



JUDICIAL COUNCIL
OF CALIFORNIA

www.courts.ca.gov/familyjuvenilecomm.htm
familyjuvenilecomm@jud.ca.gov
www.courts.ca.gov/tcbac.htm
tcbac@jud.ca.gov
<http://www.courts.ca.gov/waac.htm>
waac@jud.ca.gov

AB1058 FUNDING ALLOCATION JOINT SUBCOMMITTEE

MINUTES OF OPEN MEETING

May 11, 2017

10:00 a.m. – 5:00pm

2860 Gateway Oaks Drive, First Floor

Sacramento, CA 95833

Advisory Body Members Present: Hon. Irma Poole Asberry, Cochair, Hon. Mark Ashton Cope, Cochair, Hon. Mark A. Juhas, Cochair, Hon. Sue Alexander, Hon. C. Todd Bottke, Hon. Kevin C. Brazile (via phone), Hon. Jonathan B. Conklin, Mr. Richard D. Feldstein, Ms. Rebecca Fleming, Ms. Alisha A. Griffin, Hon. Maureen F. Hallahan, Hon. Joyce D. Hinrichs, Hon. Ira R. Kaufman, Mr. Stephen Nash, Hon. B. Scott Thomsen, Ms. Lollie Roberts (specially appointed)

Advisory Body Members Absent: Hon. Lorna A. Alksne, Ms. Sheran Morton

Others Present: Ms. Chelsie Bright, Ms. Charlene Depner, Ms. Kristine Errecart, Ms. Lucy Fogarty, Ms. Tracy Kenny, Ms. Anna Maves, Mr. Juan Palomares, Ms. Leah Rose-Goodwin, Ms. Brandy Sanborn, Mr. Gary Slossberg, Ms. Nancy Taylor, Ms. Millicent Tidwell, Ms. Susie Viray

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

No meeting minutes to approve.

III. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Item 1

Welcome

Call to order at 10:01 a.m. Roll call taken.

Item 2

Public Comment

Child Support Commissioner Rebecca Wightman (San Francisco): Commissioner Wightman encouraged members to review an article she co-wrote with Child Support Commissioner Jeri Hamlin. She commented on how the workload for the AB 1058 courts is driven by the practices of the local child support agencies (LCSAs) and is guided by federal performance measures. She emphasized that the program is unique and



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that looking just at numbers is not appropriate for this program. She added that it is different than Trial Court funding generally and that the subcommittee needs to respect historical operations and assess the impact of any funding changes on the program.

Item 3

Report from Maximus Consultant Regarding Potential Funding Models

Presenter: Daniel Bauer, Esq., MAXIMUS

Department of Child Support Services (DCSS) Director Alisha Griffin introduced Daniel Bauer, Esq., a consultant from MAXIMUS, who has hired by DCSS to develop potential funding models for the AB 1058 program.

Ms. Bauer introduced himself, touching on his experience on both the enforcement and judicial aspect of the title IV-D program in Michigan. Mr. Bauer explained his process in developing the potential models. This included meeting with the Child Support Commissioner (CSC) and Family Law Facilitator (FLF) Subject Matter Expert (SME) groups to develop guiding principles for a funding model and driving factors (i.e., tasks which because of a combination of frequency and duration, identify a majority of the work done in the program). Using the driving factors, Mr. Bauer conducted a “stopwatch time study,” in which program staff at four courts of varying sizes (i.e., Los Angeles, Sacramento, Ventura, and Yolo) tracked all of their work for 26 days, or 10% of a full work year. Mr. Bauer also facilitated Delphi method sessions, in which program experts independently estimated the average duration of the driving factors, discussed their estimates in a group setting, revised their estimates, and met again to try to reach consensus on the estimates. The time study and Delphi method estimates were developed independently and used to validate one another. In addition, Mr. Bauer noted that in a few months MAXIMUS will be conducting an observational time study, in which third party observers will track the time it takes to complete certain tasks.

Mr. Bauer analyzed the available data to determine what might be used as reliable workload measures. His analysis included looking at the Judicial Branch Statistical Information System (JBSIS) data, CSE (the DCSS case management system) data, census data, and the data from the Family Law Facilitator Electronic Database (FLFED), a database maintained by FLFs statewide for several years to track customer interactions. After a thorough analysis, he determined that the number of hearings (by type) from CSE and the number of customer interactions from the FLFED were the most useful workload measures, as they measured the work at the most granular level, yielding more realistic estimates of workload. Moreover, for the FLFs, the FLFED is the only direct source of workload data.

Mr. Bauer noted the concern with using an outside data source (CSE) to measure CSC workload as well as the concern of using hearings rather than motions as the metric. He acknowledged that getting data directly from the courts is ideal, but all of the available data sets have their important limitations, and the hearings count from CSE appeared to be the most reliable despite its limitations. Central to this determination was the fact that JBSIS data at the motion/hearing level is not tracked by all courts, including some of the largest courts. As Mr. Bauer explained, AB 1058 work is motion-based practice and workload can differ drastically depending upon the type of motion. As such, measuring work at the motion level should more accurately reflect workload than at the case filing level. As no reliable source of information for motions was available, using hearings by type was the next best source of workload data, and CSE provided the only reliable source of this data. A significant limitation of this data set, however, was that not all LCSAs track hearings based on private litigant motions, raising concerns about the consistency of the data. Nonetheless, it was Mr. Bauer's determination that the CSE data was still the most reliable. Long term, however, he recommended having courts track this data, so the data can come right from the source.

Turning to the FLFs, Mr. Bauer noted that while the FLFED has its own concerns (e.g., lack of uniformity in how data is entered and inconsistent reporting by some courts), it is a better measure of workload than hearings, since not all FLF customer interactions result in the filing of court documents, but these services are still essential to the program. As such, hearings do not provide an accurate reflection of the workload for FLFs.

Mr. Bauer explained that he then used the workload volume measures (i.e., hearings from CSE and interactions from the FLFED) and multiplied them by his durational estimates from the time study and/or Delphi method estimates to arrive at total workload minutes for each court, which (after adding in time for



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non-hearing work) was then converted into full-time equivalent staffing positions (FTEs). Using these workload measures, Mr. Bauer developed four different models, which were presented to the CSC and FLF SME groups and the DCSS executive staff to get their feedback. Mr. Bauer presented the four models to the Subcommittee. In addition to the workload measures noted above, the models considered extenuating circumstances, including the number of limited English proficient speakers (LEPs) in a county as well as the county's poverty rate. While other extenuating circumstances also were present (e.g., courts with multiple locations separated by mountains), these factors were more difficult to measure. The models also broke the courts into strata. As explained by Mr. Bauer, in contrast to one minimum funding floor, there could be multiple floors to ensure that not only the small courts, but all courts, guaranteed a minimum staffing level. This concept was responsive to the concern raised by stakeholders to maintain a base level of services for all courts.

The four models presented were the following:

- Model 1: Default-Adjusted Hearing, WAFM – Using the workload measures noted above (with an adjustment for time spent on default judgments), this model determines each court's FTE need and inputs these amounts into the WAFM formula to determine allocations.
- Model 2: Default-Adjusted Hearing, Average Salary – Using the same general process as in Model 1, this model uses each court's average salary per position rather than a statewide average (adjusted for the cost of labor in each jurisdiction) to determine funding.
- Model 3: Two-Pass Methodology – Using the same process as in Model 2, this model adds a second stage in which JCC can make adjustments to individual allocations based on a demonstrated need.
- Model 4: Model Office – To determine FTE need, this model divides the number of hearings in each court by set number that each staff is assumed to be able to handle.

For FLFs, instead of hearings, Mr. Bauer used FLF interactions as reported on the FLFED. Each model also allowed for an adjustment for the number of LEPs and the poverty rate in the jurisdiction. Lastly, each model incorporated strata to provide a minimum guaranteed staffing level for each court based on the lowest staffing level of all the courts in a particular strata.

As a possible feature of all the models, Mr. Bauer introduced idea of a one-time technology enhancement. This would include the purchasing of remote video conferencing for hearings, which could reduce travel expenses by having a CSC sit in one location preside over hearings in other locations.

Subcommittee members questioned Mr. Bauer on a number of aspects of the models and regarding his decisions to use some data sets versus others. Several members shared their concerns about the quality of the data and the need to make a recommendation on how to get better data moving forward. Some of the specific concerns noted were the following:

- That a significant number of hearings are the result of private litigant motions, which are not uniformly captured by CSE.
- Defaults in CSE include both actual defaults (i.e., no involvement from obligor) and stipulations. Each may entail a different workload, but CSE groups them all together.
- Stipulations (e.g., post-judgment stipulations for modifications) are not tracked well, and they have an impact on workload.
- Courts may manipulate their practices to inflate their numbers, even if such practices are less efficient.
- There's a lack of clear data definitions, which leads to inconsistent tracking of data.

A member asked whether or not population was considered for approximating the workload FLFs. Mr. Bauer responded that he decided not to use population partly because he was concerned that it might not reflect the number of people actually seeking services. There was some discussion about the use of the LEP rate and poverty rate to bump up the FTE need of some courts. A member asks why Mr. Bauer used 10% of the rate as the multiple to bump up the FTE need, and Mr. Bauer responded that 10% was an educated guess on the percent of a county's population that is using the court services. A member noted that the SME groups



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had a difference of opinion as to whether or not the poverty rate was a good factor to use to bump up the FTE need. The member agreed that the LEP rate is important and added that the number of remote appearances is an important factor as well.

Item 4

Report from California Department of Child Support Services

Presenter: Alisha Griffin, Director, California Department of Child Support Services

Director Griffin talked about the use of performance measures in assessing the LCSA, noting that DCSS has established 22 practice indicators to measure LCSA performance. DCSS saw an increase in stipulations directly attributable to looking at the outcomes, which led to increased payments to families.

DCSS had a similar process in place to look at the funding of LCSAs. Like courts, LSCAs have had a significant disparity of funding. DCSS has been working on improving the data collected by CSE. DCSS also has been developing share services in one of two ways: 1) skill set, e.g., one county handles QDROs or international cases for other counties, 2) helping under-resourced counties, e.g., one attorney serves multiple counties or one county provides financial services for another county.

Director Griffin noted that they've seen counties that are underfunded but have high performance and counties that are overfunded with low performance.

Director Griffin added that the Governor's budget may lead to a cut in the child support program. California's caseload has dropped 28% in last 3 years. Some of that is because some families are walking away from TANF, despite fact that the poverty rate is not dropping.

Item 5

Report from the Office of Court Research

Presenter: Leah Rose-Goodwin, Manager, Office of Court Research

Ms. Rose-Goodwin provided an update on RAS. As a quick recap, she explained that RAS is a workload analysis that focuses on court case processing staff. It does not measure the work of CSCs. CSC work is measured in a judicial workload assessment study. The RAS and judicial workload assessments are updated about every 5 years, but upon the request of the courts, they are not updated at the same time. RAS was updated in 2016 in a time study of 15 courts, which included 100% of the case processing staff. Ms. Rose-Goodwin commented that they conduct the study at the 10,000-foot level across all case types. They use random-moment method, which is a federally-sanctioned method. They send e-mails at various moments throughout the day to ask what staff are doing. About 4000 staff members participate.

One thing that differentiates RAS from what Mr. Bauer described, rather than differentiating between hearings or other tasks, RAS tracks all types of work in a particular casetype to develop a single statewide case weight. There's no guarantee that the process followed by study courts is efficient; current practices are used to determine workload for each case type. RAS uses filings as the workload driver. It is important to understand that filings are merely a proxy of the work of everything that goes into a case over time.

Since the last update to the Subcommittee, at the last meeting for RAS, a weight of 405 minutes for child support case filings was established from the 2016 study. A member asked how child support cases within a divorce are tracked. Ms. Rose-Goodwin responded that the child support workload is counted separately from the divorce case, with each receiving a filing count of "1". The members discussed the case weights as used by RAS, and it was confirmed that even if a default case only takes 5 minutes to process, this time is balanced against the time for other cases to arrive at a single average for all cases.

It was asked what the case weights are for other family law types. Ms. Rose-Goodwin responded with the following case weights - Domestic Violence: 475, Family law other: 571, Marital: 861, Parentage: 1260.

Item 6

Final Report from Child Support Commissioners Subject Matter Expert Group



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Presenter: Commissioner Sue Alexander, Alameda Superior Court

Commissioner Alexander commented on the CSC SME group report, which was submitted prior to reviewing the models developed by MAXIMUS. The report recommends the following (not an exhaustive list):

- Count workload by motions, not cases, and track this work through JBSIS
- Weigh motions by type to account for the fact that different motions lead to different workloads
- Use a 2-3 year rolling workload analysis
- Address how much gets funded from base funding and how much from federal drawdown funding
- Apply a minimum funding floor
- Have a multi-year phase-in while continuing to analyze program performance to allow for reassessment of the new funding methodology

Commissioner Alexander continued that what the report did not include are the efficiencies necessary to improve outcomes. The SME group plans to bring some recommendations to the Family and Juvenile Law Advisory Committee to make legislative and/or rule changes.

A member noted that the report in making these recommendations seems to anticipate a lot of operational changes in courts as a result of the allocations, which seems at odds with the guiding principle identified by the CSC SME group that courts should be allowed to continue doing things as they have done them in the past. Commissioner Alexander clarified that, looking at reality, she understands that some courts will lose funding.

Another member asked: if you have funding floor of a 0.3 FTE CSC, how does that apply to Sierra and Alpine and other very small courts? Commissioner Alexander responded that there may be a need to look at the minimum floor differently and possibly consider using strata as suggested by MAXIMUS.

Item 7

Final Report from Family Law Facilitators Subject Matter Expert Group

Presenter: Lollie Roberts, Family Law Facilitator, Sacramento Superior Court

Ms. Roberts highlighted four basic points:

1. The FLF program is grossly underfunded. Before funding pilot projects and innovations, you need to ensure funding of the program generally.
2. You need to look at unique factors impacting certain FLF offices, but if it is used, it needs to be done using objective factors. One example is a geographically large county like San Bernardino.
3. The FLFs have been gathering data through the FLFED (and its predecessor) for 20 years. Although it is not the best database, it is the best for the FLF program. Litigant demand is what drives the program, not case filings.
4. Implementation of the reallocation is as important as reallocation itself. When decisions are made, programs need as much advance notice as possible, e.g., two years out this will be your new allocation. With such notice, programs can leave open vacancies, etc.

A member asked about the FLFED and the ability to modify it. Ms. Maves responded that JCC provides the software, and there currently is an effort to develop a workgroup to revise the FLFED.

A member noted that the Futures Report talks about the importance of self-help centers and that FLF offices should be looked at the same way. A member added that the people staffing FLF offices and self-help offices are often the same people, so if you create a problem for FLFs, there may be unintended consequences for self-help offices.

Item 8

Public Comment



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Child Support Commissioner Rebecca Wightman (San Francisco): Commissioner Wightman emphasized the importance of tracking statistics for the program. She read an excerpt from the 1997 report regarding the AB 1058 report, which talked about looking at a number of factors, such as the number of hearings set for each CSC, time for hearings, and so forth. She added that it is important to remember that AB 1058 is motion-based practice. She said that it cannot be measured easily in a 2-week time study. Since there are issues with data, if a new methodology is implemented with incomplete data, she stressed that you should not be locked into this data set. There should still be an effort to get better data. Finally, she urged the Subcommittee to look at the historical ask of counties as well as the practices of LCSAs.

Item 9

Discussion by Joint Subcommittee

The members discussed the information presented to the Subcommittee. One member asked if there's a way to ensure that LCSAs will begin reporting data in CSE the same way to make that data more usable for a methodology. Director Griffin responded that DCSS is continuing to improve its data sets and is working on a number of policy improvements to get more standard practices statewide. A member asked where DCSS is in their funding review. Ms. Maves responded that the DCSS funding review uncovered how devastating the reallocation would be for certain counties. As a result DCSS has paused its review, focusing instead on developing centers of excellence to try to improve services.

Members discussed the viability of shifting money from the CSC program to the FLF program. It was noted that few courts say they need less money, although some do not have sufficient trial court funding to be able to utilize the federal drawdown funds (FDD). A majority of FDD that is unspent is within the CSC program. It was asked if these unspent funds can be reallocated to the FLF program. Ms. Maves responded that there is a separate contract for the CSC funding and for the FLF funding, so funds from one program cannot be shifted to the other without changing the contracts. It was added that many courts continue to spend trial court funding on the AB 1058 program after their AB 1058 funds have been exhausted.

The members began discussing next steps. Ms. Maves noted that the charge from Council was to get a recommendation for funding for FY18-19. That would mean going to the Council around February 2018. To meet that goal, the work of Subcommittee would need to be completed by December.

It was decided that the subcommittee would have a meeting by telephone midsummer to discuss funding models and to select features it might like to see in a model. Then, there could be an in-person meeting in early fall to review built out models.

IV. ADJOURNMENT

Concluding Remarks and Adjourn

Approved by the advisory body on enter date.

Menu of Options for AB 1058 Funding Models
 Model 1 - WAFM Model with AB 1058 Inputs

Determination of FTE Need
Workload Volume
JBSIS Filings
Workload Duration
RAS Child Support case estimates for Clerks and FLFs; Judicial Needs Study for CSCs
Addition of Supervisory Staff FTEs
Ratio of supervisory staff to other program staff in each court cluster multiplied by FTE Need per JBSIS filings to determine additional Supervisory Staff FTE Need
Cost Inputs
Salary Inputs
Statewide average specific to each AB 1058 position (e.g., CSC, clerk, FLF) adjusted for cost of labor
OE&E and Benefits Inputs
Statewide average of OE&E and of salary-driven benefits (e.g., pension contributions) and non-salary-driven benefits (e.g., employer contributions to health insurance premiums) *For OE&E, cluster 1 courts were allocated an amount per FTE based only on the average costs per FTE of those courts.
Pro Rata Allocation
Each court's initial allocation is then reduced to fit within the existing program budget, based on the court's pro rata share of the total initial allocations.
Minimum Funding Floor
Courts below a particular funding threshold are bumped up to the funding floor. Like WAFM, a graduated funding floor structure could be developed to reflect the differing minimum costs for small courts of different sizes.
Phase-In
The new funding methodology would be phased-in as directed by the Council.

Menu of Options for AB 1058 Funding Models

Models 2 & 3 - Child Support Commissioner Program Only

Models based on Initial Case Filings

Models based on Hearings Data

Determination of FTE Need		Determination of FTE Need
Workload Volume		Workload Volume
a) JBSIS Filings	b) CSE cases with orders established in federal FY	CSE Hearings by Type
Default Adjustment? Yes/No		Default Adjustment? Yes/No
Workload Duration		Workload Duration
RAS Child Support case estimates for Clerks; Judicial Needs Study for CSCs		MAXIMUS Time Studies/ Delphi session estimates
**Note: options below are the same for both models.		
Cost Inputs		
Salary Inputs		
State average specific to each AB 1058 position (e.g., CSC, clerk, FLF, paralegal) adjusted for cost of labor		
Operations and Benefits Inputs		
a) Statewide average per FTE	b) Set percentage of total salary costs (state average)	
Minimum Funding/Staffing Floors		
Number of Floors		
a) 1 floor	b) Multiple floors for small courts only	c) Multiple floors for courts of all sizes (stratified funding floors)

If Multiple Floors, Determination of Groups

- | | | | |
|---------------------------|-------------------|-------------------|---------------------------------------|
| a) Natural breaks in data | b) Court clusters | c) LCSA groupings | d) Statistically similar-sized groups |
|---------------------------|-------------------|-------------------|---------------------------------------|

Unique Factors:

- | | | |
|---------|-----------------|------------------------|
| a) LEPs | b) Poverty rate | c) Number of Locations |
|---------|-----------------|------------------------|

Federal Drawdown Options

- | | | |
|---|---|--|
| a) Use same percentage of FDD/base for all courts | b) Use each court's historical percentage of FDD/base to allocate to each court | c) Assign a funding floor for base; allocate remainder pro rata to each court's funding need |
|---|---|--|

15% Increase/Decrease Cap? Yes/No

Any increase or decrease in funding could be capped at 15% to limit adverse impacts on individual court programs.

Phase-In

The new funding methodology would be phased-in as directed by the Council.

Menu of Options for AB 1058 Funding Models

Model 4 - Family Law Facilitator Program Only

Models based on Initial Case Filings

Models based on Hearings Data

Determination of FTE Need			Determination of FTE Need	
Workload Volume ⁱ			Workload Volume	
a) JBSIS Filings	b) CSE cases w/ orders est. in federal FY	c) FLF Electronic Database	a) CSE Hearings by Type	b) FLF Electronic Database
Default Adjustment? Yes/No			Default Adjustment? Yes/No	
Workload Duration			Workload Duration	
RAS Child Support case estimates for Clerks; Judicial Needs Study for CSCs			MAXIMUS Time Studies/ Delphi session estimates	
**Note: options below are the same for both models.				
Cost Inputs				
Salary Inputs				
State average specific to each AB 1058 position (e.g., CSC, clerk, FLF, paralegal) adjusted for cost of labor				
Operations and Benefits Inputs				
a) Statewide average per FTE			b) Set percentage of total salary costs (state average)	
Minimum Funding/Staffing Floors				
Number of Floors				
a) 1 floor		b) Multiple floors for small courts only	c) Multiple floors for courts of all sizes (stratified funding floors)	

If Multiple Floors, Determination of Groups			
a) Natural breaks in data	b) Court clusters	c) LCSA groupings	d) Statistically similar-sized groups
Unique Factors:			
a) LEPs	b) Poverty rate	c) Number of Locations	
Federal Drawdown Options			
a) Use same percentage of FDD/base for all courts	b) Use each court's historical percentage of FDD/base to allocate to each court	c) Assign a funding floor for base; allocate remainder pro rata to each court's funding need	
15% Increase/Decrease Cap? Yes/No			
Any increase or decrease in funding could be capped at 15% to limit adverse impacts on individual court programs.			
Phase-In			
The new funding methodology would be phased-in as directed by the Council.			

ⁱ Note that, since FLF workload often does not result in case filings, JBSIS filings, CSE case, CSE hearings, or other potential measure of CSC workload are all proxies for FLF workload. The FLF Electronic Database, while not without its limitations, is the only direct source of workload information for FLFs.

Summary of AB 1058 Funding Models

1. WAFM Model with AB 1058 Inputs:

The same process of RAS and WAFM is applied using AB 1058 program specific inputs. For instance, like the different salary costs applied to Program 10 and Program 90 staff in WAFM, the salary costs specific to the different AB 1058 positions would be used in this model. Additionally, like WAFM:

- FTE Need for each court is determined using child cases from JBSIS and converted to dollars.
- Benefits and OE&E costs are added to determine each court's initial allocation.
- Each court's initial allocation is then reduced to fit within the existing program budget, based on the court's pro rata share of the total initial allocations.
- The minimum costs to provide basic services for the small courts are guaranteed through the application of a minimum funding floor or floors (i.e., a graduated funding floor structure for small courts as in WAFM).

Benefits of the Model:

- Follows the same process as RAS and WAFM, which has already been accepted and applied by the JCC.
- Ease of implementation given experience utilizing this model.

Limitations of the Model:

Re: Determination of FTE Need

- If JBSIS data is used:
 - Not all IV-D child support filings are tracked by JBSIS (e.g., cases in which the LCSA has intervened without the filing of a supplemental complaint).
 - JBSIS does not track which cases proceed by default and therefore demand less workload.
- RAS and the Judicial Needs Study apply the same case weight to all child support cases. While this might be an appropriate practice for general trial court funding, it arguably is not appropriate to measure workload accurately for title IV-D child support cases for the following reasons:
 - Unlike most other case types, the majority of child support casework is post-judgment, with several motions filed and hearings heard. Child support cases are somewhat of an anomaly.
 - Consistent feedback from the CSCs is that the time to adjudicate different types of hearings varies considerably, so hearing or motions might be a more reliable measure of workload.
 - While RAS and the Judicial Needs Study incorporate the average number of motions and hearings per case in their overall case weights, the average number of motions and hearings per IV-D case vary drastically from court to court.
 - The life of a case (which impacts the number of hearings and consequently workload over the life of a case) depends upon the age of the supported child at inception of the case.
 - The practices of the individual LCSAs, the sole institutional filer, can vary considerably which greatly impact court workload.
 - While with general trial court funding there also are differences from court to court that impact workload, these differences may be less consequential as they can be smoothed out by aggregating the several case types. With only one case type, the differences from court

to court with title IV-D cases may be magnified, making the more granular hearing data more appropriate to measure workload for the AB 1058 program.

- Number of case filings is not a reliable measure of FLF workload, since FLFs routinely provide AB 1058 services that never result in a case filing. Thus, at best case filings are a proxy for FLF workload.

Re: Cost Inputs

- Use of clusters to determine supervisory staff ratios and OE&E ratios may not be appropriate for the AB 1058 program, as the court clusters do not necessarily correspond to AB 1058 workload.

Re: Pro Rata Allocation

- WAFM is not designed to allocate federal drawdown funds (FDD), which are unique to the AB 1058 program. If FDD are allocated to all courts in the same proportion as the base funds are allocated, it may lead to several small courts being unable to come up with the matching funds to use the FDD.

Re: Minimum Funding Floor

- The minimum costs to maintain a program for medium-sized courts are not guaranteed. Given that the Family Code mandates the provision of AB 1058 services in all courts and the funding for the program is grant-based, with sustained funding based on statewide performance, the funding methodology should include guarantees that courts of all sizes have sufficient funding to maintain a program.

Re: Unique Factors

- Factors regularly identified as impacting AB 1058 workload (e.g., LEPs, number of locations, etc.) are not considered by WAFM.

2. Models based on Initial Case Filings

Conceptually, these models follow the same process as Model 1, with the addition of the consideration of adjustments for the number of default cases, a stratified funding floor option, unique factors (i.e., LEP, poverty rate, and number of locations), and a different process/formula for allocating the FDD.

Benefits of the Models:

- Conceptually, it is the same process as RAS and WAFM, with additions to make it more nuanced and catered to the uniqueness of the AB 1058 program.
- Allowing for an adjusted case weight to account for the decreased workload for default cases better reflects the reality of AB 1058 workload.
- It allows for options that might better ensure the minimum funding for courts of all sizes (e.g., the options of a stratified funding floor and of a different process/formula for allocating FDD).
- The model may be more responsive to the concerns raised in prior public comments.

Limitations of the Models:

- The departures from RAS or WAFM will need to be justified to the Council.

Re: Determination of FTE Need

- The same concerns noted above with using JBSIS data to measure workload volume and RAS and the Judicial Needs Study to measure duration remain as do the concerns about using case filings as a proxy for FLF workload.
- If the number of CSE cases with orders established in the federal fiscal year instead is used as the workload volume measure, the data set is more complete; however, this does not allay the concerns raised about using the same case weights for all cases (i.e., RAS and the Judicial Needs Study) rather than giving different types of hearings or motions their own case weight.

Re: Minimum Funding Floor

- There is some degree of arbitrariness in determining where to set a minimum funding floor or minimum funding floors.
- The less arbitrary, the more complex the process becomes, which can make the process appear less transparent.

Re: Unique Factors

- Whenever additional factors are considered, there is a need to justify why some factors are considered and others are not.
- There is some degree of arbitrariness in determining how to consider additional factors in a funding model (e.g., should 10% of the poverty rate be used to increase a court's funding or is some other amount more appropriate?).

3. Models based on Hearings Data

Conceptually, these models follow the same process as Model 1, with the additional considerations noted for the previous set of models. The sole differences are the use of hearings data rather than case filings data and the use of the MAXIMUS time study for durational estimates rather than RAS and the Judicial Needs study.

Benefits of the Models:

- In addition to all of the benefits noted above for the models based on case filings, these models might be more responsive to public comments and input from program stakeholders, as they allow for a more specific measurement of workload at the hearing level.
- Consequently, the measurement of workload might be more accurate.

Limitations of the Models:

- The departures from RAS or WAFM will need to be justified to the Council.

Re: Determination of FTE Need

- The source of all the workload data would be outside of the court system (i.e., CSE for workload volume and MAXIMUS for the durational estimates).

- Number of hearings might be subject to manipulation by individual courts (e.g., scheduling several Judgment Debtor Exams or Seek Work Orders which require little court time but increase workload numbers).
- The concerns regarding using case data as a proxy for FLF workload remain.

Re: Minimum Funding Floor and Unique Factors

- Same concerns as noted above re: arbitrariness in determining how to apply these additional considerations.

4. For FLFs: Models using the FLF Electronic Database

For the FLFs, both the models based on case filings and the models based on hearing data can use the FLF Electronic Database (FLFED) as a workload measure instead of using case data as a proxy for FLF workload.

Benefits of the Models:

- While not without its limitations, the FLFED is the single best source of workload data for FLFs.
- Using the FLFED is responsive to the concerns of FLFs statewide.
- The FLFED and prior versions of it have been used by FLFs for nearly 20 years, so there is already an established practice in place (and one that is required by contract) for using the FLFED.
- Use of the FLFED is responsive to the Council's concern at its February 2016 meeting that a different workload measure might be more appropriate for FLFs.
- A process has already begun to begin to address the concerns noted below, making the use of the FLFED a realistic possibility. This includes an FLFED Summit scheduled for June 28 to address these concerns.

Limitations of the Models:

- The FLFED currently is not used uniformly and consistently across all courts. How individual courts define and therefore track services through the use of the FLFED varies.
- The interface of the FLFED does not fit well with the workflow of every office, which can make the contemporaneous reporting of the data difficult in some offices, leading to possible omissions and/or errors in the tracking of data.
- The current FLFED does not track time not related to one-on-one or workshop services (e.g., administrative time), which can be a substantial part of a FLF office's workload, particularly in larger courts.