

JUDICIAL COUNCIL OF CALIFORNIA
RESEARCH, ANALYTICS, AND DATA
Report to the Trial Court Budget Advisory Committee

(Information Only)

Title: Superior Court of Stanislaus Adjustment Request Proposal

Date: 12/5/2025

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Introduction

On January 15, 2025, an Adjustment Request Process proposal (ARP) was submitted by the Superior Court of Stanislaus. This ARP proposes a factor in the Resource Assessment Study (RAS) model to be included in the Workload Formula (WF) calculations that accounts for the additional time and costs to conduct background checks using the Automated Firearms System (AFS) for domestic violence retraining orders required by AB 3083. This bill became effective January 1, 2025, and compliance is contingent on available funding.

Background

The Trial Court Budget Advisory Committee's Workload Formula Adjustment Request Process is used by the trial courts to suggest modifications to the Workload Formula used for trial court funding¹ Per Judicial Council policy the Trial Court Budget Advisory Committee (TCBAC) chair, in consultation with the Judicial Council Budget Services director, reviews each request received from the courts and refers them to the appropriate advisory committee for review and recommendation.

In February 2025, TCBAC referred the subject ARP to the Data Analytics Advisory Committee (DAAC), determining that the issue was related to court workload that is measured in the RAS model. DAAC discussed the request at its May 13 and August 5, 2025 meetings.

The Role of DAAC

In evaluating ARP requests that come to the DAAC, the committee must determine how the proposal impacts one of the components of the RAS model: court filings, caseweights, the staff work year value; and the other model parameters that are used to assess workload. The following considerations are taken into account:

¹ <https://jcc.legistar.com/View.ashx?M=F&ID=7188751&GUID=A90AB7DB-FA13-43B5-8817-947ABF3AB919>

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- Impact of the proposal on filings data, including any change in filing volume. If the proposal creates a new workload category, filings data across all 58 courts must be reportable. Changes to court workload, such as new processes or number of hearings, that may affect the RAS model caseweights.
- New laws or other issues that change the available time of court staff, which is measured in the staff year value.
- Other changes to the components of the calculation of staff FTE need as measured in RAS (i.e. court clusters, manager-supervisor ratio, program 90 ratio).

Following this analysis, DAAC may determine that an adjustment to the model is warranted. The committee may decide to incorporate the request in the next RAS update, made approximately every five years, or it may make an interim adjustment to the model.

Analysis

The subject ARP requires courts to perform a new function—a background check through AFS. Since the bill was just passed, this workload was not included in the most recent RAS update due to the study update being conducted in 2024—prior to the January 2025 implementation of AB 3083.

While the committee recognized impacts to court workload due to AB 3083, the committee raised the point that these types of background checks are not uniformly performed by court staff; in at least one court, the sheriff's department conducts the background check. Although the RAS model does not require that all courts perform all functions identically in order to be included in the model, the committee felt the workload impacts were not uniform enough across all courts to address through an interim adjustment to the RAS model.

Any changes that impact court workload associated with AB 3083 will be captured in the next RAS study update. If AB 3083 impacts judicial workload, that workload will be captured in the 2025 judicial workload study update and reflected in the caseweights used to assess statewide judicial need.

Recommendation

The committee does not recommend confirming this request.

Attachments

Attachment A: Stanislaus AFS Background Check WL Formula Adj Request.pdf

The Workload Formula is the Judicial Council-approved methodology that determines the need for trial court staff and funding based on workload measures. The Workload Formula Adjustment Request Process (ARP) allows the trial courts to request a change in the Workload Formula for unforeseen factors not currently accounted for in the model to better serve the needs of the courts.

Requests for the 2025 ARP submission cycle are **due by Wednesday, January 15, 2025**, and should include the following information:

1. A description of how the factor is not currently accounted for in the Workload Formula.

AB3038 goes into effect January 1, 2025, which requires courts to conduct a criminal search in the Automated Firearms System (AFS) to determine if a subject of a proposed domestic violence restraining order owns or possesses a firearm. The bill amends Family Code 6306 which previously designated this search conditional on available funding and now makes it a requirement. The additional time has not been accounted for that is necessary to include this task in the CLETS background check which is completed on each request for a domestic violence restraining order that the court receives.

2. Identification and description of the basis for which the adjustment is requested.

The additional AFS background screen will require additional time to complete.

3. A detailed analysis of why the adjustment is necessary.

Court Investigators complete over 750 background CLETS searches each month on subjects pertaining to requests for a domestic violence restraining order. The details of this search are transcribed onto an Investigative Summary form and provided to judges for review. The average time to complete this task is one to two and a half hours per day depending upon the number of cases and the extent of the criminal history being reviewed. Initial test cases of the results from AFS show that the data about gun purchases and transfers is detailed including information about the make and model of the firearm, identifying details about the dealer, name and address of the purchaser and date of transaction. Currently, a .25 FTE Court Investigator position is allocated to this task. Depending on the extent of information that will be necessary to transcribe onto the Investigative Summary form from AFS an additional 3 hours (.075 FTE) of time per week could be necessary to fulfill this obligation.

4. A description of whether the unaccounted-for factor is unique to the applicant court(s) or has broader applications.

The passage of AB3038 impacts all courts in California by making it mandatory for all requests for a DVRO to include a search in AFS.

5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by the Workload Formula.

The cost to meet this requirement is \$11,422 per year to allocate 3 hours per week of Court Investigator time. The average salary of a court investigator in our court is \$48.81 per hour, and \$73.22 with benefits.

6. Description of the consequences to the public and access to justice without funding.

An essential issue of public safety will not occur in tracking access to firearms by potential violent perpetrators. This will hinder a judge's awareness of the level of risk associated with allegations of violence and the necessity of court action to restrict a potentially dangerous perpetrator from having access to firearms.

7. Description of the consequences to the requesting court(s) of not receiving the funding.

Since doing background checks in AFS is now required, without receiving funding necessary to this task our court will resort to using existing Court Investigation resources which will reduce the allocation of time to other essential job duties such as guardianship and conservatorship investigations. This will result in longer wait times to complete these investigations and leave vulnerable populations such as children without permanent residences and disabled persons in potentially unsafe living environments.

Requests should be submitted to Michelle Curran, Judicial Council Administrative Director, and copied to the Trial Court Budget Advisory Committee mailbox at tcbac@jud.ca.gov.

The ARP procedures are attached for reference. Please contact Oksana Tuk at Oksana.Tuk@jud.ca.gov if you have any questions.