



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MATERIALS FOR APRIL 13, 2017

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# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### OPEN MEETING AGENDA

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

THIS MEETING IS BEING RECORDED

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**Date:** April 13, 2017  
**Time:** 10:00 a.m. – 2:00 p.m.  
**Location:** Veranda Room, 2860 Gateway Oaks Drive, Suite 400  
Sacramento, CA 95833  
**Public Call-In Number:** 1-877-820-7831, Pass code: 1884843 (listen only)

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

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

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

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##### **Call to Order and Roll Call**

##### **Approval of Minutes**

Approve minutes of the February 9, 2017 Trial Court Budget Advisory Committee meeting.

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#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

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##### **Public Comment**

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least one hour prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

**Written Comment**

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 [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov) or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Ms. Brandy Sanborn. Only written comments received by 10:00 a.m. on April 12, 2017 will be provided to advisory body members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–4)**

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**Item 1**

**Recommendation of the Revenue and Expenditure (R&E) Subcommittee (Action Item)**

Consideration of recommendations of the R&E Subcommittee regarding 2017–2018 allocations from the State Trial Court Improvement and Modernization Fund.

Presenter(s)/Facilitator(s): Hon. Laurie M. Earl, Co-Chair, Revenue and Expenditure Subcommittee; Sherri R. Carter, Co-Chair, Revenue and Expenditure Subcommittee; and Ms. Suzanne Blihovde, Senior Budget Analyst, Judicial Council Budget Services

**Item 2**

**Superior Court of California, County of Monterey Children’s Waiting Room (CWR) Fund (Action Item)**

Consideration of continued receipt of CWR funds to Superior Court of California, County of Monterey.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Fiscal Planning Subcommittee; and Ms. Suzanne Blihovde, Senior Budget Analyst, Judicial Council Budget Services

**Item 3**

**Superior Court of California, County of San Joaquin CWR Fund (Action Item)**

Consideration of distribution of funds for CWR to Superior Court of California, County of San Joaquin.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Fiscal Planning Subcommittee; and Ms. Suzanne Blihovde, Senior Budget Analyst, Judicial Council Budget Services

**12:00pm – 1:00pm**

**Break**

**1:00pm – 1:30pm**

**Item 4**

**Recommendation of the Small Court Dependency Workload Working Group Methodology (Discussion Item)**

Presentation of the court-appointed juvenile dependency counsel funding methodology recommendation for small courts for the 2017-2018 and 2018-2019 fiscal years.

Presenter(s)/Facilitator(s): Hon. David Rosenberg, Chair, Small Court Dependency Workload Working Group; and Mr. Don Will, Principal Manager, Judicial Council Center for Families, Children & the Courts

**1:30pm – 2:00pm**

**Item 5**

**Open Discussion (Discussion Item)**

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

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**IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Info 1**

**Trial Court Trust Fund (TCTF) Structural Shortfall**

Review of the TCTF Fund Condition Statement and structural shortfall.

Presenter(s)/Facilitator(s): Mr. Zlatko Theodorovic, Director, Judicial Council Budget Services

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**V. ADJOURNMENT**

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**Adjourn**



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT BUDGET  
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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

February 9, 2017

10:00 a.m. - 2:00 p.m.

JCC Boardroom, 455 Golden Gate Avenue, San Francisco, CA 94102

**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton (phone), Hon. Andrew S. Blum (phone), Hon. Mark Ashton Cope (phone), Hon. Laurie M. Earl (phone), Hon. James E. Herman, Hon. Joyce D. Hinrichs, Hon. Elizabeth W. Johnson (phone), Hon. Ira R. Kaufman (phone), Hon. Paul M. Marigonda (phone), Hon. Brian L. McCabe (phone), and Hon. Glenda Sanders (phone).

Executive Officers: Ms. Sherri R. Carter (phone), Mr. Jake Chatters (phone), Ms. Rebecca Fleming (phone), Mr. W. Samuel Hamrick, Jr., Mr. Kevin Harrigan (phone), Mr. Michael M. Roddy (phone), Ms. Linda Romero-Soles (phone), Ms. Tania Ugrin-Capobianco (phone), and Mr. David Yamasaki (phone).

Judicial Council staff advisory members: Mr. John Wordlaw and Mr. Zlatko Theodorovic.

**Advisory Body Members Absent:** Judges: Hon. Carolyn B. Kuhl  
Executive Officers: Mr. Jeffrey E. Lewis, Mr. Michael D. Planet, and Mr. Brian Taylor.

**Others Present:** Ms. Brandy Sanborn, Mr. Patrick Ballard, Ms. Natalie Daniel, Mr. Catrayel Wood, and Ms. Suzanne Blihovde.

OPEN MEETING

**Call to Order and Roll Call**

The chair called the meeting to order at 10:04 a.m. Advisory members and Judicial Council staff introduced themselves.

**Approval of Minutes**

The advisory body reviewed and approved the minutes of the December 12, 2016 Trial Court Budget Advisory Committee (TCBAC) meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-6)

**Item 1 – Governor’s Budget Proposal for FY 2017–2018 (Discussion Item)**

Mr. Zlatko Theodorovic, Director, Judicial Council Budget Services presented information on the Governor’s budget proposal for 2017–2018.

*Action: This was a discussion item with no action taken.*

**Item 2 – Children’s Waiting Room Policy (Action Item)**

Ms. Suzanne Blihovde, Senior Budget Analyst, Judicial Council Budget Services presented information on the *Children’s Waiting Room (CWR) Distribution and Fund Balance Policy* per recommendation by the Fiscal Planning Subcommittee.

*Action: The members of the Trial Court Budget Advisory Committee unanimously voted to approve the following option:*

*To extend the review and adjustment of CWR fund balances from an annual to a biennial schedule (ending in odd-numbered fiscal years) allowing courts the opportunity to better plan with a set fund balance cap spanning two fiscal years, and added an annual reporting requirement for courts that retain excess funding for multiyear contracts to be developed by Judicial Council staff.*

**Item 3 – Prioritization of Trial Court Budget Change Proposals for 2018 - 2019 (Action Item)**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee presented information on the trial court funding priorities for Fiscal Year 2018-2019 Budget Change Proposals.

*Action: The members of the Trial Court Budget Advisory Committee unanimously voted to approve the following Budget Change Proposal Concepts:*

1. Civil Assessment Revenue and Maintenance Of Effort Buyout Stabilization
2. Court-Appointed Dependency Counsel
3. Support for Trial Court Operations
  - I. Funding for Inflationary Cost Increases to Maintain Services
  - II. Funding to Support Continued Progress to 100 Percent of the Workload-Based Allocation Funding Methodology (WAFM)
  - III. Funding for Trial Court Employee Compensation
  - IV. Funding for New Mandates
4. New Judgeships

*The members also unanimously voted to approve the following placeholders for determination by the appropriate advisory committees:*

5. Information Technology
6. Facilities (Building and Deferred Maintenance)

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 1:34 p.m.

Approved by the advisory body on enter date.

DRAFT

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**(Action Item)**

**Title:** Trial Court Allocations: Fiscal Year 2017-2018 from the State Court Improvement and Modernization Fund

**Date:** 4/13/2017

**Contact:** Donna Newman, Senior Budget Analyst, Budget Services  
916-263-7498 [donna.newman@jud.ca.gov](mailto:donna.newman@jud.ca.gov)

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**Issue**

Consideration of the Revenue and Expenditure Subcommittee recommendation to approve \$73.457 million in allocation from the State Trial Court Improvement and Modernization Fund (IMF) in fiscal year 2017-2018.

**Background**

Since the inception of the state trial court funding in 1996, allocations for trial court-related funding has been approved annually by a committee before going to the Judicial Council for approval. The Revenue and Expenditure Subcommittee met on March 20, 2017 to review the proposed allocations for IMF in 2017-2018.

**Recommendations**

The Revenue and Expenditure Subcommittee is recommending that TCBAC adopt the following recommendations and request that the Judicial Council consider them at its May 18-19, 2017 meeting:

**2017–2018 IMF Allocation Adjustments Approved by the Judicial Council**

As of January 19, 2017, the Judicial Council approved the recommendations of the TCBAC for the following adjustments:

- One-time funding for the information technology infrastructure to the Superior Court of Madera County in the amount of \$572,622.

**Fiscal Year 2017–2018 Allocations**

1. Unless otherwise specified, TCBAC recommendations to the council related to 2017–2018 IMF allocations are contingent upon the Budget Act of 2017, including \$4.1 million General Fund monies for the Sustain Justice Edition Case Management System BCP.
2. 2017–2018 Allocations for All Programs except Legal Services Office and Information Technology (IT)
  - a. Approve allocation levels as provided in Attachment B (column G), totaling \$11,416,969.



JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

- b. Approve adjustments within the Center for Judiciary Education and Research (CJER) allocations for a net zero increase in CJER's total allocation: Increase CJER Faculty by \$17,000; increase Essential Court Personnel by \$42,000; increase Judicial Education by \$39,000 and decrease Distance Education by \$98,000.
  - c. Approve decrease of \$45,532 in the IT element of the Phoenix Program to recognize cost savings.
3. 2017–2018 Allocations of \$7,070,000 for Legal Services Office
- a. Approve increase of \$183,400 in Judicial Performance Defense Insurance allocation to address anticipated increase in premium costs.
  - b. Approve increase of \$252,080 in the Litigation Management Program to address costly on-going cases as well as increased litigation fees and costs.
  - c. Approve decrease of \$350,000 to the Regional Office Assistance Program to reflect savings from position vacancies.
  - d. Total allocation reflects a net increase of \$85,480 over 2016-2017 allocation level.
4. 2017–2018 Allocations for Information Technology (including the Telecommunications Office)
- a. Approve total allocation of \$54,970,011 for Information Technology.
  - b. This allocation includes one-time funding of \$9,200,000 for the Case Management System V3 replacement BCP and \$572,622 for the Madera Superior Court transition. It also includes the reversal of \$13,535,611 in 2016-2017 one-time allocations of \$12.3 million for the V3 replacement BCP, \$736,500 for the Placer Court Hosting Project and \$399,111 for the Humboldt transition funding.
  - c. The amount of \$4.1 million for the Sustain Justice CMS BCP that is in the proposed 2017-2018 Budget Act is included in the allocation.
  - d. This allocation includes the net decrease of \$4,265,611 in on-going funding, including a projected savings of \$864,029 in the Telecommunications Program. IT indicates that these savings will be needed in future years for the Telecommunications Program.
  - e. This allocation includes revised funding levels for the California Court Protective Order Registry (CCPOR). The proposed allocation in 2017-2018 reflects anticipated savings of \$23,886 from the 2016-2017 funding level and includes the proposed expansion of CCPOR into the superior courts of Orange county and Sacramento county.

**Options for Discussion**

*Option 1*

The TCBAC could approve 2017-2018 allocations of \$73.457 million as requested. This results in a net allocation adjustment of -\$3.889 million dollars impacting four offices, whose current council approve 2016-2017 allocations total \$77.346 million from the IMF

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
**Report to the Trial Court Budget Advisory Committee**

Approval would allow the request to go forward to the Judicial Council May 18-19, 2017 meeting; thus providing the offices with their allocations before the beginning of the new fiscal year.

*Option 2*

The TCBAC could not take any action at this time, this would delay the offices receiving the allocation for 2017-2018 and perhaps impede projects such as Madera CCTC.

**Attachments**

Attachment A – IMF Fund Condition

Attachment B – IMF State Operations and Local Assistance Appropriations

Attachment C – 2016-2017 IMF Allocations

**Attachment A**

**State Trial Court Improvement and Modernization Fund -- Fund Condition Statement**

#	Description	2014-2015	2015-2016	Estimated			
		(Year-end Financial Statement)	(Year-end Financial Statement)	2016-2017	2017-2018	2018-2019	2019-2020
		A	B	C	D	E	F
1	Beginning Balance	26,206,661	9,255,318	6,957,325	5,888,276	6,228,945	3,571,513
2	Prior-Year Adjustments	2,877,000	753,239	2,019,519	-	-	-
3	<b>Adjusted Beginning Balance</b>	<b>29,083,661</b>	<b>10,008,557</b>	<b>8,976,844</b>	<b>5,888,276</b>	<b>6,228,945</b>	<b>3,571,513</b>
4	<i>Revenues</i>						
5	Jury Instructions Royalties	532,783	552,000	542,000	532,000	532,000	532,000
6	Interest from SMIF	100,734	170,114	141,000	128,000	128,000	128,000
7	Escheat-Unclaimed Checks, Warrants, Bonds	2,000	1,085	-	-	-	-
8	50/50 Excess Fines Split Revenue	23,702,658	20,219,295	16,987,000	16,537,000	16,537,000	16,537,000
9	2% Automation Fund Revenue	14,730,023	12,463,280	9,605,000	13,379,000	12,752,000	12,752,000
10	Other Revenues/SCO Adjustments	28,233	62,857	-	-	-	-
11	<i>Transfers</i>						
12	From State General Fund, including:	38,709,000	44,218,000	44,218,000	44,218,000	44,218,000	44,218,000
13	Case Management Systems V3			12,400,000	9,200,000	3,200,000	
14	Sustain Justice Edition CMS-Pending				4,100,000	896,000	
15	To Trial Court Trust Fund (Budget Act)	(20,594,000)	(594,000)	(594,000)	(594,000)	(594,000)	(594,000)
16	To TCTF (GC 77209(k))	(13,397,000)	(13,397,000)	(13,397,000)	(13,397,000)	(13,397,000)	(13,397,000)
17	<b>Net Revenues and Transfers</b>	<b>43,814,431</b>	<b>63,695,632</b>	<b>69,902,000</b>	<b>74,103,000</b>	<b>64,272,000</b>	<b>60,176,000</b>
18	<b>Total Resources</b>	<b>72,898,092</b>	<b>73,704,189</b>	<b>78,878,844</b>	<b>79,991,276</b>	<b>70,500,945</b>	<b>63,747,513</b>
19	<i>Expenditures</i>						
20	Allocations: Less CCPOR, LMP, Case Management BCP, Sustain Justice Edition CMS, Humboldt & Madera	62,038,523	63,800,925	56,721,881	54,367,943	55,030,501	49,703,867
21	California Courts Protective Order Registry (CCPOR) <sup>1</sup>	585,600	861,200	740,300	716,414	878,932	935,802
22	Litigation Mgmt. Prog. - Judgement & Settlement	717,033	1,317,648	4,160,000	4,500,000	4,500,000	4,500,000
23	Litigation Mgmt. Prog. - Judgement & Settlement (Jan 2017)			87,920		2,118,647	
24	Humboldt/Madera CCTC transition (Jan 2017)			399,111	572,622		
25	Case Management Systems V3			12,400,000	9,200,000	3,200,000	
26	Sustain Justice Edition CMS-Pending				4,100,000	896,000	
27	<b>Total Allocations</b>	<b>63,341,156</b>	<b>65,979,773</b>	<b>74,509,212</b>	<b>73,456,979</b>	<b>66,624,080</b>	<b>55,139,669</b>
29	Pro Rata and Other Adjustments	301,618	767,091	659,579	305,352	305,352	305,352
30	Less: Encumbrances to be liquidated and Program Identified Savings			(2,178,223)			
31	<b>Total Expenditures</b>	<b>63,642,774</b>	<b>66,746,864</b>	<b>72,990,568</b>	<b>73,762,331</b>	<b>66,929,432</b>	<b>55,445,021</b>
32	<b>Fund Balance</b>	<b>9,255,318</b>	<b>6,957,325</b>	<b>5,888,276</b>	<b>6,228,945</b>	<b>3,571,513</b>	<b>8,302,492</b>

<sup>1</sup> The budget projections for California Courts Protective Order Registry (CCPOR) reflect the cost for full deployment of the CCPOR program. The increase beyond FY 2017-18 is attributed to the ongoing cost for the counties of Sacramento and Orange, as well as the deployment and maintenance costs for remaining courts (e.g., Alameda, Los Angeles, Contra Costa, San Mateo and San Diego). Please note, an Initial Funding Request (FR) has been submitted as a precursor to a Budget Change Proposal (BCP) requesting a transfer of the CCPOR program from the IMF to the General Fund. Upon approval CCPOR costs will be eliminated from the IMF and transferred to the General Fund. CCPOR is a statewide program approved by the Judicial Council Technology Committee for full deployment.

## Attachment B

## Judicial Council-Approved 2016-2017 Allocations from the IMF State Operations and Local Assistance Appropriations

#	Program Name	Office	Recommended FY 2017-18 Allocation				Change from 2016-17	% Change from 2016-17
			FY 2016-17 JC Current Allocation	State Operations	Local Assistance	Total		
A	B	C	D	E	F	G = (E + F)	H = (G - D)	I = (H/D)
1	Superior Court Audit Program	AS	\$ 660,000	\$ 660,000	\$ -	\$ 660,000	-	0%
2	Court-Ordered Debt Task Force	BAP	\$ 9,500	\$ -	\$ 9,500	\$ 9,500	-	0%
3	Phoenix Program	BAP	\$ 3,751,200	\$ -	\$ 3,705,668	\$ 3,705,668	(45,532)	-1%
4	Trial Court Procurement/TCAS-MSA-IMF	BAP	\$ 122,000	\$ 122,000	\$ -	\$ 122,000	-	0%
5	Domestic Violence Forms Translation	CFCC	\$ 17,000	\$ -	\$ 17,000	\$ 17,000	-	0%
6	Interactive Software - Self-Rep Electronic Forms	CFCC	\$ 60,000	\$ -	\$ 60,000	\$ 60,000	-	0%
7	Self-Help Center	CFCC	\$ 5,000,000	\$ -	\$ 5,000,000	\$ 5,000,000	-	0%
8	Statewide Multidisciplinary Education	CFCC	\$ 67,000	\$ -	\$ 67,000	\$ 67,000	-	0%
9	Statewide Support for Self-Help Programs	CFCC	\$ 100,000	\$ -	\$ 100,000	\$ 100,000	-	0%
10	CJER Faculty	CJER	\$ 299,000	\$ -	\$ 316,000	\$ 316,000	17,000	6%
11	Distance Education	CJER	\$ 118,000	\$ -	\$ 20,000	\$ 20,000	(98,000)	-83%
12	Essential Court Management Education	CJER	\$ 18,000	\$ -	\$ 18,000	\$ 18,000	-	0%
13	Essential Court Personnel Education	CJER	\$ 74,000	\$ -	\$ 116,000	\$ 116,000	42,000	57%
14	Judicial Education	CJER	\$ 693,000	\$ -	\$ 732,000	\$ 732,000	39,000	6%
15	Court Interpreter Testing etc.	COSSO	\$ 143,000	\$ -	\$ 143,000	\$ 143,000	-	0%
16	Trial Court Workload Study Support	COSSO	\$ 13,000	\$ -	\$ 13,000	\$ 13,000	-	0%
17	Budget Focused Training and Meetings	Finance	\$ 50,000	\$ -	\$ 50,000	\$ 50,000	-	0%
18	Treasury Services - Cash Management (Support)	Finance	\$ 242,100	\$ 242,100	\$ -	\$ 242,100	-	0%
19	Trial Court Labor Relations Academies and Forums	HR	\$ 25,700	\$ -	\$ 25,700	\$ 25,700	-	0%
20	California Courts Protective Order Registry (CCPOR)	IT	\$ 740,300	\$ 350,680	\$ 365,734	\$ 716,414	(23,886)	-3%
21	California Courts Technology Center (CCTC)	IT	\$ 9,668,300	\$ 1,969,189	\$ 7,807,257	\$ 9,776,446	108,146	1%
22	Case Management Systems, Civil, Small Claims, Probate and Mental Health (V3)	IT	\$ 5,174,000	\$ 843,233	\$ 3,383,754	\$ 4,226,987	(947,013)	-18%
23	Case Management Systems, Civil, Small Claims, Probate and Mental Health (V3) Replacement BCP	IT	\$ 12,400,000		\$ 9,200,000	\$ 9,200,000	(3,200,000)	-26%
24	Data Integration	IT	\$ 3,422,600		\$ 2,059,234	\$ 2,059,234	(1,363,366)	-40%
25	Enterprise Policy/Planning (Statewide Development)	IT	\$ 6,763,000	\$ 864,470	\$ 4,542,842	\$ 5,407,312	(1,355,688)	-20%
26	Humboldt CCTC Transition	IT	\$ 399,111			\$ -	(399,111)	-100%
27	Interim Case Management Systems	IT	\$ 1,039,700		\$ 1,358,787	\$ 1,358,787	319,087	31%
28	Jury Management System	IT	\$ 465,000		\$ 465,000	\$ 465,000	-	0%
29	Madera CCTC Transition	IT			\$ 572,622	\$ 572,622	572,622	
30	Placer Court Hosting Center Project	IT	\$ 736,500			\$ -	(736,500)	-100%
31	Sustain Justice Edition CMS (FY 2017-18 BCP pending approval)	IT			\$ 4,100,000	\$ 4,100,000	4,100,000	100%
32	Telecommunications Program	IT	\$ 17,558,800		\$ 16,694,771	\$ 16,694,771	(864,029)	-5%
33	Testing Tools - Enterprise Test Management Suite	IT	\$ 159,100			\$ -	(159,100)	-100%
34	Uniform Civil Filing Services	IT	\$ 372,200	\$ 392,438	\$ -	\$ 392,438	20,238	5%
35	Judicial Performance Defense Insurance	LSO	\$ 966,600	\$ -	\$ 1,150,000	\$ 1,150,000	183,400	19%
36	Jury System Improvement Projects	LSO	\$ 19,000	\$ -	\$ 19,000	\$ 19,000	-	0%
37	Litigation Management Program	LSO	\$ 4,247,920	\$ -	\$ 4,500,000	\$ 4,500,000	252,080	6%
38	Regional Office Assistance Group	LSO	\$ 1,100,000	\$ 750,000	\$ -	\$ 750,000	(350,000)	-32%
39	Trial Courts Transactional Assistance Program	LSO	\$ 651,000	\$ -	\$ 651,000	\$ 651,000	-	0%
40	<b>Total</b>		<b>\$ 77,345,631</b>	<b>\$ 6,194,110</b>	<b>\$ 67,262,869</b>	<b>\$ 73,456,979</b>	<b>\$ (3,888,652)</b>	<b>-5%</b>

## Attachment C

2016-17 IMF Allocations						
#	Program Name	Office	Council Approved Allocation	Administrative Director Adjustments	Current Allocation	Pending Adjustment Request
A	B	C	D	E	F = (D + E)	G
1	Superior Court Audit Program	AS	\$ 660,000	\$ -	\$ 660,000	\$ -
2	Court-Ordered Debt Task Force	BAP	\$ 9,500	\$ -	\$ 9,500	\$ -
3	Phoenix Program	BAP	\$ 3,751,200	\$ -	\$ 3,751,200	\$ (137,000)
4	Trial Court Procurement/TCAS-MSA-IMF	BAP	\$ 122,000	\$ -	\$ 122,000	\$ -
5	Domestic Violence Forms Translation	CFCC	\$ 17,000	\$ -	\$ 17,000	\$ -
7	Self-Help Center	CFCC	\$ 5,000,000	\$ -	\$ 5,000,000	\$ -
8	Self-Help Document Assembly Programs	CFCC	\$ 60,000	\$ -	\$ 60,000	\$ -
9	Statewide Multidisciplinary Education	CFCC	\$ 67,000	\$ -	\$ 67,000	\$ -
10	Statewide Support for Self-Help Programs	CFCC	\$ 100,000	\$ -	\$ 100,000	\$ -
11	CJER Faculty	CJER	\$ 299,000	\$ -	\$ 299,000	\$ -
12	Distance Education	CJER	\$ 118,000	\$ -	\$ 118,000	\$ (85,000)
13	Essential Court Management Education	CJER	\$ 18,000	\$ -	\$ 18,000	\$ -
14	Essential Court Personnel Education	CJER	\$ 74,000	\$ -	\$ 74,000	\$ -
15	Judicial Education	CJER	\$ 693,000	\$ -	\$ 693,000	\$ -
16	Court Interpreter Testing etc.	COSSO	\$ 143,000	\$ -	\$ 143,000	\$ -
18	Trial Court Workload Study Support	COSSO	\$ 13,000	\$ -	\$ 13,000	\$ -
19	Budget Focused Training and Meetings	Finance	\$ 50,000	\$ -	\$ 50,000	\$ -
20	Treasury Services - Cash Management (Support)	Finance	\$ 242,100	\$ -	\$ 242,100	\$ -
21	Trial Court Labor Relations Academies and Forums	HR	\$ 25,700	\$ -	\$ 25,700	\$ -
23	California Courts Protective Order Registry (CCPOR)	IT	\$ 740,300	\$ -	\$ 740,300	\$ -
24	California Courts Technology Center (CCTC)	IT	\$ 9,668,300	\$ -	\$ 9,668,300	\$ -
25	Case Management Systems, Civil, Small Claims, Probate and Mental Health (V3)	IT	\$ 5,174,000	\$ (683,326)	\$ 4,490,674	
26	Case Management Systems, Civil, Small Claims, Probate and Mental Health (V3) Replacement BCP	IT	\$ 12,400,000	\$ -	\$ 12,400,000	\$ -
27	Data Integration	IT	\$ 3,422,600	\$ -	\$ 3,422,600	\$ (372,144)
28	Enterprise Policy/Planning (Statewide Development)	IT	\$ 6,763,000	\$ (2,153,093)	\$ 4,609,907	\$ (93,296)
29	Humboldt CCTC Transition	IT	\$ 399,111		\$ 399,111	\$ -
30	Interim Case Management Systems	IT	\$ 1,039,700	\$ -	\$ 1,039,700	\$ (402,557)
31	Jury Management System	IT	\$ 465,000	\$ -	\$ 465,000	\$ -
32	Placer Court Hosting Center Project	IT	\$ 736,500	\$ -	\$ 736,500	\$ -
33	Telecommunications Program	IT	\$ 17,558,800	\$ -	\$ 17,558,800	\$ -
34	Testing Tools - Enterprise Test Management Suite	IT	\$ 159,100	\$ -	\$ 159,100	\$ -
35	Uniform Civil Filing Services (UCFS)	IT	\$ 372,200	\$ -	\$ 372,200	\$ -
36	Judicial Performance Defense Insurance	LSO	\$ 966,600	\$ -	\$ 966,600	\$ -
37	Jury System Improvement Projects	LSO	\$ 19,000	\$ -	\$ 19,000	\$ (6,000)
38	Litigation Management Program	LSO	\$ 4,247,920	\$ -	\$ 4,247,920	\$ 120,000
39	Regional Office Assistance Group	LSO	\$ 1,100,000	\$ -	\$ 1,100,000	\$ (120,000)
40	Trial Courts Transactional Assistance Program	LSO	\$ 651,000	\$ -	\$ 651,000	\$ -
41	<b>Total</b>		<b>\$ 77,345,631</b>	<b>\$ (2,836,419)</b>	<b>\$ 74,509,212</b>	<b>\$ (1,095,997)</b>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**(Action Item 2)**

**Title:** Consideration of continued receipt of Children’s Waiting Room funds for the Superior Court of California, Monterey County

**Date:** 4/13/2017

**Contact:** Suzanne Blihovde, Senior Budget Analyst, Budget Services  
916-263-1754 | [suzanne.blihovde@jud.ca.gov](mailto:suzanne.blihovde@jud.ca.gov)

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Issue

Effective July 1, 2014, the Superior Court of California, Monterey County, began receiving funds to establish and maintain a Children’s Waiting Room (CWR). The court anticipated that the CWR would open during 2015-2016. Due to less than expected collections, the court has insufficient funds to open the CWR. Monterey Superior Court is requesting to continue to receive CWR funds so that its balance can build to a sufficient level to begin operations.

Background

According to Government Code section 70640, after January 1, 2006 a court may apply to the Judicial Council for a CWR distribution between \$2 and \$5, inclusive, from applicable filing fees (see Attachment B). The Judicial Council’s policy requires the Trial Court Budget Advisory Committee to adopt a recommendation related to a court’s request for the Council to consider (see Attachment A). The court’s original request for a CWR distribution and its current request for a continued CWR distribution is provided in Attachment E1 and E2 respectively.

Attachment C provides the current distribution amount and total distributions for 2013-2014, 2014-2015, 2015-2016 and 2016-2017 (for the period of July 2016 – January 2017) for the 20 courts that currently have a CWR distribution. The attachment also provides the amount the Monterey Superior Court has received since 2014-2015.

Table 1 on Attachment D provides the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) for the Monterey Superior Court. There is no change in the distribution for this request because the court is already receiving a CWR distribution.

Recommendation

The Fiscal Planning Subcommittee is recommending that TCBAC adopt the following recommendation and request that the Judicial Council consider it at its May 18-19, 2017 meeting:

Approve the continuation of the distribution of CWR funds to the Monterey Superior Court to allow them to accumulate sufficient funding for start-up costs as well as the ongoing costs to begin operating their CWR.

Attachments

- A. Children’s Waiting Room Distribution and Fund Balance Policy
- B. Government Code Section 70640

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
**Report to the Trial Court Budget Advisory Committee**

- C. Children's Waiting Room – Distribution Amount and Total Distribution
- D. Distributions from First Paper General Civil Unlimited Uniform Filing Fee (GC 70611)  
in San Joaquin County
- E1&2. Superior Court of California, Monterey County's CWR Distribution Requests

## **Children's Waiting Room (CWR) Distribution and Fund Balance Policy**

### **A. Applying for a New CWR Distribution**

- A court's presiding judge or executive officer must submit a request to the director of the Judicial Council Finance Office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
  - Date of the council meeting at which the court is requesting consideration.
  - Requested effective date of the distribution (July 1 or January 1). If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).
  - The scheduled opening date of the CWR(s).
  - Description of the CWR(s).
  - The date when the court intends to make expenditures related to operating its CWR(s).
  - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance Office to provide an estimate of annual distributions.
- The Trial Court Budget Advisory Committee (TCBAC) will make a recommendation to the council on each court's request.
- If the council approves that distributions begin prior to the operating of a CWR but the court does not operate a CWR six months after their planned opening date, the court must apply for a continued distribution.

### **B. Requesting a Decreased CWR Distribution Amount**

- Any court's request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

### **C. Temporarily or Permanently Ceasing CWR Operations**

- Courts that cease operating all CWRs must notify the director of the JC Finance Office within 60 days of the cessation date. Unless a court provides notification and submits an application to continue receiving distributions while not operating a CWR within 60 days of the cessation date, the court's CWR distributions will be stopped either January 1 or July 1, whichever is earlier, and the court will be required to return any CWR fund balance to the TCTF.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return of the CWR fund balance will occur on the February trial court distribution for those courts that the CWR distribution stopped on January 1, and on the August distribution for those courts that the CWR distributions stopped on July 1.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.



- An application for a continued distribution must include all the information required of courts applying for a new distribution (see section A above) as well as the amount of any CWR fund balance.
- The TCBAC will make a recommendation to the Judicial Council on each court's application.
- For courts that apply and whose application is denied by the Judicial Council, any CWR fund balance shall be returned to the TCTF.

#### D. Cap on CWR Fund Balance

- Courts shall monitor the CWR distribution amount per filing to ensure it is adequate to meet the CWR needs of the court without accumulating an amount in excess of the cap described below.
- Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next. The cap shall be the amount of the highest annual distribution within the three most recent fiscal years.
- Courts that have a CWR fund balance greater than the cap (as described above) at the end of every other fiscal year (beginning with fiscal year 2016–2017) will be required to return to the TCTF the amount above the cap in the subsequent fiscal year.
- For courts that are required to return the portion of their CWR fund balance above the cap to the TCTF, the return of the CWR fund balance will occur on the August trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.
- The cap applies only to courts that have received at least 12 months of distributions in a fiscal year while operating a CWR.
- If a court wants a cap adjustment, it must submit a request explaining the extenuating circumstance and including its CWR expenditure plan to the director of the JC Finance Office for consideration by the TCBAC and the Judicial Council. The request must be received by the Finance Director within 60 days of the end of the fiscal year for which the adjustment is being requested.
- JC staff will report any return of CWR fund balance through the trial court distribution process to the TCBAC and the Judicial Council.
- For courts that have Judicial Council–approved adjustments to their CWR caps, annual reporting will be required 60 days after the end of each fiscal year, using a template provided by Judicial Council staff.

#### E. Courts that have Received a Distribution but Never Operated a CWR

- Courts that received distributions between January 1, 2006 and June 30, 2014 but did not operate a CWR during that time period must either apply for a continued distribution by September 26, 2015 or have their distributions stopped on January 1, 2016 and return to the TCTF any CWR fund balance.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return will occur on the October 2015 trial court distribution.

- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

## **Government Code 70640**

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, monthly allocations for children's waiting rooms shall be added to the monthly apportionment under subdivision (a) of Section 68085 for each court where a children's waiting room has been established or where the court has elected to establish that service.

(b) The amount allocated to each court under this section shall be equal to the following: for each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670, and each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658, the same amount as was required to be collected as of December 31, 2005, to the Children's Waiting Room Fund under former Section 26826.3 in the county in which the court is located when a fee was collected for the filing of a first paper in a civil action under former Section 26820.4.

(c) Notwithstanding any other provision of law, the court may make expenditures from these allocations in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(d) If, as of January 1, 2006, there is a Children's Waiting Room Fund in the county treasury established under former Section 26826.3, the county immediately shall transfer the moneys in that fund to the court's operations fund as a restricted fund. By February 15, 2006, the county shall provide an accounting of the fund to the Administrative Office of the Courts.

(e) After January 1, 2006, the court may apply to the Judicial Council for an adjustment of the amount distributed to the fund for each uniform filing fee. A court that wishes to establish a children's waiting room, and does not yet have a distribution under this section, may apply to the Judicial Council for a distribution. Applications under this subdivision shall be made according to trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206. Adjustments and new distributions shall be effective January 1 or July 1 of any year beginning January 1, 2006.

(f) The distribution to a court under this section per each filing fee shall be not less than two dollars (\$2) and not more than five dollars (\$5).

(Amended by Stats. 2007, Ch. 130, Sec. 135. Effective January 1, 2008.)

Children's Waiting Room  
Distribution Amount and Total Distribution

Attachment C

	<b>Court</b>	<b>Distribution Amount</b>	<b>FY 2013-14 Total Distribution</b>	<b>FY 2014-15 Total Distribution</b>	<b>FY 2015-16 Total Distribution</b>	<b>FY 2016-17 July 2016-Jan 2017</b>
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
1	Alameda	\$5	\$ 174,397	\$ 165,434	\$ 162,487	\$ 94,306
2	Butte	\$5	\$ -	\$ 21,312	\$ 19,372	\$ 13,930
3	Contra Costa	\$5	\$ 126,632	\$ 106,292	\$ 104,333	\$ 64,300
4	El Dorado		\$ 18,305	\$ -	\$ -	\$ -
5	Fresno	\$5	\$ 108,094	\$ 98,711	\$ 98,469	\$ 59,323
6	Los Angeles	\$5	\$ 936,724	\$ 829,265	\$ 830,421	\$ 542,850
7	Merced		\$ 22,732	\$ 20,851	\$ 1,718	\$ -
8	Monterey	\$5	\$ -	\$ 35,124	\$ 32,856	\$ 19,329
9	Orange	\$5	\$ 423,422	\$ 376,107	\$ 369,617	\$ 225,213
10	Riverside	\$5	\$ 290,080	\$ 254,609	\$ 253,815	\$ 154,606
11	Sacramento	\$5	\$ 279,388	\$ 241,942	\$ 504,807	\$ 228,145
12	San Bernardino	\$5	\$ -	\$ -	\$ -	\$ 146,876
13	San Diego	\$5	\$ 383,285	\$ 350,801	\$ 336,581	\$ 210,927
14	San Francisco	\$5	\$ 112,455	\$ 106,721	\$ 115,160	\$ 69,067
15	San Joaquin		\$ -	\$ -	\$ -	\$ -
16	San Luis Obispo	\$5	\$ 26,818	\$ 24,872	\$ 23,484	\$ 14,289
17	San Mateo	\$5	\$ 77,520	\$ 66,316	\$ 64,791	\$ 39,250
18	Santa Barbara	\$5	\$ 43,866	\$ 39,718	\$ 39,686	\$ 24,040
19	Santa Clara	\$5	\$ 177,027	\$ 154,615	\$ 147,497	\$ 83,731
20	Solano	\$5	\$ 55,986	\$ 47,757	\$ 46,724	\$ 27,589
21	Sonoma	\$5	\$ 52,810	\$ 48,528	\$ 45,987	\$ 26,092
22	Stanislaus	\$2	\$ 60,059	\$ 27,382	\$ 19,924	\$ 12,041
23	Ventura	\$5	\$ 91,686	\$ 83,721	\$ 84,342	\$ 50,369
24	<b>Total</b>		<b>\$ 3,461,288</b>	<b>\$ 3,100,078</b>	<b>\$ 3,302,071</b>	<b>\$ 2,106,273</b>

	<b>Court</b>	<b>Distribution Amount</b>	<b>FY 2013-14 Total Distribution</b>	<b>FY 2014-15 Total Distribution</b>	<b>FY 2015-16 Total Distribution</b>	<b>FY 2016-17 July 2016-Jan 2017</b>
25	Monterey - Actual	\$5	\$ -	\$ 35,124	\$ 32,856	\$ 19,329
26	San Joaquin - Estimated <sup>1</sup>	\$5	\$ 79,105	\$ 73,885	\$ 72,856	\$ 45,629

<sup>1</sup> Total distribution that would have occurred from a \$5 CWR distribution

**Table 1:**  
**Distribution from First Paper General Civil Unlimited Uniform**  
**Filing Fee (GC 70611) in Monterey County**

Distribution	State vs. Local	Current	Requested
Trial Court Trust Fund Base Allocation	State	\$315.70	\$315.70
Children's Waiting Room	State	\$5.00	\$5.00
Automated Recored-Keeping and Micrographics	State	\$3.00	\$3.00
Judges' Retirement Fund	State	\$2.50	\$2.50
State Court Facilities Construction Fund	State	\$35.00	\$35.00
Immediate & Critical Needs Account	State	\$30.00	\$30.00
Local Courthouse Construction Surcharges		\$0.00	\$0.00
Equal Access Fund	Local	\$4.80	\$4.80
Dispute Resolution	Local	\$8.00	\$8.00
Law Library	Local	\$31.00	\$31.00
<b>Fee Amount</b>		<b>\$435.00</b>	<b>\$435.00</b>

**Table 2:**  
**Distribution from First Paper General Civil Unlimited Uniform**  
**Filing Fee (GC 70611) in San Joaquin County**

Distribution	State vs. Local	Current	Requested
Trial Court Trust Fund Base Allocation	State	\$322.70	\$317.70
Children's Waiting Room	State	\$0.00	\$5.00
Automated Recored-Keeping and Micrographics	State	\$3.00	\$3.00
Judges' Retirement Fund	State	\$2.50	\$2.50
State Court Facilities Construction Fund	State	\$35.00	\$35.00
Immediate & Critical Needs Account	State	\$30.00	\$30.00
Local Courthouse Construction Surcharges		\$0.00	\$0.00
Equal Access Fund	Local	\$4.80	\$4.80
Dispute Resolution	Local	\$8.00	\$8.00
Law Library	Local	\$29.00	\$29.00
<b>Fee Amount</b>		<b>\$435.00</b>	<b>\$435.00</b>



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MONTEREY

240 Church Street • Salinas, California • 93901 • (831) 775-5400  
www.monterey.courts.ca.gov

June 10, 2014

Hon. Tani G. Cantil-Sakauye  
Chief Justice of California  
Members of California Judicial Council  
455 Golden Gate Avenue  
San Francisco, California, 94102-3688

Re: Children's Waiting Room Distribution

Dear Chief Justice Cantil-Sakauye and Members:

We respectfully request for your consideration at the June 27, 2014 Judicial Council meeting that the Superior Court of California, County of Monterey be provided a Children's Waiting Room (CWR) distribution pursuant to Government Code section 70640. Listed below are additional information items related to our amended request:

- Requested effective date of distribution: July 1, 2014
- Scheduled opening date of CWR: Fiscal 15-16
- Description of the CWR: The CWR will be located in the Monterey Courthouse. It is anticipated that we will utilize the distribution for contracted services along with furnishings, toys, and books.
- Anticipated date of CWR expenditures: Fiscal 15-16
- Requested distribution amount: \$5 per filing fee. It is estimated that annual CWR restricted fund revenues will be \$55,000 annually.

This distribution, if approved, will help facilitate CWR services which will be offered for the first time in Monterey County.

Sincerely,

Teresa A. Risi  
Court Executive Officer

**Background:**

Superior Court of California, County of Monterey is submitting an amended request to provide more detailed information as requested. The Court plans to open a Children's Waiting Room in the Monterey Courthouse where Family Law, Domestic Violence, Probate, and other Civil matters are heard, and Self-Help Services are provided. Currently, there are roughly 50 children in the Monterey Courthouse weekly who must wait in crowded halls while their parents are receiving services. The Court anticipates that the need for CWR services will grow because we plan to double our Judicial Officers assigned to Family Law matters.

The Court anticipates \$50,000 (fifty thousand dollars) on initial startup costs for furniture, toys and books. Additionally, the Court anticipates annual operating expenditures of \$83,000 (eighty-three thousand dollars) to provide full time contracted child care services in the Monterey Courthouse facility.

**December 27, 2016**

**Zlatko Theodorovic  
Director and Chief Financial Officer  
Budget Services/Administrative Division  
Judicial Council of California  
2850 Gateway Oaks Drive, Suite 300  
Sacramento, CA 95833-4353**

**Re: Request to Continue Receiving Children's Waiting Room Distribution**

Effective July 2014, Superior Court of California, County of Monterey began receiving funding to establish and maintain a Children's Waiting Room facility (CWR) per GC 70640. Our original request to begin receiving these funds indicated our expectation that the CWR would open during fiscal year 2015/16. Due to reasons indicated below, we are not yet able to open our CWR and no expenditures have been incurred relating to the opening of a CWR; however the need remains and we are writing to request continuation of receiving these funds as critical to opening a CWR for our court.

As indicated in our initial request, it is necessary for our court to accumulate sufficient funds to cover initial start-up costs of \$50,000 as well as help secure a 3 year contract to staff the CWR estimated at \$83,000 in annual ongoing costs. Our court estimated \$55,000 in annual CWR revenues and expected that our initial costs would be funded by revenues accumulated for that purpose. Unfortunately, actual revenues collected since July 1, 2014 has been well below our initial estimate resulting in a balance insufficient open our CWR. Specifically, our court has received \$79,710.97 to date, averaging just \$34,111 annually. Accordingly, we will require further funding in order to open our CWR and continuing to receive CWR funding is essential for that purpose due to ongoing budgetary constraints relating to our TCTF allocation. We continue to explore options for staffing the CWR that can better leverage the revenues to the actual anticipated expenses. We received information from other Courts regarding how they staff their



CWRs along with on-going costs. We will explore partnerships with the County and/or other means in order to provide this service to the citizens of Monterey County.

Additionally, our initial request indicated our CWR would be opened at our Monterey Courthouse location where Family Law, Domestic Violence, Probate, and other civil matters are heard. This CWR is expected to relocate to our planned South County Courthouse facility once available. Due to facility and logistical constraints at our Monterey Courthouse which is managed by the County, we need additional time to work through the space and facility issues at that location. Further, as our South County Courthouse project is currently on the indefinitely delayed list, continuing to receive CWR funding for the purpose of opening a CWR is imperative to integrating a planned opening in conjunction with our South County Courthouse when that project resumes.

Our ability to fund the opening of a much needed CWR for our court is contingent on approval of our request to continue receiving CWR funding and your consideration is greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Teresa A. Risi". The signature is fluid and cursive, with the first name being the most prominent.

Teresa A. Risi  
Court Executive Officer

cc: Hon. Mark E. Hood, Presiding Judge  
Hon. Lydia M. Villarreal, Assistant Presiding Judge

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**(Action Item 3)**

**Title:** Children’s Waiting Room Distribution Request  
**Date:** 4/13/2017  
**Contact:** Suzanne Blihovde, Senior Budget Analyst, Budget Services  
916-263-1754 | [suzanne.blihovde@jud.ca.gov](mailto:suzanne.blihovde@jud.ca.gov)

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Issue

The Superior Court of California, County of San Joaquin, requests a new distribution of Children’s Waiting Room (CWR) funds to open a CWR in the new Stockton Courthouse beginning in 2017-2018.

Background

According to Government Code section 70640, after January 1, 2006 a court may apply to the Judicial Council for a CWR distribution between \$2 and \$5, inclusive, from applicable filing fees (see Attachment B). The Judicial Council’s policy requires the Trial Court Budget Advisory Committee to adopt a recommendation related to a court’s request for council consideration (see Attachment A). The court’s request is provided in Attachment F.

Attachment C provides the current distribution amount and total distributions for 2013-2014, 2014-2015, 2015-2016 and 2016-2017 (for the period of July 2016 – January 2017) for the 20 courts that currently have a CWR distribution. The attachment also provides the estimated amount that the San Joaquin Superior Court would have received in those years based on a \$5 CWR distribution.

Table 2 of Attachment D provides the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) for San Joaquin County, and the requested distribution change: a \$5 CWR distribution and a corresponding \$5 decrease to the distribution that supports all courts’ base allocation for court operations.

Recommendation

The Fiscal Planning Subcommittee is recommending that TCBAC adopt the following recommendation and request that the Judicial Council consider it at its May 18-19, 2017 meeting:

Approve a distribution of CWR funds to the San Joaquin Superior Court to facilitate the opening of the court’s CWR to provide these services for the first time in San Joaquin County.

Attachments

- A. Children’s Waiting Room Distribution and Fund Balance Policy
- B. Government Code Section 70640
- C. Children’s Waiting Room – Distribution Amount and Total Distribution
- D. Distributions from First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) in San Joaquin County

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
**Report to the Trial Court Budget Advisory Committee**

- F. Superior Court of California, San Joaquin's CWR Distribution Request

## **Children's Waiting Room (CWR) Distribution and Fund Balance Policy**

### **A. Applying for a New CWR Distribution**

- A court's presiding judge or executive officer must submit a request to the director of the Judicial Council Finance Office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
  - Date of the council meeting at which the court is requesting consideration.
  - Requested effective date of the distribution (July 1 or January 1). If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).
  - The scheduled opening date of the CWR(s).
  - Description of the CWR(s).
  - The date when the court intends to make expenditures related to operating its CWR(s).
  - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance Office to provide an estimate of annual distributions.
- The Trial Court Budget Advisory Committee (TCBAC) will make a recommendation to the council on each court's request.
- If the council approves that distributions begin prior to the operating of a CWR but the court does not operate a CWR six months after their planned opening date, the court must apply for a continued distribution.

### **B. Requesting a Decreased CWR Distribution Amount**

- Any court's request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

### **C. Temporarily or Permanently Ceasing CWR Operations**

- Courts that cease operating all CWRs must notify the director of the JC Finance Office within 60 days of the cessation date. Unless a court provides notification and submits an application to continue receiving distributions while not operating a CWR within 60 days of the cessation date, the court's CWR distributions will be stopped either January 1 or July 1, whichever is earlier, and the court will be required to return any CWR fund balance to the TCTF.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return of the CWR fund balance will occur on the February trial court distribution for those courts that the CWR distribution stopped on January 1, and on the August distribution for those courts that the CWR distributions stopped on July 1.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

- An application for a continued distribution must include all the information required of courts applying for a new distribution (see section A above) as well as the amount of any CWR fund balance.
- The TCBAC will make a recommendation to the Judicial Council on each court's application.
- For courts that apply and whose application is denied by the Judicial Council, any CWR fund balance shall be returned to the TCTF.

#### D. Cap on CWR Fund Balance

- Courts shall monitor the CWR distribution amount per filing to ensure it is adequate to meet the CWR needs of the court without accumulating an amount in excess of the cap described below.
- Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next. The cap shall be the amount of the highest annual distribution within the three most recent fiscal years.
- Courts that have a CWR fund balance greater than the cap (as described above) at the end of every other fiscal year (beginning with fiscal year 2016–2017) will be required to return to the TCTF the amount above the cap in the subsequent fiscal year.
- For courts that are required to return the portion of their CWR fund balance above the cap to the TCTF, the return of the CWR fund balance will occur on the August trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.
- The cap applies only to courts that have received at least 12 months of distributions in a fiscal year while operating a CWR.
- If a court wants a cap adjustment, it must submit a request explaining the extenuating circumstance and including its CWR expenditure plan to the director of the JC Finance Office for consideration by the TCBAC and the Judicial Council. The request must be received by the Finance Director within 60 days of the end of the fiscal year for which the adjustment is being requested.
- JC staff will report any return of CWR fund balance through the trial court distribution process to the TCBAC and the Judicial Council.
- For courts that have Judicial Council–approved adjustments to their CWR caps, annual reporting will be required 60 days after the end of each fiscal year, using a template provided by Judicial Council staff.

#### E. Courts that have Received a Distribution but Never Operated a CWR

- Courts that received distributions between January 1, 2006 and June 30, 2014 but did not operate a CWR during that time period must either apply for a continued distribution by September 26, 2015 or have their distributions stopped on January 1, 2016 and return to the TCTF any CWR fund balance.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return will occur on the October 2015 trial court distribution.

- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

## **Government Code 70640**

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, monthly allocations for children's waiting rooms shall be added to the monthly apportionment under subdivision (a) of Section 68085 for each court where a children's waiting room has been established or where the court has elected to establish that service.

(b) The amount allocated to each court under this section shall be equal to the following: for each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670, and each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658, the same amount as was required to be collected as of December 31, 2005, to the Children's Waiting Room Fund under former Section 26826.3 in the county in which the court is located when a fee was collected for the filing of a first paper in a civil action under former Section 26820.4.

(c) Notwithstanding any other provision of law, the court may make expenditures from these allocations in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(d) If, as of January 1, 2006, there is a Children's Waiting Room Fund in the county treasury established under former Section 26826.3, the county immediately shall transfer the moneys in that fund to the court's operations fund as a restricted fund. By February 15, 2006, the county shall provide an accounting of the fund to the Administrative Office of the Courts.

(e) After January 1, 2006, the court may apply to the Judicial Council for an adjustment of the amount distributed to the fund for each uniform filing fee. A court that wishes to establish a children's waiting room, and does not yet have a distribution under this section, may apply to the Judicial Council for a distribution. Applications under this subdivision shall be made according to trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206. Adjustments and new distributions shall be effective January 1 or July 1 of any year beginning January 1, 2006.

(f) The distribution to a court under this section per each filing fee shall be not less than two dollars (\$2) and not more than five dollars (\$5).

(Amended by Stats. 2007, Ch. 130, Sec. 135. Effective January 1, 2008.)

Children's Waiting Room  
Distribution Amount and Total Distribution

Attachment C

	<b>Court</b>	<b>Distribution Amount</b>	<b>FY 2013-14 Total Distribution</b>	<b>FY 2014-15 Total Distribution</b>	<b>FY 2015-16 Total Distribution</b>	<b>FY 2016-17 July 2016-Jan 2017</b>
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
1	Alameda	\$5	\$ 174,397	\$ 165,434	\$ 162,487	\$ 94,306
2	Butte	\$5	\$ -	\$ 21,312	\$ 19,372	\$ 13,930
3	Contra Costa	\$5	\$ 126,632	\$ 106,292	\$ 104,333	\$ 64,300
4	El Dorado		\$ 18,305	\$ -	\$ -	\$ -
5	Fresno	\$5	\$ 108,094	\$ 98,711	\$ 98,469	\$ 59,323
6	Los Angeles	\$5	\$ 936,724	\$ 829,265	\$ 830,421	\$ 542,850
7	Merced		\$ 22,732	\$ 20,851	\$ 1,718	\$ -
8	Monterey	\$5	\$ -	\$ 35,124	\$ 32,856	\$ 19,329
9	Orange	\$5	\$ 423,422	\$ 376,107	\$ 369,617	\$ 225,213
10	Riverside	\$5	\$ 290,080	\$ 254,609	\$ 253,815	\$ 154,606
11	Sacramento	\$5	\$ 279,388	\$ 241,942	\$ 504,807	\$ 228,145
12	San Bernardino	\$5	\$ -	\$ -	\$ -	\$ 146,876
13	San Diego	\$5	\$ 383,285	\$ 350,801	\$ 336,581	\$ 210,927
14	San Francisco	\$5	\$ 112,455	\$ 106,721	\$ 115,160	\$ 69,067
15	San Joaquin		\$ -	\$ -	\$ -	\$ -
16	San Luis Obispo	\$5	\$ 26,818	\$ 24,872	\$ 23,484	\$ 14,289
17	San Mateo	\$5	\$ 77,520	\$ 66,316	\$ 64,791	\$ 39,250
18	Santa Barbara	\$5	\$ 43,866	\$ 39,718	\$ 39,686	\$ 24,040
19	Santa Clara	\$5	\$ 177,027	\$ 154,615	\$ 147,497	\$ 83,731
20	Solano	\$5	\$ 55,986	\$ 47,757	\$ 46,724	\$ 27,589
21	Sonoma	\$5	\$ 52,810	\$ 48,528	\$ 45,987	\$ 26,092
22	Stanislaus	\$2	\$ 60,059	\$ 27,382	\$ 19,924	\$ 12,041
23	Ventura	\$5	\$ 91,686	\$ 83,721	\$ 84,342	\$ 50,369
24	<b>Total</b>		<b>\$ 3,461,288</b>	<b>\$ 3,100,078</b>	<b>\$ 3,302,071</b>	<b>\$ 2,106,273</b>

	<b>Court</b>	<b>Distribution Amount</b>	<b>FY 2013-14 Total Distribution</b>	<b>FY 2014-15 Total Distribution</b>	<b>FY 2015-16 Total Distribution</b>	<b>FY 2016-17 July 2016-Jan 2017</b>
25	Monterey - Actual	\$5	\$ -	\$ 35,124	\$ 32,856	\$ 19,329
26	San Joaquin - Estimated <sup>1</sup>	\$5	\$ 79,105	\$ 73,885	\$ 72,856	\$ 45,629

<sup>1</sup> Total distribution that would have occurred from a \$5 CWR distribution

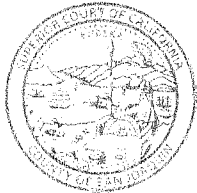


**Table 1:**  
**Distribution from First Paper General Civil Unlimited Uniform**  
**Filing Fee (GC 70611) in Monterey County**

Distribution	State vs. Local	Current	Requested
Trial Court Trust Fund Base Allocation	State	\$315.70	\$315.70
Children's Waiting Room	State	\$5.00	\$5.00
Automated Recored-Keeping and Micrographics	State	\$3.00	\$3.00
Judges' Retirement Fund	State	\$2.50	\$2.50
State Court Facilities Construction Fund	State	\$35.00	\$35.00
Immediate & Critical Needs Account	State	\$30.00	\$30.00
Local Courthouse Construction Surcharges		\$0.00	\$0.00
Equal Access Fund	Local	\$4.80	\$4.80
Dispute Resolution	Local	\$8.00	\$8.00
Law Library	Local	\$31.00	\$31.00
<b>Fee Amount</b>		<b>\$435.00</b>	<b>\$435.00</b>

**Table 2:**  
**Distribution from First Paper General Civil Unlimited Uniform**  
**Filing Fee (GC 70611) in San Joaquin County**

Distribution	State vs. Local	Current	Requested
Trial Court Trust Fund Base Allocation	State	\$322.70	\$317.70
Children's Waiting Room	State	\$0.00	\$5.00
Automated Recored-Keeping and Micrographics	State	\$3.00	\$3.00
Judges' Retirement Fund	State	\$2.50	\$2.50
State Court Facilities Construction Fund	State	\$35.00	\$35.00
Immediate & Critical Needs Account	State	\$30.00	\$30.00
Local Courthouse Construction Surcharges		\$0.00	\$0.00
Equal Access Fund	Local	\$4.80	\$4.80
Dispute Resolution	Local	\$8.00	\$8.00
Law Library	Local	\$29.00	\$29.00
<b>Fee Amount</b>		<b>\$435.00</b>	<b>\$435.00</b>



Superior Court of California, County of San Joaquin

222 E. Weber Avenue, Room 303

P.O. Box 201022

Stockton, CA 95201

Telephone: (209) 992-5695

March 14, 2017

Rosa Junqueiro  
Court Executive Officer

Hon. Tani G. Cantil-Sakauye, Chief Justice of California and  
Members of the Judicial Council  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Re: Children's Waiting Room Distribution

Dear Chief Justice Cantil-Sakauye and Judicial Council Members:

On behalf of the Superior Court of California, County of San Joaquin (Court), I respectfully request your consideration at the May 19, 2017 Judicial Council meeting that our court be provided a Children's Waiting Room (CWR) distribution pursuant to Government Code section 70640. Listed below are additional information items related to our request:

- Requested Effective Date of Distribution: July 1, 2017
- Scheduled Opening Date of the CWR: Fiscal Year 17/18 (*Our new Stockton Courthouse Facility will open on Monday, July 31, 2017*).
- Description of the CWR: The CWR will be located on the first floor of our new Stockton Courthouse Facility. The CWR is a room specifically designed for such services. The Court will utilize the funding for the purchase of furnishings, toys and books as well as for contracted services.
- Anticipated Date of CWR Expenditures: Fiscal Year 17/18.
- Requested Distribution Amount: \$5 per filing fee. It is estimated that the annual CWR restricted fund revenues will be approximately \$73,000 annually.

The distribution, if approved, will help facilitate CWR services which will be offered for the first time in San Joaquin County. There isn't a better way of highlighting these newly offered services than in connection with an opening of a new courthouse.

Sincerely,

Rosa Junqueiro  
Court Executive Officer

RJ/kl

C: José L. Alva, Presiding Judge, San Joaquin Superior Court  
Robin Appel, Chair, Court Facilities Committee, San Joaquin Superior Court  
Linda Courtright, Chief Financial Officer, San Joaquin Superior Court  
Zlatko Theodorovic, Director of Finance, Judicial Council of California



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: May 18-19, 2017

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**Title**

Small Court Dependency Workload Working  
Group: Final Recommendations

**Agenda Item Type**

Action Required

**Effective Date**

July 1, 2017

**Recommended by**

Small Court Dependency Workload Working  
Group  
Hon. David Rosenberg, Chair

**Date of Report**

March 30, 2017

**Contact**

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### Executive Summary

In July 2016 the Judicial Council directed the Executive and Planning Committee to form a working group to consider changes to the court-appointed juvenile dependency counsel funding methodology as it relates to small courts. The working group determined that changes were justified in light of the unique costs faced by small courts, and recommends that the funding methodology be modified for the period of FY 2017-18 and FY 2018-19, to:

- Suspend reallocation related budget reductions for the 23 smallest courts,
- Adjust the local economic index for all 30 small courts, and

- Adjust the funding allocations of those larger courts receiving increases related to the reallocation to compensate for these increases to the small court budgets.

The total amount that would be transferred to the budgets of the 30 smallest courts as a result of implementing these recommendations is projected to be \$1.1 million in FY 2017-18 and \$1.2 million in FY 2018-19.

## **Recommendations**

The Small Court Dependency Workload Working Group recommends the following:

### **Definitions**

- A. That “small courts” be defined as the 30 courts in California with the lowest child welfare caseloads. All of these courts have caseloads of less than 400 children in child welfare.
- B. That “smallest courts” be defined as the 23 smallest courts who were identified by the Judicial Council as exempt from reallocation-related budget reductions in fiscal year 2016-17. All of these courts have caseloads of less than 200.
- C. That “larger courts” be defined as the 28 courts not in the “small courts” group.

### **Recommendations**

1. That the following modifications be made to the Judicial Council dependency counsel workload and funding methodology detailed in *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology*, April 2016, for fiscal years 2017-18 and 2018-19;
2. That the 23 smallest courts continue to be exempt from reallocation-related budget reductions;
3. That the Bureau of Labor Statistics employment and wages index for any of the 30 small courts that is less than 1.0 be adjusted to 1.0;
4. That if the impact of these adjustments results in a small court being allocated more than 100% of the total need calculated through the workload and funding methodology, the court will receive an allocation equal to 100% of total need.
5. That the budget increase for small courts related to recommendations (2) and (3) be offset by reducing the funding allocations of those larger courts receiving increases related to the on-going reallocation.
6. That the \$100,000 reserve for caseload fluctuations in small courts be continued.

## Previous Council Action

The Judicial Council approved a workload and funding methodology for court-appointed juvenile dependency counsel in *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology*, April 2016. In July 2016 the Judicial Council directed the Executive and Planning Committee to form a working group to consider changes to the court-appointed juvenile dependency counsel funding methodology as it relates to small courts. The working group membership can be found in Attachment B.

## Rationale for Recommendation

The full charge of the Small Court Dependency Workload Working Group is to consider changes to the court-appointed–counsel funding methodology as it relates to small courts and to garner input from specific stakeholders about the allocation methodology as it pertains to courts with smaller caseloads to ensure that costs particular to the smaller courts are reflected in the court-appointed–counsel funding allocation methodology workload model.

The working group met five times between November 2016 and February 2017. To garner input from stakeholders about the allocation methodology, the working group surveyed the 30 smallest courts in California, receiving a response from every court; conducted follow-up interviews with the 26 of the responding court executives to ensure understanding of the survey responses; and held discussions with attorneys practicing in small courts. The working group also reviewed the research and public comment related to the needs of small courts collected by the joint subcommittee of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee that developed the workload and funding methodology in FY 2015-16.

**Dependency counsel funding need.** The Judicial Council’s allocation methodology calculates that \$202.9 million is required in statewide funding to provide an adequate level of court-appointed dependency counsel to the local courts. The current funding is \$114.7 million for the state. The working group notes that the driving factor in small court funding issues is the overall lack of funding for dependency counsel. Small courts also face unique challenges, described below, that make operating this program very difficult with inadequate funding.

**Definition of small courts.** The definition of small courts used by the joint subcommittee in its April and June 2016 recommendations for funding methodology was courts with an average child welfare caseload over the last three years of 400 or fewer children. The working group reviewed additional data on court size including dependency filings, judgeships, or population; and elected to retain the definition of 400 or fewer average child welfare cases.

**Unique costs faced by small courts.** After surveying all 30 of the small courts and conducting follow-up interviews, the working group identified these unique costs to small courts:

1. Lack of a large enough pool of experienced attorneys. A theme commonly expressed by the courts is that all of the available dependency attorneys in the county are already

employed by the courts. Every court must have at least 3 qualified dependency attorneys available for appointment at weekly or biweekly calendars. In many courts (including one-half of all the two-judge courts), the majority of attorneys do not live in the county. Courts are quite satisfied with the performance of dependency attorneys but struggle to establish contracts within their allocations. More than one court told the working group that all dependency attorneys living in the county were semi-retired and would soon stop accepting appointments.

2. While larger courts are able to conduct competitive solicitations and establish attorney contracts within their dependency counsel allocations, small courts do not have access to a large enough pool of potential attorneys to lower their costs.
3. Limited pools of qualified attorneys and an inability to set competitive compensation for attorneys leads to problems related to conflict counsel. Small courts are forced to look outside the county and pay rates for conflict counsel that are higher than attorneys on contract. With the median number of cases among the small courts at only 110, a handful of complex cases requiring conflict counsel can overrun a small court's dependency counsel allocation.
4. Attorneys incur higher costs when practicing in small courts. This includes increased travel time for the many attorneys who live out of the county and travel to the court for dependency hearings, which happen on 48 hours' notice, and for regular weekly or bi-weekly calendars. Minors' attorneys are also under the obligation to visit their clients in their placements. In many small courts the majority of children are placed out of the county so these attorney incur costs for their own time and travel, or for arranging for an investigator to visit children placed outside of the county.
5. Attorneys incur higher costs for overhead in small courts. This is often expressed as a lack of economies of scale. An attorney representing juvenile dependency cases in a small court does not have the case volume to justify employing, at a lower cost than the attorney's hourly rate, an office manager, a bookkeeper, or an investigator, as do most of the attorney firms in larger courts. Attorneys in small courts also attend court and child welfare systems meetings, uncompensated work that in a larger legal services organization is generally performed by the executive director.
6. Expert witnesses are a cost to small courts that is greatly affected by travel times and lack of access to psychiatrists and other expert witnesses. A single evaluation and expert testimony can cost a court thousands of dollars out of its annual allocation, which for the 23 smallest courts is a median \$117,000.

With the survey and comments bearing out these unique costs for small courts, the working group recommended that the caseload funding model be adjusted in two ways.

The lack of access to experienced dependency attorneys and the resulting difficulty in establishing competitive attorney rates is particularly faced by the smallest and frequently most remote courts. For this reason the Judicial Council voted in July 2016 to suspend planned funding reductions due to implementation of the workload and funding methodology for these courts in FY 2016-17. The working group recommends continuing this suspension for FY 2017-18 and FY 2018-19, to give these smallest courts adequate time to plan their transition to the new workload funding model and secure qualified counsel for dependency cases.

For the smallest courts, the working group also specifies that no court should, as a result of this suspension, receive an allocation greater than the total funding need calculated by the workload funding model.

The working group determined that the higher ancillary costs for administration, travel, client visits, and expert witnesses incurred by attorneys applies to all small courts. For this reason it appeared that the Bureau of Labor Statistics employment and wages index, used to adjust dependency allocations to county economic conditions, unfairly disadvantaged the majority of small courts. Seventy-seven (77) percent of small courts have a BLS index of less than 1.0 (the statewide median). The working group recommends adjusting the index for all small courts with an index below the statewide median to 1.0, for the period of FY 2016-17 and FY 2017-18.

The working group also examined the provision in the workload funding model for a reserve of \$100,000 to assist small courts with the cost of sharp caseload increases. The working group determined that the reserve addresses a problem that is different from the issues discussed above. The reserve was established to assist the few small courts who every year experience sudden caseload increases, which in a small court can have a disproportionate impact on the court's total allocation for dependency counsel. The reserve is administered by Judicial Council staff using the guidelines approved by the Judicial Council in the workload and funding methodology (see Attachment C). The working group recommends that the reserve be continued.

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

The working group reviewed the public comment on small court dependency counsel funding issues that was received by the joint subcommittee that formulated the workload funding methodology in FY 2015-16; the survey responses from all 30 courts surveyed, particularly the responses to open-ended questions; was briefed by staff on the responses from interviews conducted by staff with the court executive officers or other staff from the 30 courts; and interviewed court-appointed counsel in small courts directly and was briefed on additional interviews with court-appointed counsel conducted by staff. In addition, the recommendations were provided to the Trial Court Budget Advisory Committee chair on March 13, 2017, and were discussed by the committee at its meeting on April 13, 2017.

Nearly all interviews and comments were in support of the findings outlined in this document. The following highlights representative commentary from small court judicial officers, court executives, and attorneys practicing in the courts:

*Superior Court of California, Plumas* is facing the prospect of having no qualified dependency attorneys in the county. The number of dependency attorneys has decreased over the past 10 years and there are now only 2 attorneys, both of whom are semi-retired. Plumas uses attorneys from Lassen, Tehama, Butte, and Nevada counties. Attorneys from these counties face an 80 to 90 mile drive on a mountain road that frequently closes in the winter. Scheduling attorneys who are practicing in several counties, and who must travel long distances to reach the court, is time-consuming for the court and attorneys. Plumas works with Lassen to coordinate hearing calendars but the underlying problems remain. While the two attorneys in Quincy are on contract, others are not, and any case requiring two or more conflict attorneys puts serious strain on the budget.

*Superior Court of California, Inyo* only has access to attorneys from a very limited pool consisting of Inyo and Mono County. In addition, Inyo notes that it is nearly impossible to contract with attorneys on a part-time basis, who cannot afford to guarantee their availability to the court on relatively short notice. Especially given the short notice involved in the setting of detention hearings, and the otherwise unpredictable timing involved in representing parties in dependency cases in a small rural court, the very limited numbers of private attorneys are unwilling or unable to commit their availability, especially at non-competitive rates. Inyo therefore contracts with the county public defender. To guarantee the availability of four qualified attorneys for appointment to dependency cases, the court pays considerably more than the projected budget under the reallocation plan.

In addition, Lassen, Colusa, El Dorado, Glenn, Lake, Modoc, Nevada, Siskiyou, Tehama, and Trinity courts all report difficulty attaining conflict counsel because of their remote locations and inability to find attorneys willing to take appointments. Modoc, Siskiyou, and Del Norte courts all use at least one California licensed attorney living in Oregon. Attorneys for Modoc must travel either 3 hours from Yreka or 2 hours from Susanville to reach Alturas. Lassen, Colusa, El Dorado, Glenn, Lake, Modoc, Nevada, Siskiyou, Tehama, Trinity, and Yolo courts all report that one case requiring two or more conflicts attorneys can cause them to exceed their court appointed counsel budget. These courts as well as Humboldt and Mono also state that expert witnesses are very difficult to attain. Experts generally do not practice in the smaller courts and charge for traveling to the smaller, remote counties. Attorneys or the courts bear these extra costs, making it cost prohibitive to retain or appoint any experts.

### **Alternatives considered**

1. Make no changes to the caseload funding model. After an extensive review of the issues facing small courts, the working group determined that changes to the caseload funding model should be recommended for a limited term.



2. Modify the overhead calculation in the caseload funding model for small courts. The working group considered scenarios to increase the amount of funding added as overhead (non-direct attorney salary costs) to the base attorney cost in the model. After discussion they determined that modifying the Bureau of Labor Statistics governmental salary index would serve the same function, have the same fiscal impact, and be a more transparent modification to the model.
3. Institute a funding base for minimum courtroom staffing. This scenario estimated, from the survey data, that all courts required a base of 3 available attorneys at .1 FTE for each court. Additional workload multipliers would be added to this based on the size of the court. The working group determined that it did not want to recommend an alternative that would be based on factors different from the underlying funding methodology, which is based on caseload and dependency petitions.
4. Add specific funding to reimburse courts for conflict attorneys. As with alternative 3, the working group determined that it did not want to recommend an alternative that would be based on factors different from the underlying funding methodology. The additional funding that will be available to small courts through implementation of these recommendations could be used for conflict attorneys, if that is the principal need of the court.

### **Implementation Requirements, Costs, and Operational Impacts**

The recommendations will not add costs to the dependency court-appointed counsel budget. However, implementing them will increase the funding allocation to 26 of the 30 small courts at a cost of \$1.1 million in FY 2017-18, and \$1.2 million in FY 2018-19 (Attachment 1). Transferring that funding from courts who are receiving an increase in FY 2017-18 through the reallocation process results in a 1.5 percent decrease in total allocation for the 11 larger courts receiving increases. Although 12 courts are receiving funding increases, one of these courts would actually receive a decrease if it transferred funding and so has been removed from the pool of courts.

1. Attachment A. Budget projections for recommendations
2. Attachment B. Small Court Dependency Workload Working Group
3. Attachment C. Judicial Council Report on Caseload Funding Model

**2017-2018 Allocation of Dependency Counsel Funding: Draft do not distribute: March 22, 2017**

Court	Small courts: 1 = eligible for suspend & BLS, 2 = eligible for BLS change, 3 = not eligible	Caseload Funding Model Estimated Funding Need	FY 2015-16 Total Allocation	FY 2016-17 Total Allocation	FY 2017-18 Allocation of Base Funding using 80% Workload and 20% Historical Basis	FY 2017-18 dist. 11,000,000 new funds less reserve	Total 2017-18 after \$11 M dist.	Net cost of BLS adjustment for small courts	Net cost of caseload suspension for small courts	Total increase	Courts funding suspension: Pro rata decrease	FY 2017-18 Total Allocation	
	Col. A				Col. B								Col. C
Alameda	3	\$5,383,317	\$4,037,391	\$3,618,313	\$3,040,782	\$308,239	\$3,349,022	\$0	\$0	\$0	\$0	\$3,349,022	
Alpine	1	\$1,286	\$0	\$399	\$526	\$100	\$626	\$128	\$0	\$128		\$754	
Amador	1	\$178,287	\$115,233	\$115,233	\$97,086	\$10,685	\$107,771	\$0	\$7,462	\$7,462		\$115,233	
Butte	3	\$1,106,813	\$664,923	\$627,554	\$586,396	\$68,478	\$654,874	\$0	\$0	\$0	-\$9,855	\$645,019	
Calaveras	1	\$333,724	\$123,940	\$142,758	\$151,878	\$23,928	\$175,806	\$20,480	\$0	\$20,480		\$196,286	
Colusa	1	\$66,499	\$38,471	\$40,667	\$34,895	\$4,159	\$39,053	\$13,209	\$0	\$13,209		\$52,262	
Contra Costa	3	\$3,506,912	\$3,030,406	\$2,600,337	\$2,061,963		\$2,061,963	\$0	\$0	\$0	\$0	\$2,061,963	
Del Norte	1	\$204,590	\$214,730	\$214,730	\$128,554		\$128,554	\$24,080	\$62,096	\$86,176		\$214,730	
El Dorado	2	\$786,289	\$788,644	\$655,569	\$486,497		\$486,497	\$0	\$0	\$0		\$486,497	
Fresno	3	\$4,328,263	\$2,900,594	\$2,670,600	\$2,365,307	\$258,293	\$2,623,600	\$0	\$0	\$0	\$0	\$2,623,600	
Glenn	1	\$151,337	\$90,417	\$90,417	\$73,008	\$10,307	\$83,315	\$33,514	\$0	\$33,514		\$116,829	
Humboldt	2	\$601,876	\$543,896	\$462,558	\$359,310		\$359,310	\$117,811	\$0	\$117,811		\$477,121	
Imperial	3	\$742,949	\$591,128	\$518,512	\$426,040		\$426,040	\$0	\$0	\$0	\$0	\$426,040	
Inyo	1	\$37,749	\$72,277	\$72,277	\$30,928		\$30,928	\$3,006	\$11,414	\$14,420		\$45,348	
Kern	3	\$3,925,557	\$2,347,548	\$2,277,753	\$2,012,630	\$251,710	\$2,264,340	\$0	\$0	\$0	\$0	\$2,264,340	
Kings	3	\$1,100,787	\$354,779	\$443,478	\$490,360	\$80,322	\$570,683	\$0	\$0	\$0	-\$8,588	\$562,095	
Lake	1	\$220,142	\$296,119	\$151,812	\$151,812		\$151,812	\$29,007	\$111,851	\$140,858		\$292,670	
Lassen	1	\$134,195	\$106,891	\$106,891	\$76,686		\$76,686	\$23,368	\$6,837	\$30,205		\$106,891	
Los Angeles	3	\$91,087,855	\$40,230,156	\$45,149,389	\$43,847,718	\$6,216,029	\$50,063,747	\$0	\$0	\$0	-\$753,369	\$49,310,378	
Madera	2	\$862,872	\$225,443	\$293,833	\$363,558	\$65,702	\$429,259	\$28,862	\$0	\$28,862		\$458,121	
Marin	1	\$333,015	\$388,488	\$388,488	\$218,363		\$218,363	\$0	\$114,652	\$114,652		\$333,015	
Mariposa	1	\$44,150	\$38,070	\$38,070	\$24,543	\$2,580	\$27,123	\$6,055	\$4,893	\$10,947		\$38,070	
Mendocino	2	\$582,177	\$711,060	\$566,908	\$387,380		\$387,380	\$45,879	\$0	\$45,879		\$433,259	
Merced	3	\$1,434,600	\$738,248	\$751,397	\$706,187	\$95,847	\$802,034	\$0	\$0	\$0	-\$12,069	\$789,965	
Modoc	1	\$28,095	\$16,090	\$17,128	\$14,722	\$1,760	\$16,482	\$9,059	\$0	\$9,059		\$25,540	
Mono	1	\$21,538	\$13,956	\$13,956	\$11,289	\$1,349	\$12,637	\$0	\$1,319	\$1,319		\$13,956	
Monterey	3	\$1,048,357	\$434,541	\$494,823	\$495,052	\$72,806	\$567,858	\$0	\$0	\$0	-\$8,545	\$559,313	
Napa	1	\$455,793	\$212,285	\$232,362	\$221,901	\$30,776	\$252,678	\$0	\$0	\$0		\$252,678	
Nevada	1	\$219,989	\$226,123	\$226,123	\$136,806		\$136,806	\$2,378	\$86,940	\$89,318		\$226,123	
Orange	3	\$8,189,943	\$6,418,278	\$5,648,065	\$4,673,887		\$4,673,887	\$0	\$0	\$0	\$0	\$4,673,887	
Placer	3	\$1,524,646	\$518,087	\$687,985	\$707,716	\$107,495	\$815,211	\$0	\$0	\$0	-\$12,267	\$802,944	
Plumas	1	\$90,648	\$154,059	\$154,059	\$69,925		\$69,925	\$15,590	\$43,962	\$59,552		\$129,477	
Riverside	3	\$13,748,022	\$6,080,322	\$6,411,055	\$6,461,868	\$958,739	\$7,420,606	\$0	\$0	\$0	-\$111,667	\$7,308,939	
Sacramento	3	\$7,760,416	\$5,205,426	\$4,832,997	\$4,255,812	\$461,149	\$4,716,960	\$0	\$0	\$0	\$0	\$4,716,960	
San Benito	1	\$213,243	\$89,163	\$93,625	\$89,163	\$15,740	\$109,365	\$1,551	\$0	\$1,551		\$110,916	
San Bernardino	3	\$12,529,694	\$4,963,161	\$5,731,210	\$5,845,993	\$879,466	\$6,725,459	\$0	\$0	\$0	-\$101,206	\$6,624,253	
San Diego	3	\$8,931,747	\$9,408,199	\$7,711,177	\$5,614,404		\$5,614,404	\$0	\$0	\$0	\$0	\$5,614,404	
San Francisco	3	\$4,585,273	\$3,761,098	\$3,296,146	\$2,661,414		\$2,661,414	\$0	\$0	\$0	\$0	\$2,661,414	
San Joaquin	3	\$3,623,924	\$2,982,578	\$2,601,178	\$2,102,122		\$2,102,122	\$0	\$0	\$0	\$0	\$2,102,122	
San Luis Obispo	3	\$1,082,018	\$699,248	\$647,980	\$584,754	\$65,432	\$650,186	\$0	\$0	\$0	\$0	\$650,186	
San Mateo	3	\$1,622,673	\$554,582	\$668,643	\$728,613	\$117,644	\$846,256	\$0	\$0	\$0	-\$12,735	\$833,522	
Santa Barbara	3	\$1,446,033	\$1,557,379	\$1,267,448	\$915,302		\$915,302	\$0	\$0	\$0	\$0	\$915,302	
Santa Clara	3	\$4,616,975	\$4,508,063	\$3,780,956	\$2,833,821		\$2,833,821	\$0	\$0	\$0	\$0	\$2,833,821	
Santa Cruz	2	\$849,079	\$863,289	\$713,676	\$527,265		\$527,265	\$0	\$0	\$0	\$0	\$527,265	
Shasta	3	\$1,042,835	\$681,818	\$621,700	\$541,049	\$66,027	\$607,075	\$0	\$0	\$0	\$0	\$607,075	
Sierra	1	\$5,695	\$13,759	\$13,759	\$5,326		\$5,326	\$838	\$1,623	\$2,461		\$7,788	
Siskiyou	1	\$200,533	\$245,373	\$245,373	\$133,627		\$133,627	\$35,430	\$76,316	\$111,746		\$245,373	
Solano	3	\$1,271,812	\$875,639	\$801,057	\$700,463	\$75,180	\$775,643	\$0	\$0	\$0	\$0	\$775,643	
Sonoma	3	\$1,446,554	\$1,137,764	\$990,021	\$823,004		\$823,004	\$0	\$0	\$0	\$0	\$823,004	
Stanislaus	3	\$1,573,914	\$1,107,189	\$1,004,470	\$871,226	\$92,462	\$963,688	\$0	\$0	\$0	\$0	\$963,688	
Sutter	1	\$331,109	\$143,904	\$146,804	\$152,330		\$152,330	\$175,854	\$7,446	\$7,446		\$183,300	
Tehama	2	\$417,450	\$163,859	\$177,634	\$189,618	\$29,979	\$219,597	\$50,975	\$0	\$50,975		\$270,572	
Trinity	1	\$118,304	\$93,829	\$93,829	\$65,123	\$6,998	\$72,121	\$30,303	\$0	\$30,303		\$102,423	
Tulare	3	\$2,235,713	\$954,553	\$1,032,410	\$1,046,901	\$156,428	\$1,203,329	\$0	\$0	\$0	-\$18,108	\$1,185,222	
Tuolumne	1	\$222,597	\$110,593	\$110,593	\$103,908	\$15,618	\$119,525	\$22,540	\$0	\$22,540		\$142,065	
Ventura	3	\$2,890,557	\$1,151,975	\$1,284,628	\$1,334,120	\$204,802	\$1,538,922	\$0	\$0	\$0	-\$23,158	\$1,515,764	
Yolo	2	\$833,176	\$404,107	\$430,429	\$407,826	\$55,969	\$463,796	\$0	\$0	\$0		\$463,796	
Yuba	1	\$567,381	\$200,855	\$278,909	\$272,226	\$38,838	\$311,063	\$20,694	\$0	\$20,694		\$331,757	
Reserve		0	100,000	100,000	100,000	0	100,000	0	0	0	0	100,000	
<b>Total</b>		<b>\$202,900,976</b>	<b>\$114,700,000</b>	<b>\$114,800,000</b>	<b>\$103,725,444</b>		<b>\$10,974,556</b>	<b>\$114,700,000</b>	<b>\$542,203</b>	<b>\$529,364</b>	<b>\$1,071,567</b>	<b>-\$1,071,567</b>	<b>\$114,700,000</b>

**2018-2019 Allocation of Dependency Counsel Funding: Draft do not distribute: March 22, 2017**

Court	Small courts: 1 = eligible for suspend & BLS, 2 = eligible for BLS change, 3 = not eligible	Caseload Funding Model Estimated Funding Need	FY 2015-16 Total Allocation	FY 2017-18 Total Allocation	FY 2018-19 Allocation of Base Funding using 100% Workload	Net cost of BLS adjustment for small courts	Net cost of caseload suspension for small courts	Total increase	Courts funding suspension: Pro rata decrease	FY 2018-19 Total Allocation
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J
Alameda	3	\$5,383,317	\$4,037,391	\$3,349,022	\$3,040,538	\$0	\$0	\$0	\$0	\$3,040,538
Alpine	1	\$1,286	\$0	\$754	\$726	\$145	\$0	\$145		\$872
Amador	1	\$178,287	\$115,233	\$115,233	\$100,698	\$0	\$14,535	\$14,535		\$115,233
Butte	3	\$1,106,813	\$664,923	\$645,019	\$625,136	\$0	\$0	\$0	\$0	\$625,136
Calaveras	1	\$333,724	\$123,940	\$196,286	\$188,490	\$22,957	\$0	\$22,957		\$211,447
Colusa	1	\$66,499	\$38,471	\$52,262	\$37,559	\$15,136	\$0	\$15,136		\$52,695
Contra Costa	3	\$3,506,912	\$3,030,406	\$2,061,963	\$1,980,730	\$0	\$0	\$0	\$0	\$1,980,730
Del Norte	1	\$204,590	\$214,730	\$214,730	\$115,554	\$33,256	\$65,920	\$99,177		\$214,730
El Dorado	2	\$786,289	\$788,644	\$486,497	\$444,102	\$0	\$0	\$0		\$444,102
Fresno	3	\$4,328,263	\$2,900,594	\$2,623,600	\$2,444,635	\$0	\$0	\$0	\$0	\$2,444,635
Glenn	1	\$151,337	\$90,417	\$116,829	\$85,476	\$38,422	\$0	\$38,422		\$123,898
Humboldt	2	\$601,876	\$543,896	\$477,121	\$339,944	\$98,189	\$0	\$98,189		\$438,133
Imperial	3	\$742,949	\$591,128	\$426,040	\$419,623	\$0	\$0	\$0	\$0	\$419,623
Inyo	1	\$37,749	\$72,277	\$45,348	\$21,321	\$4,152	\$19,875	\$24,027		\$45,348
Kern	3	\$3,925,557	\$2,347,548	\$2,264,340	\$2,217,184	\$0	\$0	\$0	\$0	\$2,217,184
Kings	3	\$1,100,787	\$354,779	\$562,095	\$621,733	\$0	\$0	\$0	-\$10,599	\$611,133
Lake	1	\$220,142	\$296,119	\$292,670	\$124,338	\$40,060	\$128,272	\$168,332		\$292,670
Lassen	1	\$134,195	\$106,891	\$106,891	\$75,795	\$18,012	\$13,084	\$31,096		\$106,891
Los Angeles	3	\$91,087,855	\$40,230,156	\$49,310,378	\$51,447,107	\$0	\$0	\$0	-\$877,087	\$50,570,020
Madera	2	\$862,872	\$225,443	\$458,121	\$487,357	\$31,446	\$0	\$31,446		\$518,802
Marin	1	\$333,015	\$388,488	\$333,015	\$188,089	\$0	\$144,926	\$144,926		\$333,015
Mariposa	1	\$44,150	\$38,070	\$38,070	\$24,936	\$6,914	\$6,220	\$13,134		\$38,070
Mendocino	2	\$582,177	\$711,060	\$433,259	\$328,818	\$63,361	\$0	\$63,361		\$392,179
Merced	3	\$1,434,600	\$738,248	\$789,965	\$810,273	\$0	\$0	\$0	-\$13,814	\$796,459
Modoc	1	\$28,095	\$16,090	\$25,540	\$15,868	\$10,414	\$0	\$10,414		\$26,282
Mono	1	\$21,538	\$13,956	\$13,956	\$12,165	\$0	\$1,792	\$1,792		\$13,956
Monterey	3	\$1,048,357	\$434,541	\$559,313	\$592,120	\$0	\$0	\$0	-\$10,095	\$582,025
Napa	1	\$455,793	\$212,285	\$252,678	\$257,435	\$0	\$0	\$0		\$257,435
Nevada	1	\$219,989	\$226,123	\$226,123	\$124,251	\$3,284	\$98,588	\$101,872		\$226,123
Orange	3	\$8,189,943	\$6,418,278	\$4,673,887	\$4,625,742	\$0	\$0	\$0	\$0	\$4,625,742
Placer	3	\$1,524,646	\$518,087	\$802,944	\$861,132	\$0	\$0	\$0	-\$14,681	\$846,451
Plumas	1	\$90,648	\$154,059	\$129,477	\$51,199	\$21,530	\$56,747	\$78,278		\$129,477
Riverside	3	\$13,748,022	\$6,080,322	\$7,308,939	\$7,764,986	\$0	\$0	\$0	-\$132,380	\$7,632,606
Sacramento	3	\$7,760,416	\$5,205,426	\$4,716,960	\$4,383,142	\$0	\$0	\$0	\$0	\$4,383,142
San Benito	1	\$213,243	\$89,163	\$110,916	\$120,441	\$1,329	\$0	\$1,329		\$121,770
San Bernardino	3	\$12,529,694	\$4,963,161	\$6,624,253	\$7,076,866	\$0	\$0	\$0	-\$120,649	\$6,956,217
San Diego	3	\$8,931,747	\$9,408,199	\$5,614,404	\$5,044,718	\$0	\$0	\$0	\$0	\$5,044,718
San Francisco	3	\$4,585,273	\$3,761,098	\$2,661,414	\$2,589,797	\$0	\$0	\$0	\$0	\$2,589,797
San Joaquin	3	\$3,623,924	\$2,982,578	\$2,102,122	\$2,046,820	\$0	\$0	\$0	\$0	\$2,046,820
San Luis Obispo	3	\$1,082,018	\$699,248	\$650,186	\$611,132	\$0	\$0	\$0	\$0	\$611,132
San Mateo	3	\$1,622,673	\$554,582	\$833,522	\$916,498	\$0	\$0	\$0	-\$15,625	\$900,873
Santa Barbara	3	\$1,446,033	\$1,557,379	\$915,302	\$816,730	\$0	\$0	\$0	\$0	\$816,730
Santa Clara	3	\$4,616,975	\$4,508,063	\$2,833,821	\$2,607,702	\$0	\$0	\$0	\$0	\$2,607,702
Santa Cruz	2	\$849,079	\$863,289	\$527,265	\$479,566	\$0	\$0	\$0		\$479,566
Shasta	3	\$1,042,835	\$681,818	\$607,075	\$589,001	\$0	\$0	\$0	\$0	\$589,001
Sierra	1	\$5,695	\$13,759	\$7,788	\$3,216	\$1,158	\$3,413	\$4,571		\$7,788
Siskiyou	1	\$200,533	\$245,373	\$245,373	\$113,262	\$48,930	\$83,181	\$132,111		\$245,373
Solano	3	\$1,271,812	\$875,639	\$775,643	\$718,329	\$0	\$0	\$0	\$0	\$718,329
Sonoma	3	\$1,446,554	\$1,137,764	\$823,004	\$817,025	\$0	\$0	\$0	\$0	\$817,025
Stanislaus	3	\$1,573,914	\$1,107,189	\$963,688	\$888,959	\$0	\$0	\$0	\$0	\$888,959
Sutter	1	\$331,109	\$143,904	\$183,300	\$187,013	\$7,902	\$0	\$7,902		\$194,915
Tehama	2	\$417,450	\$163,859	\$270,572	\$235,779	\$58,023	\$0	\$58,023		\$293,802
Trinity	1	\$118,304	\$93,829	\$102,423	\$66,819	\$34,797	\$0	\$34,797		\$101,616
Tulare	3	\$2,235,713	\$954,553	\$1,185,222	\$1,262,748	\$0	\$0	\$0	-\$21,528	\$1,241,220
Tuolumne	1	\$222,597	\$110,593	\$142,065	\$125,725	\$25,581	\$0	\$25,581		\$151,306
Ventura	3	\$2,890,557	\$1,151,975	\$1,515,764	\$1,632,608	\$0	\$0	\$0	-\$27,833	\$1,604,775
Yolo	2	\$833,176	\$404,107	\$463,796	\$470,584	\$0	\$0	\$0		\$470,584
Yuba	1	\$567,381	\$200,855	\$331,757	\$320,461	\$22,738	\$0	\$22,738		\$343,199
Reserve		0	100000	\$100,000	\$100,000	\$0	\$0	\$0		\$100,000
<b>Total</b>		<b>\$202,900,976</b>	<b>\$114,700,000</b>	<b>\$114,700,000</b>	<b>\$114,700,000</b>	<b>\$607,737</b>	<b>\$636,554</b>	<b>\$1,244,290.06</b>	<b>-\$1,244,290</b>	<b>\$114,700,000</b>

## **Small Court Dependency Workload Working Group**

### **Members**

**Hon. David Rosenberg, Chair**, Judge, Superior Court of California, County of Yolo

**Hon. Andrew S. Blum**, Presiding Judge, Superior Court of California, County of Lake

**Hon. Ira R. Kaufman**, Presiding Judge, Superior Court of California, County of Plumas

**Hon. B. Scott Thomsen**, Presiding Judge, Superior Court of California, County of Nevada

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**Ms. Sherri R. Carter**, Court Executive Officer, Superior Court of California, County of Los Angeles

**Ms. Rebecca Fleming**, Court Executive Officer, Superior Court of California, County of Stanislaus

**Mr. Kevin Harrigan**, Court Executive Officer, Superior Court of California, County of Glenn

**Mr. James Kim**, Court Executive Officer, Superior Court of California, County of Marin

**Mr. Brian Taylor**, Court Executive Officer, Superior Court of California, County of Solano



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 14–15, 2016

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<b>Title</b> Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology	<b>Agenda Item Type</b> Action Required
<b>Rules, Forms, Standards, or Statutes Affected</b> None	<b>Effective Date</b> April 15, 2016
<b>Recommended by</b> Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee of the Trial Court Budget and Family and Juvenile Law Advisory Committees Hon. Jerilyn L. Borack, Cochair Hon. Mark Ashton Cope, Cochair	<b>Date of Report</b> April 1, 2016
	<b>Contact</b> Don Will, 415-865-7557 <a href="mailto:don.will@jud.ca.gov">don.will@jud.ca.gov</a> Steven Chang, 415-865-7195 <a href="mailto:steven.chang@jud.ca.gov">steven.chang@jud.ca.gov</a>

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### Executive Summary

The joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee reviewed a workload model approved by the Judicial Council in the *DRAFT Pilot Program and Court-Appointed Counsel* report of 2007 for possible updates and revisions. After extensive review and public comment, the subcommittee recommends several adjustments to the workload model.

### Recommendation

The Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee of the Trial Court Budget and the Family and Juvenile Law Advisory Committees was charged by the Judicial Council on April 17, 2015 with reviewing the workload model for court-appointed dependency counsel and including eight specific issues in its review. The subcommittee

recommends that the council, effective April 15, 2016, approve its recommendations regarding those eight issues, along with two additional issues, as follows:

***Issues in Judicial Council Charge***

1. *Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries (7.a. in Judicial Council report of April 17, 2015).*

**Recommendation:**

That attorney salaries used in workload model estimates be based on two factors: (1) the median salary for the first-tier range for county counsel in all counties; and (2) the Bureau of Labor Statistics (BLS) Category 92 index that is used in the Workload Allocation Funding Model (WAFM).

2. *Whether the attorney salaries used in the model should be updated (7.b.).*

**Recommendation:**

That attorney salaries used in the model be updated for each county using the statewide median county counsel salary and the BLS Category 92 index.

3. *Whether the calculation for benefits costs in the model is accurate or if it should be changed (7.c.).*

**Recommendation:**

That benefits costs not be calculated directly by any formula, but that the costs be estimated as 15 percent of total costs or 33 percent of salary costs.

4. *Whether the calculation for overhead costs in the model is accurate or if it should be changed (7.d.).*

**Recommendation:**

That the calculation for overhead costs be revised as follows:

- a. Salaries for line attorneys are calculated using the sources described in recommendations 1 and 2 and constitute 45 percent of the total cost.
- b. All nonsalary costs (benefits and overhead) constitute 55 percent of the total cost and are estimated on a statewide level as follows:
  - i. Social worker/investigator/paralegal staff, 10%
  - ii. Other salaried workers, 15%
  - iii. Benefits, 15%
  - iv. Operating costs, 15%

5. *Whether the state child welfare data reported through the University of California, Berkeley, accurately represent court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data be used (7.e.).*

**Recommendation:**

That annual child caseload will be determined for each court using a weighted metric derived from a court's percentage of total original dependency filings and the court's percentage total

of child welfare caseload; that the child caseload metric be weighted by 30 percent of court filings and 70 percent of child welfare caseload; and that the caseload metric use a rolling average composed of the previous three years.

6. *Whether the ratio used to estimate parent clients in the model is accurate or should be changed (7.f.).*

**Recommendation:**

That the ratio used to estimate parent clients continue to be estimated using the multiplier of 0.8 parent case per 1.0 child case.

7. *Whether a modified methodology be used for funding small courts (7.g.).*

**Recommendation:**

That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases.

8. *Whether dependency counsel funding should be a court or a county obligation (7.h.).*

**Recommendation:**

That dependency counsel funding be established in statute as a court function.

***Additional Workload Model Issues***

9. *The subcommittee determined that to review and update the workload model, it needed to consider the caseload standard of 188 cases per attorney when the attorney is supported by a 0.5 full-time equivalent investigator or social worker.*

**Recommendation:**

That the caseload standard be set at the alternate standard that is included in the 2007 workload model: 141 cases per attorney without considering investigator or social worker support.

10. *The subcommittee determined that the current workload model is based on data on attorney workload from 2002 and that many of its assumptions are outdated and not supported by current data.*

**Recommendation:**

That the Family and Juvenile Law Advisory Committee consider a comprehensive update of the attorney workload data and time standards in the current workload model. Because any updates to the workload data and time standards will uniformly affect all trial courts, this pending work should not slow or delay the remaining three-year phase-in period previously approved by the Judicial Council for implementing the new dependency counsel funding methodology. Rather this recommendation recognizes that a comprehensive update could not be completed within the time frame set by the Judicial Council for final report from the joint committees.

## Previous Council Action

Court-appointed dependency counsel became a state fiscal responsibility in 1989 through the Brown-Presley Trial Court Funding Act (Sen. Bill 612 & Assem. Bill 1197; Stats. 1988, chs. 945 & 944), which added section 77003 to the Government Code, defined “court operations” in that section as including court-appointed dependency counsel, and made an appropriation to fund trial court operations.

On April 27, 2001, the Judicial Council incorporated caseload standards, training requirements, and guidelines for appointment of counsel for children into California Rules of Court, rule 5.660, and directed Judicial Council staff to undertake a study to identify caseload standards for attorneys representing both parents and children. (Judicial Council of Cal., mins. p. 8; *Counsel for Children (amend Cal. Rules of Court, rule 1438)*.) As a result, in 2002, the Judicial Council contracted with the American Humane Association to conduct a quantitative caseload study of court-appointed dependency counsel based on an assessment of the duties required as part of representation and the amount of time needed to perform those tasks. The study was overseen by the Judicial Council court-appointed counsel Caseload Study Working Group.

In 2007, based on analysis conducted through the caseload study and through the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program, implemented by the Judicial Council in 2004 (Judicial Council of Cal., mins. (June 15, 2004), p. 6; *Court-Appointed Counsel: Caseload Standards, Service Delivery Models, and Contract Administration*), the Judicial Council adopted a court-appointed counsel caseload standard of 188 clients per attorney, with 0.5 investigator complement. Based on that caseload standard, the council adopted a caseload funding model that calculates funding requirements for each trial court. The council also requested the Trial Court Budget Working Group to develop an allocation methodology to allocate any state appropriations limit funding or other new funding to courts by need. (Judicial Council of Cal., mins. (October 26, 2007); *DRAFT Pilot Program and Court-Appointed Counsel*.)

In 2008, the Judicial Council submitted a report to the California Legislature entitled *Dependency Counsel Caseload Standards*. The report acknowledged the need to reduce attorney caseloads to improve the quality of representation for children and parents, thereby enhancing the likelihood of improved permanency and well-being outcomes for children and families. In addition, it highlighted the need for significant additional funding to implement the standards.

In 2010, the council adopted the Trial Court Budget Working Group recommendation to establish a court-appointed counsel funding baseline of \$103.7 million through a two-year phased reduction. In 2015, the Judicial Council approved recommendations of the Trial Court Budget Advisory Committee to reallocate funding for court-appointed dependency counsel among the trial courts based on the caseload funding model. The purpose was to provide a more equitable allocation of funding among the courts. Rather than using historical funding levels dating back to the adoption of state trial court funding, the new funding methodology is based on



the caseload-based calculation of funding for each court provided by the workload model approved by the Judicial Council through the *DRAFT Pilot Program and Court-Appointed Counsel* report.

Another recommendation approved by the Judicial Council at this time was that a joint working group of the Trial Court Budget and the Family and Juvenile Law Advisory Committees be formed to review that workload model for possible updates and revisions. (Judicial Council of Cal., mins. (April 17, 2015); *Juvenile Dependency: Court-Appointed–Counsel Funding Reallocation.*)

### **Rationale for Recommendation**

The Judicial Council adopted a caseload funding model for court-appointed dependency counsel in 2007. The model includes the following components:

- A caseload standard of 188 clients per attorney with a 0.5 investigator/social worker/paralegal complement;
- Attorney salary ranges by economic regions; and
- A method for calculating overhead costs for attorney representation.

This model has been used since 2008 to estimate the number of full-time-equivalent (FTE) dependency attorneys required to meet the statewide needs of parents and children in dependency and to calculate the total statewide funding need for court-appointed counsel.

In fiscal year 2014–2015, the Trial Court Budget Advisory Committee appointed a working group to examine the allocation of dependency counsel funding among the courts. Although the caseload funding model calculates a funding need for each court, the actual budgets for each court have been based almost entirely on historical funding levels since the implementation of trial court funding. Based on the work of the working group, the committee recommended to the Judicial Council that court budgets for dependency counsel be based on funding need as calculated by the existing caseload funding model and recommended a four-year, phased in reallocation of funding to meet that goal. The Judicial Council approved these recommendations in April 2015.

During this process, many working group and, later, committee members pointed out in discussion that the existing caseload funding model was outdated, using data collected between 2002 and 2007, and included many assumptions about attorney workload, pay ranges, and overhead calculations that needed to be revisited. These points were echoed in considerable public comment. As a result, the committee recommended that a joint subcommittee of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be appointed to review and recommend changes to the existing workload model by April 2016. The Judicial Council agreed and directed that the subcommittee include these items in their review:

- Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries
- Whether the attorney salaries used in the model should be updated
- Whether the calculation for benefits costs in the model is accurate or if it should be changed
- Whether the calculation for overhead costs in the model is accurate or if it should be changed
- Whether the state child welfare data reported through UC Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data should be used
- Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed
- Whether a modified methodology should be used for funding small courts
- Whether dependency counsel funding should be a court or county obligation

The joint subcommittee held seven meetings, two in person, between July 2015 and February 2016. To support the discussions of the workload model, Judicial Council staff conducted two statewide surveys of attorney providers, four focus groups of dependency line attorneys inquiring into their workload and concerns, a web-based survey of county counsel salary ranges, and data analysis of attorney workload data derived from the case management system used by the attorneys in the DRAFT program. Extensive public comment was provided at the subcommittee meetings and also at a stakeholders meeting held at a statewide conference and attended by attorneys and subcommittee members.

The subcommittee noted at the outset that the existing caseload funding model was based on very extensive original research, much of it conducted by research contractors, and it had neither time nor resources to conduct similar studies. The subcommittee also noted that much of the data it had access to were administrative data on attorney practice, which reflect current practice in the state but not necessarily best or efficient practice. The subcommittee made an effort to remedy this deficiency by reviewing best-practice standards from the American Bar Association and conducting the qualitative research described above. The subcommittee also recommends that the research and analysis required to create a workload model that is rooted in good practice continue as part of the work of the Family and Juvenile Law Advisory Committee.

Public comment was provided by letter before every subcommittee meeting and directly at the meetings held in person in San Francisco. Comment was also provided at a stakeholder meeting at the Beyond the Bench multidisciplinary dependency conference on December 1, 2015, which was attended by several subcommittee members. Public comments are summarized below under the discussion of each recommendation. The majority of public comment was provided by working dependency attorneys or managers of dependency attorney firms; but juvenile court judges not on the subcommittee also provided comment either through letters or at meetings.

The great majority of comments, both written and at meetings, acknowledged the work of the subcommittee and the Judicial Council, noted that the revised methodology is much more representative of attorney workload and costs, and asked that the Judicial Council approve the recommendations.

### **Recommendations 1–2: Attorney Salaries**

1. That attorney salaries used in workload model estimates be based on two factors: (1) the median salary for the first-tier range for county counsel in all counties; and (2) the Bureau of Labor Statistics (BLS) Category 92 index that is used in the Workload Allocation Funding Model (WAFM).
2. That attorney salaries used in the model be updated for each county using the statewide median county counsel salary and the BLS Category 92 index.

### **Rationale for recommendations 1–2**

In the existing workload model, attorney salaries are the key cost variable. The caseload estimate for a court (recommendations 5–6) in conjunction with the caseload standard (recommendation 9) yields the number of FTE attorneys required to represent the parents and children in that court. The attorney salary for the court is then used to calculate the total cost of the representation, and additional costs (other staff, benefits, operating costs) are calculated as a percentage of the total attorney cost.

The subcommittee reviewed the Judicial Council and legislative reports establishing the workload model, and current data on attorney salaries and allocation of other costs. The original survey of entry-to-midlevel county counsel salaries in all counties was updated using county salary listings and job announcements posted on the internet (Appendix A). Staff also conducted a survey of court-appointed dependency provider organizations and solo practitioners to obtain current information on salaries and overhead costs. The subcommittee also reviewed the Bureau of Labor Statistics governmental salary index for California that is used in the WAFM process.

The subcommittee reviewed salary averages from the county counsel and current provider surveys and compared them to the regional salaries now used in the workload model. The committee also reviewed the impact of indexing salaries to the BLS index or to a consolidated form of the economic regions used by the Employment Development Department.

The subcommittee compared information reported on salary, benefits, and operating costs to the original caseload funding model and also reviewed how those allocations differ by organizational model and size.

Recommendation 1 addresses the sources of data used to calculate attorney salaries. The existing workload model used several sources to estimate the cost of attorney compensation. These sources included a survey of county counsel salaries, a survey of DRAFT provider salaries and costs, and a consultant study that grouped courts by cost-of-living factors into economic regions. Courts were grouped into four economic regions, and salary ranges were set in lower, midrange,

and upper-level tiers. These economic regions are not used in any other Judicial Council budget or workload process. The salaries set through this process have not changed since 2007.

Since the time the dependency workload model was finalized in 2007, the Judicial Council has adopted the Workload-based Allocation and Funding Model that established a standardized methodology for indexing the cost of living throughout the state.<sup>1</sup> Courts now use the Bureau of Labor Statistics current index for local and state government personnel costs for California counties.

The subcommittee determined that two data sources should be used: current county counsel salaries at the median of the first two salary ranges reported by counties, and the Bureau of Labor Statistics current index. County counsel represent the child welfare department in dependency proceedings and are roughly parallel in skills and experience to court-appointed dependency counsel. County counsel salary information is publically available and can be used to update the workload model on a regular basis.

Using the BLS index used in the WAFM model provides a way to adjust the median salary to each county's governmental salary market consistent with full-time equivalent court personnel adjustments in WAFM. The BLS index is also updated each year and publically available, so the workload model can be updated regularly.

### **Comments from interested parties**

Almost all commentators spoke to the same issue in setting attorney salaries for the methodology. Commentators agreed that the county counsel salary across counties was the appropriate benchmark because county counsel in dependency court requires a similar standard of experience, training, and practice. Commentators urged that the salary midpoint for each county be calculated by using all ranges of county counsel salaries in each county, or in one case all nonsupervisory ranges of salaries, rather than the midpoint of the first two tiers of salaries.

The ability to retain and develop experienced attorneys in each county was the main rationale given for setting salaries at a higher point. Commentators provided examples of attorneys who began in court-appointed dependency counsel and then moved to the county counsel's office or to another area of law in order to make an adequate salary. The juvenile court judges who commented also spoke to the difficulty of managing courtrooms and cases when attorneys are experiencing high turnover and are inexperienced.

The subcommittee concluded that more research into the actual salary and benefits being provided to those county counsel assigned to juvenile dependency would be useful but that time did not allow for this study before the final recommendations were due. Recommendation 10 contemplates continued research and refinement of the recommended methodology.

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<sup>1</sup> Judicial Council of Cal., Workgroup Rep., *Report of the Trial Court Funding Workgroup* (April 26, 2013), [www.courts.ca.gov/documents/jc-20130426-itemO.pdf](http://www.courts.ca.gov/documents/jc-20130426-itemO.pdf).

## **Alternatives considered and policy implications**

The subcommittee considered a number of alternatives to these recommendations.

*Update the salaries in the existing workload model.* The existing workload model sets salary ranges in four economic regions. The economic regions were derived from a consultant study that categorizes the courts into regions that are no longer used for Judicial Council planning and budgeting, and that was conducted for a different purpose than dependency counsel workload. The subcommittee determined that metrics ought to be whenever possible consistent with those used in WAFM.

*Set salaries within county counsel salaries above the midpoint of the first two ranges.* Each county's salary, for the purposes of calculating a statewide median, was set at the midpoint between the entry-level range and the top of the second-level range. Some subcommittee members and public commentators strongly recommended setting the salary at the upper level of the second range or within the third range. Discussion centered around two points: that court-appointed dependency counsel should have experience and qualifications equal to county counsel in the third salary range, and that court-appointed dependency counsel salaries must remain competitive with county counsel salaries.

*Conduct a more thorough survey of county counsel salaries and benefits.* Posted salary ranges are broad and may not be indicative of the actual salaries and experience levels of county counsel in dependency court. At its November meeting, the subcommittee asked staff to conduct a survey of actual salaries and benefits of county counsel in dependency court. After some outreach to counties, staff concluded that the information the subcommittee wanted could not be gathered in time to review and use in developing recommendations. The subcommittee notes that this survey should be carried out by Judicial Council staff when possible and the results used by the Family and Juvenile Law Advisory Committee to examine recommendations 1 and 2 in the course of further study of the workload model.

## **Recommendations 3–4: Benefits and Overhead Calculations**

3. That benefits costs not be calculated directly by any formula, but that the costs be estimated as 15 percent of total costs or 33 percent of salary costs.
4. That the calculation for overhead costs be revised as follows:
  - a. Salaries for line attorneys are calculated using the sources described in recommendations 1 and 2 and constitute 45 percent of the total cost.
  - b. All nonsalary costs (benefits and overhead) constitute 55 percent of the total cost and are estimated on a statewide level as follows:
    - i. Social worker/investigator/paralegal staff, 10%
    - ii. Other salaried workers, 15%
    - iii. Benefits, 15%
    - iv. Operating costs, 15%

### **Rationale for recommendations 3–4**

Models of dependency counsel provision among attorneys and organizations are numerous around the state. They range from solo practitioners who charge hourly fees to complex nonprofit, for-profit, and governmental organizations. The current workload model sets a total funding need for each court by using a standard cost model based on midsize to large attorney firms.<sup>2</sup> This cost model has the following assumptions:

1. The number of attorneys required is derived from a caseload of 188 cases per 1.0 attorney FTE with social worker/investigator staff support.
2. Attorney salaries are set at the middle level of the regional salary tiers.
3. Supervising attorneys are included at 0.15 per 1.0 attorney FTE.
4. Supervisor salaries are set at the upper level of the regional salary tiers.
5. Social worker/investigators are included at 0.5 per 1.0 attorney FTE.
6. Investigator salaries are set at \$55,000 annually, regardless of economic region.
7. Support staff is included at 0.33 per each 1.0 attorney FTE.
8. Support staff salaries are set at \$30,000 annually, regardless of economic region.
9. Benefits are estimated at 25 percent of all salaries.
10. Other operating costs are estimated at an additional 7 percent of total personnel.

The subcommittee's finding from the survey of attorney firm managers on their budget and organization was that court-appointed dependency counsel use very different organizational models. No single method of calculating financial need for court-appointed counsel accounts for all the variance in organizational models and local costs. Nor is the workload model meant to be prescriptive for attorney firms. Rather, the model should provide a means for calculating a total financial need that courts and attorney firms can then implement through a variety of service models.

For that reason, the subcommittee does not recommend methods of calculating benefits, rent, supervisory costs, or other factors that are highly specific or dependent on local factors and organizational models. Instead, line attorney salaries calculated using the method described in Recommendations 1–2 above provide a base funding that accounts, through application of the BLS index, for local costs. Setting a proportion for all other costs at 55 percent of the total means that benefits, rent, and all other costs are also driven by the BLS index and thus adjusted for local costs.

The subcommittee arrived at the percentages for estimated benefits and overhead costs by reviewing the attorney organization survey and comparing reported allocations of direct costs

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<sup>2</sup> Judicial Council of Cal., Center for Families, Children & the Courts, *Dependency Counsel Caseload Standards: A Report to the California Legislature* (Apr. 2008), p. 19, in materials to subcommittee's June 19, 2015, meeting, [www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf](http://www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf).

and overhead to the assumptions implicit in the workload model. The following table compares the reviewed data with the final recommendation.

**Table 1. Percentage Allocation of Direct and Indirect Costs: Attorney Organization Survey, Existing Caseload Funding Model, and Recommendation**

	Staffed attorney firm: Large (n=5; %)	Staffed attorney firm: Midsized (n=5; %)	Governmental Agency (n=4; %)	Existing Caseload Model (2007; %)	Recommendation (2016; %)
Line attorneys	39	41	42	47	45
Social workers/ investigators	5	5	5	13	10
Other salaried	25	18	15	5	15
Benefits	13	7	20	15	15
Contract attorneys	1	7	4	0	0
Operating costs	17	18	12	20	15

**Comments from interested parties**

Attorneys from two Bay Area counties provided comments on the overhead calculations. They recommended that the methodology make allowance for overhead costs for administrative staff and, especially, rent, which are extremely high in the Bay Area. One comment pointed out that commercial rent in San Francisco has increased by 100 percent since 2006.

The subcommittee determined, in this and other instances, that organizational models and local costs vary greatly and that it would not recommend methods of calculating overhead costs that are highly specific or dependent on local factors and organizational models.

**Alternatives considered and policy implications**

The subcommittee considered two alternatives to its recommendations.

**Conduct a more thorough survey of county counsel.** Please see recommendations 1–2 above. The subcommittee agreed that it did not have accurate information on the full compensation package, including benefits, that county counsel receive, and that this information was needed to evaluate whether recommendations on salaries and benefits would create a pay structure that was competitive with that of the counties. As above, the subcommittee notes that this survey should be carried out by Judicial Council staff when possible and the results used by the Family and Juvenile Law Advisory Committee to examine recommendations 1 and 2 in the course of further study of the workload model.

*Set overhead calculation rates to closely reflect local rates.* This alternative was raised by subcommittee members and public commentators. Discussion acknowledged that certain cities in California have market rates for rent and other costs that are unaffordable to court-appointed counsel, and yet the location of the court constrains where attorneys can locate their offices. Members ultimately decided that a statewide data source on overhead rates would still be required to ensure consistency of reporting across counties and that the Bureau of Labor Statistics governmental salary index would serve this purpose.

### **Recommendations 5–6: Caseload**

5. That annual child caseload will be determined for each court using a weighted metric derived from a court’s percentage of total original dependency filings and the court’s percentage total of child welfare caseload; that the child caseload metric be weighted by 30 percent of court filings and 70 percent of child welfare caseload; and that the caseload metric use a rolling average composed of the previous three years.
6. That the ratio used to estimate parent clients continue to be estimated using the multiplier of 0.8 parent case per 1.0 child case.

### **Rationale for recommendations 5–6**

For the purposes of the workload model, juvenile dependency caseload should estimate the number of cases that require the appointment of a court-appointed attorney in each court. This number should include both children and parents who require representation. The two statewide data collection systems that report dependency case numbers at least annually are the California Department of Social Services Child Welfare Services/Case Management System (CWS/CMS) and the Judicial Branch Statistical Information System (JBSIS).

Both systems define a case as an individual child or youth. A child in foster care is counted as a single case; a group of three siblings in foster care is counted as three cases. All courts report original and subsequent dependency filings to JBSIS. Through CWS/CMS, each county child welfare agency records each case under the supervision of the child welfare agency, including cases on voluntary supervision and supervision after dismissal of dependency. Five years ago, at the request of the Judicial Council, CWS/CMS reports began including a filter so that only cases under court supervision would be counted. (This filter is discussed below.) CWS/CMS reports total cases annually and provides a point-in-time snapshot of cases quarterly. It contracts with the University of California, Berkeley, Center for Social Services Research to analyze the statewide data, prepare longitudinal files, and post state- and county-level reports on the UC Berkeley website. The current workload model uses the CWS/CMS point-in-time reports.



No statewide source of data exists for the number of parents represented in each court. The current workload model uses a multiplier of 0.82 parents represented per child case. This ratio was calculated using data from a 2002 time study of attorneys.<sup>3</sup>

The subcommittee reviewed a comparative analysis of court filings from JBSIS and child welfare data from CWS/CMS (Appendix B). The analysis reviewed by the subcommittee included information about the stability of each data source from year to year, a correlation of the two data sources, and differences in how courts rank by total proportion of original dependency filings reported versus child welfare cases reported.<sup>4</sup>

The subcommittee also heard a presentation from the managers of the California Department of Social Services CWS/CMS system and the UC Berkeley Center for Social Services Research on the state child welfare case management system and reports. Much of the discussion centered on the fact that the court-supervision data field was not one of the required fields in the CWS/CMS system and, in the managers' opinion, was likely to be used inconsistently across counties.

The research and discussion underlying the current workload model on whether caseloads should be weighted by sibling groups and current data on nonminor dependents were also reviewed. Finally, data available from DRAFT program counties were presented to show the variance in the proportion of both child and parent cases in each county.<sup>5</sup>

Advantages of using the counts from the child welfare system include using data from a statewide uniform case management system with a common set of data entry standards and using data that can be reported longitudinally (thus providing a snapshot of cases under supervision at a given time). Disadvantages include the fact that local courts have no control over ensuring the accuracy of the data being reported.

Advantages of using the counts from the JBSIS filings include the control and accountability that derive from using court data to determine court dependency counsel budgets. Disadvantages include the fact that filing counts do not provide a snapshot caseload measure but only a count of case entries.

The subcommittee recommends that the workload model continue to use the child welfare caseload numbers, but that these numbers be combined with JBSIS dependency filings to gain

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<sup>3</sup> In 2002, the Judicial Council contracted with the American Humane Association to conduct a quantitative caseload study of trial-level court-appointed dependency counsel based on an assessment of the duties required as part of representation and the amount of time needed to perform those duties.

<sup>4</sup> Full materials are available in subcommittee materials for the July 16, 2015, meeting at [www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf](http://www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf).

<sup>5</sup> The Dependency Representation, Administration, Funding, and Training program is one in which the Judicial Council is responsible for direct attorney contracting and service administration for dependency counsel services in select counties.

the advantages from both data sources. The subcommittee reviewed a range of models combining child welfare and JBSIS counts and recommends a combination of 70 percent child welfare filings and 30 percent JBSIS filings.

The subcommittee also reviewed data on the number of parent cases in the system and found that, consistent with public comment, the ratio of parent-to-child clients varies widely among courts. However, the overall ratio in courts able to provide complete caseload data remained approximately 0.8 parent to 1.0 child client—the ratio set in the 2007 report.

### **Comments from interested parties**

Commentators representing four firms urged that caseload calculations for the allocation methodology be based on actual case counts provided by attorneys in the state. One added that accurate client reporting should be mandated around the state. San Francisco commentators noted that their accurate count of parents and children was much higher than the estimated count the new methodology will produce.

Those who commented on the caseload calculations noted that basing the caseload estimation in part on filings data from the Judicial Branch Statistical Information System would not provide an accurate estimate of workload. One reason given was that filings are counted once, at the beginning of the case, and do not estimate the longevity of a case, which in foster care can extend for 18 years or more. Commentators also noted that the JBSIS statistics used do not take into account petitions based on (variously) Welfare and Institutions Code sections 331, 342, 387 and 388, all of which can result in new dependency cases. One commentator recommended that the subcommittee choose the model that took into account a proportion of 10 percent JBSIS filings data, rather than the 30 percent that the subcommittee approved.

The ratio used to estimate the number of parent clients being served was commented on, with one attorney firm noting that the ratio of parents to children in the firm's county was 1.5 to 1. Another commentator recommended that actual caseload counts be collected by county specifically for the purpose of setting this ratio and periodically adjusting it.

The subcommittee took note of these comments in its decision to base caseloads on a mixed model that takes both court-reported dependency filings and child welfare total population into account. The difficulties experienced in ensuring consistent data reporting in these two statewide systems would be greatly compounded by distributing the responsibility for caseload reporting to all attorneys in the state.

### **Alternatives considered and policy implications**

These recommendations generated the most discussion and proposed alternatives. Subcommittee members and public commentators made the point that available statewide data to count dependency cases are limited to the California Department of Social Services child welfare case counts and the JBSIS filings counts, and that both of these sources are open to question. The child welfare data do not include parents who require dependency representation, and the

indicator in the case management system to identify court-ordered dependents from the full census of children under supervision is inconsistently applied by the counties. JBSIS data do not include parents. They count children who enter the system as dependents, but not longitudinally, so a total census of dependents in the county is unavailable.

In addition, neither data source makes allowances for differences in practice among courts and counties. Many differences were pointed out. Some counties have the resources to conduct lengthy investigations before deciding to file a dependency petition and others do not, so that some counties file fewer cases but the cases have more issues, are likely to stay longer in care, and are more time-consuming. Some counties have a much higher proportion of nonminor dependents than others, and some counties have very high levels of out-of-county placement. Some counties have a much higher proportion of parents represented. These and other factors make it difficult to know if the amount of work represented by a child in dependency is the same from court to court.

***Create a new system of case counting in which dependency attorneys or courts would report their exact child and parent caseloads.*** The current system that attorneys use to report their clients in the DRAFT program could be expanded to provide full coverage of cases in California. At this time, given the staffing available to the trial courts and the Judicial Council, managing such a system is not feasible. Asking trial courts to confirm the attorney case counts would add an additional layer of reporting and require additional resources.

***Create a means of making the current statewide data sources more specific to the workload represented by dependency cases in the court.*** Alternatives proposed included weighting nonminor dependent cases or the ratio of parents to children represented on a county-by-county basis. The subcommittee discussed these issues at length and decided that there was no clear justification for attempting to account for individual child welfare department practice.

***Use a higher or lower proportion of JBSIS filings in the recommended model.*** The subcommittee reviewed relative proportions of cases in courts, ranging from the existing model's use of child welfare case counts exclusively, to a model that used only JBSIS filings. It also reviewed analysis showing the change in relative proportions of case counts at 10 percent, 30 percent, and 50 percent JBSIS filings. It discussed and heard comment that recommended the lower proportion of filings because the child welfare census numbers give a better approximation of workload. Members also noted that the greatest proportion of workload in a dependency case is in the first year, so that a higher proportion of filings is also justified. The subcommittee decided that the 70 percent to 30 percent proportion of child welfare cases to filings most accurately weighed the relative strengths of both systems.

## **Recommendation 7: Small courts**

7. That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases.

### **Rationale for recommendation 7**

The subcommittee reviewed data that confirmed that caseload fluctuations of greater than 10 percent, which can be absorbed within the budgets of larger courts, can represent a large proportion of a small court's entire dependency budget.<sup>6</sup>

The subcommittee discussed whether a minimum level of funding should be provided for small courts. Because most small courts are currently able to establish contracts or hourly pay agreements for dependency counsel, minimum funding did not seem necessary. Caseload fluctuations could be addressed by an application process for additional funds. The subcommittee reviewed data on caseload fluctuations in courts divided into two ranges: those with a census of 0–99 children in dependency and those with 100–199 children. The data showed that about one-half of courts in both groups experience an increase of more than 10 percent in child caseload annually.<sup>7</sup> These increases are frequently balanced by subsequent decreases in the following year (Appendix C).<sup>8</sup> Assuming that courts can absorb up to a 10 percent caseload increase, these increases yielded, in FY 2014–2015, approximately 91 child cases over and above a 10 percent increase. Applying the multiplier for parents of 1.8 brings the total to 164 cases that would be eligible for special funding. Applying a statewide average cost per case of \$875 per year yields a total of \$143,500 to be reserved in the court-appointed counsel statewide budget for this purpose.

The subcommittee discussed making the application process as simple as possible for courts, with minimal requirements for staff to evaluate. The following criteria are suggested to make the staff review of proposals straightforward:

- That small courts be defined as those courts with 200 or fewer children in dependency. Twenty-two courts met this definition in FY 2014–2015.
- That short-term caseload increase be defined as an increase of greater than 10 percent in current child caseload as measured against the child caseload average of the preceding two years.
- That funding be defined as the average funding per case in the court, calculated by this workload model and available funding, applied to the number of cases that have increased over 10 percent of the court's average.
- That “program” in the recommendation be defined as a program administered by Judicial Council staff that consists of a process for a court to demonstrate its increased caseload,

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<sup>6</sup> Of the five smallest courts experiencing increases, the estimate of the increase as a proportion of their budget as calculated by the workload model (not actual budget) was 82% for Sierra, 30% for Inyo, 20% for Amador, 19% for Plumas, and 2% for Trinity.

<sup>7</sup> Child caseloads are the only figure available on a statewide basis in a timely enough way to both verify a court's request and provide assistance within the fiscal year.

<sup>8</sup> Long-term increases in caseload will be accounted for each year when the workload model is run on data from the prior year and new budget figures are generated.

the staff to verify that the increase meets the 10 percent guideline above, and provision to the court of the annual average cost per case for the cases meeting the guidelines.

The subcommittee notes that the approximately \$150,000 that it estimates is required to support this recommendation is more than the \$100,000 that the Judicial Council approved for small court cost overruns in its April 2015 reallocation model. The subcommittee also recommends that the Trial Court Budget Advisory Committee consider a process as part of the court-appointed dependency counsel budget to replenish the \$150,000 if it is expended before the end of the fiscal year.

### **Alternatives considered and policy implications**

The subcommittee discussed, but did not recommend for the reasons given above, setting a minimum budget amount for small courts.

Through public comment, a proposal was recommended that the Judicial Council establish a contract for regional attorney services so that the many small courts in the northern region of the state would have access to trained dependency attorneys when they did experience the need for additional counsel. The subcommittee notes that this proposal could be reviewed by the Family and Juvenile Law Advisory Committee as part of its further work on dependency counsel, should the Judicial Council approve recommendation 10 of this report.

### **Recommendation 8: Court or county obligation**

8. That dependency counsel funding be established in statute as a court function.

#### **Rationale for recommendation 8**

The subcommittee reviewed the legislative history of court-appointed dependency counsel funding in the trial courts. As a result of the enactment of Senate Bill 1195 (Stats. 1986, ch. 1122), the California Senate Select Committee on Children & Youth convened a task force (the SB 1195 Task Force) to make recommendations to the Legislature to improve coordination among child abuse reporting statutes, child welfare services, and juvenile court proceedings. At the same time, the Legislature was engaged in the Trial Court Funding Program, a multiyear process to promote a more uniform level of judicial services throughout California and to relieve some of the fiscal pressures on county governments. (See Trial Court Funding Act of 1985; Stats. 1985, ch. 1607.)

Among its proposals to amend juvenile court law, the task force recommended that both children and parents should receive legal representation once court intervention was determined necessary to protect a child.<sup>9</sup> The Legislature took the first step toward providing legal representation in dependency proceedings in Senate Bill 243 (Stats. 1987, ch. 1485), which added section 317 to the Welfare and Institutions Code to require appointment of counsel both for an indigent parent

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<sup>9</sup> SB 1195 Task Force, *Child Abuse Reporting Laws, Juvenile Court Dependency Statutes, and Child Welfare Services* (Jan. 1988) at pp. 2, 8–9.

whose child has been placed in out-of-home care and for a child who, in the opinion of the court, would benefit from that appointment.<sup>10</sup> (*Id.*, § 21.) The operation of this dual mandate was deferred to January 1, 1989, and conditioned on the enactment of legislation providing funding for trial court operations and defining “court operations” to include the services of court-appointed dependency counsel. (*Id.*, § 53.)

That same year, the Legislature enacted Senate Bill 709 (Stats. 1987, ch. 1211), which made operative the Trial Court Funding Act. Section 41 of SB 709 defined “court operations” eligible for state block grants contingent on the availability of funding to include “court-appointed counsel in juvenile court dependency proceedings.” In 1988, the Brown-Presley Trial Court Funding Act (Assem. Bill 1197 [Stats. 1988, ch. 944]; Sen. Bill 612 [Stats. 1988, ch. 945]) amended the trial court funding structure and secured state appropriations to reimburse the costs of trial court operations, including dependency counsel, at the option of each county.

In the years leading up to the Lockyer-Isenberg Trial Court Funding Act (Assem. Bill 233; Stats. 1997, ch. 850), the Legislature steadily increased funding for court operations. It also took steps to strengthen the voice of children in dependency proceedings. Perhaps most significant was the recognition of children as full parties to dependency proceedings and the entitlement of all represented parties to competent counsel in 1995. (Sen. Bill 783; Stats. 1994, ch. 1073.) The Lockyer-Isenberg Act, which established mandatory, direct state trial court funding, retained court-appointed dependency counsel in the definition of “court operations” in section 77003 of the Government Code. It remains there today.

In 2013, the joint judicial branch–executive branch Trial Court Funding Workgroup recommended that the judicial branch continue its work to ensure that litigants across the state have equal access to justice and that funding is allocated in a fair and equitable manner that promotes greater access consistent with workload.<sup>11</sup> The workgroup’s final report highlighted, as an example of structural improvement, the progress made by the judicial branch’s court-appointed dependency counsel programs in reducing disparate caseloads and providing education to attorneys across the state.<sup>12</sup>

### **Alternatives considered and policy implications**

The subcommittee considered the alternative of recommending legislative changes to transfer funding responsibility for dependency counsel services to the counties. In 2015, the Legislature affirmed its commitment to state funding of court-appointed dependency counsel by devoting a separate item to it in the Budget Act of 2015 and increasing the statewide appropriation by \$11 million to its highest level in history. Given the emphasis placed by both the executive and

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<sup>10</sup> In 2000, Senate Bill 2160 amended section 317(c) to require appointment of counsel for a child unless the court finds on the record that the child will not benefit from the appointment. (Sen. Bill 2160; Stats. 2000, ch. 450, § 1.)

<sup>11</sup> Trial Court Funding Workgroup, *Report to the Judicial Council of California and Governor Edmund G. Brown, Jr.* (Apr. 2013), pp. 8–9, 38–43.

<sup>12</sup> *Id.*, at p. 16.

legislative branches of California government on promoting equal access to justice, allocating trial court funding equitably, and adopting uniform standards and procedures, responsibility for dependency counsel services will not likely be returned to the counties.<sup>13</sup>

### **Recommendation 9: Caseload per Attorney**

9. That the caseload standard be set at the alternate standard that is included in the 2007 workload model: 141 cases per attorney without considering investigator or social worker support.

#### **Rationale for recommendation 9**

The 2007 workload model set a basic caseload standard of 141 cases per dependency attorney. This standard was qualified by noting that many attorneys have access to paralegal, investigator, or social worker staff for appropriate case work. The 2007 workload model estimates that a one-half-time social worker/investigator should enable an attorney to carry a caseload of 188 clients.

The subcommittee reviewed the original analysis that supports the 141/188 caseload and an analysis of current workload data. The subcommittee's conclusion is that attorney workload has changed substantially since the original workload study was conducted in 2002, and that more research needs to be done on attorney workload before a new caseload standard can be set. However, it also appeared to the subcommittee that applying the 188-caseload standard statewide, as the current model does, unfairly disadvantaged the many attorneys who are solo practitioners or who do not have access to investigators and social workers. Therefore, the subcommittee recommends that the basic caseload standard of 141 set in the original report be used for statewide workload calculations. This approach is consistent with the subcommittee's approach to overhead costs in recommendations 3 and 4, which makes line attorney cost the basis for total costs.

#### **Comments from interested parties**

Many commentators urged that the subcommittee adopt the caseload standard of 100 cases per attorney recommended by the American Bar Association and the National Association of Counsel for Children. One comment urged the use of the State Bar *Guidelines on Indigent Defense Services Delivery Systems*.

A common general comment on attorney caseload was that dependency law and practice have become more complex and time-consuming since the original methodology was developed in 2002. Nonminor dependents, specialty courts including family drug courts, the growth of dependency mediation, increasing complexity of parentage, and new child welfare methods such as family finding and safety organized practice have all increased the time required by the attorney for each case.

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<sup>13</sup> In 40 states and the District of Columbia, children's dependency counsel costs (fees and expenses) are paid by the state or the court. In only 12 states is the county responsible for at least some of these costs. (Child Welfare Information Gateway, *Representation of Children in Child Abuse and Neglect Proceedings* (2014), at pp. 4-5.)

The recommended methodology, like the existing methodology, uses the number of cases in the county to estimate the number of attorneys required and ultimately the total funding need of the court. Commentators pointed out that courts and counties use different models of case referral and filing. Some counties file cases on a relatively large proportion of cases referred and investigated. Other counties are more likely to divert families into intensive voluntary services without filing a dependency petition. The result in some counties can be a relatively low number of cases filed, but a high proportion of those cases are cases likely to represent substantial workload on the part of the attorney and the court. For this reason, commentators recommended that attorney workload not be based wholly on caseload but that it take other factors into account.

Other local factors that commentators thought should be incorporated into the workload methodology included the proportion of nonminor dependents in the county, the proportion of out-of-county placements, and the proportion of cases in postpermanency.

The subcommittee determined, in this and other instances, that organizational models and local costs vary greatly and that it would not recommend methods of calculating maximum attorney caseload that are highly specific or dependent on local factors.

#### **Alternatives considered and policy implications**

The subcommittee discussed setting the recommended attorney caseload at a level other than that recommended in the original caseload study. For the reasons given in the rationales for this recommendation and recommendation 10, the subcommittee noted that to develop a new caseload standard from the data currently available is impossible.

#### **Recommendation 10: Comprehensive Update of Workload Data and Time Standards**

10. That the Family and Juvenile Law Advisory Committee consider a comprehensive update of the attorney workload data and time standards in the current workload model. Because any updates to the workload data and time standards will uniformly affect all trial courts, this pending work should not slow or delay the remaining three-year phase-in period previously approved by the Judicial Council for implementing the new dependency counsel funding methodology. Rather this recommendation recognizes that a comprehensive update could not be completed within the time frame set by the Judicial Council for final report from the joint committees.

#### **Rationale for recommendation 10**

The beginning of this section notes the subcommittee's recognition that the time and resources necessary to repeat the research conducted in 2002 and subsequent years, and produce a comprehensive update of the workload model, were unavailable. However, through both its review of available administrative data and the focus groups and surveys of attorneys, the subcommittee found that the current workload model does not adequately capture the work of dependency attorneys.



The subcommittee compared the quantitative data on attorney workload that underlies the current workload model to data on a large group of attorneys practicing in 2014 and 2015. This data review showed serious shortcomings in the existing caseload funding model. In particular, the model appears to greatly underestimate the amount of attorney time that is required for cases that are in the post-permanency phase (most children in these cases will not be reunified with their parents). Whereas the existing model estimates that 5 percent of an attorney's time will be spent on these cases, children's attorneys in the DRAFT program report spending almost 30 percent of their time on those cases. The existing model also significantly underestimates the proportion of time that attorneys are required to spend in court. Analysis of attorney's time logs shows attorneys consistently spending two to four times as long in court as the model estimates is required.

The subcommittee also reviewed the many changes that have taken place in dependency law and practice since the initial research for the existing model was conducted in 2002–2004. Changes that have increased attorney workload but that are not reflected in the existing model include the eligibility of nonminors for dependency and representation, the expansion of dependency drug courts, cases involving dual-status proceedings, cases involving special immigrant juvenile status proceedings, and the greatly increased focus on family finding.

The subcommittee noted that it was able—through surveys, focus groups, data review, and public comment—to review a wealth of information on dependency practice as it exists today. However, this practice represents what is possible given current attorney resources, rather than what would represent effective practice. For this reason the subcommittee recommends that updated research on attorney time allocation be linked to a process of expert review to develop a new attorney workload model that reflects statewide standards of practice.

## **Attachments**

1. Appendix A: Associate, Assistant, or Deputy County Counsel Salary Information
2. Appendix B: Model Combining Filings and Child Welfare Case Numbers
3. Appendix C: Year-to-year changes in court caseload
4. Appendix D: Total Funding Need for Court-Appointed Dependency Counsel Based on the New Workload Methodology

## Appendix A

### Associate, Assistant or Deputy County Counsel Salary Information BLS index applied to median salary

County website searches October 2015

COUNTY	Class I or II	Class I or II	Midrange	BLS Index 2011-2013	Index applied to	Workload
	Min	Max			median salary	Model Estimate
Alameda	73,611	175,115	124,363	1.42	111,072	95,892
Alpine				0.82	64,406	79,539
Amador	72,838	104,878	88,858	0.99	77,602	79,539
Butte	50,714	78,815	64,764	0.92	71,895	67,143
Calaveras	60,307	73,286	66,797	0.86	66,976	79,539
Colusa				0.70	55,066	67,143
Contra Costa	87,010	126,079	106,545	1.25	97,693	114,800
Del Norte	56,117	72,888	64,503	0.79	61,849	67,143
El Dorado	90,210	129,480	109,845	0.99	77,581	79,539
Fresno	49,608	81,146	65,377	1.00	77,958	67,143
Glenn				0.68	53,149	79,539
Humboldt	51,246	77,525	64,386	0.76	59,361	67,143
Imperial	59,400	88,236	73,818	0.77	60,208	67,143
Inyo	68,304	87,240	77,772	0.83	65,027	79,539
Kern	57,830	81,179	69,505	1.05	82,229	79,539
Kings	60,050	85,114	72,582	0.89	69,296	67,143
Lake	47,838	67,314	57,576	0.76	59,366	79,539
Lassen	59,376	71,688	65,532	0.80	62,573	67,143
Los Angeles	65,591	80,084	72,838	1.34	104,396	95,892
Madera	63,646	89,401	76,524	0.94	73,078	79,539
Marin	83,044	119,392	101,218	1.30	101,386	114,800
Mariposa	59,785	79,936	69,861	0.74	57,845	67,143
Mendocino	57,075	72,842	64,958	0.86	67,141	79,539
Merced	58,282	87,526	72,904	0.91	70,923	67,143
Modoc				0.61	47,477	67,143
Mono	108,684	108,684	108,684	1.20	93,721	79,539
Monterey	61,560	100,920	81,240	1.19	93,005	95,892
Napa	80,101	116,917	98,509	1.21	94,625	95,892
Nevada	78,254	105,553	91,904	0.97	75,516	79,539
Orange	70,404	85,116	77,760	1.30	101,519	95,892
Placer	85,051	114,192	99,622	1.14	89,376	95,892
Plumas	52,140	91,788	71,964	0.70	55,081	67,143
Riverside	68,936	121,620	95,278	1.07	83,700	95,892
Sacramento	92,498	106,363	99,430	1.28	99,947	79,539
San Benito	56,856	84,036	70,446	0.97	76,096	79,539
San Bernardino	59,717	100,110	79,914	1.05	82,067	79,539
San Diego	62,754	96,075	79,414	1.17	91,590	95,892
San Francisco	107,952	148,200	128,076	1.61	126,133	114,800

**Associate, Assistant or Deputy County Counsel Salary Information**  
**BLS index applied to median salary**

County website searches October 2015

COUNTY	Class I or II	Class I or II	Midrange	BLS Index 2011-2013	Index	Workload Model Estimate
	Min	Max			applied to median salary	
San Joaquin	63,379	93,677	78,528	1.11	86,861	79,539
San Luis Obispo	67,870	95,514	81,692	1.07	83,780	79,539
San Mateo	86,194	148,468	117,331	1.45	113,129	114,800
Santa Barbara	107,742	145,422	126,582	1.16	90,285	95,892
Santa Clara	101,419	129,164	115,291	1.47	114,839	114,800
Santa Cruz	65,064	109,968	87,516	1.17	91,510	95,892
Shasta	64,524	89,040	76,782	0.85	66,352	67,143
Sierra				0.71	55,856	67,143
Siskiyou	44,244	63,812	54,028	0.71	55,531	67,143
Solano	68,866	113,279	91,072	1.22	95,677	95,892
Sonoma	83,986	112,162	98,074	1.17	91,243	95,892
Stanislaus	57,658	97,802	77,730	1.02	79,977	79,539
Sutter	73,961	99,654	86,808	0.95	74,181	79,539
Tehama	62,172	83,580	72,876	0.80	62,593	67,143
Trinity				0.65	51,119	67,143
Tulare	57,632	79,913	68,773	0.82	64,264	67,143
Tuolumne	57,969	81,370	69,669	0.91	71,035	79,539
Ventura	65,307	116,912	91,109	1.23	95,917	95,892
Yolo	66,965	100,074	83,520	1.01	79,009	79,539
Yuba	61,638	71,148	66,393	0.94	73,509	79,539
Median salary	64,085	94,595	78,150			

## Appendix B

### Model Combining Filings and Child Welfare Case Numbers

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COUNTY	Average Filings	Average CW	Filings %	Cases %
	12-14	Cases 12-14		
Alameda	628	1,769	1.63%	2.44%
Alpine	0	0	0.00%	0.00%
Amador	37	55	0.10%	0.08%
Butte	268	561	0.70%	0.77%
Calaveras	105	135	0.27%	0.19%
Colusa	28	35	0.07%	0.05%
Contra Costa	728	1,214	1.89%	1.67%
Del Norte	50	111	0.13%	0.15%
El Dorado	197	353	0.51%	0.49%
Fresno	874	1,950	2.27%	2.69%
Glenn	53	100	0.14%	0.14%
Humboldt	146	302	0.38%	0.42%
Imperial	211	372	0.55%	0.51%
Inyo	9	19	0.02%	0.03%
Kern	844	1,805	2.19%	2.49%
Kings	196	478	0.51%	0.66%
Lake	53	133	0.14%	0.18%
Lassen	53	71	0.14%	0.10%
Los Angeles	16,700	29,089	43.38%	40.08%
Madera	227	373	0.59%	0.51%
Marin	63	106	0.16%	0.15%
Mariposa	25	30	0.07%	0.04%
Mendocino	158	298	0.41%	0.41%
Merced	406	688	1.05%	0.95%
Modoc	14	15	0.04%	0.02%
Mono	4	10	0.01%	0.01%
Monterey	160	367	0.41%	0.51%
Napa	87	151	0.23%	0.21%
Nevada	66	117	0.17%	0.16%
Orange	1,389	3,051	3.61%	4.20%
Placer	515	392	1.34%	0.54%
Plumas	33	55	0.08%	0.08%
Riverside	3,035	5,254	7.88%	7.24%
Sacramento	1,121	2,637	2.91%	3.63%
San Benito	58	110	0.15%	0.15%
San Bernardino	2,544	4,700	6.61%	6.48%
San Diego	1,609	3,862	4.18%	5.32%
San Francisco	570	1,296	1.48%	1.79%
San Joaquin	599	1,486	1.56%	2.05%
San Luis Obispo	269	443	0.70%	0.61%
San Mateo	204	485	0.53%	0.67%

Santa Barbara	263	630	0.68%	0.87%
Santa Clara	545	1,495	1.42%	2.06%
Santa Cruz	203	357	0.53%	0.49%
Shasta	256	611	0.66%	0.84%
Sierra	3	3	0.01%	0.00%
Siskiyou	76	118	0.20%	0.16%
Solano	246	440	0.64%	0.61%
Sonoma	259	628	0.67%	0.87%
Stanislaus	390	630	1.01%	0.87%
Sutter	82	155	0.21%	0.21%
Tehama	143	207	0.37%	0.29%
Trinity	47	77	0.12%	0.11%
Tulare	605	1,088	1.57%	1.50%
Tuolumne	73	126	0.19%	0.17%
Ventura	598	1,040	1.55%	1.43%
Yolo	204	336	0.53%	0.46%
Yuba	169	159	0.44%	0.22%
<hr/> Total	38,497	72,577	100.00%	100.00%

COUNTY	10%	Change from 100% CW	30%	Change from 100% CW	50% Filings	Change from 100% CW
	Filings Propor. of state		Filings Propor. of state			
Alameda	2.36%	-3.3%	2.19%	-9.9%	2.03%	-16.5%
Alpine	0.00%	-10.0%	0.00%	-30.0%	0.00%	-50.0%
Amador	0.08%	2.6%	0.08%	7.7%	0.09%	12.8%
Butte	0.76%	-1.0%	0.75%	-2.9%	0.73%	-4.9%
Calaveras	0.19%	4.6%	0.21%	13.8%	0.23%	23.1%
Colusa	0.05%	5.0%	0.05%	15.1%	0.06%	25.2%
Contra Costa	1.69%	1.3%	1.74%	3.9%	1.78%	6.6%
Del Norte	0.15%	-1.5%	0.15%	-4.4%	0.14%	-7.3%
El Dorado	0.49%	0.5%	0.49%	1.5%	0.50%	2.6%
Fresno	2.65%	-1.5%	2.56%	-4.6%	2.48%	-7.7%
Glenn	0.14%	0.0%	0.14%	0.1%	0.14%	0.1%
Humboldt	0.41%	-0.9%	0.41%	-2.7%	0.40%	-4.6%
Imperial	0.52%	0.7%	0.52%	2.1%	0.53%	3.5%
Inyo	0.03%	-1.5%	0.03%	-4.6%	0.02%	-7.7%
Kern	2.46%	-1.2%	2.40%	-3.6%	2.34%	-5.9%
Kings	0.64%	-2.3%	0.61%	-6.8%	0.58%	-11.3%
Lake	0.18%	-2.5%	0.17%	-7.5%	0.16%	-12.4%
Lassen	0.10%	4.0%	0.11%	12.0%	0.12%	19.9%
Los Angeles	40.41%	0.8%	41.07%	2.5%	41.73%	4.1%
Madera	0.52%	1.5%	0.54%	4.4%	0.55%	7.3%
Marin	0.15%	1.1%	0.15%	3.4%	0.15%	5.7%
Mariposa	0.04%	6.1%	0.05%	18.3%	0.05%	30.5%
Mendocino	0.41%	0.0%	0.41%	-0.1%	0.41%	-0.2%
Merced	0.96%	1.1%	0.98%	3.3%	1.00%	5.6%
Modoc	0.02%	8.0%	0.03%	24.0%	0.03%	40.1%
Mono	0.01%	-2.8%	0.01%	-8.5%	0.01%	-14.2%
Monterey	0.50%	-1.8%	0.48%	-5.4%	0.46%	-9.0%
Napa	0.21%	0.8%	0.21%	2.5%	0.22%	4.1%
Nevada	0.16%	0.6%	0.16%	1.8%	0.17%	3.1%
Orange	4.14%	-1.4%	4.03%	-4.3%	3.91%	-7.1%
Placer	0.62%	14.8%	0.78%	44.4%	0.94%	73.9%
Plumas	0.08%	1.1%	0.08%	3.4%	0.08%	5.6%
Riverside	7.30%	0.9%	7.43%	2.7%	7.56%	4.4%
Sacramento	3.56%	-2.0%	3.42%	-6.0%	3.27%	-9.9%
San Benito	0.15%	0.0%	0.15%	0.1%	0.15%	0.1%
San Bernardino	6.49%	0.2%	6.52%	0.6%	6.54%	1.0%
San Diego	5.21%	-2.1%	4.98%	-6.4%	4.75%	-10.7%
San Francisco	1.76%	-1.7%	1.69%	-5.1%	1.63%	-8.5%
San Joaquin	2.00%	-2.4%	1.90%	-7.2%	1.80%	-12.0%
San Luis Obispo	0.62%	1.4%	0.64%	4.3%	0.65%	7.2%
San Mateo	0.65%	-2.1%	0.63%	-6.2%	0.60%	-10.3%

Santa Barbara	0.85%	-2.1%	0.81%	-6.3%	0.78%	-10.6%
Santa Clara	2.00%	-3.1%	1.87%	-9.4%	1.74%	-15.6%
Santa Cruz	0.50%	0.7%	0.50%	2.1%	0.51%	3.5%
Shasta	0.82%	-2.1%	0.79%	-6.3%	0.75%	-10.5%
Sierra	0.00%	15.1%	0.01%	45.4%	0.01%	75.7%
Siskiyou	0.17%	2.2%	0.17%	6.5%	0.18%	10.8%
Solano	0.61%	0.5%	0.62%	1.6%	0.62%	2.7%
Sonoma	0.85%	-2.2%	0.81%	-6.7%	0.77%	-11.1%
Stanislaus	0.88%	1.7%	0.91%	5.1%	0.94%	8.4%
Sutter	0.21%	0.0%	0.21%	-0.1%	0.21%	-0.2%
Tehama	0.29%	3.1%	0.31%	9.2%	0.33%	15.3%
Trinity	0.11%	1.6%	0.11%	4.9%	0.11%	8.2%
Tulare	1.51%	0.5%	1.52%	1.5%	1.54%	2.4%
Tuolumne	0.18%	0.9%	0.18%	2.8%	0.18%	4.7%
Ventura	1.45%	0.8%	1.47%	2.5%	1.49%	4.2%
Yolo	0.47%	1.4%	0.48%	4.3%	0.50%	7.2%
Yuba	0.24%	10.1%	0.28%	30.2%	0.33%	50.4%
<hr/> Total						

## Appendix C

### Year-to-year changes in court caseload

	Child Welfare Caseload			Change 2013 -- 2015			
	2013	2014	2015	2013-2014	2014-2015	2013-2014	2014-2015
	n	n	n	n	n	%	%
Sierra	1	1	4	0	3	0%	300%
Modoc	11	20	15	9	-5	82%	-25%
Mono	11	9	10	-2	1	-18%	11%
Inyo	23	14	26	-9	12	-39%	86%
Colusa	32	44	31	12	-13	38%	-30%
Mariposa	37	20	17	-17	-3	-46%	-15%
Amador	42	62	85	20	23	48%	37%
Plumas	45	45	65	0	20	0%	44%
Trinity	75	79	89	4	10	5%	13%
Lassen	78	75	61	-3	-14	-4%	-19%
Glenn	86	106	103	20	-3	23%	-3%
Calaveras	105	183	176	78	-7	74%	-4%
Marin	108	116	129	8	13	7%	11%
Siskiyou	109	125	130	16	5	15%	4%
Tuolumne	113	111	132	-2	21	-2%	19%
Nevada	119	112	99	-7	-13	-6%	-12%
Del Norte	122	100	117	-22	17	-18%	17%
San Benito	126	105	99	-21	-6	-17%	-6%
Lake	128	145	142	17	-3	13%	-2%
Napa	140	168	185	28	17	20%	10%
Sutter	152	138	154	-14	16	-9%	12%
Yuba	153	188	234	35	46	23%	24%
Tehama	205	213	251	8	38	4%	18%
Humboldt	280	348	412	68	64	24%	18%
Mendocino	293	337	313	44	-24	15%	-7%
Yolo	310	358	360	48	2	15%	1%
Madera	336	427	359	91	-68	27%	-16%
Monterey	349	407	433	58	26	17%	6%
Santa Cruz	358	303	341	-55	38	-15%	13%
Imperial	360	412	515	52	103	14%	25%
El Dorado	382	366	352	-16	-14	-4%	-4%
Placer	382	429	421	47	-8	12%	-2%
Solano	411	444	532	33	88	8%	20%
San Mateo	469	515	541	46	26	10%	5%
Kings	483	500	653	17	153	4%	31%
San Luis Obispo	486	451	421	-35	-30	-7%	-7%
Butte	498	525	656	27	131	5%	25%
Shasta	614	636	576	22	-60	4%	-9%
Sonoma	617	607	599	-10	-8	-2%	-1%



Stanislaus	634	728	621	94	-107	15%	-15%
Santa Barbara	666	599	577	-67	-22	-10%	-4%
Merced	725	743	660	18	-83	2%	-11%
Ventura	957	1149	1060	192	-89	20%	-8%
Tulare	1020	1121	1257	101	136	10%	12%
Contra Costa	1223	1200	1221	-23	21	-2%	2%
San Francisco	1280	1315	1263	35	-52	3%	-4%
San Joaquin	1437	1627	1643	190	16	13%	1%
Santa Clara	1461	1598	1669	137	71	9%	4%
Alameda	1702	1860	1817	158	-43	9%	-2%
Kern	1789	1647	1800	-142	153	-8%	9%
Fresno	1823	2027	2200	204	173	11%	9%
Sacramento	2346	2879	3091	533	212	23%	7%
Orange	3090	2959	2906	-131	-53	-4%	-2%
San Diego	3832	3726	3653	-106	-73	-3%	-2%
San Bernardino	4618	5040	5687	422	647	9%	13%
Riverside	4931	5536	5669	605	133	12%	2%
Los Angeles	28556	30776	30631	2220	-145	8%	0%
Total	70923	75965	77453	5042	1488	7%	2%

**Attachment D. Total Funding Need for Court-Appointed Dependency Counsel Based on the New Workload Methodology Recommended by the CAC Funding Allocation Methodology Joint Subcommittee**

	Average Filings 12/13 to 14/15	Average CW Cases 2012, 2013, 2014	Filings %	Cases %	Sum of Weighted %	Partially Redistributed Caseload	BLS Index 2011-2013	Annual Salary	Caseload Multiplied by Estimated Child-to-Parent Case Ratio	Attorneys Needed Per Caseload	Total Salaries	Total Funding Need
Court	A	B	C	D	E (.3C+.7D)	F (B*E)	G	H (G*Median Salary)	I (F*1.8)	J (I/141)	K (H*J)	L (K/.45)
Alameda	628	1,769	1.63%	2.44%	2.19%	1,593	1.42	\$ 111,096	2,868	20.34	\$ 2,259,356	\$ 5,020,790
Alpine	0	0	0.00%	0.00%	0.00%	0	0.83	\$ 64,768	0	0.00	\$ 193	\$ 429
Amador	37	55	0.10%	0.08%	0.08%	59	1.00	\$ 78,084	107	0.76	\$ 59,049	\$ 131,221
Butte	268	561	0.70%	0.77%	0.75%	544	0.91	\$ 71,014	980	6.95	\$ 493,379	\$ 1,096,397
Calaveras	105	135	0.27%	0.19%	0.21%	154	0.89	\$ 69,284	277	1.96	\$ 135,942	\$ 302,092
Colusa	28	35	0.07%	0.05%	0.05%	40	0.71	\$ 55,398	72	0.51	\$ 28,228	\$ 62,728
Contra Costa	728	1,214	1.89%	1.67%	1.74%	1,262	1.25	\$ 97,907	2,271	16.11	\$ 1,577,010	\$ 3,504,467
Del Norte	50	111	0.13%	0.15%	0.15%	106	0.77	\$ 60,353	191	1.36	\$ 81,798	\$ 181,773
El Dorado	197	353	0.51%	0.49%	0.49%	358	1.00	\$ 77,829	645	4.57	\$ 355,792	\$ 790,649
Fresno	874	1,950	2.27%	2.69%	2.56%	1,860	0.99	\$ 77,269	3,348	23.74	\$ 1,834,469	\$ 4,076,599
Glenn	53	100	0.14%	0.14%	0.14%	100	0.69	\$ 53,620	181	1.28	\$ 68,723	\$ 152,719
Humboldt	146	302	0.38%	0.42%	0.41%	294	0.77	\$ 60,304	529	3.75	\$ 226,348	\$ 502,996
Imperial	211	372	0.55%	0.51%	0.52%	380	0.78	\$ 61,170	684	4.85	\$ 296,865	\$ 659,699
Inyo	9	19	0.02%	0.03%	0.03%	18	0.83	\$ 65,055	33	0.24	\$ 15,310	\$ 34,022
Kern	844	1,805	2.19%	2.49%	2.40%	1,741	1.05	\$ 82,433	3,133	22.22	\$ 1,831,751	\$ 4,070,558
Kings	196	478	0.51%	0.66%	0.61%	446	0.88	\$ 68,798	802	5.69	\$ 391,396	\$ 869,768
Lake	53	133	0.14%	0.18%	0.17%	123	0.75	\$ 58,783	222	1.57	\$ 92,359	\$ 205,243
Lassen	53	71	0.14%	0.10%	0.11%	79	0.80	\$ 62,798	143	1.01	\$ 63,724	\$ 141,608
Los Angeles	16,700	29,089	43.38%	40.08%	41.07%	29,807	1.34	\$ 104,763	53,653	380.52	\$ 39,864,194	\$ 88,587,098
Madera	227	373	0.59%	0.51%	0.54%	389	0.93	\$ 73,011	701	4.97	\$ 362,850	\$ 806,333
Marin	63	106	0.16%	0.15%	0.15%	110	1.28	\$ 99,927	197	1.40	\$ 139,868	\$ 310,818
Mariposa	25	30	0.07%	0.04%	0.05%	35	0.78	\$ 60,851	63	0.45	\$ 27,262	\$ 60,583
Mendocino	158	298	0.41%	0.41%	0.41%	298	0.83	\$ 65,165	536	3.80	\$ 247,911	\$ 550,914
Merced	406	688	1.05%	0.95%	0.98%	711	0.90	\$ 70,118	1,280	9.08	\$ 636,674	\$ 1,414,831
Modoc	14	15	0.04%	0.02%	0.03%	19	0.60	\$ 46,925	33	0.24	\$ 11,146	\$ 24,769
Mono	4	10	0.01%	0.01%	0.01%	9	1.15	\$ 89,801	16	0.11	\$ 10,135	\$ 22,521
Monterey	160	367	0.41%	0.51%	0.48%	347	1.19	\$ 93,336	625	4.43	\$ 413,702	\$ 919,337
Napa	87	151	0.23%	0.21%	0.21%	155	1.22	\$ 95,399	278	1.98	\$ 188,424	\$ 418,719
Nevada	66	117	0.17%	0.16%	0.16%	119	0.97	\$ 75,721	214	1.52	\$ 114,845	\$ 255,211
Orange	1,389	3,051	3.61%	4.20%	4.03%	2,922	1.30	\$ 101,662	5,259	37.30	\$ 3,791,605	\$ 8,425,788
Placer	515	392	1.34%	0.54%	0.78%	565	1.17	\$ 91,570	1,018	7.22	\$ 660,985	\$ 1,468,855
Plumas	33	55	0.08%	0.08%	0.08%	57	0.70	\$ 54,714	103	0.73	\$ 39,959	\$ 88,798
Riverside	3,035	5,254	7.88%	7.24%	7.43%	5,394	1.08	\$ 84,361	9,709	68.86	\$ 5,808,972	\$ 12,908,827
Sacramento	1,121	2,637	2.91%	3.63%	3.42%	2,479	1.28	\$ 100,174	4,463	31.65	\$ 3,170,823	\$ 7,046,273
San Benito	58	110	0.15%	0.15%	0.15%	110	0.98	\$ 76,874	198	1.40	\$ 107,714	\$ 239,365
San Bernardino	2,544	4,700	6.61%	6.48%	6.52%	4,729	1.06	\$ 82,626	8,511	60.37	\$ 4,987,726	\$ 11,083,836
San Diego	1,609	3,862	4.18%	5.32%	4.98%	3,613	1.17	\$ 91,784	6,503	46.12	\$ 4,233,397	\$ 9,407,548
San Francisco	570	1,296	1.48%	1.79%	1.69%	1,230	1.68	\$ 131,331	2,213	15.70	\$ 2,061,479	\$ 4,581,064
San Joaquin	599	1,486	1.56%	2.05%	1.90%	1,379	1.10	\$ 86,183	2,483	17.61	\$ 1,517,371	\$ 3,371,936

**Attachment D. Total Funding Need for Court-Appointed Dependency Counsel Based on the New Workload Methodology Recommended by the CAC Funding Allocation Methodology Joint Subcommittee**

	Average Filings 12/13 to 14/15	Average CW Cases 2012, 2013, 2014	Filings %	Cases %	Sum of Weighted %	Partially Redistributed Caseload	BLS Index 2011-2013	Annual Salary	Caseload Multiplied by Estimated Child-to-Parent Case Ratio	Attorneys Needed Per Caseload	Total Salaries	Total Funding Need
Court	A	B	C	D	E (.3C+.7D)	F (B*E)	G	H (G*Median Salary)	I (F*1.8)	J (I/141)	K (H*J)	L (K/.45)
San Luis Obispo	269	443	0.70%	0.61%	0.64%	462	1.07	\$ 83,774	832	5.90	\$ 494,147	\$ 1,098,105
San Mateo	204	485	0.53%	0.67%	0.63%	455	1.44	\$ 112,902	820	5.81	\$ 656,224	\$ 1,458,275
Santa Barbara	263	630	0.68%	0.87%	0.81%	590	1.17	\$ 91,117	1,061	7.53	\$ 685,944	\$ 1,524,319
Santa Clara	545	1,495	1.42%	2.06%	1.87%	1,355	1.44	\$ 112,572	2,438	17.29	\$ 1,946,825	\$ 4,326,278
Santa Cruz	203	357	0.53%	0.49%	0.50%	365	1.15	\$ 90,124	657	4.66	\$ 419,662	\$ 932,583
Shasta	256	611	0.66%	0.84%	0.79%	573	0.85	\$ 66,767	1,031	7.31	\$ 488,157	\$ 1,084,793
Sierra	3	3	0.01%	0.00%	0.01%	4	0.73	\$ 57,147	7	0.05	\$ 2,652	\$ 5,894
Siskiyou	76	118	0.20%	0.16%	0.17%	126	0.69	\$ 54,275	227	1.61	\$ 87,306	\$ 194,013
Solano	246	440	0.64%	0.61%	0.62%	447	1.20	\$ 94,008	805	5.71	\$ 536,886	\$ 1,193,081
Sonoma	259	628	0.67%	0.87%	0.81%	586	1.17	\$ 91,131	1,055	7.48	\$ 681,835	\$ 1,515,189
Stanislaus	390	630	1.01%	0.87%	0.91%	662	1.02	\$ 79,432	1,191	8.45	\$ 670,811	\$ 1,490,691
Sutter	82	155	0.21%	0.21%	0.21%	155	0.95	\$ 74,571	279	1.98	\$ 147,662	\$ 328,137
Tehama	143	207	0.37%	0.29%	0.31%	226	0.80	\$ 62,373	407	2.88	\$ 179,926	\$ 399,836
Trinity	47	77	0.12%	0.11%	0.11%	80	0.65	\$ 51,107	145	1.03	\$ 52,480	\$ 116,623
Tulare	605	1,088	1.57%	1.50%	1.52%	1,104	0.83	\$ 64,475	1,986	14.09	\$ 908,308	\$ 2,018,463
Tuolumne	73	126	0.19%	0.17%	0.18%	130	0.83	\$ 64,582	234	1.66	\$ 107,103	\$ 238,008
Ventura	598	1,040	1.55%	1.43%	1.47%	1,067	1.21	\$ 94,948	1,920	13.62	\$ 1,292,876	\$ 2,873,057
Yolo	204	336	0.53%	0.46%	0.48%	351	1.03	\$ 80,152	631	4.48	\$ 358,720	\$ 797,156
Yuba	169	159	0.44%	0.22%	0.28%	207	0.93	\$ 72,573	372	2.64	\$ 191,453	\$ 425,452
<b>Total</b>	<b>38,497</b>	<b>72,577</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>72,577</b>			<b>130,639</b>	<b>927</b>	<b>\$ 88,117,709</b>	<b>\$ 195,817,132</b>

Median annual salary of county attorneys     \$    78,150

**Trial Court Trust Fund -- Fund Condition Statement**

#	Description	FY 2014-15 (Year-End Financial Statement)	FY 2015-16 (Year-End Financial Statement)	FY 2016-17 (Estimated)	FY 2017-18 (Estimated)	FY 2018-19 (Estimated)	FY 2019-20 (Estimated)	FY 2020-21 (Estimated)
		Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G
1	Beginning Balance	21,218,232	6,614,017	34,829,875	44,515,289	33,962,269	26,416,442	18,496,169
2	Prior-Year Adjustments	5,624,798	7,208,461	653,287	-	-	-	-
3	<b>Adjusted Beginning Fund Balance</b>	<b>26,843,030</b>	<b>13,822,478</b>	<b>35,483,161</b>	<b>44,515,289</b>	<b>33,962,269</b>	<b>26,416,442</b>	<b>18,496,169</b>
4	Revenue	1,341,324,951	1,294,611,392	1,273,892,898	1,331,543,982	1,329,312,970	1,329,312,970	1,329,312,970
5	<i>Maintenance of Effort Obligation Revenue</i>	<i>659,050,502</i>	<i>659,050,502</i>	<i>659,050,502</i>	<i>659,050,502</i>	<i>659,050,502</i>	<i>659,050,502</i>	<i>659,050,502</i>
6	<i>Civil Fee Revenue</i>	<i>355,952,541</i>	<i>360,029,026</i>	<i>351,928,045</i>	<i>348,464,093</i>	<i>352,050,222</i>	<i>352,050,222</i>	<i>352,050,222</i>
7	<i>Court Operations Assessment Revenue</i>	<i>139,931,778</i>	<i>120,193,147</i>	<i>106,217,441</i>	<i>131,186,979</i>	<i>122,317,989</i>	<i>122,317,989</i>	<i>122,317,989</i>
8	<i>Civil Assessment Revenue</i>	<i>159,372,012</i>	<i>128,402,757</i>	<i>127,729,329</i>	<i>162,971,715</i>	<i>165,107,610</i>	<i>165,107,610</i>	<i>165,107,610</i>
9	<i>Parking Penalty Assessment Revenue</i>	<i>24,994,594</i>	<i>25,069,491</i>	<i>27,248,562</i>	<i>28,085,130</i>	<i>29,004,384</i>	<i>29,004,384</i>	<i>29,004,384</i>
10	<i>Interest from SMIF</i>	<i>151,376</i>	<i>335,260</i>	<i>613,938</i>	<i>613,938</i>	<i>613,938</i>	<i>613,938</i>	<i>613,938</i>
11	<i>Sanctions and Contempt Fines</i>	<i>1,586,715</i>	<i>981,144</i>	<i>978,231</i>	<i>978,231</i>	<i>978,231</i>	<i>978,231</i>	<i>978,231</i>
12	<i>Miscellaneous Revenue</i>	<i>285,431</i>	<i>550,065</i>	<i>126,851</i>	<i>193,394</i>	<i>190,095</i>	<i>190,095</i>	<i>190,095</i>
13	General Fund Transfer	922,648,255	943,724,000	1,021,832,000	972,498,000	972,498,000	972,498,000	972,498,000
14	General Fund Transfer - Court-Appointed Dependency Counsel	-	114,700,000	114,700,000	114,700,000	114,700,000	114,700,000	114,700,000
15	General Fund Transfer - Revenue Backfill	30,900,000	58,900,000	71,100,000	47,900,000	52,200,000	52,200,000	52,200,000
16	Reduction Offset Transfers	26,080,000	6,080,000	6,080,000	6,080,000	6,080,000	6,080,000	6,080,000
17	Net Other Transfers/Charges/Reimbursements	12,678,778	13,217,422	11,857,803	12,998,023	12,998,023	12,998,023	12,998,023
18	<b>Total Revenue and Transfers/Charges/Reimbursements</b>	<b>2,333,631,984</b>	<b>2,431,232,814</b>	<b>2,499,462,701</b>	<b>2,485,720,005</b>	<b>2,487,788,993</b>	<b>2,487,788,993</b>	<b>2,487,788,993</b>
19	<b>Total Resources</b>	<b>2,360,475,014</b>	<b>2,445,055,292</b>	<b>2,534,945,862</b>	<b>2,530,235,293</b>	<b>2,521,751,261</b>	<b>2,514,205,435</b>	<b>2,506,285,161</b>
20	<b>Expenditures/Encumbrances/Allocations</b>							
21	Program 30 (0140) - Expenditures/Allocations	19,718,918	15,990,132	3,041,000	3,084,000	3,053,000	3,053,000	3,053,000
22	Program 30.05 (0140010) - Judicial Council (Staff)	4,095,938	3,620,851	3,041,000	3,084,000	3,053,000	3,053,000	3,053,000
23	Program 30.15 (0140019) - Trial Court Operations	15,622,980	12,369,281	-	-	-	-	-
24								
25	Program 45 (0150) - Expenditures/Allocations	2,333,437,799	2,393,944,116	2,487,281,206	2,493,189,025	2,492,281,819	2,492,656,266	2,492,331,266
26	Program 45.10 (0150010) - Support for Trial Court Operations	1,883,174,214	1,816,242,767	1,886,975,880	1,889,406,729	1,890,836,787	1,890,561,234	1,890,886,234
27	Program 0150011 - Court-Appointed Dependency Counsel	-	114,387,117	114,700,000	114,700,000	114,700,000	114,700,000	114,700,000
28	Program 45.25 (0150019) - Comp. of Superior Court Judges	319,803,869	330,369,783	338,431,000	338,431,000	338,431,000	338,431,000	338,431,000
29	Program 45.35 (0150028) - Assigned Judges	24,792,538	25,199,733	27,005,000	27,005,000	27,005,000	27,005,000	27,005,000
30	Program 45.45 (0150037) - Court Interpreters	96,802,928	99,598,715	101,266,326	103,677,000	103,677,000	103,677,000	103,677,000
31	Program 45.55 (0150046) - Grants	8,864,250	8,146,000	8,147,000	8,973,119	8,366,653	8,366,653	8,366,653
32	Program 0150095 - Expenses on Behalf of the Trial Courts	-	-	10,756,000	10,996,177	9,265,380	9,915,380	9,265,380
33	Item 601 - Redevelopment Agency Writ Case Reimbursements	704,280	291,169	108,368	-	-	-	-
34	<b>Total, Expenditures/Encumbrances/Allocations</b>	<b>2,353,860,997</b>	<b>2,410,225,417</b>	<b>2,490,430,574</b>	<b>2,496,273,025</b>	<b>2,495,334,819</b>	<b>2,495,709,266</b>	<b>2,495,384,266</b>
35	<b>Ending Fund Balance</b>	<b>6,614,017</b>	<b>34,829,875</b>	<b>44,515,289</b>	<b>33,962,269</b>	<b>26,416,442</b>	<b>18,496,169</b>	<b>10,900,895</b>
36								
37	<b>Fund Balance Detail</b>							
38	Restricted Fund Balance	16,294,708	13,769,783	23,080,120	20,396,556	20,446,003	20,446,003	20,446,003
39	<i>Emergency Needs Reserve</i>	<i>-</i>	<i>-</i>	<i>10,000,000</i>	<i>10,000,000</i>	<i>10,000,000</i>	<i>10,000,000</i>	<i>10,000,000</i>
40	<i>Funds Held on Behalf of the Trial Courts</i>	<i>-</i>	<i>-</i>	<i>1,097,992</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
41	<i>Court Interpreter Program</i>	<i>10,917,600</i>	<i>9,043,514</i>	<i>8,819,479</i>	<i>8,819,479</i>	<i>8,819,479</i>	<i>8,819,479</i>	<i>8,819,479</i>
42	<i>Court-Appointed Dependency Counsel Collections</i>	<i>1,574,692</i>	<i>2,186,060</i>	<i>1,195,032</i>	<i>1,048,776</i>	<i>1,098,224</i>	<i>1,098,224</i>	<i>1,098,224</i>
43	<i>Redevelopment Agency Writ Case Reimbursements</i>	<i>927,837</i>	<i>636,668</i>	<i>528,300</i>	<i>528,300</i>	<i>528,300</i>	<i>528,300</i>	<i>528,300</i>
44	<i>Refund to courts of overcharges for JCC services</i>	<i>380,151</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
45	<i>Equal Access Fund</i>	<i>-</i>	<i>454,039</i>	<i>698,494</i>	<i>-</i>	<i>0</i>	<i>0</i>	<i>0</i>
46	<i>Sargent Shriver Civil Counsel</i>	<i>2,494,429</i>	<i>1,449,503</i>	<i>740,823</i>	<i>-</i>	<i>0</i>	<i>0</i>	<i>0</i>
47	Unrestricted Fund Balance	(9,680,691)	21,060,092	21,435,168	13,565,713	5,970,439	(1,949,834)	(9,545,108)
48								
49	<b>Revenue and Transfers Annual Surplus/(Deficit)</b>	<b>(20,229,013)</b>	<b>21,007,397</b>	<b>9,032,127</b>	<b>(10,553,020)</b>	<b>(7,545,826)</b>	<b>(7,920,274)</b>	<b>(7,595,274)</b>