



JUDICIAL COUNCIL of CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel. 415-865-4200
Fax 415-865-4205
www.courts.ca.gov

March 28, 2025

HON. PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

Hon. Scott D. Wiener
Chair, Senate Committee on Budget and Fiscal Review
Chair, Joint Legislative Budget Committee
1020 N Street, Room 502
Sacramento, California 95814

HON. BRAD R. HILL
Chair, Executive and Planning Committee

HON. ANN C. MOORMAN
Chair, Judicial Branch Budget Committee
Chair, Litigation Management Committee

Hon. Jesse Gabriel
Chair, Assembly Committee on Budget
Vice-Chair, Joint Legislative Budget Committee
1021 O Street, Suite 8230
Sacramento, California 95814

HON. STACY BOULWARE
EURIE
Chair, Legislation Committee

HON. CARIN T. FUJISAKI
Chair, Rules Committee

*Re: Report on Allocation of Funding in 2024–25 for Federally Funded
Dependency Representation Program Shortfall*

HON. KYLE S. BRODIE
Chair, Technology Committee

Dear Senator Wiener and Assembly Member Gabriel:

Hon. Maria Lucy Armendariz
Hon. Bunmi O. Awoniyi
Hon. C. Todd Bottke
Hon. Carol A. Corrigan
Hon. Charles S. Crompton
Hon. Judith K. Dulcich
Hon. Maureen F. Hallahan
Hon. Maria D. Hernandez
Ms. Rachel W. Hill
Hon. Ash Kalra
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Hon. Ricardo R. Ocampo
Mr. Craig M. Peters
Mr. Maxwell V. Pritt
Hon. Thomas J. Umberg
Hon. Tamara L. Wood

Under item 0250-102-0932, provision 2, of the Budget Act of 2024, the Judicial Council is submitting this *Report on Allocation of Funding in 2024–25 for Federally Funded Dependency Representation Program Shortfall*.

ADVISORY MEMBERS
Hon. Khymerli S. Apaloo
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Hon. Ryan Davis
Hon. Joan K. Irion
Mr. Charles Johnson
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Hon. Lisa M. Rogan
Mr. David H. Yamasaki

In January 2019, the U.S. Department of Health and Human Services made court-appointed counsel in dependency proceedings eligible for federal matching funds. The Judicial Council established the Federally Funded Dependency Representation Program (FFDRP) beginning fiscal year (FY) 2019–20 to support the courts and court-appointed counsel (CAC) providers in accessing these newly available federal funds to support enhanced legal representation services for families and children in dependency proceedings. For FY 2024–25, an estimated maximum of \$66 million is available in federal matching dollars to courts and CAC providers.

MS. MICHELLE CURRAN
Administrative Director
Judicial Council

The \$66 million estimate is based on the amount that the 2024 Budget Act provided in state General Fund for court-appointed dependency counsel. FFDRP providers are unable to reach the federal reimbursement maximum for two reasons: (1) the scope of services eligible for reimbursement under federal funding is narrower than under the state General Fund, and (2) not all providers are currently capable of providing the type of documentation required for federal reimbursement. Participating providers were able to bill 53 percent in FY 2019–20; 64 percent in FY 2020–21; 72 percent in FY 2021–22; 71 percent in FY 2022–23; and 69 percent in FY 2023–24.

To address these issues, the Budget Act of 2024 includes a provision that up to \$30 million of General Fund be made available to the Judicial Council to reimburse courts and providers for any gap existing between the \$66 million estimate and what the state is able to recover in federal funds. In FY 2023–24, \$15 million of the General Fund made available by the provisional authority was used to reimburse courts and providers for this purpose.

As required by the 2024 Budget Act, this report identifies (a) the total federal reimbursements invoiced statewide in the first two quarters of the current fiscal year; (b) projected shortfalls in year-end federal reimbursements; and (c) a proposed allocation and distribution of any portion of the \$30 million necessary to address projected shortfalls.

(a) The total federal reimbursements invoiced statewide in the first two quarters of the current fiscal year.

The Judicial Council estimates that approximately 500 invoices will be submitted for expenses in quarters one and two. These invoices are typically submitted at least two months after the quarter ends. At the time of this report the Judicial Council has received 144 or approximately 30 percent of the expected invoices for quarters one and two, for a total of \$11 million in federal reimbursements.

(b) Projected shortfalls in year-end federal reimbursements.

Based on the data on legal representation invoices that were eligible for federal reimbursement, Judicial Council staff project a shortfall in federal reimbursements of approximately \$17 million to \$24 million in FY 2024–25.

(c) A proposed allocation and distribution of any portion of the \$30 million necessary to address projected shortfalls.

By June 30, 2025, the Judicial Council will issue contracts to fund approximately 52 to 82 providers that entered into an FFDRP contract and have submitted invoices for every month under contract—or documented extenuating circumstances preventing them from invoicing.

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It is expected that participating providers will have submitted all FY 2024–25 FFDRP invoices to the Judicial Council by July 25, 2025, so that the final shortfall amount in federal reimbursements can be determined.

By August 18, 2025, providers will have invoiced the council for the federal reimbursement shortfall amount so that all quarterly payments can be issued before September 30, 2025.

If you have any questions related to this report, please contact Ms. Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts, at 415-865-7706.

Sincerely,

A handwritten signature in cursive script that reads "Michelle J. Curran".

Michelle Curran
Administrative Director
Judicial Council

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Hon. Jesse Gabriel

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MC/AF/gl

cc: Cara L. Jenkins, Legislative Counsel
Erika Contreras, Secretary of the Senate
Eric Dang, Counsel, Office of Senate President pro Tempore Mike McGuire
Emelyn Rodriguez, General Counsel, Office of Assembly Speaker Robert Rivas
Shaun Naidu, Policy Consultant, Office of Assembly Speaker Robert Rivas
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
Mark Jimenez, Principal Program Budget Analyst, Department of Finance
Henry Ng, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Stephanie Jordan, Counsel, Senate Public Safety Committee
Liah Burnley, Principal Consultant, Senate Appropriations Committee
Nora Brackbill, Consultant, Senate Budget and Fiscal Review Committee
Hans Hemann, Principal Consultant, Joint Legislative Budget Committee
Morgan Branch, Consultant, Senate Republican Policy Office
Eric Csizmar, Consultant, Senate Republican Policy Office
Matt Osterli, Consultant, Senate Republican Fiscal Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Andrew Ironside, Chief Counsel, Assembly Public Safety Committee
Jennifer Kim, Consultant, Assembly Budget Committee
Annika Carlson, Principal Consultant, Assembly Appropriations Committee
Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget
Gary Olson, Consultant, Assembly Republican Office of Policy & Budget
Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget
Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council
Zlatko Theodorovic, Director, Budget Services, Judicial Council
Fran Mueller, Deputy Director, Budget Services, Judicial Council
Alona Daniliuk, Administrative Coordinator, Governmental Affairs, Judicial Council