	35.5	27.9	30.2	31.9	37.8
	Former	*	100.0	77.8	72.7	62.5	64.0	58.1	51.3
	Never	*	100.0	50.0	44.4	45.5	53.3	45.0	50.0
	Total	33.3	47.4	45.9	45.1	38.6	43.0	40.6	43.4
Solano	Current	72.7	72.3	73.6	76.1	70.9	70.4	69.2	68.5
	Former	77.8	72.4	68.0	67.6	72.2	71.1	69.1	67.7
	Never	35.3	27.3	29.8	30.7	37.4	36.1	35.0	34.8
	Total	60.4	60.6	61.4	62.2	62.4	61.6	60.7	59.2
Sonoma	Current	45.0	50.0	48.9	48.7	46.0	47.9	47.5	47.4
	Former	33.3	38.5	50.0	60.0	59.2	51.5	49.4	50.5
	Never	33.3	33.3	29.4	30.2	32.5	30.1	30.7	26.8
	Total	39.5	43.0	43.0	45.4	44.4	43.1	42.4	40.6
Stanislaus	Current	61.8	61.8	63.8	60.4	64.1	62.5	62.4	62.6
	Former	71.4	53.5	55.7	54.0	56.4	60.6	59.4	60.8
	Never	75.0	46.2	51.0	47.1	45.3	45.1	43.2	41.5
	Total	65.4	57.5	59.5	56.3	58.8	59.0	58.3	58.7
Sutter	Current	100.0	63.6	61.5	68.8	72.5	72.5	68.8	64.0
	Former	0.0	0.0	66.7	70.0	70.4	66.7	60.4	60.3
	Never	*	40.0	38.5	47.1	40.9	40.0	39.3	32.4
	Total	80.0	52.9	56.9	64.7	65.0	64.5	60.8	56.8
Tehama	Current	60.0	53.6	48.1	49.2	47.3	48.4	45.3	46.1
	Former	33.3	62.5	46.7	52.4	53.8	47.4	45.3	48.3
	Never	0.0	50.0	50.0	37.5	37.5	41.7	41.7	42.9
	Total	52.6	55.3	47.8	48.9	48.1	47.5	45.0	46.6
Trinity	Current	100.0	100.0	85.7	91.7	90.9	90.9	100.0	100.0
	Former	100.0	100.0	100.0	100.0	100.0	100.0	90.9	91.7
	Never	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	Total	100.0	100.0	92.3	95.0	95.0	95.2	95.2	95.6
Tulare	Current	60.0	58.2	68.0	73.1	68.8	68.5	69.7	69.2
	Former	58.3	51.2	60.5	57.4	64.0	64.3	66.2	67.0
	Never	23.1	30.8	41.1	39.2	43.7	43.6	45.4	46.4
	Total	51.6	50.0	60.0	60.8	61.9	62.0	63.4	63.6
Ventura	Current	70.6	62.7	62.3	63.2	61.2	64.0	62.3	64.7
	Former	58.8	59.2	63.3	60.2	57.9	58.7	58.3	58.8
	Never	52.4	48.6	39.2	40.4	35.9	35.6	33.9	36.3
	Total	64.0	59.2	56.9	56.9	53.8	55.6	54.1	56.0
Yolo	Current	83.3	71.4	73.2	76.0	78.2	76.7	73.7	67.8
	Former	85.7	73.3	60.0	56.1	53.1	49.2	50.6	52.2
	Never	37.5	42.9	31.3	33.3	34.0	32.1	32.8	29.7
	Total	70.4	64.9	58.4	60.0	58.9	56.8	55.1	52.7
Yuba	Current	87.5	71.4	75.0	74.5	77.3	77.3	77.8	78.2
	Former	100.0	100.0	83.3	73.7	66.7	67.6	63.9	62.2
	Never	50.0	50.0	50.0	25.0	37.5	45.5	53.3	45.5
	Total	83.3	75.9	76.2	71.6	71.3	71.7	71.6	70.0

SOURCE: CS 1257 Lines 17 (Unduplicated Aggregate Count - FFY) and 48 (Unduplicated Aggregate Count - FFY)

7/17/2015

Note: The formula for Percent of Cases with Support Orders Established by Default is line 48 divided by line 17.

*There were no cases with support orders established by default.

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**California Department of Child Support Services
Percent of Cases with Support Orders Established by Default**

Federal Fiscal Year 2015	Assistance Type	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015	Apr 2015	May 2015
Regionalized LCSAs									
Alpine	Current	*	*	*	*	*	*	*	*
	Former	*	*	*	*	*	*	*	*
	Never	*	*	*	*	*	*	*	*
	Total	*	*	*	*	*	*	*	*
Amador	Current	*	100.0	60.0	55.6	80.0	70.0	55.6	60.0
	Former	0.0	0.0	33.3	33.3	20.0	33.3	55.6	60.0
	Never	0.0	33.3	33.3	50.0	50.0	40.0	33.3	28.6
	Total	0.0	50.0	45.5	50.0	57.9	52.4	50.0	51.9
Calaveras	Current	20.0	28.6	33.3	42.9	44.0	51.6	50.0	51.7
	Former	25.0	40.0	37.5	37.5	30.0	27.3	33.3	25.0
	Never	*	50.0	50.0	50.0	50.0	50.0	55.6	50.0
	Total	22.2	35.7	35.7	42.4	41.5	45.8	46.2	43.6
Inyo	Current	*	100.0	100.0	100.0	50.0	33.3	20.0	20.0
	Former	0.0	0.0	0.0	33.3	25.0	16.7	37.5	41.7
	Never	100.0	66.7	50.0	45.5	46.2	46.2	46.2	47.4
	Total	66.7	60.0	50.0	46.7	42.1	36.4	38.5	41.7
Modoc	Current	*	0.0	50.0	40.0	33.3	27.3	23.1	25.0
	Former	*	100.0	100.0	100.0	66.7	80.0	80.0	50.0
	Never	*	*	*	*	*	*	*	100.0
	Total	*	50.0	66.7	50.0	41.7	43.8	38.9	43.5
Mono	Current	*	*	*	*	*	*	0.0	50.0
	Former	*	*	*	*	*	0.0	0.0	0.0
	Never	*	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Total	*	0.0	0.0	0.0	0.0	0.0	0.0	14.3
Nevada	Current	66.7	52.6	50.0	53.1	53.8	46.8	46.9	47.2
	Former	33.3	50.0	50.0	52.9	52.6	54.2	48.3	46.9
	Never	0.0	20.0	11.1	9.1	18.8	31.6	33.3	33.3
	Total	50.0	46.7	42.8	45.0	45.9	45.6	44.4	44.0
San Benito	Current	16.7	30.0	47.1	47.1	47.8	54.3	43.2	48.9
	Former	0.0	16.7	22.2	25.0	26.3	26.9	33.3	33.3
	Never	*	0.0	14.3	28.6	29.4	30.8	27.6	25.8
	Total	12.5	21.1	33.3	34.0	35.6	39.1	35.9	37.7
Santa Cruz	Current	42.1	53.1	53.3	58.7	52.9	45.5	43.4	46.6
	Former	0.0	54.5	36.8	32.0	33.3	35.1	36.4	40.0
	Never	40.0	27.3	23.5	32.0	23.3	25.0	22.7	21.6
	Total	40.0	48.1	43.2	44.6	39.3	37.4	36.0	38.1
Sierra	Current	*	*	*	0.0	0.0	0.0	0.0	0.0
	Former	*	*	*	*	*	*	*	*
	Never	*	*	*	*	*	*	*	*
	Total	*	*	*	0.0	0.0	0.0	0.0	0.0
Siskiyou	Current	33.3	30.8	27.8	34.6	26.5	31.0	33.9	40.0
	Former	*	100.0	75.0	70.0	61.5	60.0	53.8	51.6
	Never	*	100.0	50.0	44.4	45.5	53.3	45.0	42.9
	Total	33.3	47.1	44.1	44.4	37.9	42.9	41.2	43.4
Tuolumne	Current	55.6	60.0	50.0	47.6	47.8	46.7	50.0	51.2
	Former	33.3	25.0	40.0	50.0	44.4	45.5	37.9	41.7
	Never	0.0	0.0	33.3	16.7	12.5	9.1	17.6	20.0
	Total	46.2	47.6	46.9	43.9	40.8	39.7	38.2	41.4

SOURCE: CS 1257 Lines 17 (Unduplicated Aggregate Count - FFY) and 48 (Unduplicated Aggregate Count - FFY)

7/17/2015

Note: The formula for Percent of Cases with Support Orders Established by Default is line 48 divided by line 17.

*There were no cases with support orders established by default.

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AB 1058 Funding Allocation Joint Subcommittee

As of June 1, 2015

Hon. Mark A. Juhas, Co-Chair
(Family and Juvenile Law Advisory Committee)
Judge
Superior Court of California,
County of Los Angeles

Hon. Carolyn B. Kuhl, Co-Chair
(TCBAC)
Presiding Judge
Superior Court of California,
County of Los Angeles

Hon. Lorna A. Alksne
(WAAC)
Judge
Superior Court of California,
County of San Diego

Hon. Irma Poole Asberry
(WAAC)
Judge
Superior Court of California,
County of Riverside

Hon. Louise Bayles-Fightmaster
(Family and Juvenile Law Advisory Committee)
Commissioner
Superior Court of California,
County of Sonoma

Hon. C. Todd Bottke
(Family and Juvenile Law Advisory Committee)
Assistant Presiding Judge
Superior Court of California,
County of Tehama

Hon. Jonathan B. Conklin
(TCBAC)
Presiding Judge
Superior Court of California,
County of Fresno

Mr. Richard D. Feldstein
(TCBAC)
Court Executive Officer
Superior Court of California,
County of Napa

Ms. Rebecca Fleming
(TCBAC)
Court Executive Officer
Superior Court of California,
County of Stanislaus

Ms. Alisha A. Griffin
(DCSS)
Director
California Department of Child Support Services

Mr. José Octavio Guillén
(Family and Juvenile Law Advisory Committee and TCBAC)
Court Executive Officer
Superior Court of California,
County of Sonoma

Hon. Maureen F. Hallahan
(Family and Juvenile Law Advisory Committee)
Judge
Superior Court of California,
County of San Diego

Hon. Joyce D. Hinrichs
(WAAC)
Presiding Judge
Superior Court of California,
County of Humboldt

Ms. Sheran L. Morton
(WAAC)
Court Executive Officer
Superior Court of California,
County of Fresno

ATTACHMENT 2
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AB 1058 Funding Allocation Joint Subcommittee

As of June 1, 2015

Mr. Stephen H. Nash

(TCBAC)

Court Executive Officer

Superior Court of California,

County of Contra Costa

Ms. Alicia Valdez Wright, Esq.

(Family and Juvenile Law Advisory Committee)

Family Law Facilitator

Self-Help Center

Superior Court of California,

County of San Luis Obispo

CHILD SUPPORT COMMISSIONER PROGRAM

FY 2013-14 FULL TIME EQUIVALENT POSITION AND COMMISSIONER TO SUPPORT STAFF ALLOCATION					
COURT	# OF CSC ETE	# OF CSC SUPPORT FTE	TOTAL FTE	SUPPORT PER 1.0 CSC	
1 Alameda	1.50	13.30	14.80	8.87	
2 Alpine	0.50		0.50	-	
3 Amador	0.70	1.10	1.80	1.57	
4 Butte	0.50	3.81	4.31	7.62	
5 Calaveras	0.30	0.95	1.25	3.17	
6 Colusa	0.30		0.30	-	
7 Contra Costa	0.80	8.00	8.80	10.00	
8 Del Norte	0.30	0.40	0.70	1.33	
9 El Dorado	0.50	2.10	2.60	4.20	
10 Fresno	2.00	13.44	15.44	6.72	
11 Glenn	0.30	1.30	1.60	4.33	
12 Humboldt	0.30	0.41	0.71	1.37	
13 Imperial	0.40	2.40	2.80	6.00	
14 Inyo	0.10	0.30	0.40	3.00	
15 Kern	0.60	8.60	9.20	14.33	
16 Kings	0.50	3.00	3.50	6.00	
17 Lake	0.60	1.30	1.90	2.17	
18 Lassen	0.30	1.00	1.30	3.33	
19 Los Angeles	4.00	53.10	57.10	13.28	
20 Madera	0.50	3.00	3.50	6.00	
21 Marin	0.40	1.15	1.55	2.88	
22 Mariposa	0.60	0.68	1.28	1.13	
23 Mendocino	0.40	1.45	1.85	3.63	
24 Merced	0.70	9.80	10.50	14.00	
25 Modoc	No CSC			n/a	
26 Mono	0.25	0.09	0.34	0.36	
27 Monterey	0.60	2.40	3.00	4.00	
28 Napa	0.60	1.40	2.00	2.33	
29 Nevada	0.60	3.85	4.45	6.42	
30 Orange	2.50	18.45	20.95	7.38	
31 Placer	0.47	2.43	2.90	5.17	
32 Plumas	0.30	7.00	7.30	23.33	
33 Riverside	0.30	13.50	13.80	45.00	
34 Sacramento	1.70	10.70	12.40	6.29	
35 San Benito	0.30	1.00	1.30	3.33	
36 San Bernardino	2.30	24.30	26.60	10.57	
37 San Diego	3.00	17.40	20.40	5.80	
38 San Francisco	1.00	7.70	8.70	7.70	
39 San Joaquin	1.00	4.00	5.00	4.00	
40 San Luis Obispo	0.30	3.30	3.60	11.00	
41 San Mateo	0.50	3.50	4.00	7.00	
42 Santa Barbara	1.00	6.10	7.10	6.10	
43 Santa Clara	2.00	10.00	12.00	5.00	
44 Santa Cruz	0.50	0.50	1.00	1.00	
45 Shasta	0.70	5.00	5.70	7.14	
46 Sierra/Nevada	0.40		0.40	-	
47 Siskiyou	0.50	3.50	4.00	7.00	
48 Solano	0.70	5.10	5.80	7.29	
49 Sonoma	1.00	3.90	4.90	3.90	
50 Stanislaus	0.80	7.00	7.80	8.75	
51 Sutter	0.30	2.30	2.60	7.67	
52 Tehama	0.30	1.40	1.70	4.67	
53 Trinity/Shasta	0.30		0.30	-	
54 Tulare	1.00	2.90	3.90	2.90	
55 Tuolumne	0.60	2.35	2.95	3.92	
56 Ventura	0.70	5.40	6.10	7.71	
57 Yolo	0.40	2.00	2.40	5.00	
58 Yuba	0.30	1.75	2.05	5.83	
TOTAL	44.32	310.81	355.13	7.01	

TOTAL PROGRAM FTE

355.13

ATTACHMENT 3

Table 5 – Commissioners Requested and Potential Allocation

County	Caseload ⁶	Alloc. ⁷	Request	County	Caseload	Alloc.	Request
Alameda	48,103	1.9	0.60	Orange	73,686	2.8	2.00
Alpine	111	0.3		Placer	6,030	0.3	0.60
Amador	1,608	0.3	0.30	Plumas	762	0.3	0.25
Butte	8,582	0.3	1.00	Riverside	80,119	3.1	3.00
Calaveras	1,919	0.3	0.30	Sacramento	35,237	1.3	2.00
Colusa	821	0.3		San Benito	2,400	0.3	0.05
Contra Costa	38,666	1.5	1.00	San Bern.	41,584	1.6	1.00
Del Norte	3,024	0.3		San Diego	54,751	2.1	1.00
El Dorado	8,720	0.3	0.40	San Fran.	28,302	1.1	1.00
Fresno	61,224	2.3	3.00	San Joaquin	32,532	1.2	1.00
Glenn	1,715	0.3		San Luis Obispo	6,991	0.3	0.50
Humboldt	6,158	0.3		San Mateo	14,447	0.5	0.65
Imperial	7,907	0.3	0.60	Santa Barb.	21,364	0.8	0.50
Inyo	1,540	0.3		Santa Clara	49,128	1.9	2.00
Kern	50,318	1.9		Santa Cruz	5,196	0.3	0.50
Kings	9,132	0.3	1.00	Shasta	15,807	0.6	2.00
Lake	3,377	0.3	0.12	Sierra	160	0.3	
Lassen	1,529	0.3		Siskiyou	4,015	0.3	0.30
Los Angeles	226,752	8.8	9.00	Solano	16,348	0.6	
Madera	5,765	0.3	0.55	Sonoma	18,320	0.7	0.87
Marin	3,840	0.3	0.50	Stanislaus	25,495	0.9	2.00
Mariposa	794	0.3		Sutter	5,211	0.3	
Mendocino	4,110	0.3		Tehama	4,321	0.3	0.50
Merced	13,858	0.5	0.60	Trinity	1,075	0.3	
Modoc	739	0.3		Tulare	26,837	1.0	1.00
Mono	224	0.3	0.20	Tuolumne	3,139	0.3	0.40
Monterey	13,470	0.5		Ventura	35,077	1.3	1.00
Napa	4,231	0.3	0.60	Yolo	9,051	0.3	0.50
Nevada	5,261	0.3	0.40	Yuba	6,271	0.3	

⁶ Caseload is based on active caseload reported by the district attorney and consists of the cases for which a non-custodial parent has been located and a support order established or reserved. It is submitted that this figure represents the most useful figure for estimating workload of a court because active cases represent not only those cases that will generate enforcement action, but represents a good method of determining the number of new establishment cases a court is likely to get in any particular year. The statewide total is 1,157,254.

⁷ The allocation figure is based on total caseload of the counties responding to the questionnaire divided by the total number of positions requested. In addition, a minimum of .3 commissioner has been established for the very smallest counties which takes into account the issues concerning less than full calendars and the need for travel between counties.

From: [Parker, Darrel](#)
To: [Family Juvenile Comm](#)
Subject: 1058 Funding Proposal
Date: Wednesday, November 18, 2015 10:12:50 AM

I am writing to request you delay any recommendation on the current proposal until courts have more time to thoroughly review the methodology. A discussion among Santa Barbara Court staff involved in AB1058 reveals some doubts about the measures used to redistribute funding. Allowing more time will permit courts to provide a more thorough measure of AB1058 related work.

Thank you for your efforts and consideration of this request.

Respectfully,

Darrel Parker
Court Executive Officer
Santa Barbara Superior Court
805-614-6594

Sent from my iPad

From: [Carr, Soren](#)
To: [Family Juvenile Comm](#)
Subject: AB 1058 budget reallocation proposal: Response from SBCSC
Date: Wednesday, November 18, 2015 10:19:10 AM
Attachments: [doc01320920151118101551.pdf](#)

Good morning,

Please see attached response from Presiding Judge James E. Herman of the Santa Barbara Superior Court.

Best regards,
Soren Carr
Judicial Secretary to
Hon. James E. Herman, Presiding Judge
Santa Barbara Superior Court
1100 Anacapa St
Santa Barbara, CA 93101
Phone: (805) 882-4560
FAX: (805) 882-4602
scarr@sbcourts.org



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA
1100 ANACAPA STREET, SANTA BARBARA, CA 93101

November 17, 2015

AB1058 Funding Allocation Joint Subcommittee
Of the Family and Juvenile Law Advisory Committee
Trial Court Budget Advisory Committee and
Workload Assessment Advisory Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

RE: Proposed AB1058 Funding Reallocation

Dear Honorable Co-Chairs Juhas and Kuhl and Joint Subcommittee Members:

On behalf of the Santa Barbara County Superior Court, I am voicing our opposition to the reallocation proposal that has been created by a smaller subcommittee of the AB1058 Funding Allocation Joint Subcommittee and which will be considered for implementation at the Subcommittee's upcoming meeting on Thursday, November 19, 2015. While we applaud the efforts and intent of this Subcommittee to carefully review budget allocation procedures, especially when court funds are so scarce, we nevertheless believe that the proposed evaluation methodology is flawed. If the reallocation is implemented as currently envisioned, it will seriously compromise or eviscerate most of California's AB1058 programs and wreak havoc in the access to justice delivery system for self-represented litigants throughout the state.

We share the alarm expressed by other courts who oppose the budget cuts at this juncture without further collection of information and study by the Subcommittee. Child Support Commissioner Rebecca Wightman of the San Francisco Superior Court on August 19, 2015, submitted an especially well-composed list of concerns about the evaluation procedures used and suggestions for methodology improvement. We echo her concern that there are only two members (out of sixteen participants) with AB1058 judicial experience on this Subcommittee, which nonetheless seeks to quantify AB1058 judicial activity and divide financial resources accordingly. Furthermore, the proposed subset of data ("number of cases opened by DCSS per federal fiscal year") to be used to extrapolate the amount of work performed by the court per county in AB1058 activities results in a serious underestimation of the actual work done by commissioners, family law facilitators and other court personnel. All work done by DCSS and the court to establish child support in a divorce case, to process a contempt action or to modify child support, for example, is ignored. This Subcommittee needs to conduct further research in order to more fully understand how the work day is spent by these system participants.

The narrow focus of the Subcommittee on case-opening data furthermore ignores the importance of the *quality* of service provided. The driving force to revamp the child support delivery system in the 1990s was to create “an efficient, humane, and effective process for the expedited handling of child support cases” (Governor’s Child Support Court Task Force (1993 to 1995). In developing the AB1058 program, “[t]he legislature found a compelling state interest in having a simple, speedy, conflict-reducing system that is both cost-effective and accessible to families.” (“Background, Policy, and Services of the Child Support Commissioner and Family Law Facilitator Program (AB1058),” Judicial Council of California.)

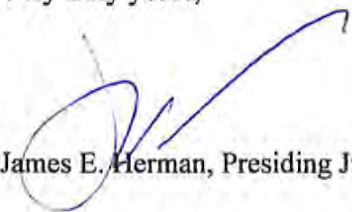
The Subcommittee should thus consider the unique attributes of each county’s AB1058 program. For example, in Santa Barbara County our two major population centers—Santa Maria (population 103,410 in 2014) and Santa Barbara (population 318,857 in 2014)—are about 64 miles apart. North and South County each have a family law facilitator, who provides services to not only the city residents but also to those living in the outlying rural areas. We have an excellent working relationship with our local child support agency and act collaboratively with them to maximize the efficiency of services provided both by the court and DCSS. In providing these services, our court has used its entire AB1058 base allocation plus the entire federal draw down funds every year for its family law facilitator program.

A production-line service delivery model is neither humane nor effective. It takes time to work with a self-represented litigant, especially if challenged by language or literacy barriers as is often the case. Passing out a forms packet with instructions on how to process the documents offers limited assistance to a self-represented litigant. In our court our family law facilitators offer classes and also meet individually with our customers in order to give assistance tailored to the needs of the individual. We additionally offer limited child support mediation services to self-represented litigants, which serves to resolve many child support conflicts by agreement. This service helps to reduce conflict, foster collaboration between parents and keep needless litigation out of the courtroom. The value of these services is not captured by DCSS case opening data. Is customer satisfaction an important measure that is missing in this deliberation?

We sincerely respect the dedication of your Subcommittee in reviewing the budget allocation system for the AB1058 program. It is an enormous endeavor, and it must surely be tempting to accept the proffered methodology as “close enough.” The proposed cuts, however, would drastically slash the AB 1058 programs across our state and have a dramatic impact on the delivery of services to the self-represented. Over 70% of the family law facilitator programs and over 74% of the child support commissioner programs would suffer cuts. The swings of this machete—even if done in a slow sawing motion—would have a lasting effect on the health of the child support justice system. Our court encourages you to request more time in order to more thoroughly gather relevant information and study the results.

Thank you for your continued thoughtful consideration of these issues.

Very truly yours,



James E. Herman, Presiding Judge

From: [Mary Frances McHugh](#)
To: [Family Juvenile Comm](#)
Cc: [Davis, William J.](#); [Masunaga, Laura](#); [Crane, Renee](#)
Subject: Siskiyou County Superior Court Public Comment regarding Agenda Items 3 through 8 - AB 1058 Allocation Subcommittee
Date: Wednesday, November 18, 2015 8:46:04 AM
Attachments: [11-17-15 AB 1058 Funding Allocation letter.pdf](#)

To the attention of Ms. Anna Maves:

Enclosed is the Siskiyou County Superior Court Public Comment regarding Agenda Items 3 through 8 - AB 1058 Allocation Subcommittee. The original is mailed, first class mail, postage prepaid.

Please confirm receipt of this material. Thank you.

Mary Frances McHugh
Court Executive Officer
Siskiyou County Superior Court
311 Fourth Street
Room 206
Yreka, CA 96097
(530)842-8218
mchugh@siskiyou.courts.ca.gov



Superior Court of California
County of Siskiyou

311 Fourth Street, Room 207
Yreka, California 96097

William J. Davis, Presiding Judge

(530) 842-8179 Telephone
(530) 842-8339 Fax

November 17, 2015

The Honorable Co-Chairs
AB 1058 Funding Allocation Joint Subcommittee
c/o Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: AB 1058 Reallocation

Dear Honorable Co-Chairs Juhas and Kuhl and Joint Subcommittee Members:

The Superior Court of Siskiyou County, California joins in the comments made by the Superior Courts of Nevada and Sierra Counties dated November 12, 2015. In addition, the Court urges the Joint Subcommittee to take additional time to include in its evaluation these comments.

Reducing the allocation by 73.9 percent from its historic level will eviscerate the AB 1058 program in Siskiyou County. Surely it goes without saying that our court cannot maintain the same level of effort and service when funding is cut by nearly three-fourths. Siskiyou believes it will be time well spent for the Subcommittee to explain to stakeholders the methodology used in identifying caseload data and receive meaningful, collective comment. As presented in the agenda materials, the methodology cannot be adequately vetted by review of our own data, and from a brief review, this re-allocation appears to primarily rely on only a single data set that inaccurately measures workload and fails to consider several important factors that impact the funding necessary to provide vital services to families with child support orders. Moreover, the only formal solicitation of input was limited to a short roundtable discussion at the October AB 1058 conference. While the roundtable discussion was valuable and appreciated, more input from the stakeholders most affected is critical as is the consideration of additional factors (e.g., level of activity of cases, family law cases in which DCSS has intervened, availability of other nearby legal services, remoteness of court locations, etc.). Siskiyou urges further analysis and further discussion toward the development of a meaningful means of funding for these services. Siskiyou contends that use of the WAFM allocation methodology in this instance is inapt: WAFM was never intended to be the measure by which everything is funded. The State of California is mandated by AB 1058 to provide the services of AB 1058 to all of the citizens of the State, and that includes the citizens of small, remote, rural counties such as Siskiyou.

The Siskiyou County Superior Court asks the Joint Subcommittee to take into consideration that Siskiyou County is situated in the northernmost part of California, right on the Oregon border. Its landmass exceeds that of the State of Connecticut. The largest city in Siskiyou County is Yreka, population 7500. There are seven other cities, two with populations not greater than 3400; the remaining five cities range in size from 200 to 1500. Resources in this area are scarce. For instance, there are no qualified psychologists available in the County to conduct statutorily required psychological evaluations for criminal defense matters, and there is a limited pool of court reporters and court interpreters. Professional services for these needs are obtained from the closest metropolitan areas, which are in the State of Oregon (Ashland, 35 miles and Medford, 55 miles), and from the closest metropolitan area in California, which is 100 miles away in Redding. The remoteness of Siskiyou County and lack of locally available, highly skilled professionals in this area means the availability of lawyers in the county is limited. There are fewer than a dozen lawyers to serve the family law needs of the community in Siskiyou County. There is no law school in the area and the closest legal aid services are in Redding, California. Over the past three years, the court has lost 50% of its annual funding. Its staff has shrunk from a high of 60 employees in 2005 to 33 currently. Filings remain static. There have been 17 murder cases filed in this County in the past two years, a significant increase over prior years; four are still pending. The court continues to process the same high volume of traffic citations as always, but with fewer staff.

This funding has been in place for 18 years. Two-thirds of it is federal funding and it is not being reduced. Courts have relied upon this funding source, and, depending upon the needs of their community, have developed their programs of self-help, access to justice, and other areas for family support services which have been chronically underfunded by the trial courts. AB 1058 funding allows the Siskiyou County Court to maintain the levels of service it provides to the families in crisis in Siskiyou County. Siskiyou has a .5 FTE

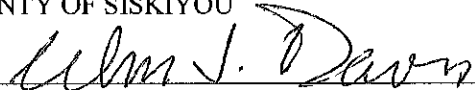
equivalent AB 1058 Commissioner who handles AB 1058 cases, in and out of court, more than half of her daily time. It has been observed that since the economic recovery there have been more contested hearings for monetary orders. Those often result in continuing hearings to another day for additional testimony or additional time under submission for review. Just raw case numbers will not reflect this work effort. Other duties not reflected in case numbers include the periodic reviews of job search orders which are calendared in most cases for over a year until the party becomes employed.

By contract required under AB 1058, the trial courts must provide a Child Support commissioner with minimum qualifications, must create an annual plan of cooperation between the trial court and the local child support agency, must give priority to Title IV-D actions, and must maintain staff levels to meet federal time standards and do time studies. How can a court fulfill its contractual obligations if it has inadequate funding to perform those functions?

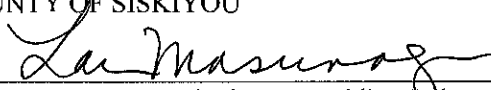
Your consideration of these points would be greatly appreciated. The Siskiyou County Superior Court would like to be able to provide more thoughtful, deliberative input and requests the opportunity to do so. If you wish further information from Siskiyou County Superior Court on this matter, please feel free to contact the undersigned.

Very truly yours,

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SISKIYOU

By: 
William J. Davis, Presiding Judge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SISKIYOU

By: 
Laura Masunaga, Assistant Presiding Judge

/mfm J:\ADMINISTRATION\GRANTS\AB1058\11-17-15 AB 1058 FUNDING ALLOCATION LETTER.DOC

From: [Stephanie Hansel](#)
To: [Family Juvenile Comm](#)
Subject: AB 1058 Funding Allocation
Date: Tuesday, November 17, 2015 11:30:13 AM

AB 1058 Funding Allocation Joint Subcommittee,

The current proposal before the Subcommittee would have devastating consequences for the AB 1058 program in Sutter County, especially the Family Law Facilitator program. Family Code section 10004 delineates the base services to be provided by the Family Law Facilitator including but not limited to providing education materials concerning the process of establishing parentage and establishing, modifying, and enforcing child support and spousal support; providing assistance in completing forms; preparing support schedules based upon statutory guidelines and providing referrals to the local child support agency, family court services and other agencies. These services are not limited to only those cases initiated or managed by DCSS. The WAFM funding model utilized weighted case types and filings to determine the baseline staffing requirements, it does not appear from the funding model proposed that these cases were weighted to account for those differences. For this reason, the use of DCSS data only for the calculation of need for this program is insufficient.

More input from the stakeholders most affected is critical as is the consideration of additional factors (e.g., level of activity of cases, family law cases in which DCSS has intervened, availability of other nearby legal services, remoteness of court locations, unemployment and poverty statistics for each county, etc.). Facilitators are required to submit quarterly statistics tracking our workload and it does not appear that data was reviewed or considered when making the allocations.

I urge the Subcommittee to request more time to consider additional factors and to gather additional input from the affected stakeholders. Given part of the proposal would be to delay implementation until FY 2017-18, requesting additional time to ensure the new methodology serves the needs of families needing legal assistance makes practical sense.

Stephanie M. Hansel
Assistant Court Executive Officer
(Former Family Law Facilitator)
Sutter County Superior Court
446 Second St.
Yuba City, CA 95991
Ph 530.822.3379
shansel@suttercourts.com

From: [Dr. Cindy Van Schooten](#)
To: [Family Juvenile Comm](#)
Cc: [Johnson, Elizabeth](#)
Subject: Re: AB 1058 Reallocation
Date: Wednesday, November 18, 2015 11:44:03 AM

AB 1058 Funding Allocation Joint Subcommittee
of the Family and Juvenile Law Advisory
Committee, Trial Court Budget Advisory Committee, and
Workload Assessment Advisory Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: AB 1058 Reallocation

Dear Honorable Co-Chairs Juhas and Kuhl and Joint Subcommittee Members

On behalf of Trinity County Superior Court, I'd like to comment on the current proposal before the Subcommittee on Thursday November 19, 2015. As it is now, it would have devastating consequences for AB 1058 programs, in particularly for smaller counties. This letter outlines our shared concerns and hopes for further time to explore alternatives. Our county currently relies on Shasta Court for FLF services, and in June 2015, Trinity was completely left out of the AB 1058 funding, forcing us to request an immediate amendment to the AB1058 allocations from the Judicial Council. This would have devastated both of our courts, if we had not taken quick action. Now we have an additional obstacle as outlined below.

Unfortunately, the proposal primarily relies on only a single data set that inaccurately measures workload and fails to consider several important factors that impact the funding necessary to provide vital services to families with child support orders. The only formal solicitation of input from Facilitators was limited to a short roundtable discussion at the October AB 1058 conference, with little preparation. While the roundtable discussion was valuable and appreciated, more input from the stakeholders most affected is critical as is the consideration of additional factors (e.g., level of activity of cases, family law cases in which DCSS has intervened, availability of other nearby legal services, remoteness of court locations, etc.). The latter item, "remoteness of court locations: cannot not be emphasized enough, as a significant factor impacting fair access to all.

As stated by several of my colleagues, I urge the Subcommittee to request more time to consider additional factors and to gather additional input from the affected stakeholders. The proposal would be to delay implementation until FY 2017-18, requesting additional time to ensure the new methodology serves the needs of families, in particular in the rural areas who need legal assistance. At the very least, I request the Subcommittee to take more time with this to allow meaningful comment from potentially impacted courts.

Best regards,

Dr. Cindy Van Schooten
Court Executive Officer
Superior Court of California, Trinity County
11 Court Street
Weaverville, CA
(530) 623-8330

From: [Carla Khal](#)
To: [Family Juvenile Comm](#)
Subject: AB 1058 Funding Allocation Joint Subcommittee Meeting 11/19/2015
Date: Tuesday, November 17, 2015 10:38:29 AM

Committee members –

I urge you to extend the time to study the reallocation of AB1058 funding. This rush to adopt a method of reallocation in a period of less than 12 months seems unnecessary. The committee has had no time to gather qualitative data which I firmly believe should be included along with the quantitative data being considered. As a program that would lose over 60% of the current funding, Tulare County's Family Law Facilitator program would be devastated by adopting the current proposal.

What mere quantitative data does not reflect is the additional burdens faced in rural counties with large low-income populations. For example, patrons of our program have extremely limited access to public transportation. Yet they must travel significant distances to reach the court. Our work to provide services in a variety of locations helps to provide access to justice for people who can least afford time off work, fuel/travel costs and attorneys. In three or four years, the proposed reallocation would end our ability to provide services throughout the county on a daily basis. We are also a program that must bear the additional cost of renting a facility due to lack of space in the courthouse. No provision for such differences is allowed by a funding allocation that is based strictly on quantitative data. These are just two examples of why quantitative data alone is not sufficient for making such a decision. If you multiply just these examples by the number of counties – primarily small, rural counties – that will lose significant funding, you will surely recognize the need to take a more thorough approach to this decision.

For many years, I served on the AB 1058 Budget Focus Group. Each year we reviewed the recommendations of the AB1058 staff for annual funding and mid-year reallocation. Adjustments to funding considered unique circumstances of courts and qualitative issues, not just raw data. I find it interesting that for the first time in the history of the program, the Focus Group was completely ignored as to mid-year 2014/15 reallocation as well as 2015/16 funding. In the entire reallocation review, the very existence of this long-standing group seems to have been forgotten. It would seem that the Focus Group should have been one of the first consulted when this process started, but obviously that did not occur. This lack of acknowledgment and respect for people who were annually involved in reviewing funding allocations leads one to suspect to a pre-determined outcome on the part of this process. Namely, fund the big counties and leave the small counties to struggle on their own.

The goal of the Family Law Facilitator program is to expand access to justice. The proposal under consideration takes the bulk of funding and redirects it to the large urban counties which have traditionally been better funded. Yet these counties have the advantage of having significantly better resources for their patrons already. I urge you not to let this program become yet another example of people living in large urban areas having greater access to justice while those in the poor, rural counties, who most need assistance, are left to face often insurmountable obstacles to justice.

Carla R. D. Khal
Family Law Facilitator
Superior Court of California
County of Tulare
Self-Help Resource Center
559-737-5500, ext. 7104

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From: [Philip A. Pimentel](#)
To: [Family Juvenile Comm](#)
Subject: 1058 funding proposal
Date: Monday, November 16, 2015 1:05:06 PM

I have glanced at the proposal but have not had sufficient notice or time to fully assess the entire proposal.

I do note that the proposal does NOT take into consideration the number of court appearances on these cases, including the majority of which relate to modification of these child support orders. Please deny taking any action on this proposal until a complete assessment of the needs of each county based upon these and other considerations. Thank you. Philip Pimentel, commissioner for Tuolumne and Mariposa counties.

From: [Jeanine D. Tucker](#)
To: [Family Juvenile Comm](#)
Cc: [Segerstrom, Donald](#); [Kuhl, Hon. Carolyn B.](#); "[MAJahas@LaSuperiorCourt.org](#)"
Subject: Letter to the TCBAC AB 1058 Reallocation Subcommittee
Date: Wednesday, November 18, 2015 4:28:21 PM
Attachments: [Letter to FamilyJuvenileComm.pdf](#)

Please find attached, a letter from our court for your consideration at the November 19th meeting.

Have a good evening,

Jeanine D. Tucker

Court Executive Officer
Superior Court of California
County of Tuolumne
41 W. Yaney Avenue
Sonora, CA 95370
jtucker@tuolumne.courts.ca.gov
(209) 533-5556
(209) 595-7735

"To provide justice under the law, equally, impartially, and expeditiously, with dignity and respect for all."

From: [Robert Sherman](#)
To: [Family Juvenile Comm](#)
Subject: Proposed AB 1058 Funding Allocation Methodology
Date: Tuesday, November 17, 2015 3:26:28 PM

The funding model as currently recommended is deficient due to utilizing workload solely as the determining factor. This model would be accurate only if all 58 courts provided these services in the exact same manner utilizing standardized practices, policies and procedures along with a uniform staffing model.

The proposed approach is flawed as it does not consider all of the factors required to provide these services. These factors include the scope and level of services, number of days and hours the services are provided, the staffing involved, the number of locations and most importantly the costs over and above the AB 1058 funding that a court is funding from it's own budget to provide these services.

This proposal in it's current form is not actually correcting the problem, it is simply moving the problem. More attention needs to be given to the entire process involved in providing these services in addition to the workload.

mailgate.ventura.courts.ca.gov made the following annotations

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From: [Berger Cathleen](#)
To: [Family Juvenile Comm](#)
Subject: Ltr from Yolo Superior Court
Date: Wednesday, November 18, 2015 11:01:44 AM
Attachments: [2015-11-18 Ltr to Reallocation Subcommittee.pdf](#)

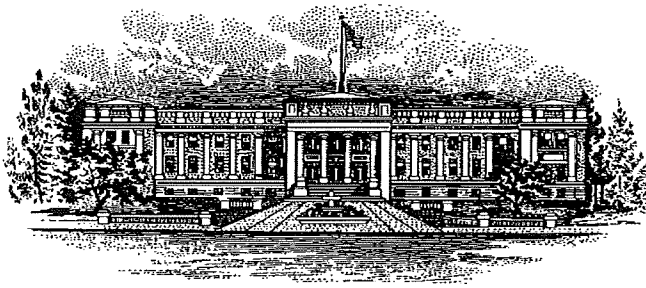
Please see attached letter from Yolo Superior Court.

Thank you,

Cathleen L. Berger

Deputy Court Executive Officer

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SUPERIOR COURT

Of the State of California for the
COUNTY OF YOLO

1000 Main Street
Woodland CA 95695
www.yolo.courts.ca.gov

Hon. Kathleen M. White
Presiding Judge
Department 14

kwhite@yolo.courts.ca.gov

(530) 406-6771 Direct

(530) 406-6888 Chambers Clerk

November 17, 2015

Hon. Carolyn Kuhl

Hon. Mark Juhas

Co-Chairs, AB 1058 Reallocation Subcommittee Members,
(via email)

Re: Proposal to Reallocate AB 1058 Funding based on DCSS Case Filings

Dear colleagues:

The proposal to reallocate AB 1058 funding based solely on case filings has only recently come to our attention. Reallocation is a necessary if unpleasant task to ensure the continuing viability of any program. However, the proposed new model based solely on case filings and work load (as we understand it), will eviscerate the ability of smaller courts to serve and expand child support collections. As an unintended consequence, it will also eviscerate the Family Law Facilitator ("FLF") programs in the mid-size and smaller courts that are critical to increasing DCSS collections and serving unrepresented family and domestic violence litigants. (In Yolo county, 95% of our family law litigants in 2014 were unrepresented.)

The proposed funding cuts to the smaller and mid-size courts do not appear to factor in all the data relevant to courts' ability to provide and sustain the extremely valuable FLF program and child support commissioner. The statistics are compelling as to how much the FLF program, the AB 1058 commissioner and the family judges, with FLF assistance, direct parties to DCSS and increase collections countywide. We would be happy to share the specifics with you when you have time.

For example, DCSS workload measurements do not always reflect how the FLF program at the Court increases the number of cases in which child support is established, modified and/or enforced. In the fall of 2014, the Yolo County Local Child Support Agency ("LCSA") partnered with the Court setting up an area in the FLF office

Hon. Carolyn B. Kuhl
Hon. Mark A. Juhas
November 17, 2015
Page two of two

for their services. According to Yolo DCSS statistics, from October 2014, to March 2015, referrals from the court and FLF to DCSS substantially increased their referrals just over this last 6 months. We do not believe this data is reflected in the statewide DCSS data for case openings because the support orders were made in the existing family court cases, not the DCSS cases. In addition, DCSS received significant improvements in its customer satisfaction data from the family law litigants, who had previously seen DCSS as an obstacle and not a partner in improving their family situation. This has direct economic impacts on the efficiency of the family courts and on the family court judges, staff and litigants. The proposed cutbacks would have the unhappy unintended consequence of undermining the very goals that the reallocation seeks to support.

We can't express strongly enough how important this program is to our LCSA, the court, the SRLs and our community. We ask that you take the time necessary to gather as much information as possible to be able to understand the importance of this program and propose sustainable budgets that do not cut the FLFs or the AB 1058 commissioners in our courts.


Thank you for your time and consideration.

Very truly yours,


Kathleen M. White
Presiding Judge

Very truly yours,


Shawn Landry
Court Executive Officer


Janet Gaard
Asst. Presiding Judge