



Judicial Council of California

Judicial Branch Budget Committee

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS FEBRUARY 9, 2024

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Judicial Council of California
Judicial Branch Budget Committee

www.courts.ca.gov/jbbc.htm
JBBC@jud.ca.gov

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JUDICIAL BRANCH BUDGET COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: February 9, 2024
Time: 1:25 - 2:00 p.m.
Public Videocast: <https://jcc.granicus.com/player/event/3211>

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to JBBC@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the January 18, 2024 Judicial Branch Budget Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to JBBC@jud.ca.gov, attention: Angela Cowan. Only written comments received by Thursday, February 8, 2024 at 1:25 p.m. will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–3)

Item 1

2023–24 State Trial Court Improvement and Modernization Fund (IMF) Allocation Increase for the Judicial Council Center for Judicial Education and Research (Action Required)

Consider a recommendation from the Trial Court Budget Advisory Committee (TCBAC) to increase the 2023–24 IMF allocation by \$150,000 to provide required education to new judges.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Karene Alvarado, Director, Judicial Council Center for Judicial Education and Research

Item 2

Access to Visitation Grant Program Funding Allocation for Federal Fiscal Years 2024–25 through 2026–27 (Action Required)

Consider a recommendation from the Family and Juvenile Law Advisory Committee and TCBAC to approve the Access to Visitation Grant Program funding allocation and distribution of \$655,000 statewide for 2024–25 through 2026–27.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Shelly La Botte, Senior Analyst, Judicial Council Center for Families, Children & the Courts

Item 3

2023–24 Allocations for Dependency Counsel Collections Program and Expected Unspent Program Funding (Action Required)

Consider a TCBAC recommendation on allocations for Court Appointed Counsel funding including the allocation of \$349,733 in Juvenile Dependency Counsel Collections Program funds collected in 2022–23, and the reallocation of \$970,111 in unspent trial court funding for court-appointed counsel in dependency cases for 2023–24.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Kelly Meehleib, Supervising Analyst, Judicial Council Center for Families, Children & the Courts
Ms. Vida Terry, Senior Analyst, Judicial Council Center for Families, Children & the Courts

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Funds Held on Behalf (FHOB) of the Trial Courts Policy Updates (No Action Required)

Informational update from the TCBAC on policy revisions for the FHOB program.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget
Advisory Committee
Ms. Rose Lane, Senior Analyst, Judicial Council Budget
Services

V. ADJOURNMENT

Adjourn



JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

January 18, 2024

1:00 p.m. – 2:00 p.m.

<https://jcc.granicus.com/player/event/3210>

**Advisory Body
Members Present:**

Hon. Ann C. Moorman, Chair; Mr. David H. Yamasaki, Vice Chair; Hon. Carin T. Fujisaki; Hon. Maria Lucy Armendariz; Hon. C. Todd Bottke; Hon. Charles S. Crompton; Ms. Rachel W. Hill

**Advisory Body
Members Absent:**

Hon. Brad R. Hill

Others Present:

Hon. Jonathan B. Conklin, Mr. Adam Dorsey, Mr. Zlatko Theodorovic, Ms. Fran Mueller, Ms. Angela Cowan, Ms. Oksana Tuk

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 1:04 p.m. and took roll call.

Approval of Minutes

The committee approved the minutes of the November 15, 2023 Judicial Branch Budget Committee (Budget Committee) meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1)

Item 1: 2024 Trial Court Budget Advisory Committee (TCBAC) Annual Agenda (Action Required)

Consideration of the TCBAC's 2024 annual agenda and prior year's project highlights and achievements.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Action: The Budget Committee unanimously voted to approve the 2024 TCBAC Annual Agenda.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:49 p.m.

Approved by the advisory body on enter date.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Action Item)

Title: 2023-24 State Trial Court Improvement and Modernization Fund (IMF)
Allocation Increase for the Judicial Council Center for Judicial Education
and Research (CJER)

Date: 1/24/2024

Contact: Oscar Aguirre, Sr. Analyst, Center for Judicial Education and Research
916-263-1732 | Oscar.Aguirre@jud.ca.gov

Issue

Consider adopting a Trial Court Budget Advisory Committee recommendation to increase the Judicial Council’s CJER 2023-24 IMF Judicial Education program allocation by \$150,000 to provide additional judicial officer orientation to newly appointed judges as required per California Rule of Court 10.462, for consideration by the Judicial Council at its March 15, 2024 business meeting.

Background

The Judicial Council’s CJER provides education and training to all new judges and subordinate judicial officers. This education equips them with the knowledge and skills necessary to fulfill their roles effectively and is required by California Rule of Court 10.462. Annually, CJER receives an allocation from the IMF for new judge education. Historically, the average annual number of new judges and subordinate judicial officers has been stable.

In 2023-24, the judicial branch has seen a significantly higher number of judicial appointments than previous years. As a result, in August 2023, CJER identified the need for a \$150,000 increase to the Judicial Council approved Judicial Education program allocation from the IMF. This request for additional funding was approved by the Judicial Council at its November 17, 2023, business meeting.¹

Since that time, the number of judicial appointments has further increased, and an additional \$150,000 is needed to meet judicial officer education requirements in the current year. This request would increase the 2023-24 IMF allocation for Judicial Education from \$1,134,000 to \$1,284,000 (Attachment A, row 18).

¹Judicial Council of Cal., Staff Rep., *Trial Court Budget: 2023–24 State Trial Court Improvement and Modernization Fund Allocation Increase for Judicial Education* (Nov. 17, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=12400302&GUID=FBCF699F-3AA9-4A24-8A3A-E5C9D5458DF5>.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Action Item)

Recommendation

The following recommendation is presented to the Judicial Branch Budget Committee for consideration:

Increase the approved 2023-24 IMF allocation for the Judicial Education program allocation by \$150,000 to provide the Judicial Council's CJER with the resources necessary to ensure that newly appointed judicial officers can meet the education requirements for new judges as required by California Rule of Court 10.462.

This request for \$150,000 is reflected in the IMF Fund Condition Statement (Attachment B) to demonstrate that the fund has sufficient resources to support this increase.

Attachments

1. Attachment A: Judicial Council of California Approved 2023-24 IMF Allocations – State Operations and Local Assistance Appropriations
2. Attachment B: IMF Fund Condition Statement

Judicial Council of California
Approved 2023-24 Allocations
State Trial Court Improvement and Modernization Fund
State Operations and Local Assistance Appropriations

Updated as per JC Approval: November 17, 2023

#	Program Name	Office	Approved 2023-24 Allocations		
			State Operations	Local Assistance	Total
A	B	C	D	E	F = (D + E)
1	Audit Services	AS	\$ 372,000	\$ -	\$ 372,000
2	Trial Court Master Agreements	BAP	182,000	-	182,000
3	Treasury Services - Cash Management	BAP	110,000		110,000
4	Data Analytics Advisory Committee	BMS		9,000	9,000
5	Budget Focused Training and Meetings	BS		25,000	25,000
6	Revenue Distribution Training	BS		10,000	10,000
7	Treasury Services - Cash Management	BS	-		-
8	Domestic Violence Forms Translation	CFCC		17,000	17,000
9	Interactive Software - Self-Rep Electronic Forms	CFCC		60,000	60,000
10	Self-Help Center	CFCC		5,000,000	5,000,000
11	Statewide Multidisciplinary Education	CFCC		67,000	67,000
12	Shriver Civil Counsel - cy prês Funding	CFCC		893,000	893,000
13	Statewide Support for Self-Help Programs	CFCC		100,000	100,000
14	Court Interpreter Testing etc.	CFCC		143,000	143,000
15	CJER Faculty	CJER		48,000	48,000
16	Essential Court Management Education	CJER	40,000		40,000
17	Essential Court Personnel Education	CJER		130,000	130,000
18	Judicial Education	CJER		1,134,000	1,134,000
19	Jury System Improvement Projects	CJS		9,000	9,000
20	Trial Court Labor Relations Academies and Forums	HR		23,000	23,000
21	Data Center and Cloud Service	IT	2,215,000	4,471,000	6,686,000
22	Uniform Civil Filing Services	IT	399,000	3,000	402,000
23	California Courts Protective Order Registry (CCPOR)	IT	418,000	537,000	955,000
24	Telecommunications	IT	-	14,500,000	14,500,000
25	Enterprise Policy & Planning (Statewide Planning and Dev Support)	IT	1,044,000	2,500,000	3,544,000
26	Data Integration	IT	703,000	993,000	1,696,000
27	Jury Management System	IT	-	665,000	665,000
28	Case Management System Replacement	IT	-	-	-
29	Telecom	IT	1,297,000	4,384,000	5,681,000
30	Digitizing Court Records	IT		721,490	721,490
31	Jury System Improvement Projects	LS		10,000	10,000
32	Regional Office Assistance Group	LS	861,000	-	861,000
33	Judicial Performance Defense Insurance	LSS		1,931,000	1,931,000
	Total		\$ 7,641,000	\$ 38,383,490	\$ 46,024,490

Totals by Office		Office	State Operations	Local Assistance	Total
Legend	C	D	E	F = (D + E)	
34	Audit Services	AS	\$ 372,000	\$ -	\$ 372,000
35	Branch Accounting and Procurement	BAP	292,000	-	292,000
36	Business Management Services	BMS	-	9,000	9,000
37	Budget Services	BS	-	35,000	35,000
38	Center for Families, Children and the Courts	CFCC	-	6,280,000	6,280,000
39	Center for Judicial Education and Research	CJER	40,000	1,312,000	1,352,000
40	Criminal Justice Services	CJS	-	9,000	9,000
41	Human Resources	HR	-	23,000	23,000
42	Information Technology	IT	6,076,000	28,774,490	34,850,490
43	Legal Services	LS	861,000	10,000	871,000
44	Leadership Services	LSS	-	1,931,000	1,931,000
	Total Allocations		\$ 7,641,000	\$ 38,383,490	\$ 46,024,490

**State Trial Court Improvement and Modernization Fund
Fund Condition Statement
2024-25 Governor's Budget**

Updated: January 31, 2024

#	Description						Estimated	
		2020-21 (Year-end Financial Statement)	2021-22 (Year-end Financial Statement)	2022-23 (Year-end Financial Statement)	2023-24	2024-25		
		A	B	C	D	E		
1	Beginning Balance	21,152,288	16,886,288	23,242,054	38,128,109	32,529,619		
2	Prior-Year Adjustments	2,422,000	8,176,338	8,638,611	-3,200,000			
3	Adjusted Beginning Balance	23,574,288	25,062,626	31,880,665	34,928,109	32,529,619		
4	REVENUES¹:							
12	Subtotal Revenues	17,264,000	15,428,439	18,311,387	13,666,000	12,973,000		
13	Transfers and Other Adjustments							
14	To Trial Court Trust Fund (Gov. Code, § 77209(j))	-13,397,000	-13,397,000	-13,397,000	-13,397,000	-13,397,000		
15	To Trial Court Trust Fund (Budget Act)	-594,000	-594,000	-594,000	-594,000	-594,000		
16	General Fund Transfer (Gov. Code § 20825.1)		-270,000	0	0	0		
17	Total Revenues, Transfers, and Other Adjustments	3,273,000	1,167,439	4,320,387	-325,000	-1,018,000		
18	Total Resources	26,847,288	26,230,065	36,201,052	34,603,109	31,511,619		
19	EXPENDITURES:							
20	Judicial Branch Total State Operations	4,635,000	5,217,956	5,319,495	7,641,000	7,860,000		
21	Judicial Branch Total Local Assistance	47,825,000	44,734,883	36,857,436	38,533,490	38,254,000		
22	Pro Rata and Other Adjustments	289,000	307,171	180,012	117,000	314,000		
23	Less funding provided by General Fund (Local Assistance)	-42,788,000	-47,272,000	-44,284,000	-44,218,000	-44,218,000		
24	Total Expenditures and Adjustments	9,961,000	2,988,011	-1,927,057	2,073,490	2,210,000		
25	Fund Balance	16,886,288	23,242,054	38,128,109	32,529,619	29,301,619		
26	Fund Balance - less restricted funds	12,775,459	19,677,611	35,864,950	30,365,460	27,252,459		
27	Structural Balance	-6,688,000	-1,820,572	6,247,444	-2,398,490	-3,228,000		

¹ Revenue estimates are as of 2024-25 Governor's Budget

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Action Item)

Title: Access to Visitation Grant Program Funding Allocation for Federal Fiscal Years 2024–25 through 2026–27

Date: 2/2/2024

Contact: Shelly La Botte, Senior Analyst, Center for Families Children & the Courts
916-643-7065 | shelly.labotte@jud.ca.gov

Issue

Consider adopting a recommendation from the Family and Juvenile Law Advisory Committee and Trial Court Budget Advisory Committee (TCBAC) to approve the Access to Visitation Grant Program funding allocation and distribution of \$655,000 for federal fiscal years (FFY) 2024–25 through 2026–27. The approved recommendation will be considered by the Judicial Council at its March 15, 2024 business meeting.

Background

Family Code section 3204(a) requires the Judicial Council to apply annually for federal Child Access and Visitation Grant funding from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, under section 669b of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2105). The federal Child Access and Visitation Grant enables states to establish and administer programs that support and facilitate noncustodial parents’ access to and visitation with their children. The federal Child Access and Visitation Grant is a formula grant program based on each state’s number of single-parent households. The use of the funds in California is limited by state statute to three types of programs: supervised visitation and exchange services, parent education, and group counseling services.¹

Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts. Subject to the availability of federal funds, the funding allocations will be directed to eight superior courts, representing 13 counties, and involving 11 subcontractor agencies (i.e., local courts community nonprofit service providers) to support and facilitate noncustodial parents’ access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services for family law cases.

¹ Fam. Code, § 3204(b)(1);
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM§ionNum=3204

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Action Item)

The Judicial Council has applied for and distributed grant funds for California's Access to Visitation Grant Program since 1998, as required by Family Code section 3204(a). At its meeting on April 25, 2014, the Judicial Council adopted a new funding methodology for the program.²

At its meeting on November 17, 2017, the Judicial Council modified the methodology to delegate authority to the Family and Juvenile Law Advisory Committee to approve reallocation and distribution of any unspent funds to eligible courts at midyear.³

Under the approved funding methodology, Judicial Council staff conduct an open competitive request for proposals (RFP) grant application process for the superior courts to apply for federal funding. In addition, the council also directed that, subject to the availability of federal funding, the superior courts selected by the Judicial Council for grant funding receive three-year grants, and that the RFP grant application process be repeated every three years.

Grant application for FFY 2024–25 through FFY 2026–27

On September 8, 2023, the Judicial Council's Center for Families, Children & the Courts released an open, competitive grant application request for proposals for FFY 2024–25 through 2026–27 for Access to Visitation–related services. The application was posted on the California Courts and the Judicial Resources Network websites. Judicial Council program staff also provided two webinars for interested applicants on September 21 and October 5, 2023. Courts and interested community-based justice partners had an opportunity to ask specific questions regarding the application and its requirements for federal grant funding at the webinar, and to submit questions by email about the application process after the webinars. Program staff posted questions and staff responses each week on the Access to Visitation webpage of the California Courts website.

The Center for Families, Children & the Courts received nine grant applications from the superior courts, which represented 14 counties and involved 12 subcontractor agencies (i.e., local court community-based service providers). See Attachment B for a list of the courts that applied. The total funding request from the applicant courts exceeded the total available statewide funds by \$109,756. The anticipated federal funding allocation for the state of California for the Access to Visitation Grant Program for the grant fiscal year is expected to be in the range of \$817,000 to \$876,000, based on recent funding history, with \$655,000 available for grants.⁴

² Judicial Council of Cal., Advisory Com. Rep., Access to Visitation Grant Program: New Funding Methodology (Apr. 25, 2014), www.courts.ca.gov/documents/jc-20140425-itemB.pdf.

³ Judicial Council of Cal., Advisory Com. Rep., Access to Visitation Grant Program: Funding Allocation for Federal Grant Fiscal Years 2018–19 through 2020–21 (Nov. 17, 2017), p. 2, <https://jcc.legistar.com/View.ashx?M=F&ID=5526793&GUID=1E232B38-3A39-44D0-AFF0-4D34DEAE2985>.

⁴ The difference between the federal funding allocation and the allocation to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection and mandatory attendance at annual grant meetings required by the funder.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Action Item)

Recommendation

The following recommendation is presented to the Judicial Branch Budget Committee for consideration:

1. Approve the funding allocation and distribution of \$655,000 to eight of the nine superior courts that submitted applications for the Access to Visitation Grant Program for FFY 2024–25 through FFY 2026–27, as stated in Attachment A; and
2. Delegate authority to the Family and Juvenile Law Advisory Committee to distribute and reallocate any excess grant funds to any of the eight applicant courts that were approved for funds based on need and justification within the scope of the grant program if any of the selected courts decline their grant award amount after Judicial Council allocation approval but before execution of a funding contract with the Judicial Council.

Attachments

Attachment A: List of Superior Courts and Grant Award Amounts for Fiscal Years 2024–25 Through 2026–27

Attachment B: Summary of Grant Applicant Courts for Fiscal Years 2024–25 Through 2026–27

ATTACHMENT 2A

**Judicial Council of California
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM
List of Superior Courts and Grant Award Amounts for Fiscal Years 2024–25
Through 2026–27**

Superior Courts of California	Proposed Grant Funding
1. Superior Court of Humboldt County	\$58,780.50
2. Superior Court of Orange County	\$98,780.50
3. Superior Court of San Bernardino County	\$98,780.50
4. Superior Court of San Francisco County	\$98,780.50
5. Superior Court of Santa Clara County	\$83,536.50
6. Superior Court of Shasta County	\$58,780.50
7. Superior Court of Tulare County	\$98,780.50
8. Superior Court of Yuba County	\$58,780.50
Total	\$655,000

ATTACHMENT 2B

**Judicial Council of California
Center for Families, Children & the Courts**

ACCESS TO VISITATION GRANT PROGRAM

Summary of RFP Grant Applicant Courts for Fiscal Years 2024–25 Through 2026–27

	Applicant Court	Counties Served	No. of Counties	Region Service Area	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Review Score	Budget Request Amount
1	Orange	Orange	1	SoCal	X	X			102.4	\$100,000
2	San Francisco	San Francisco, San Mateo, Marin	3	North-Bay Area	X	X			99.3	\$100,000
3	Shasta	Shasta and Trinity	2	North-Sacramento	X	X	X	X	97.8	\$ 60,000
4	Tulare	Tulare and Kings	2	Central Valley	X				96.4	\$100,000
5	San Bernardino	San Bernardino	1	SoCal	X	X	X	X	96.0	\$100,000
6	Santa Clara	Santa Clara	1	North-Bay Area	X				90.0	\$84,756
7	Yuba	Yuba and Sutter	2	Central Valley	X				88.3	\$ 60,000
8	Humboldt	Humboldt	1	North Coast	X	X			85.0	\$ 60,000
9	San Joaquin	San Joaquin	1	North-Bay Area	X	X	X	X	42.0	\$100,000
	Subtotal		14							\$764,756

* The Superior Court of San Joaquin County was not recommended for funding based on ranking, scoring, and because the program service delivery design fell outside the scope of the grant program.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
Action Item

Title: 2023–24 Allocations for Dependency Counsel Collections Program and Expected Unspent Program Funding

Date: 2/2/2024

Contact: Kelly Meehleib, Supervising Analyst, Judicial Council Center for Families, Children & the Courts | kelly.meehleib@jud.ca.gov | 916-263-1693

Vida Terry, Senior Analyst, Judicial Council Center for Families, Children & the Courts | vida.terry@jud.ca.gov | 415-865-7721

Issue

Consider the Trial Court Budget Advisory Committee (TCBAC) recommendations¹ for two redistributions of funding for court-appointed dependency counsel including (1) the allocation of \$349,733 in Juvenile Dependency Counsel Collections Program (JDCCP) funds collected in 2022–23, and (2) the reallocation of \$970,111 in estimated unspent dependency counsel funding for 2023–24, for consideration by the Judicial Council at its March 15, 2024 business meeting.

Background

Juvenile Dependency Counsel Collections Program

At its meeting on October 26, 2012, the Judicial Council adopted the JDCCP guidelines,² which fulfilled the council’s legislative mandate to establish a program to collect reimbursement from parents or minors demonstrating an ability to pay.³ Additional amendments were adopted by the council at its meeting on August 23, 2013, regarding the issue of equitable allocation of funds remitted through the JDCCP.⁴ The council then allocated funds remitted through the JDCCP for

¹ Trial Court Budget Advisory Committee Action by Email Notice (February 1, 2024); <https://www.courts.ca.gov/documents/tcbac-20240201-notice.pdf>, Trial Court Budget Advisory Committee Action by Email Materials; (February 1, 2024); <https://www.courts.ca.gov/documents/tcbac-20240201-materials.pdf>

² The guidelines took effect January 1, 2013 and are published as Appendix F of the California Rules of Court. See www.courts.ca.gov/documents/appendix_f.pdf.

³ Judicial Council of Cal., Juvenile Dependency: Counsel Collections Program (Sept. 14, 2012), www.courts.ca.gov/documents/jc-20121026-itemA20.pdf.

⁴ Judicial Council of Cal., Juvenile Dependency: Counsel Collections Program Guidelines (Aug. 15, 2013), <http://www.courts.ca.gov/documents/jc-20130823-itemF.pdf>.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
Action Item

the first time at its meeting on February 20, 2014.⁵ In subsequent years, the council has allocated available funds to eligible trial courts annually.

In 2022–23, the trial courts remitted a total of \$608,166. The statute requires the council to allocate the monies remitted in excess of dependency counsel program administrative costs to the trial courts for use to reduce court-appointed attorney caseloads to the council’s approved standard.

For a court to be eligible to receive an allocation of these funds, it must meet the participation and funding need requirements described in section 14 of the JDCCP guidelines.⁶ Every court that satisfies those requirements receives an allocation. An eligible court’s allocated share of the JDCCP funds is equivalent to its share of the aggregate funding need of all the eligible courts. Estimates of courts’ funding needs are computed using the dependency workload model approved by the council in April 2016⁷, and then updated in July 2016⁸ and July 2022.⁹ Attachment A displays the recommended allocation amount for each court.

Court-Appointed Counsel Funding Reallocation

At its April 17, 2015 business meeting, the council approved a methodology for reallocating funds unspent by courts for court-appointed counsel in dependency cases.¹⁰

Trial courts that had spending patterns at midyear and indicated that they may not expend their full 2023–24 allocations were identified and contacted. Of those courts, four confirmed that they would not spend the full allocation and provided an estimate of unspent funding. Attachment B shows the total \$970,111 estimate and proposed reallocation. Under the reallocation methodology adopted at the Judicial Council business meeting on April 17, 2015, funds are reallocated proportionally by workload to courts that (a) did not remit unspent funds, and (b) are not fully funded to their need.

⁵ Judicial Council of Cal., Trial Court Allocations: Criminal Justice Realignment, Court-Appointed Dependency Counsel and Workers’ Compensation Liabilities (Feb. 10, 2014), <http://www.courts.ca.gov/documents/jc-20140220-itemJ.pdf>.

⁶ As described in section 14 of the JDCCP guidelines, a court demonstrates its participation in the program by submitting an annual report required by section 13 of the program guidelines and adopting a rule or policy to inquire regarding a responsible person’s ability to reimburse the cost of appointed counsel at each dispositional hearing.

⁷ Judicial Council of Cal., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (Apr. 1, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4382676&GUID=E8BCCA8A-5DED-48C3-B946-6E21EBB0BEAF>.

⁸ Judicial Council of Cal., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology Options* (Jul. 18, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4572873&GUID=C33C7410-DDA2-451A-9004-024D84910504>.

⁹ Judicial Council of Cal., Trial Court Budget: Fiscal Year 2022–23 Allocation of Court-Appointed Juvenile Dependency Counsel Funding (Jun. 24, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11019079&GUID=CB0A2EE1-B3CF-43AC-B92B-F4724B5D209C>.

¹⁰ Judicial Council of Cal., *Juvenile Dependency: Court-Appointed-Counsel Funding Reallocation* (Apr. 8, 2015), <http://www.courts.ca.gov/documents/jc-20150417-itemI.pdf>.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
Action Item

To ensure use of the reallocation funds, additional outreach to eligible trial courts was conducted to confirm the court's ability to completely expend funds during the fiscal year. Declined funds were placed back in the pool and reallocated to those courts eligible for and accepting additional funds.

On an annual basis, approximately two percent of court-appointed counsel funds remain unspent at the end of the fiscal year.

Recommendation

The TCBAC recommends that the Judicial Branch Budget Committee approve the following recommendation of two allocations for Court-Appointed Counsel funding for consideration by the Judicial Council at its March 15, 2024 business meeting:

1. Allocate Juvenile Dependency Counsel Collections Program funds of \$349,733 remitted in 2022–23 (Attachment A); and
2. Allocate 2023–24 estimated unspent dependency counsel funding of \$970,111 from courts that have identified funds they do not intend to spend to courts that are not fully funded to their need (Attachment B).

Attachments

1. Attachment A: Recommended Fiscal Year 2023–24 Trial Court Allocations of Juvenile Dependency Counsel Collections Program Funds
2. Attachment B: Recommended Fiscal Year 2023–24 Trial Court Allocations of Court Appointed Counsel Unspent Funding

Recommended Fiscal Year 2023-2024 Trial Court Allocations of Juvenile Dependency Counsel Collections Program Funds

Court	Estimated Funding Need (JC Report - July 2023) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2023-24 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2023-24 (Col. C Total) Col. D	Court is under funded Col. E	Court participates in program 22-23 Col. F	Eligible for JDCCP Funding ¹ Col. G	Funding Need of Eligible Courts (Col. A when Col. F equals "Y") Col. H	Need as a % of Total Need of Eligible Courts (Col. H Total) Col. I	Recommended Allocation of 2022-23 JDCCP Collections (Col. I x \$349,733) Col. J	JDCCP Allocations Through 2022-23 Col. K	JDCCP Distributions Through December 2023 Col. L	JDCCP Allocations Remaining Through December 2023 Col. M
Alameda	\$5,340,545	2.11%	\$3,903,699	2.09%	Y	N	N	-	0.00%	-	-	-	-
Alpine	\$25,622	0.01%	\$25,764	0.01%	N	N	N	-	0.00%	-	-	-	-
Amador	\$212,023	0.08%	\$158,374	0.08%	Y	N	N	-	0.00%	-	-	-	-
Butte	\$1,293,234	0.51%	\$945,296	0.51%	Y	N	N	-	0.00%	-	51,970.93	-	51,970.93
Calaveras	\$216,619	0.09%	\$190,388	0.10%	Y	N	N	-	0.00%	-	13,816.45	-	13,816.45
Colusa†	\$111,138	0.04%	\$111,854	0.06%	N	N	N	-	0.00%	-	293.14	-	293.14
Contra Costa	\$3,629,916	1.43%	\$2,653,306	1.42%	Y	N	N	-	0.00%	-	-	-	-
Del Norte	\$268,195	0.11%	\$256,964	0.14%	N	N	N	-	0.00%	-	-	-	-
El Dorado	\$644,987	0.25%	\$474,903	0.25%	Y	N	N	-	0.00%	-	-	-	-
Fresno	\$6,549,587	2.58%	\$4,787,455	2.56%	Y	N	N	-	0.00%	-	-	-	-
Glenn	\$143,780	0.06%	\$143,016	0.08%	N	N	N	-	0.00%	-	5,261.47	5,261.00	0.47
Humboldt	\$998,462	0.39%	\$729,831	0.39%	Y	N	N	-	0.00%	-	-	-	-
Imperial	\$795,309	0.31%	\$581,336	0.31%	Y	N	N	-	0.00%	-	-	-	-
Inyo	\$72,350	0.03%	\$76,990	0.04%	N	N	N	-	0.00%	-	-	-	-
Kern	\$4,985,989	1.97%	\$3,644,535	1.95%	Y	Y	Y	4,985,989.37	3.01%	10,540.12	180,882.99	171,295.00	9,587.99
Kings	\$1,060,814	0.42%	\$775,408	0.42%	Y	Y	Y	1,060,814.17	0.64%	2,242.50	62,191.51	47,114.00	15,077.51
Lake	\$203,493	0.08%	\$277,755	0.15%	N	N	N	-	0.00%	-	-	-	-
Lassen	\$191,506	0.08%	\$174,612	0.09%	Y	N	N	-	0.00%	-	-	-	-
Los Angeles	\$124,470,473	49.11%	\$90,982,340	48.73%	Y	Y	Y	124,470,473.20	75.24%	263,123.97	5,711,444.76	5,711,444.76	0.00
Madera	\$1,060,009	0.42%	\$844,825	0.45%	Y	N	N	-	0.00%	-	16,068.83	16,069.00	(0.17)
Marin	\$357,998	0.14%	\$358,761	0.19%	N	Y	N	-	0.00%	-	-	-	-
Mariposa	\$87,640	0.03%	\$73,918	0.04%	Y	Y	Y	87,640.36	0.05%	185.27	2,568.23	2,368.62	199.61
Mendocino	\$658,478	0.26%	\$608,018	0.33%	N	N	N	-	0.00%	-	-	-	-
Merced	\$1,440,319	0.57%	\$1,052,809	0.56%	Y	N	N	-	0.00%	-	32,783.77	-	32,783.77
Modoc	\$38,874	0.02%	\$50,853	0.03%	N	N	N	-	0.00%	-	-	-	-
Mono	\$26,616	0.01%	\$21,591	0.01%	Y	N	N	-	0.00%	-	103.62	104.00	(0.38)
Monterey	\$798,660	0.32%	\$595,734	0.32%	Y	N	N	-	0.00%	-	19,795.72	19,796.00	(0.28)
Napa	\$510,600	0.20%	\$375,955	0.20%	Y	N	N	-	0.00%	-	9,391.29	-	9,391.29
Nevada	\$204,648	0.08%	\$203,761	0.11%	N	N	N	-	0.00%	-	-	-	-
Orange	\$12,540,527	4.95%	\$9,166,564	4.91%	Y	N	N	-	0.00%	-	-	-	-
Placer	\$930,735	0.37%	\$704,472	0.38%	Y	Y	N	-	0.00%	-	66,468.15	38,816.00	27,652.15
Plumas	\$112,340	0.04%	\$159,634	0.09%	N	N	N	-	0.00%	-	-	-	-
Riverside	\$14,649,029	5.78%	\$10,707,784	5.74%	Y	Y	Y	14,649,028.79	8.85%	30,967.27	825,342.81	106,771.94	718,570.87
Sacramento	\$6,710,957	2.65%	\$4,905,409	2.63%	Y	Y	Y	6,710,957.13	4.06%	14,186.61	82,533.86	82,533.86	0.00
San Benito	\$129,390	0.05%	\$95,270	0.05%	Y	N	N	-	0.00%	-	11,990.80	4,345.00	7,645.80
San Bernardino	\$20,604,882	8.13%	\$15,061,246	8.07%	Y	N	N	-	0.00%	-	242,055.83	2,641.00	239,414.83
San Diego	\$8,578,420	3.38%	\$6,270,441	3.36%	Y	Y	Y	8,578,420.33	5.19%	18,134.33	117,423.99	117,423.99	0.00
San Francisco	\$3,887,680	1.53%	\$2,841,720	1.52%	Y	N	N	-	0.00%	-	-	-	-
San Joaquin	\$3,889,728	1.53%	\$2,843,217	1.52%	Y	N	N	-	0.00%	-	-	-	-
San Luis Obispo	\$957,999	0.38%	\$700,254	0.38%	Y	N	N	-	0.00%	-	-	-	-
San Mateo	\$1,039,566	0.41%	\$765,432	0.41%	Y	Y	Y	1,039,566.15	0.63%	2,197.59	82,444.49	29,275.00	53,169.49
Santa Barbara	\$1,908,246	0.75%	\$1,394,843	0.75%	Y	N	N	-	0.00%	-	-	-	-
Santa Clara	\$4,145,634	1.64%	\$3,030,273	1.62%	Y	N	N	-	0.00%	-	-	-	-

Court	Estimated Funding Need (JC Report - July 2023) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2023-24 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2023-24 (Col. C Total) Col. D	Court is under funded Col. E	Court participates in program 22-23 Col. F	Eligible for JDCCP Funding ¹ Col. G	Funding Need of Eligible Courts (Col. A when Col. F equals "Y") Col. H	Need as a % of Total Need of Eligible Courts (Col. H Total) Col. I	Recommended Allocation of 2022-23 JDCCP Collections (Col. I x \$349,733) Col. J	JDCCP Allocations Through 2022-23 Col. K	JDCCP Distributions Through December 2023 Col. L	JDCCP Allocations Remaining Through December 2023 Col. M
Santa Cruz	\$607,692	0.24%	\$623,754	0.33%		Y	N	-	0.00%	-	6,901.90	6,901.90	(0.00)
Shasta	\$1,124,351	0.44%	\$821,850	0.44%	Y	N	N	-	0.00%	-	40,660.01	38,437.00	2,223.01
Sierra	\$38,625	0.02%	\$28,440	0.02%	N	N	N	-	0.00%	-	-	-	-
Siskiyou	\$196,638	0.08%	\$256,552	0.14%	N	Y	N	-	0.00%	-	-	-	-
Solano	\$1,590,035	0.63%	\$1,162,244	0.62%	Y	N	N	-	0.00%	-	20,500.98	20,500.98	(0.00)
Sonoma	\$2,223,386	0.88%	\$1,625,196	0.87%	Y	N	N	-	0.00%	-	-	-	-
Stanislaus	\$1,942,404	0.77%	\$1,419,811	0.76%	Y	N	N	-	0.00%	-	-	-	-
Sutter	\$434,175	0.17%	\$336,571	0.18%	Y	N	N	-	0.00%	-	15,457.03	-	15,457.03
Tehama	\$299,901	0.12%	\$294,234	0.16%	N	N	N	-	0.00%	-	16,222.19	-	16,222.19
Trinity	\$78,441	0.03%	\$83,204	0.04%	N	Y	N	-	0.00%	-	1,996.54	-	1,996.54
Tulare	\$3,306,098	1.30%	\$2,416,609	1.29%	Y	Y	Y	3,306,097.65	2.00%	6,988.91	156,969.11	65,870.00	91,099.11
Tuolumne	\$341,239	0.13%	\$307,665	0.16%	N	N	N	-	0.00%	-	7,054.13	-	7,054.13
Ventura	\$2,521,856	1.00%	\$1,843,364	0.99%	Y	N	N	-	0.00%	-	110,204.12	110,204.00	0.12
Yolo	\$1,689,887	0.67%	\$1,235,231	0.66%	Y	N	N	-	0.00%	-	17,813.12	17,813.00	0.12
Yuba	\$551,781	0.22%	\$418,668	0.22%	Y	Y	Y	551,780.90	0.33%	1,166.44	20,997.61	-	20,997.61
Unallocated	\$0		\$100,000					-		-			
Total	\$253,429,531		\$186,700,000					\$165,440,768.05	100.00%	\$349,733.00	\$ 7,949,609.40	\$6,614,986.05	\$1,334,623.35
Reserved for admin.										258,433.00			
Distribution amount available to courts										349,733.00			
Total collected										608,166.00			

1. A court is eligible for an allocation if the court has met both the Funding Need and Participation requirements described in section 14 of the JDCCP Guidelines. This table indicates a court's eligibility to receive an allocation based on the Funding Need criteria. Courts that meet the Funding Need criteria must also meet the Participation requirements in order to receive an allocation.

Court	Estimated Funding Need (JC Report - July 2023) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2023-24 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2023-24 (Col. C Total) Col. D	Est. Unspent CAC Funding 2023-24 Col. E	Eligible for Reallocated Funding ¹ Col. F	Funding Need of Eligible Courts (Col. A when Col. F equals "Y") Col. G	Need as a % of Total Need of Eligible Courts (Col. G Total) Col. H	Recommended 2023-24 CAC Reallocation Col. I
Alameda	\$5,340,545	2.11%	\$3,903,699	2.09%	0	Y	5,340,545.28	2.31%	22,437.08
Alpine	\$25,622	0.01%	\$25,764	0.01%	0	N	-	0.00%	-
Amador	\$212,023	0.08%	\$158,374	0.08%	0	N	-	0.00%	-
Butte	\$1,293,234	0.51%	\$945,296	0.51%	0	N	-	0.00%	-
Calaveras	\$216,619	0.09%	\$190,388	0.10%	0	N	-	0.00%	-
Colusa	\$111,138	0.04%	\$111,854	0.06%	60,000	N	-	0.00%	-
Contra Costa	\$3,629,916	1.43%	\$2,653,306	1.42%	0	Y	3,629,915.65	1.57%	15,250.26
Del Norte	\$268,195	0.11%	\$256,964	0.14%	0	N	-	0.00%	-
El Dorado	\$644,987	0.25%	\$474,903	0.25%	0	Y	644,986.90	0.28%	2,709.77
Fresno	\$6,549,587	2.58%	\$4,787,455	2.56%	0	N	-	0.00%	-
Glenn	\$143,780	0.06%	\$143,016	0.08%	0	N	-	0.00%	-
Humboldt	\$998,462	0.39%	\$729,831	0.39%	0	Y	998,462.35	0.43%	4,194.81
Imperial	\$795,309	0.31%	\$581,336	0.31%	0	Y	795,309.43	0.34%	3,341.31
Inyo	\$72,350	0.03%	\$76,990	0.04%	0	N	-	0.00%	-
Kern	\$4,985,989	1.97%	\$3,644,535	1.95%	0	Y	4,985,989.37	2.16%	20,947.50
Kings	\$1,060,814	0.42%	\$775,408	0.42%	0	N	-	0.00%	-
Lake	\$203,493	0.08%	\$277,755	0.15%	0	N	-	0.00%	-
Lassen	\$191,506	0.08%	\$174,612	0.09%	0	N	-	0.00%	-
Los Angeles	\$124,470,473	49.11%	\$90,982,340	48.73%	0	Y	124,470,473.20	53.90%	522,934.27
Madera	\$1,060,009	0.42%	\$844,825	0.45%	0	N	-	0.00%	-
Marin	\$357,998	0.14%	\$358,761	0.19%	0	N	-	0.00%	-
Mariposa	\$87,640	0.03%	\$73,918	0.04%	0	N	-	0.00%	-
Mendocino	\$658,478	0.26%	\$608,018	0.33%	0	N	-	0.00%	-
Merced	\$1,440,319	0.57%	\$1,052,809	0.56%	0	N	-	0.00%	-
Modoc	\$38,874	0.02%	\$50,853	0.03%	0	N	-	0.00%	-
Mono	\$26,616	0.01%	\$21,591	0.01%	0	N	-	0.00%	-
Monterey	\$798,660	0.32%	\$595,734	0.32%	195,734	N	-	0.00%	-
Napa	\$510,600	0.20%	\$375,955	0.20%	75,000	N	-	0.00%	-
Nevada	\$204,648	0.08%	\$203,761	0.11%	0	N	-	0.00%	-
Orange	\$12,540,527	4.95%	\$9,166,564	4.91%	0	Y	12,540,527.36	5.43%	52,686.16
Placer	\$930,735	0.37%	\$704,472	0.38%	0	N	-	0.00%	-
Plumas	\$112,340	0.04%	\$159,634	0.09%	0	N	-	0.00%	-
Riverside	\$14,649,029	5.78%	\$10,707,784	5.74%	0	Y	14,649,028.79	6.34%	61,544.55
Sacramento	\$6,710,957	2.65%	\$4,905,409	2.63%	0	Y	6,710,957.13	2.91%	28,194.55
San Benito	\$129,390	0.05%	\$95,270	0.05%	0	N	-	0.00%	-
San Bernardino	\$20,604,882	8.13%	\$15,061,246	8.07%	0	Y	20,604,882.38	8.92%	86,566.71
San Diego	\$8,578,420	3.38%	\$6,270,441	3.36%	0	Y	8,578,420.33	3.72%	36,040.27
San Francisco	\$3,887,680	1.53%	\$2,841,720	1.52%	0	Y	3,887,680.07	1.68%	16,333.20
San Joaquin	\$3,889,728	1.53%	\$2,843,217	1.52%	0	Y	3,889,728.36	1.68%	16,341.81
San Luis Obispo	\$957,999	0.38%	\$700,254	0.38%	0	Y	957,998.76	0.41%	4,024.81
San Mateo	\$1,039,566	0.41%	\$765,432	0.41%	0	Y	1,039,566.15	0.45%	4,367.50
Santa Barbara	\$1,908,246	0.75%	\$1,394,843	0.75%	0	Y	1,908,246.31	0.83%	8,017.06
Santa Clara	\$4,145,634	1.64%	\$3,030,273	1.62%	0	Y	4,145,633.71	1.80%	17,416.93

Court	Estimated Funding Need (JC Report - July 2023) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2023-24 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2023-24 (Col. C Total) Col. D	Est. Unspent CAC Funding 2023-24 Col. E	Eligible for Reallocated Funding ¹ Col. F	Funding Need of Eligible Courts (Col. A when Col. F equals "Y") Col. G	Need as a % of Total Need of Eligible Courts (Col. G Total) Col. H	Recommended 2023-24 CAC Reallocation Col. I
Santa Cruz	\$607,692	0.24%	\$623,754	0.33%	0	N	-	0.00%	-
Shasta	\$1,124,351	0.44%	\$821,850	0.44%	0	Y	1,124,351.26	0.49%	4,723.71
Sierra	\$38,625	0.02%	\$28,440	0.02%	0	Y	38,625.40	0.02%	162.28
Siskiyou	\$196,638	0.08%	\$256,552	0.14%	0	N	-	0.00%	-
Solano	\$1,590,035	0.63%	\$1,162,244	0.62%	0	Y	1,590,034.86	0.69%	6,680.17
Sonoma	\$2,223,386	0.88%	\$1,625,196	0.87%	0	Y	2,223,385.92	0.96%	9,341.05
Stanislaus	\$1,942,404	0.77%	\$1,419,811	0.76%	0	Y	1,942,404.27	0.84%	8,160.57
Sutter	\$434,175	0.17%	\$336,571	0.18%	0	N	-	0.00%	-
Tehama	\$299,901	0.12%	\$294,234	0.16%	0	N	-	0.00%	-
Trinity	\$78,441	0.03%	\$83,204	0.04%	0	N	-	0.00%	-
Tulare	\$3,306,098	1.30%	\$2,416,609	1.29%	639,377	N	-	0.00%	-
Tuolumne	\$341,239	0.13%	\$307,665	0.16%	0	N	-	0.00%	-
Ventura	\$2,521,856	1.00%	\$1,843,364	0.99%	0	Y	2,521,856.32	1.09%	10,595.00
Yolo	\$1,689,887	0.67%	\$1,235,231	0.66%	0	Y	1,689,886.68	0.73%	7,099.67
Yuba	\$551,781	0.22%	\$418,668	0.22%	0	N	-	0.00%	-
Unallocated	\$0		\$100,000				-		-
Total	\$253,429,531		\$186,700,000		\$970,111.00		\$230,908,896	100.00%	\$970,111.00
Total Returned									\$970,111.00

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Informational Item)

Title: Funds Held on Behalf of the Trial Courts Policy Updates
Date: 1/30/2024
Contact: Rose Lane, Senior Analyst, Judicial Council Budget Services
916-643-6926 rosemary.lane@jud.ca.gov

Issue

The Trial Court Budget Advisory Committee (TCBAC) recommends adopting revisions to the current policy and guidelines for the Funds Held on Behalf (FHOB) of the Trial Courts' program. The proposed revisions include newly defined criteria, streamlining the submission process, and implementing a reimbursement model to distribute funding to the participating trial courts.

Background

Government Code section [68502.5\(c\)\(2\)\(A\)](#) requires the Judicial Council to set a preliminary allocation in July of each fiscal year when setting the allocations for trial courts. In January of each fiscal year, after review of available trial court reserves as of June 30 of the prior fiscal year, the Judicial Council is required to finalize allocations to the trial courts and each court's finalized allocation is offset by the amount of reserves in excess of the amount authorized to be carried over pursuant to Government Code section [77203](#).

Government Code section 77203 outlines the amount of funding a trial court may carry over from the prior fiscal year. Prior to June 30, 2014, a trial court could carry over all unexpended funds from the court's operating budget from the prior fiscal year. Beginning June 30, 2014 and concluding June 30, 2019, a trial court could carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year.

Beginning June 30, 2020, a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year. The increase in the fund balance cap was in recognition of the need for trial courts to have sufficient reserve funding to support operational needs and address emergency expenditures.

At its meeting on July 6, 2015, the TCBAC established the Ad Hoc Working Group on Fiscal Planning to examine permitting trial court allocation amounts, that were reduced as a result of a court exceeding the authorized fund balance cap, to be retained in the Trial Court Trust Fund (TCTF) for the benefit of that court. The working group was charged with developing fiscal planning and management guidelines as to how these retained amounts would be managed to ensure an effective program for the trial courts.

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At its business meeting on April 15, 2016, the Judicial Council approved the TCBAC's *Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts*. This new program authorized that reduced trial court allocations, related to the fund balance cap, be retained in the TCTF as restricted fund balance for the benefit of those courts for projects or expenditures approved by the Judicial Council¹. Trial courts were required to report to the TCBAC within 90 days of a completed project or planned expenditure on how the funds were expended.

Previous Policy Updates

At its business meeting on January 17, 2020, the Judicial Council adopted revisions to the *Judicial Council-Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts* policy. These revisions included a streamlined submission schedule, changing the recipient of the request from the Judicial Council's Administrative Director to the Director of Budget Services, and language amendments to better align with the timing of year-end closing for the courts, trial court allocation offsets, and requests to amend previously approved projects².

At its meeting on May 11, 2022, the council approved the TCBAC's additional recommendation to update the policy. This specific update changed the requirement that courts report to the TCBAC within 90 days of completion of a project or planned expenditure from a quarterly to an annual reporting of all projects or planned expenditures completed in a fiscal year, including status updates on projects or planned expenditures not completed³. Judicial Council Budget Services staff prepares the annual FHOB report to the TCBAC in consultation with the courts.

Ad Hoc Working Group for the FHOB Program

In October 2023, the Chair of the TCBAC established an Ad Hoc Working Group, consisting of five members of the Fiscal Planning Subcommittee (FPS), to evaluate the FHOB program to consider potential changes to the policy. The working group was charged with evaluating the process, application, and distribution components of the program to develop recommendations to increase transparency, streamline the submission schedule, and identify process improvements. A summary of the items considered by the working group are summarized below:

¹ Judicial Council meeting report (April 15, 2016),
<https://jcc.legistar.com/View.ashx?M=F&ID=4378277&GUID=57D6B686-EA95-497E-9A07-226CA724ADCB>;
Judicial Council meeting minutes (April 15, 2016),
<https://jcc.legistar.com/View.ashx?M=M&ID=463457&GUID=194A3350-D97F-452B-ACF4-1EBE6C105CCA>.

² Judicial Council meeting report (January 17, 2020),
<https://jcc.legistar.com/View.ashx?M=F&ID=7977186&GUID=6B519461-BD50-4F19-9B80-CD40F8FD64FE>;
Judicial Council meeting minutes (January 17, 2020),
<https://jcc.legistar.com/View.ashx?M=M&ID=711572&GUID=AC46528C-6E37-406A-A1CE-B41CC33E29EB>

³ Judicial Council meeting report (May 10, 2022),
<https://jcc.legistar.com/View.ashx?M=F&ID=102830769&GUID=305F68B7-26CF-4E57-B29D-BD15D8B1CB6D>;
Judicial Council meeting minutes (May 11, 2022),
<https://jcc.legistar.com/View.ashx?M=M&ID=869099&GUID=990E26C2-797D-4F24-BAE0-4945FB131549>

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1. New and Amended Request Criteria

New Requests

Current Process – Allow trial courts to submit new requests using funding from multiple fiscal years.

Proposed Process – Require that trial courts submit new requests using new funding from the previous fiscal year or unspent funding from a previously approved FHOB project to be considered for a new project because the original project has been completed or surrendered.

Amended Requests

Current Process – Allow trial courts to submit amended requests to (1) amend the amount of funds for an existing project, (2) extend the fiscal year period to implement a previously approved project, or (3) use funding from a previously approved project for a new project or purpose.

Proposed Process – Allow trial courts to submit amended requests only to (1) amend the amount of funds for an existing project and/or (2) extend the fiscal year period to implement a previously approved project.

Rationale – Clarifying the definitions of new and amended requests will ensure transparency in the use of funding and streamline the tracking and reporting of approved projects.

2. Submission Cycle

Current Process – Three submission cycles per year in March, August, and September with requests going to the Judicial Council for consideration at its July, November, and January business meetings.

Proposed Process – Establish one annual submission cycle in September, after all courts have completed their year-end close-out process. Requests will go to the January council meeting for consideration.

Rationale – Reducing the number of submission cycles will streamline tracking, reporting, and the frequency of committee meetings.

3. Court Representation

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Current Process – Trial courts may send a representative to the subcommittee and Judicial Council meetings to present their requests and respond to questions.

Proposed Process – Trial courts that have submitted a request for consideration are strongly encouraged to provide a representative at the FPS and Judicial Council meetings.

Rationale – Having court representatives attend the FPS meeting will ensure that questions from subcommittee members can be appropriately addressed as needed.

4. Application Form

Current Process – Trial courts are required to submit the *Application for TCTF Funds Held on Behalf of the Court* form, in addition to financial information.

Proposed Process – Redesign the existing application form to make it easier to complete and review and ensure it includes relevant project and fiscal information needed for consideration and tracking of the request. Budget Services staff will work in consultation with a group of court representatives to make the necessary changes to the form.

Rationale – The current application form is long and difficult to complete. A simplified version would streamline the submission, review, and tracking processes for the courts and Judicial Council staff and would improve transparency as to the use of the funds.

5. Reimbursement Model for Funding Distribution

Current Process – Funding is distributed to the courts via the allocation process based on their submitted expenditure plan for each project.

Proposed Process – Implement a monthly reimbursement model so that the funds are held in the TCTF on behalf of the court, as originally intended. Courts will be reimbursed monthly based on actual expenses submitted and recorded in the Judicial Council Phoenix accounting system. For courts that might have difficulty paying for upfront costs, there will be a process to request early distribution of funding prior to the submittal of actual expenditures related to the project.

Rationale – Implementation of a reimbursement model will properly structure the program so that requested funds are held in the TCTF on behalf of the requesting courts and distributed to the courts for actual reported expenditures.

At its January 22, 2024 meeting⁴, the TCBAC approved the recommendations developed by the working group.

⁴ Trial Court Budget Advisory Committee meeting materials (January 22, 2024),

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Recommendation

Approve the following recommendations to be considered by the Judicial Council at its March 15, 2024 business meeting:

1. New Request Criteria – Require that trial courts submit new requests using new funding from the previous fiscal year or unspent funding from a previously approved FHOB project to be considered for a new project because the original project has been completed or surrendered.

Amended Request Criteria – Allow trial courts to submit amended requests only to (1) amend the amount of funds for an existing project and/or (2) extend the fiscal year period to implement a previously approved project.
2. Submission Cycles – Establish one annual submission cycle in September, after all courts have completed their year-end close-out process. Requests will go to the January council meeting for consideration.
3. Court Representation – Trial courts that have submitted a request for consideration are strongly encouraged to provide a representative at the FPS and Judicial Council meetings.
4. Application Process – A redesigned application form to make it easier to complete and review and ensure it includes relevant project and fiscal information needed for consideration and tracking of the request.
5. Distribution of Funding – Implement a monthly reimbursement model so that the funds are held in the TCTF on behalf of the court, as originally intended. Courts will be reimbursed monthly based on actual expenses submitted and recorded in the Judicial Council Phoenix accounting system. For courts that might have difficulty paying for upfront costs, there will be a process to request early distribution of funding prior to the submittal of actual expenditures related to the project; and
6. Make language amendments to the current policy to reflect the recommendations and delete outdated references (Attachment B⁵).

Attachments

Attachment A: Current *Judicial Council-Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts*

Attachment B: Proposed *Judicial Council- Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts*

<https://www.courts.ca.gov/documents/tcbac-20240122-materials.pdf>

⁵ Reflects additional input from advisory members not in attendance at the January 22, 2024 TCBC meeting that is consistent with the approved recommendations.

Summary of Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

1. Trial Court Trust Fund fund balance will be held on behalf of trial courts only for expenditures or projects that cannot be funded by a court's annual budget or three-year encumbrance term and that require multiyear savings to implement.
 - a. Categories or activities include, but are not limited to:
 - i) Projects that extend beyond the original planned three-year term process such as expenses related to the delayed opening of new facilities or delayed deployment of new information systems;
 - ii) Technology improvements or infrastructure such as installing a local data center, data center equipment replacement, case management system deployment, converting to a VoIP telephone system, desktop computer replacement, and replacement of backup emergency power systems;
 - iii) Facilities maintenance and repair allowed under rule 10.810 of the California Rules of Court such as flooring replacement and renovation as well as professional facilities maintenance equipment;
 - iv) Court efficiencies projects such as online and smart forms for court users and RFID systems for tracking case files; and
 - v) Other court infrastructure projects such as vehicle replacement and copymachine replacement.
2. The submission, review, and approval process is as follows:
 - a. All requests will be submitted to the Judicial Council for consideration.
 - b. Requests will be submitted to the *director of Budget Services* by the court's presiding judge or court executive officer.
 - c. *Budget Services* staff will review the request, ask the court to provide any missing or incomplete information, draft a preliminary report, share the preliminary report with the court for its comments, revise as necessary, and issue the report to the *Fiscal Planning Subcommittee* of the Trial Court Budget Advisory Committee (TCBAC); the *subcommittee* will meet to review the request, hear any presentation of the court representative, and ask questions of the representative if one participates on behalf of the court; and *Budget Services* office staff will issue a final report on behalf of the *subcommittee* for the council.
 - d. The final report to the *subcommittee* and the Judicial Council will be provided to the requesting court before the report is made publicly available on the California Courts website.
 - e. The court may send a representative to the *subcommittee* and Judicial Council meetings to present its request and respond to questions.

- 43 3. To be considered at a scheduled Judicial Council business meeting, requests must be
44 submitted to the *director of Budget Services* at least 40 business days (approximately
45 eight weeks) before that business meeting.
- 46
- 47 4. The Judicial Council may consider including appropriate terms and conditions that courts
48 must accept for the council to approve designating TCTF fund balance on the court's behalf.
49 a. Failure to comply with the terms and conditions would result in the immediate change in
50 the designation of the related TCTF fund balance from restricted to unrestricted and no
51 longer held on behalf of the court unless the council specifies an alternative action.
- 52
- 53 5. Approved requests that courts subsequently determine need to be revised to reflect a change
54 (1) in the amounts by year to be distributed to the court for the planned annual expenditures
55 and/or encumbrances, (2) in the total amount of the planned expenditures, or (3) of more than
56 10 percent of the total request among the categories of expense will need to be amended and
57 resubmitted following the submission, review, and approval process discussed in 1–3 above.
58 a. Denied revised requests will result in the immediate change in the designation of the
59 related TCTF fund balance from restricted to unrestricted and no longer held on behalf of
60 the court unless the council specifies an alternative action.
- 61
- 62 6. Approved requests that courts subsequently determine have a change in purpose will need to
63 be amended and resubmitted following the submission, review, and approval process
64 discussed in 1–3 above, along with a request that the TCTF funds held on behalf of the court
65 for the previously approved request continue to be held on behalf of the court for this new
66 purpose.
67 a. Denied new requests tied to previously approved requests will result in the immediate
68 change in the designation of the related TCTF fund balance from restricted to unrestricted
69 and no longer held on behalf of the court unless the council specifies an alternative
70 action.
- 71
- 72 7. On completion of the project or planned expenditure, courts are required to report to the Trial
73 Court Budget Advisory Committee *annually* on the project or planned expenditure and how
74 the funds were expended.
- 75
- 76 8. As part of the courts' audits in the scope of the normal audit cycle, a review of any funds that
77 were held on behalf of the courts will be made to confirm that they were used for their stated
78 approved purpose.

79 **Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the**
80 **Courts**

81 TCTF fund balance will be held on behalf of the trial courts only for expenditures or projects that
82 cannot be funded by the court's annual budget or three-year encumbrance term and that require
83 multiyear savings to implement.

84
85 **Recommended Information Required to Be Provided by Trial Courts for TCTF**
86 **Fund Balance Held on Behalf of the Courts**

87 Below is the information required to be provided by trial courts on the *Application for TCTF*
88 *Funds Held on Behalf of the Court*:

89
90 **SECTION I**

91 **General Information**

- 92 • Superior court
- 93 • Date of submission
- 94 • Person authorizing the request
- 95 • Contact person and contact information
- 96 • Time period covered by the request (includes contribution and expenditure)
- 97 • Requested amount
- 98 • A description providing a brief summary of the request

99
100 **SECTION II**

101 **Amended Request Changes**

- 102 • Sections and answers amended
- 103 • A summary of changes to request

104
105 **SECTION III**

106 **Trial Court Operations and Access to Justice**

- 107 • An explanation as to why the request does not fit within the court's annual operational
108 budget process and the three-year encumbrance term
- 109 • A description of how the request will enhance the efficiency and/or effectiveness of court
110 operations, and/or increase the availability of court services and programs
- 111 • If a cost efficiency, cost comparison (*table template provided*)
- 112 • A description of the consequences to the court's operations if the court request is not
113 approved
- 114 • A description of the consequences to the public and access to justice if the court request is
115 not approved
- 116 • The alternatives that the court has identified if the request is not approved, and the reason
117 why holding funding in the TCTF is the preferred alternative

118 **SECTION IV**119 **Financial Information**

- 120 • Three-year history of year-end fund balances, revenues, and expenditures (*table template*
121 *provided*)
- 122 • Current detailed budget projections for the fiscal years during which the trial court would
123 either be contributing to the TCTF fund balance held on the court's behalf or receiving
124 distributions from the TCTF fund balance held on the court's behalf (*table template*
125 *provided*)
- 126 • Identification of all costs, by category and amount, needed to fully implement the project
127 (*table template provided*)
- 128 • A specific funding and expenditure schedule identifying the amounts to be contributed and
129 expended, by fiscal year (*table template provided*)

1 ***Summary of Recommended Process, Criteria, and Required Information for***
 2 ***Trial Court Trust Fund Fund Balance Held on Behalf of the Courts***

3
 4 **Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf**
 5 **of the Courts**

- 6
 7 1. Trial Court Trust Fund fund balance will be held on behalf of trial courts only for
 8 expenditures or projects that cannot be funded by a court's annual budget or three-year
 9 encumbrance term and that require multiyear savings to implement. The program is
 10 not intended to address ongoing activities or commitments.
- 11 a. Allowable cCategories or activities include, but are not limited to:
- 12 i) Projects that extend beyond the original planned three-year term process such as
 13 expenses related to the delayed opening of new facilities or delayed deployment of
 14 new information systems;
- 15 ii) Technology improvements or infrastructure such as installing a local data center, data
 16 center equipment replacement, case management system deployment, converting to a
 17 new VoIP-telephone system, desktop computer replacement, and replacement of
 18 backup emergency power systems;
- 19 iii) Facilities maintenance and repair allowed under rule 10.810 of the California Rules of
 20 Court such as flooring replacement and renovation as well as professional facilities
 21 maintenance equipment;
- 22 iv) Court efficiency ies-projects such as online and smart forms for court users and
 23 RFIDsystems for tracking case files; and
- 24 v) Other court infrastructure projects such as vehicle replacement and copy
 25 machine replacement.
- 26
- 27 2. The submission, review, and approval process is are as follows:
- 28 a. All funds held on behalf requests for the prior fiscal year will be submitted in a once per
 29 year submission cycle in the fall, after courts complete their year-end close-out, for
 30 consideration by the Judicial Council at its January business meeting. at the January
 31 council meeting.
- 32 a. All requests will be submitted to the Judicial Council for consideration.
- 33 b. Requests will be submitted to the Judicial Council's Director of Budget Services by
 34 the court's presiding judge or court executive officer.
- 35 c. Budget Services staff will review the request, ask the court to provide any missing or
 36 incomplete information, draft a preliminary report and, share it the preliminary report
 37 with the court for any its-comments, revise as necessary, and issue the report to the
 38 Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee
 39 (TCBAC). T; the subcommittee will meet to consider review the request and, hear any
 40 presentations from representatives -of the requesting courts. court representative, and
 41 ask questions of the representative if one participates on behalf of the court; and Budget
 42 Services office-staff will issue a final report on behalf of the subcommittee for
 43 consideration by the Judicial Council.

- 44 d. The final report to the subcommittee and the Judicial Council will be provided to the
45 requesting court before the report is made publicly available on the California Courts
46 website.
- 47 e. The court ~~may~~ is strongly encouraged to send a representative to the subcommittee -
48 and meetings and may send a representative to the Judicial Council meetings to ~~present~~
49 its request and respond to questions.

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- 50 3. To be considered at ~~the January a-scheduled~~ Judicial Council business meeting,
 51 requests must be submitted to the ~~D~~irector of Budget Services no later than by
 52 September 25. at least 40 business days (approximately eight weeks), before that
 53 business meeting.
- 54
- 55 4. The Judicial Council may consider including appropriate terms and conditions that courts
 56 must accept for the council to approve designating TCTF fund balance be held on the
 57 court's behalf.
- 58 a. Failure to comply with the terms and conditions ~~will~~ ould result in the immediate change
 59 in the designation of the related TCTF fund balance from restricted to unrestricted and
 60 no longer held on behalf of the court unless the council specifies an alternative action.

61

62 5. Request for funds held on behalf of the trial courts may be submitted for the following:

- 63 a. Requests for new projects or planned expenditures using prior fiscal year funding.
- 64 b. Requests for new projects or planned expenditures using unspent funding from a
 65 previously approved project that has been completed or surrendered by the requesting
 66 court.
- 67 c. Requests to amend previously approved projects or planned expenditures to adjust the
 68 amount of funding needed and/or the expenditure period to complete the original
 69 project.
- 70 a.d. Denied requests will result in the immediate change in the designation of the related
 71 TCTF fund balance from restricted to unrestricted and will no longer be held on behalf
 72 of the requesting court unless the Judicial Council specifies an alternative action.

73

74 ~~— New requests may be submitted for prior fiscal year funding only, unless the request is~~
 75 ~~following with except to # 6 as described below.~~

76 ~~5. Approved requests that courts subsequently determine need to be revised to reflect a change~~
 77 ~~(1) in the amounts by year to be contributed for an existing project distributed to the court for~~
 78 ~~the planned annual expenditures and/or encumbrances, and (2) to change the fiscal year~~
 79 ~~period in the total amount of the planned expenditures, or (3) of more than 10 percent of the~~
 80 ~~total request among the categories of expense will need to be amended and resubmitted~~
 81 ~~following the submission, review, and approval process discussed in 1–3 above.~~

82 ~~a. Denied revised requests will result in the immediate change in the designation of the~~
 83 ~~related TCTF fund balance from restricted to unrestricted and no longer held on behalf of~~
 84 ~~the court unless the council specifies an alternative action.~~

85

86 ~~6. Approved requests that courts subsequently determine have a change in purpose will need to~~
 87 ~~be submitted as a new request. Courts may utilize previously approved unspent FHOB~~
 88 ~~project funding in which the project has been completed or surrendered for amended and~~
 89 ~~resubmitted following the submission, review, and approval process discussed in 1–3 above,~~
 90 ~~along with a request that the TCTF funds held on behalf of the court for the previously~~
 91 ~~approved request funding to continue to be held on behalf of the court for this new purpose.~~
 92 ~~a. Denied new requests tied to previously approved requests will result in the immediate~~

93 ~~change in the designation of the related TCTF fund balance from restricted to unrestricted~~
94 ~~and no longer held on behalf of the court unless the council specifies an alternative~~
95 ~~action.~~

96
97 6. Courts will be reimbursed monthly for actual expenses submitted for the approved project
98 and recorded in the Judicial Council's Phoenix SAP accounting system against the approved
99 project.

100 a. Distribution of funding may be approved ~~granted~~ without a recorded expense at the
101 discretion of the Judicial Council's Director of Budget Services. The court must submit a
102 request and justification explaining why the funding is needed prior to incurring and
103 reporting expenditures for the project. ;
104

105 7. ~~On completion of the project or planned expenditure, e~~Courts are required to report to the
106 Trial Court Budget Advisory Committee annually on the status of each project or planned
107 expenditure and how the funds were expended until the project is completed. For completed
108 projects a final report must be submitted, and then no further reporting is required.

109
110 8. ~~As part of the courts' audits in the scope of the~~ During the required trial court normal audit
111 cycle, a review of any funds that ~~were~~ held on behalf of the courts will be made to confirm
112 that they were used for their ~~stated~~ approved purpose.

Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the Courts

TCTF fund balance will be held on behalf of the trial courts only for expenditures or projects that cannot be funded by the court's annual budget or three-year encumbrance term and that require multiyear savings to implement.

Recommended Information Required to Be Provided by Trial Courts for TCTF Fund Balance Held on Behalf of the Courts

~~Below is the information~~ Trial courts are required to ~~be provided by trial courts~~ all applicable information as requested on the *Application for TCTF Funds Held on Behalf of the Court*:

SECTION I

General Information.

- ~~• Superior court~~
- ~~• Date of submission~~
- ~~• Person authorizing the request~~
- ~~• Contact person and contact information~~
- ~~• Time period covered by the request (includes contribution and expenditure)~~
- ~~• Requested amount~~
- ~~• A description providing a brief summary of the request~~

SECTION II

Amended Request Changes

- ~~• Sections and answers amended~~
- ~~• A summary of changes to request~~

SECTION III

Trial Court Operations and Access to Justice

- ~~• An explanation as to why the request does not fit within the court's annual operational budget process and the three-year encumbrance term~~
- ~~• A description of how the request will enhance the efficiency and/or effectiveness of court operations, and/or increase the availability of court services and programs~~
- ~~• If a cost efficiency, cost comparison (table template provided)~~
- ~~• A description of the consequences to the court's operations if the court request is not approved~~
- ~~• A description of the consequences to the public and access to justice if the court request is not approved~~
- ~~• The alternatives that the court has identified if the request is not approved, and the reason why holding funding in the TCTF is the preferred alternative~~

155 SECTION IV

156 Financial Information

- 157 • ~~Three year history of year end fund balances, revenues, and expenditures (table template~~
158 ~~provided)~~
- 159 • ~~Current detailed budget projections for the fiscal years during which the trial court would~~
160 ~~either be contributing to the TCTF fund balance held on the court's behalf or receiving~~
161 ~~distributions from the TCTF fund balance held on the court's behalf (table template provided)~~
- 162 • ~~Identification of all costs, by category and amount, needed to fully implement the project~~
163 ~~(table template provided)~~
- 164 • ~~A specific funding and expenditure schedule identifying the amounts to be contributed~~
165 ~~and expended, by fiscal year (table template provided)~~

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