



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR OCTOBER 18, 2018

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TRIAL COURT BUDGET ADVISORY COMMITTEE

NOTICE AND AGENDA OF OPEN IN-PERSON MEETING

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

THIS MEETING IS BEING RECORDED

Date: October 18, 2018
Time: 12:15 p.m. - 1:30 p.m.
Location: Judicial Council of California Boardroom
455 Golden Gate Avenue, San Francisco, CA 94102
Public Call-in Number: 1-877-820-7831; Passcode 1884843 (Listen Only)

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

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [insert e-mail address].

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the July 31, August 7, and August 14, 2018 Trial Court Budget Advisory Committee meetings.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

In-Person 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 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 October 17, 2018 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-2)

Item 1

AB 1058 Allocation Recommendation (Action Required)

Consideration of a report from the AB 1058 Funding Allocation Joint Subcommittee regarding the allocation methodology for the commissioner component of the child support program.

Presenter(s)/Facilitator(s): Hon. Mark A. Cope, Cochair, AB 1058 Funding Allocation Joint Subcommittee
Ms. Anna Maves, Supervising Attorney/AB 1058 Program Manager, Judicial Council Center for Families, Children, & the Courts
Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services

Item 2

2018-19 \$75 Million New Funding (Action Required)

Consideration of how the new funding impacts the Workload-based Allocation and Funding Methodology need.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Leah Rose-Goodwin

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Workload-based Allocation and Funding Methodology (WAFM) Adjustment Request Process (ARP)

Provide a reminder of the ARP submission process as it relates to requesting or recommending a WAFM adjustment.

Presenter(s)/Facilitator(s): Hon. Daniel J. Buckley, Cochair, Funding Methodology Subcommittee

Ms. Rebecca Fleming, Cochair, Funding Methodology
Subcommittee

Ms. Leah Rose-Goodwin

Info 2

Trial Court Trust Fund (TCTF) Revenue Backfill Shortfall Update

Final update on the 2017-18 TCTF shortfall.

Presenter(s)/Facilitator(s): Ms. Donna Newman, Supervisor, Judicial Council
Budget Services

Info 3

Children's Waiting Room (CWR) Cap Adjustment

First annual report requirement of three trial court balances with cap adjustments.

Presenter(s)/Facilitator(s): Ms. Melissa Ng, Senior Budget Analyst, Judicial Council
Budget Services

Info 4

Discussion

General Discussion.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

July 31, 2018

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

2860 Gateway Oaks Drive, Suite 400 Sacramento, CA 95833

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. James E. Herman, Hon. Joyce D. Hinrichs, Hon. Charles Margines, Hon. Paul M. Marigonda, and Hon. Brian L. McCabe (phone).

Executive Officers: Ms. Sherri Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Ms. Rebecca Fleming, Ms. Kimberly Flener, Mr. Kevin Harrigan, Mr. Michael D. Planet (phone), Mr. Michael M. Roddy, Ms. Linda Romero-Soles, Ms. Tania Ugrin-Capobianco, and Mr. David Yamasaki.

Judicial Council Staff Advisory Members: Mr. Zlatko Theodorovic

Advisory Body Members Absent: Judges: Hon. Jeffrey B. Barton, Hon. Andrew S. Blum, and Hon. Patricia M. Lucas.

Executive Officers: Mr. Brian Taylor

Advisory Members: Mr. John Wordlaw

Others Present: Ms. Lucy Fogarty, Ms. Leah Rose-Goodwin, Ms. Brandy Sanborn, Ms. Kristin Greenaway, Mr. Catrayel Wood, Ms. Melissa Ng.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:02 a.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the enter date, Trial Court Budget Advisory Committee meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

Item 1

Funding Methodology Subcommittee (FMS) Work Plan (Action Required)

Consideration of recommendations of the FMS regarding updates to the work plan.

Presenter(s): Ms. Lucy Fogarty, Deputy Director, Judicial Council Budget Services

Action: The Trial Court Budget Advisory Committee unanimously approved the recommendation to approve the FMS recommendations with a change to amend item g to read, "Review

court-appointed dependency council allocations and determine allocation methodology for 2019-20 as it relates to the small courts only.”

Item 2
Allocation of \$75 Million in New Funding (Action Required)

Consideration of recommendations of the FMS regarding an allocation methodology for the \$75 million in new funding in the Budget Act of 2018.

Presenter(s): Ms. Lucy Fogarty

Action: The Trial Court Budget Committee unanimously approved the following recommendation, with an amendment to items iii:

Option 2 (Proportionate Share)

Option 2 would allocate funds in the following manner:

- i. Bring all Cluster 1 courts up to 100% of funding need based on WAFM.
- ii. Allocate a 1.96% increase for court-provided non-sheriff security.
- iii. Allocate the remainder of the \$75 million of *discretionary funds* to all courts, save for the Cluster 1 courts, proportionally based on their 2018-19 base allocation following the Judicial Council actions taken on July 20, 2018. *There continues to be a commitment to WAFM allocations in future years.*

Item 3
Allocation Methodology for 2019-20 Self-Help Funding (Action Required)

Consideration of recommendations of the FMS regarding an allocation methodology for all self-help funding beginning in 2019-20.

Presenter(s): Ms. Kristin Greenaway, Supervising Research Analyst, Judicial Council Budget Services

Action: The Trial Court Budget Advisory Committee unanimously approved the following recommendations:

1. *Adopt a three-year population update schedule using rolling 3-year average census data from the California Department of Finance, Demographic Research Unit, Population Estimates for Cities and Counties and the State. The next update, and potential change in self-help allocations, would be made in 2021-22.*
2. *For information purposes only, Judicial Council Budget Services staff will provide annual updates of three-year average census data from the California Department of Finance, Demographic Research Unit, Population Estimates for Cities and Counties and the State. The next informational update would be for 2019-20.*
3. *Maintain the current baseline allocation of \$34,000 per courts and revisit in 2021 after the November 30, 2020 report to the Legislature.*

Item 4
Allocation Methodology for Interpreter Program Shortfall (Action Required)

Consideration of recommendations of the FMS regarding a methodology for allocating a structural shortfall in Court Interpreter Program beginning in 2018-19.

Presenter(s): Mr. Catrayel Wood, Senior Budget Analyst, Judicial Council Budget Services

Action: The Trial Court Budget Advisory Committee has referred to Judicial Council Budget Services staff to prepare a report setting forth alternative recommendations that may resolve the shortfall issue if there is no Budget Change Proposal, including a one-time Trial Court Trust Fund augmentation and review of the 2018-19 BCP dollars up to \$4 million for the Language Access Plan, to submit back to the committee for a telephonic meeting for recommendation to the Judicial Council at its September business meeting. The vote was as follows:

- Yes: 18
- No: 1
- Abstain: 0

Item 5

2017-18 Preliminary One-Time Reduction for Fund Balances Above the 1% Cap (Action Required)

Review of preliminary submissions of 2017-18 one-time reductions for fund balances.

Presenter(s): Ms. Melissa Ng, Senior Budget Analyst, Judicial Council Budget Services

Action: The Trial Court Budget Advisory Committee unanimously approved the recommendation of the 2017-18 preliminary one-time allocation reduction of \$658,398 to eight courts that are projecting the portion of their ending fund balance that is subject to the 1 percent cap to exceed the cap by \$658,398 as required by statute.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:20 p.m.

Approved by the advisory body on enter date.



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF ACTION BY EMAIL BETWEEN MEETINGS

August 7, 2018
11:00 a.m.

Email Proposal

The Trial Court Budget Advisory Committee (TCBAC) was asked review and vote on comments received in relation to an amendment to California Rule of Court 10.64 as introduced in the 2018 TCBAC agenda.

Notice

On July 31, 2018, a notice was posted advising that TCBAC was proposing to act by email between meetings under California Rules of Court, rule 10.75(0)(1)(B).

Public Comment

The public comment period ended at 1:00 p.m. on Tuesday, August 7, 2018. No public comments were received.

Action Taken

TCBAC members were asked to vote between 11:09 a.m. and 5:00 p.m. on August 7, 2018. Twenty-three members submitted votes via e-mail, unanimously approving the recommendation.



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

August 14, 2018
12:00 p.m.
Teleconference

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Andrew S. Blum, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Joyce D. Hinrichs, Hon. Patricia M. Lucas, Hon. Charles Margines, Hon. Paul M. Marigonda, and Hon. Brian L. McCabe.

Executive Officers: Ms. Sherri Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Ms. Rebecca Fleming, Mr. Kevin Harrigan, Mr. Michael D. Planet, Mr. Michael M. Roddy, Ms. Linda Romero-Soles, Mr. Brian Taylor, Ms. Tania Ugrin-Capobianco, and Mr. David Yamasaki.

Judicial Council Staff Advisory Members: Mr. Zlatko Theodorovic

Advisory Body Members Absent: Judges: Hon. James E. Herman
Executive Officers: Ms. Kimberly Flener

Others Present: Ms. Lucy Fogarty, Ms. Leah Rose-Goodwin, Ms. Brandy Sanborn, Ms. Kristin Greenaway, Mr. Catrayel Wood, Ms. Melissa Ng.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:02 p.m., and took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 1-1)

Item 1

Allocation Methodology for Interpreter Program Shortfall (Action Required)

Consideration of recommendations regarding a methodology for allocating a structural shortfall in Court Interpreter Program (CIP) beginning in 2018-19.

Presenter(s): Mr. Catrayel Wood, Senior Budget Analyst, Judicial Council Budget Services

Action: The Trial Court Budget Committee unanimously approved the following recommendation, with two amendments:

Option 1

Recommend the allocation of TCTF fund balance on a one-time basis.

Current projections indicate that the TCTF has sufficient reserves to address the anticipated current year shortfall. Allocation of fund balance from the TCTF *up to \$3.4 million* on a one-time basis will enable courts to maintain the CIP at its current level through 2018-19. *Judicial Council Budget Services staff will continue monitoring the shortfall and will provide regular updates to the committee.*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:38 p.m.

Approved by the advisory body on enter date.

DRAFT



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on January 14-15, 2019

Title

Child Support: AB 1058 Child Support
Commissioner and Family Law Facilitator
Program Funding Allocation

Agenda Item Type

Action Required

Date of Report

October 1, 2018

Submitted by

AB 1058 Funding Allocation Joint
Subcommittee
Hon. Mark Ashton Cope, Cochair
Hon. Joyce D. Hinrichs, Cochair
Hon. Mark A. Juhas, Cochair

Contact

Anna L. Maves, Supervising Attorney
916-263-8624
anna.maves@jud.ca.gov

Executive Summary

At its meeting on April 17, 2015, the Judicial Council approved the recommendation of the Family and Juvenile Law Advisory Committee that the AB1058 Funding Allocation Joint Subcommittee be established to reconsider the allocation methodology developed in 1997 for the AB1058 Child Support Commissioner and Family Law Facilitator Program. The joint subcommittee, which included representatives from the Family and Juvenile Law Advisory Committee, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and the California Department of Child Support Services, was charged to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

At the February 2016 council meeting, the council reconstituted the joint subcommittee, directed that funding should be allocated for fiscal year 2016-2017 using the historical funding methodology, and directed the joint subcommittee to develop a workload-based funding methodology to begin implementation for fiscal year 2018-2019, and then to delay making that recommendation until fiscal year 2019-2020 to incorporate the work on the Workload-based Allocation and Funding Methodology (WAFM) completed in 2018, and to coordinate with

California Department of Child Support Services (DCSS) on their current review of funding allocations for local child support agencies.

The joint subcommittee reformed and began meeting to discuss an allocation methodology based on workload and consistent with the established programmatic guiding principles. The joint subcommittee completed its work in September 2018 after extensive discussions and review of relevant information.

The joint subcommittee was asked to report back to the Family and Juvenile Law Advisory Committee, the Trial Court Budget Advisory Committee, and the Workload Assessment Advisory Committee the recommendation of the joint subcommittee. This report is being provided in response to the directive and includes the recommendations of the joint subcommittee as well as the report back from the three respective advisory committees.

Recommendation

The AB 1058 Funding Allocation Joint Subcommittee recommends that the Judicial Council take the following actions related to the allocation of funding for the AB1058 Child Support Commissioner and Family Law Facilitator Funding:

1. Approve a new funding methodology for the AB 1058 child support commissioner program base funding that is workload based and employs the same workload and cost structures as WAFM as described below and set forth in Attachment A.
2. Begin reallocating AB1058 child support commissioner program base grant funds based upon that methodology in fiscal year 2019-2020 as set forth in Attachment B and described below to ensure that funding changes are capped and smaller courts can continue to operate their programs.
3. Direct the Family and Juvenile Law Advisory Committee to review the implementation of the AB 1058 funding methodology, including its impact on the performance of the program as federally mandated.
4. Direct the Family and Juvenile Law Advisory Committee to make a recommendation for AB 1058 funding a minimum service level for smaller courts for fiscal year 2021-2022.
5. Direct the Trial Court Budget Advisory Committee (TCBAC) to consider continued reallocation of funds every two years beginning with fiscal year 2021-2022 considering the recommendations of the Family and Juvenile Law Advisory Committee.
6. Maintain the current funding methodology for the Family Law Facilitator program until fiscal year 2021-2022.
7. Direct the Family and Juvenile Law Advisory Committee to gather information and make recommendations to TCBAC for fiscal year 2021-2022 on a funding methodology for Family Law Facilitators.
8. Direct the Family and Juvenile Law Advisory Committee to make recommendations concerning allocation of federal title IV-D draw down funds (to be matched by the trial courts) beginning in fiscal year 2019-2020 that allocate each court its proportion of the total funds up to the amount the court requests and is prepared to match.

Previous Council Action

The Judicial Council is required annually to allocate non-Trial Court Trust Funds to the Child Support Commissioner and Family Law Facilitator Program and has done so since 1997. The council receives recommendations on these allocations annually from the Family and Juvenile Law Advisory Committee. Funds for this program are provided through a cooperative agreement between the DCSS and the Judicial Council. The agreement requires the council to annually approve the funding allocation for each court for the child support commissioners and family law facilitators. Two-thirds of the funds are provided from the U.S. Department of Health and Human Services Administration for Children and Families, Office of Child Support Enforcement, through the 1996 Federal Personal Responsibility and Work Opportunity Recovery Act (PRWORA) and one-third of the funds come from the state General Fund (non-Trial Court Trust Fund court funding). This funding is commonly referred to as “base funding.” Any funds left unspent during the fiscal year revert to the state General Fund and cannot be used in subsequent years.

Historical Funding Methodology

The initial allocation of funds for fiscal year 1997-1998 used the active child support cases¹ at each county’s district attorney’s office² as the measure of workload. Each court was guaranteed a minimum level of funding regardless of the funding it would otherwise receive based on the workload measure. In subsequent years, the Family and Juvenile Law Advisory Committee made recommendations for adjustments to courts’ allocations based on their responses to annual questionnaires regarding their funding needs.

Since 2008, due to the state budget crisis, the title IV-D program has been flat-funded. Because there are no additional funds available for the program, the Judicial Council has allocated funds to the courts at the same level the court received in the prior fiscal year, less any amount a court indicated they did not need, for both the Child Support Commissioner Program and Family Law Facilitator Program. Further, as a temporary stop-gap measure to ensure that courts could maintain services levels, starting in 2008, courts who were able to contribute trial court funds to provide matching funds, previously provided by DCSS to the Judicial Council, were provided a mechanism for the courts to participate in the federal drawdown option. This option allows courts to receive two-thirds of additional program funding by paying one-third of program costs from local trial court funds and receiving two-thirds federal matching funds.

Formation of the Joint Subcommittee

¹ Active child support cases were defined as those cases in which the noncustodial parent had been located and a child order was established or reserved.

² In 1997, the district attorney’s offices handled child support matters, which continued until the transition of this caseload to the newly-formed Department of Child Support Services and each county’s local child support agency in 2000.

Since 1997, significant demographic shifts have led to changes in counties' proportional share of the statewide child support caseload. The resulting shift in workload raised concerns about the utility of the current historical model in allocating program funds equitably.

At its meeting on April 17, 2015, the council approved the recommendation from the Family and Juvenile Law Advisory Committee that the AB 1058 Funding Allocation Joint Subcommittee (joint subcommittee) be established to review the allocation methodology developed in 1997 for the AB 1058 Child Support Commissioner (CSC) and Family Law Facilitator (FLF) programs. After three open meetings, the joint subcommittee, at its February 26, 2016 meeting, presented to the council its recommendations and the separate recommendations of the Family and Juvenile Law, Trial Court Budget, and Workload Assessment Advisory Committees. At that meeting, the council approved the following actions:

- Adopt the recommendation of the joint subcommittee for revising the process of how funds are moved from one court to another during a fiscal year to maximize program resources.
- Reappoint the joint subcommittee for at least fiscal year (FY) 2016–2017 to continue consideration of the allocation of the Assembly Bill 1058 funds.
- Continue to allocate funding using the historical model for fiscal years 2016–2017 and 2017–2018, develop a workload-based funding methodology to begin implementation in FY 2018–2019, and coordinate with the California Department of Child Support Services (DCSS) on its current review of funding allocations for local child support agencies.
- Instruct the joint subcommittee to continue its work to determine accurate and complete workload numbers to include in a funding methodology for both child support commissioners and family law facilitators.
- When developing a funding methodology, determine whether the family law facilitator methodology should use different underlying data than the child support commissioner methodology, and identify what data should be used, given that different factors drive commissioner and facilitator workloads.
- As part of the joint subcommittee's funding methodology determination, establish subject-matter-expert (SME) groups comprising both child support commissioners and family law facilitators to provide input and expertise to the joint subcommittee.
- Instruct the joint subcommittee to report back to the council at its December 2016 meeting after providing a report to the Family and Juvenile Law, Trial Court Budget, and Workload Assessment Advisory Committees to ensure statewide input.

At its December 16, 2016 meeting, the Council received the joint subcommittee's interim report which noted that the development of a workload-based funding methodology is ongoing and a

final recommendation on a proposed model is anticipated for the January or February 2018 Council.

In October of 2017, the joint subcommittee was directed to delay making a recommendation for implementation of a new funding methodology until at least fiscal year 2019-2020 following the Judicial Council's reconsideration of the Workload-based Allocation and Funding Methodology (WAFM) that was discussed at the council's meeting in January 2018.

Rationale for Recommendation

Methodology and Process

Since its reconstitution by the Council in February of 2016, the joint subcommittee has held ten open meetings³ to develop guiding principles for a funding model, discuss data available to measure workload for child support commissioners and family law facilitators, and review federal and state law and contractual requirements to meet the requirements of the AB 1058 grant. Following the council's directive, the joint subcommittee additionally created two SME groups—one composed of child support commissioners (CSCs) and another of family law facilitators (FLFs)—to provide input and expertise to the joint subcommittee. The SME groups met 1-2 times per month from June of 2016 to April of 2017 to identify factors that might impact workload in the AB 1058 courts and provided their final reports to the joint subcommittee at its May 11, 2017 meeting.

The joint subcommittee spent several meetings developing principles for a funding methodology for the AB 1058 program, starting with its January 19, 2018 meeting. The members began by identifying the aspects of the historical funding methodology which worked and those which did not work. To draw from the expertise of the SME groups, the joint subcommittee invited representatives from each subject-matter-expert group to serve as advisory members to the joint subcommittee during these discussions. Systematically, the members went through each positive and negative factor of the current methodology and developed principles that would underlie a new funding methodology to address these factors.

In discussing the principles for a methodology, the members emphasized the importance of maintaining the predictability, stability, and transparency of the program, while still having a model that could be flexible to changes in workload. The discussions reinforced the need to develop a workload-based methodology that would work statewide, and that would not threaten the current performance nor adversely impact a court's compliance with the federal grant requirements. The joint subcommittee wanted to preserve local court decision-making and judicial independence, while also seeking to maximize the utility of Title IV-D court resources statewide and supporting collaboration with DCSS to be responsive to changes in policies and

³ The joint subcommittee held open meetings on the following dates: August 8, 2016; September 22, 2016; May 11, 2017; July 31, 2017; January 19, 2018; March 12, 2018; April 18, 2018; June 19, 2018; August 20, 2018; and September 10, 2018.

practices. Lastly, the members stressed the need to work towards obtaining quality data generated and managed by the court to ensure transparency and accountability within the branch.

At its September 10, 2018 meeting, the joint subcommittee approved the following principles to follow in developing a new funding methodology:

- Equitable allocation/credibility
- Maintain statewide federal performance measures
- Establish consistent and reliable data reporting
- Consistent access to justice
- Funding allocation methodology will support advocacy and new funding, including replacement of federal drawdown funds with permanent funds
- Fund every court at minimum level of service
- Maximize all funds, including reallocation

With these principles in mind, the joint subcommittee established a basic framework for a proposed CSC base funding model. At the onset, it was anticipated that further modifications would be made to this base model to ensure all courts had sufficient funding to maintain minimum services.⁴

The base funding model estimates the workload-based need for child support commissioners and the staff to support those commissioners, excluding the family law facilitator, using the same principles and model parameters as the Resource Assessment Study (RAS) model and the WAFM. Child support commissioner (CSC) need is estimated by taking a three-year average of governmental child support filings⁵ (fiscal years 2014-15 through 2016-17) and multiplying those filings by the caseweight in the family law-other petitions category (46 minutes)⁶. The product is then divided by the judicial workload year value. The result is an estimate of the full-time equivalents (FTE) needed for the workload. To convert the FTE estimate into dollars, the subcommittee directed staff to use an average salary for commissioners equivalent to 85% of a judges' salary. Statewide average estimates for salary-driven and non-salary driven benefits,

⁴ Family Code 4251(a) requires, "...each superior court [to] provide sufficient commissioners to hear Title IV-D child support cases filed by the local child support agency."

⁵ Prior to FY 2018-2019, the definition for title IV-D governmental child support cases in the Judicial Branch Statistical Information System (JBSIS) did not include all cases with involvement by the local child support agencies, which the joint subcommittee decided should be included to appropriately measure workload. Starting with the current fiscal year, courts are directed to include all cases in which the local child support agency intervenes, including family law cases in which the local child support agency is entered to establish, enforce, or modify a child support order. It is anticipated that it will take several months for courts to adjust their case management systems to the new definition, meaning complete case counts for title IV-D governmental child support cases may not be available until 2019.

⁶ As the latest Judicial Needs Study did not determine case weights for title IV-D governmental child support cases specifically, the case weights for the "Family Law-Other Petitions" case type was used to assess CSC staffing need for each court. Future Judicial Needs Study will determine a separate case weight for title IV-D governmental child support cases that can be applied to the CSC funding model.

from WAFM, were applied, as was a multiplier for operating expenses and equipment (OE&E), using the same parameters as the WAFM model.

A similar approach was taken to estimate the workload-based need for staff support. Again, the family law facilitator FTE was omitted from the calculation because of the separate funding stream for that program, and the committee's decision to address that funding on a separate timeline. For non-CSC staff, the three-year average of filings was multiplied by a modified RAS caseweight used to measure child support workload. The original version of that caseweight includes the facilitator workload, but program staff were able to use other workload analyses to back out that time and use the remaining modified weight of 253.4 minutes to assess the need for non-facilitator program staff. In addition to line staff, estimates for managers/supervisors and administrative staff (HR, IT, finance) were made using the same ratios as the RAS model. The subcommittee also approved using a ratio of 1.25 courts reporters to each judicial officer needed, consistent with RAS. The RAS estimates for the staff year value and the WAFM parameters for salary, benefits, and labor costs were used to convert the FTE need to dollars. The OE&E factor used in WAFM was also applied on the staff side.

The joint subcommittee reviewed this base model and two variants of it during its August 20, 2018 conference call. Members made suggestions for additional modifications, which were presented at the September 10, 2018 in-person meeting, during which the joint subcommittee made its final recommendations.

Child Support Commissioner Base Funding Methodology and Implementation of Reallocation

The subcommittee recommends that the council adopt a methodology for assessing the workload-driven need for child support commissioners and related staff in the AB 1058 program that is consistent with the WAFM and RAS models as described above. However, because this methodology would result in dramatic funding cuts or increases in most courts which would impact the courts' ability to provide the services required to meet federal and state law and contractual provisions associated with the funding (see Attachment A), the subcommittee is also recommending that the initial reallocation cap the total amount that each court's program can be cut or increased at five percent. In addition, the joint subcommittee recognizes that the allocation of funds for small courts must be adjusted to take into account the reality that they cannot hire a child support commissioner, who is barred from doing other legal work, from the very small allocations that would be provided to them based on workload alone. To address these challenges under the existing funding allocation, a number of courts have entered into intra-branch agreement in which they share a child support commissioner and thus are able to meet federal, state and contractual requirements while attracting qualified attorneys to serve as commissioners.⁷ To ensure that these programs can continue to fulfill their statutory and

⁷ The courts that share a Child Support Commissioner and whose funding would be maintained at current levels if the recommendation noted above is adopted are the following: 1) Alpine and El Dorado, 2) Nevada and Sierra, 3)

contractual obligations, the joint subcommittee is recommending that those courts (cluster 1 courts and any courts with an existing intra-branch agreement with another court for AB 1058 services) be funded at no less than their current levels for fiscal year 2019-2020 and 2020-2021 (see Attachment B for proposed FY 2019-2020 and 2020-2021 allocations).

Review of Future Child Support Commissioner Base Funding Needs and Allocation

While the joint subcommittee is recommending that the council move towards a funding allocation that is based upon each court's workload, it also recognizes that there is work to be done to refine and revise the allocations to take into account improved workload data collection that is currently underway as a result of improved data definitions in JBSIS implemented beginning in the current fiscal year, as well as a need to reexamine the appropriate minimum level of funding needed to ensure that each court can fulfill its AB 1058 obligations and maintain or improve program performance as measured by federal performance standards on establishing and enforcing child support orders. Thus, the joint subcommittee is recommending that the Family and Juvenile Law Advisory Committee be directed to undertake a review of the funding model using the updated workload data from JBSIS and the forthcoming time studies and to develop recommendations to be submitted to TCBAC on:

- Reallocation of funds in FY 2021-2022 and every two years thereafter; and
- The minimum funding level for each court to meet its statutory and contractual obligations.

TCBAC would then be responsible for making recommendations to the council on the continued implementation and revision of the methodology as well as the allocation of funds.

FLF Funding Model Recommendation

In considering options for allocating FLF funding, the joint subcommittee discussed various metrics for measuring workload. The joint subcommittee recognized that the work performed by the FLF is not easily measured based on the current available data. FLFs routinely provide services that do not result in court filings and provide support for individuals where the jurisdiction of the case resides in a different court. As most FLFs are incorporated into court's Self-Help Centers, the joint subcommittee reviewed the methodology used for allocating self-help funding. The self-help funding model gives each court a base level of funding of \$34,000 and then allocates the remaining funds based on population.

The governor's budget for FY 2018–2019 budget included \$19.1 million in new funds for the self-help program, which would be allocated following the same model. These new funds are intended to be used to expand self-help services in the court and the Judicial Council is required to report back to the Legislature on the impact of the new funds on self-help programs statewide. The joint subcommittee was concerned that changing the FLF historic funding allocation may result in the inability to accurately measure the impact of the increase in self-help funds and could threaten the success of the implementation of new self-help program funding. The joint

Shasta and Trinity, 4) Monterey and San Benito, 5) Colusa, Glenn, Plumas, and Tehama, 6) Mariposa and Tuolumne, 7) Sutter, Yolo, and Yuba, and 8) Inyo and Mono.

subcommittee considered whether the best option would be to defer the development of a new FLF funding model until after the analysis of the implementation of the new self-help program funding was complete.

The joint subcommittee recommends that FLF base and federal drawdown funding be allocated using the existing funding allocation methodology until at least fiscal year 2021-2022 when a review of the impact of the self-help funding can be undertaken and better workload data for FLF offices can be gathered. The joint subcommittee is recommending that the Family and Juvenile Law Advisory Committee be directed to gather the data and information needed to make recommendations to TCBAC on a method and timeframe for allocating FLF base and drawdown funds on a workload basis that conforms with the principles established by the joint subcommittee to inform future FLF funding allocations.

Federal Drawdown Funds Recommendation

In 2008, due to a statewide budget crisis, funding for the AB1058 program was reduced. In order to maintain service levels, some courts elected to contribute trial court funds to uses as a match to drawdown federal title IV-D funds. Courts were able to receive 2 federal dollars for every dollar courts were able to contribute, up to a maximum amount negotiated with the Department of Child Support Services. This was intended to be a stop gap measure to maintain service levels until funding could be restored. Because trial courts are required to contribute their own funds to drawdown federal funds, the joint subcommittee determined that the federal drawdown funds should be allocated following a different methodology than what would be used for the base funds.

Currently, the process for allocating these funds is based on courts indicating whether they have sufficient trial court funds to participate in this funding and identifying the amount that they are able to contribute as matching funds. An annual questionnaire is completed by each court, in which the court indicates if they want to increase, decrease, or keep the same level of federal drawdown funds as for the prior year. If the requested increases exceed the total federal drawdown funds available to the program, the requested increases are prorated down to available funds based on the allocation of the base funding.

The joint subcommittee recommends that federal drawdown funds be allocated proportionally to each court based on the new funding allocations up to the amount that a court requests and can match. If the request for federal drawdown funds exceed the amount available to allocate, these funds should be allocated in proportion to court's base funding. This proportional allocation should be continued until all drawdown funds are allocated to those courts who are willing and able to provide the matching funds. The joint subcommittee also recommends that the council seek to have these funds restored to the base funding of the program so that courts are no longer required to provide matching funds.

Advisory committees

The joint subcommittee approved with modifications the draft of this report on October ____, 2018. Thereafter, under the council's directive, the report was provided to the three advisory committees to ensure statewide input.

On _____, the Family and Juvenile Advisory Committee (F&J) _____

On _____, the Trial Court Budget Advisory Committee (TCBAC) _____

On _____, the Workload Assessment Advisory Committee (WAAC) _____

Comments, Alternatives Considered, and Policy Implications

The joint subcommittee made a concerted effort to garner as much public input as possible. As noted above, at the direction of the council, the joint subcommittee created two SME groups – one composed of CSCs and one composed of FLF – who met 1-2 times per month from June of 2016 to April of 2017 to identify factors that might impact workload in the AB 1058 courts. The SME groups provided their final reports to the joint subcommittee at its May 11, 2017 meeting. The joint subcommittee also invited a representative from each SME group to serve as advisory members for three of the joint subcommittee's meetings.

Prior to each of its ten open meetings, the joint subcommittee notified all CSCs and FLFs, the stakeholders most directly impacted by the funding methodology, requesting their written public comments or oral public comments at the meetings themselves. Collectively, the joint subcommittee received seven written public comments and seven oral public comments. The commentators include a CSC, three FLFs (including the President of the California Family Law Facilitator Association, who spoke on the association's behalf), a superior court, and the Child Support Directors Association.

Some of the main concerns expressed included the following:

- the need to maintain a minimum level of funding so that all courts can provide adequate services to fulfill their contractual and statutory requirements, particularly since the failure of any one court to meet these requirements can jeopardize the funding for the program as a whole,
- the belief that AB 1058 workload for CSCs is best measured by counting motions since it is a motion-based practice and the same number of case filings in two different counties can lead to very different levels of workload based on the practices of the LCSAs in each county,
- the importance of not relying on filings for measuring FLF workload as the work of FLFs often does not lead to actual filings in the court and when they do the filings often occur in counties other than the one in which the FLF provides services,
- the reality that a drastic change in funding for courts will impact the ability of the LCSAs to complete their work within the federally-mandated timeframes, and

- the need to gradually phase-in any new funding methodology to allow courts time to adjust and to plan accordingly.

In addition to the input given directly to the joint subcommittee, DCSS hired an outside consultant, MAXIMUS, to conduct an extensive analysis on the available workload data and options for workload-based funding models. MAXIMUS presented its recommendations for a funding model to the joint subcommittee for its consideration.

All of this feedback and commentary was taken into consideration during the joint subcommittee's discussions, during which it considered various approaches to developing a funding methodology for child support commissioner, family law facilitator and federal drawdown funds for FY 2019-2020. What follows is a description of the alternative approaches to a funding methodology considered by the joint subcommittee and the rationale for rejecting these approaches and moving forward with the proposal recommended above.

Child Support Commissioner

Alternative 1

Use workload data from the Department of Child Support Services. The joint subcommittee considered using data from DCSS's case management system to measure the workload of CSCs. This data is entered into the statewide system by the local child support agencies (LCSAs) and is reported annually to the federal government. Based on local policies and practices, LCSAs may enforce child support orders in counties where the court within that county does not have jurisdiction. Concerns were raised that the data tracked by the LCSA that shows its workload may not be consistent with the workload of the court located within the same county. The joint subcommittee additionally raised concerns about the building a judicial branch funding methodology using data collected by parties to a case⁸ to measure the workload of judicial officers. Consistent with the stated guideline of having a methodology that relies on data generated and managed by the branch, the joint subcommittee elected to recommend use of the JBSIS filings data instead.

Alternative 2

Use motions data rather than case filings data. Responding to the concern raised by commentators and specifically by the CSC SME group that the AB 1058 is a motion-based practice whose workload is best measured by counts of motions, the joint subcommittee spent substantial time discussing the possible use of motions as a workload measure. It was determined that there were no reliable measures of motions statewide, and the best proxy for motions was hearings. Members voiced concerns about the ability to manipulate hearing totals, even if unintentional. Moreover, if hearings were to be used as the measure, the joint subcommittee noted that about one-third of courts, including some of the largest, do not enter motions or hearings data into JBSIS, which would leave the DCSS hearings data as the only option for

⁸ While DCSS itself is not a litigant in the superior court cases that would be impacted by this funding methodology, the LCSAs who collect the caseload data are parties to the all governmental title IV-D child support cases.

obtaining these counts in every jurisdiction. Recognizing the joint subcommittee's aim to use data generated and managed by the court, and not by an outside party, the joint subcommittee rejected this option. Rather, after many discussions over the course of several meetings, the joint subcommittee concluded that RAS takes into account the number of hearings on average that are set in the life of a case, making the case filing count via JBSIS the best available workload measure for CSCs based on the criteria set by the joint subcommittee.

Alternative 3

Use a 1-to-1 ratio for court reporters to child support commissioners. The joint subcommittee recognized the need to include court reporters in the child support commissioner base funds funding model and considered using a 1-to-1 ratio. The joint subcommittee discussed the unique nature of court reporter work and that court reporters are not interchangeable with other court staff. The joint subcommittee recognized that WAFM uses a 1-to-1.25 ratio for judicial officer to court reporter ratio. The joint subcommittee rejected using a 1-to-1 ratio so that the funding model would be aligned with WAFM and more accurately identify actual funding need for the courts.

Alternative 4

Limit only decreases in funding to no more than 5 percent from what the court received in funding from the prior fiscal year. The proposed methodology attempts to balance the competing goals of allocating funding based on the workload of each court and the ability of each court to continue to provide a minimum level of services. The court considered placing a cap only on any decrease in funding any court could receive from the prior fiscal year. The joint subcommittee acknowledged the discrete nature of the program and the challenges that the courts face in making adjustments to maximize the use of funding when additional funding is made available as well as when funding is reduced. Therefore, the joint subcommittee recommended that a reallocation in funding should be capped for courts who would receive a decrease in funding as well as courts who would receive an increase.

Alternative 5

Include minimum funding for cluster 1 courts only. The joint subcommittee recognized the need to provide a minimum amount of funding for the smallest courts in order for those courts to continue to meet the statutory and contractual requirements of the child support program. The joint subcommittee further recognized that some of these courts have reached intra-branch agreements with other cluster 1 courts or with larger courts in their area to meet the federal and state requirements of the program and the needs of the communities. The joint subcommittee was concerned that not maintaining existing funding to courts who have an existing agreement would create a gap in necessary funding to meet the obligations of the agreement. In addition, the joint subcommittee concluded that there was insufficient information to determine the amount of minimum funding necessary for the smallest courts and reducing funding could have unintended consequences.

Alternative 6

Include cluster 1 courts and courts who have an intra-branch agreement for shared services in the model variance that limits any increase or decrease in funding to 5 percent.

The joint subcommittee considered including cluster 1 courts and courts with an intra-branch agreement, in the recommended variance of limiting any increase or decrease in funding by no more than 5 percent. In balancing the competing goals of developing a funding methodology that has simplicity and transparency with the need to ensure the federal, state and contractual requirements of the program are met, the joint subcommittee concluded that there was insufficient information to make this recommendation, but that this issue could be reexamined after the Family and Juvenile Law Advisory Committee evaluates the minimum services levels necessary to ensure compliance with federal, state, and contractual requirements and make recommendations to the Trial Court Budget Advisory Committee.

Family Law Facilitator Funding

The joint subcommittee considered identifying data to measure the workload of the family law facilitator's office and developing a funding methodology based on workload consistent with other trial court funding allocation methods. However, as most family law facilitator offices are located within courts' self-help centers, the joint subcommittee was concerned that any reallocation of family law facilitator funding could have unintended consequences on measuring the impact and expansion of services that result from the \$19.1 million in increased self-help funds. Ultimately, the joint subcommittee determined that the current funding methodology, for both base funds and federal drawdown funds should be left in place until the courts can expand self-help services with the additional funds and complete the required cost/benefit analysis due to the Legislature on the impacts of the new funds.

Federal Drawdown Funding

The joint subcommittee considered including the federal drawdown funds with the base funds and allocating both types of funds consistent with the recommended allocation methodology for child support commissioners. However, as these funds require the courts to provide a one-third match of trial court funds to drawdown two-thirds federal title IV-D funds, the joint subcommittee concluded that local court decision making should be maintained as to whether courts have the desire or ability to participate in this program and drawdown these additional funds. Also, consistent with the goal of maintaining stability within the program and meeting minimum service levels, the joint subcommittee concluded that it was critical that the courts make their decisions whether to participate and at what level before the Judicial Council makes the allocations so that courts have a clear understanding of the funding available and can make informed decisions on how to use the available funds.

Implementation Requirements, Costs, and Operational Impacts

The committee does not anticipate that these recommendations will result in any costs to the branch, but the reallocation of funds will decrease funds available for some courts which may impact their ability to meet program objectives.

Attachments

1. Attachment A: Child Support Commissioner Base Funding Model Allocations
2. Attachment B: Recommended Child Support Commissioner Funding Model Allocations

DRAFT

Cluster Col.A	Court Col.B	CSC Funding Need Col. C	CSC Staff (non- FLF) Funding Need Col. D	Total CSC and Staff Need (C+D) Col. E	Prorate to available funding Col. F	Current (FY 18-19) Base Allocation Col. G	Difference (F-G) Col. H
4	Alameda	581,313	2,040,063	2,621,376	1,224,299	1,066,055	158,244
1	Alpine	278	825	1,103	515		515
1	Amador	17,264	56,496	73,760	34,449	140,250	(105,801)
2	Butte	124,483	341,050	465,533	217,425	300,000	(82,575)
1	Calaveras	27,145	82,616	109,761	51,263	132,667	(81,404)
1	Colusa	5,440	15,290	20,730	9,682	45,691	(36,009)
3	Contra Costa	228,013	745,072	973,086	454,474	873,000	(418,526)
1	Del Norte	37,192	105,419	142,611	66,606	48,004	18,602
2	El Dorado	71,860	218,497	290,358	135,610	203,169	(67,559)
3	Fresno	840,246	2,303,693	3,143,939	1,468,359	1,617,646	(149,287)
1	Glenn	22,871	60,548	83,419	38,960	120,030	(81,070)
2	Humboldt	72,343	178,877	251,220	117,331	121,036	(3,705)
2	Imperial	180,053	455,697	635,749	296,923	165,363	131,560
1	Inyo	6,883	20,606	27,489	12,839	79,264	(66,425)
3	Kern	571,882	1,633,965	2,205,847	1,030,228	670,498	359,730
2	Kings	113,980	305,027	419,007	195,695	302,609	(106,914)
2	Lake	53,051	132,146	185,197	86,495	155,126	(68,631)
1	Lassen	25,369	73,063	98,431	45,972	60,000	(14,028)
4	Los Angeles	3,645,692	12,484,803	16,130,495	7,533,655	5,289,980	2,243,675
2	Madera	114,891	321,392	436,283	203,764	215,291	(11,527)
2	Marin	30,973	108,030	139,003	64,921	126,208	(61,287)
1	Mariposa	8,826	26,515	35,342	16,506	75,216	(58,710)
2	Mendocino	65,216	168,501	233,717	109,156	170,269	(61,113)
2	Merced	252,663	683,928	936,592	437,430	539,732	(102,302)
1	Modoc	7,161	17,501	24,662	11,518		11,518
1	Mono	2,220	7,081	9,301	4,344	45,974	(41,630)
3	Monterey	190,609	598,046	788,655	368,337	375,757	(7,420)
2	Napa	43,727	145,838	189,565	88,535	105,000	(16,465)
2	Nevada	34,403	101,321	135,724	63,389	327,593	(264,204)
4	Orange	1,020,245	3,319,736	4,339,981	2,026,964	2,299,118	(272,154)
2	Placer	95,546	315,509	411,054	191,981	343,600	(151,619)
1	Plumas	10,714	29,035	39,749	18,565	95,777	(77,212)
4	Riverside	1,283,679	3,813,947	5,097,627	2,380,817	1,005,357	1,375,460
4	Sacramento	803,217	2,634,077	3,437,294	1,605,368	1,044,502	560,866
1	San Benito	20,428	66,050	86,478	40,389	135,384	(94,995)
4	San Bernardino	1,968,415	5,581,660	7,550,076	3,526,220	2,569,836	956,384
4	San Diego	919,126	2,827,813	3,746,939	1,749,986	1,791,621	(41,635)
4	San Francisco	225,012	882,723	1,107,735	517,361	902,452	(385,091)
3	San Joaquin	407,798	1,209,194	1,616,992	755,207	685,004	70,203
2	San Luis Obispo	72,771	220,443	293,214	136,944	230,689	(93,745)
3	San Mateo	97,368	356,357	453,725	211,910	389,666	(177,756)
3	Santa Barbara	132,467	421,603	554,070	258,775	478,689	(219,914)
4	Santa Clara	343,333	1,208,542	1,551,874	724,794	1,773,701	(1,048,907)
2	Santa Cruz	40,244	128,266	168,509	78,701	195,056	(116,355)
2	Shasta	108,139	291,336	399,474	186,572	416,675	(230,103)
1	Sierra	1,277	3,318	4,595	2,146		2,146
2	Siskiyou	34,832	82,793	117,625	54,936	130,350	(75,414)
3	Solano	211,830	662,657	874,487	408,424	515,817	(107,393)
3	Sonoma	106,424	322,857	429,281	200,493	498,798	(298,305)
3	Stanislaus	328,918	934,759	1,263,676	590,193	771,110	(180,917)
2	Sutter	82,899	238,249	321,148	149,990	192,235	(42,245)
2	Tehama	63,661	161,302	224,963	105,068	94,249	10,819
1	Trinity	11,380	30,418	41,798	19,522		19,522
3	Tulare	212,473	570,426	782,899	365,649	558,311	(192,662)
2	Tuolumne	28,294	76,161	104,455	48,785	158,566	(109,781)
3	Ventura	278,546	903,350	1,181,896	551,998	575,604	(23,606)
2	Yolo	112,211	345,133	457,344	213,600	190,192	23,408
2	Yuba	54,069	174,817	228,887	106,900	203,149	(96,249)
	Total	16,451,363	51,244,435	67,695,798	31,616,936	31,616,936	-

	A	C	D	E	F	H	I	T	U	V
1	Cluster	Court	CSC Funding Need	CSC Staff (non-FLF Funding Need	Total CSC and Staff Need (C+D)	Prorate to available funding	Current (FY 18-19) Base Allocation	Adjust to limit to max. 5% increase/decrease	Difference (H-G)	Percentage Difference Col. I/Col. G
2	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J
3	4	Alameda	581,313	2,040,063	2,621,376	1,224,299	1,066,055	1,119,358	53,303	5.0%
4	1	Alpine	278	825	1,103	515				
5	1	Amador	17,264	56,496	73,760	34,449	140,250	140,250	0	0.0%
6	2	Butte	124,483	341,050	465,533	217,425	300,000	287,042	(12,958)	-4.3%
7	1	Calaveras	27,145	82,616	109,761	51,263	132,667	132,667	0	0.0%
8	1	Colusa	5,440	15,290	20,730	9,682	45,691	45,691	0	0.0%
9	3	Contra Costa	228,013	745,072	973,086	454,474	873,000	835,291	(37,709)	-4.3%
10	1	Del Norte	37,192	105,419	142,611	66,606	48,004	50,404	2,400	5.0%
11	2	El Dorado	71,860	218,497	290,358	135,610	203,169	203,169	0	0.0%
12	3	Fresno	840,246	2,303,693	3,143,939	1,468,359	1,617,646	1,547,773	(69,873)	-4.3%
13	1	Glenn	22,871	60,548	83,419	38,960	120,030	120,030	0	0.0%
14	2	Humboldt	72,343	178,877	251,220	117,331	121,036	117,835	(3,201)	-2.6%
15	2	Imperial	180,053	455,697	635,749	296,923	165,363	173,631	8,268	5.0%
16	1	Inyo	6,883	20,606	27,489	12,839	79,264	79,264	0	0.0%
17	3	Kern	571,882	1,633,965	2,205,847	1,030,228	670,498	704,023	33,525	5.0%
18	2	Kings	113,980	305,027	419,007	195,695	302,609	289,538	(13,071)	-4.3%
19	2	Lake	53,051	132,146	185,197	86,495	155,126	148,425	(6,701)	-4.3%
20	1	Lassen	25,369	73,063	98,431	45,972	60,000	60,000	0	0.0%
21	4	Los Angeles	3,645,692	12,484,803	16,130,495	7,533,655	5,289,980	5,554,479	264,499	5.0%
22	2	Madera	114,891	321,392	436,283	203,764	215,291	205,992	(9,299)	-4.3%
23	2	Marin	30,973	108,030	139,003	64,921	126,208	120,757	(5,451)	-4.3%
24	1	Mariposa	8,826	26,515	35,342	16,506	75,216	75,216	0	0.0%
25	2	Mendocino	65,216	168,501	233,717	109,156	170,269	162,914	(7,355)	-4.3%
26	2	Merced	252,663	683,928	936,592	437,430	539,732	516,419	(23,313)	-4.3%
27	1	Modoc	7,161	17,501	24,662	11,518				
28	1	Mono	2,220	7,081	9,301	4,344	45,974	45,974	0	0.0%
29	3	Monterey	190,609	598,046	788,655	368,337	375,757	375,757	0	0.0%
30	2	Napa	43,727	145,838	189,565	88,535	105,000	100,465	(4,535)	-4.3%
31	2	Nevada	34,403	101,321	135,724	63,389	316,593	316,593	0	0.0%
32	4	Orange	1,020,245	3,319,736	4,339,981	2,026,964	2,299,118	2,199,809	(99,309)	-4.3%
33	2	Placer	95,546	315,509	411,054	191,981	343,600	328,758	(14,842)	-4.3%
34	1	Plumas	10,714	29,035	39,749	18,565	95,777	95,777	0	0.0%
35	4	Riverside	1,283,679	3,813,947	5,097,627	2,380,817	1,005,357	1,055,625	50,268	5.0%
36	4	Sacramentc	803,217	2,634,077	3,437,294	1,605,368	1,044,502	1,096,727	52,225	5.0%
37	1	San Benito	20,428	66,050	86,478	40,389	135,384	135,384	0	0.0%
38	4	San Bernardino	1,968,415	5,581,660	7,550,076	3,526,220	2,569,836	2,698,328	128,492	5.0%
39	4	San Diego	919,126	2,827,813	3,746,939	1,749,986	1,791,621	1,755,653	(35,968)	-2.0%
40	4	San Francisco	225,012	882,723	1,107,735	517,361	902,452	863,471	(38,981)	-4.3%
41	3	San Joaquin	407,798	1,209,194	1,616,992	755,207	685,004	719,254	34,250	5.0%
42	2	San Luis Obispo	72,771	220,443	293,214	136,944	230,689	220,725	(9,964)	-4.3%
43	3	San Mateo	97,368	356,357	453,725	211,910	389,666	372,835	(16,831)	-4.3%
44	3	Santa Barbara	132,467	421,603	554,070	258,775	478,689	458,012	(20,677)	-4.3%
45	4	Santa Clara	343,333	1,208,542	1,551,874	724,794	1,773,701	1,697,087	(76,614)	-4.3%
46	2	Santa Cruz	40,244	128,266	168,509	78,701	195,056	186,631	(8,425)	-4.3%

	A	C	D	E	F	H	I	T	U	V
1	Cluster	Court	CSC Funding Need	CSC Staff (non-FLF Funding Need	Total CSC and Staff Need (C+D)	Prorate to available funding	Current (FY 18-19) Base Allocation	Adjust to limit to max. 5% increase/decrease	Difference (H-G)	Percentage Difference Col. I/Col. G
2	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J
47	2	Shasta	108,139	291,336	399,474	186,572	398,675	398,675	0	0.0%
48	1	Sierra	1,277	3,318	4,595	2,146	11,000	11,000	0	0.0%
49	2	Siskiyou	34,832	82,793	117,625	54,936	130,350	124,720	(5,630)	-4.3%
50	3	Solano	211,830	662,657	874,487	408,424	515,817	493,537	(22,280)	-4.3%
51	3	Sonoma	106,424	322,857	429,281	200,493	498,798	477,253	(21,545)	-4.3%
52	3	Stanislaus	328,918	934,759	1,263,676	590,193	771,110	737,802	(33,308)	-4.3%
53	2	Sutter	82,899	238,249	321,148	149,990	192,235	192,235	0	0.0%
54	2	Tehama	63,661	161,302	224,963	105,068	94,249	98,961	4,712	5.0%
55	1	Trinity	11,380	30,418	41,798	19,522	18,000	18,900	900	5.0%
56	3	Tulare	212,473	570,426	782,899	365,649	558,311	534,195	(24,116)	-4.3%
57	2	Tuolumne	28,294	76,161	104,455	48,785	158,566	158,566	0	0.0%
58	3	Ventura	278,546	903,350	1,181,896	551,998	575,604	555,211	(20,393)	-3.5%
59	2	Yolo	112,211	345,133	457,344	213,600	190,192	199,702	9,510	5.0%
60	2	Yuba	54,069	174,817	228,887	106,900	203,149	203,149	0	0.0%
61		Total	16,451,363	51,244,435	67,695,798	31,616,936	31,616,936	31,616,936	0	0.0%



JUDICIAL COUNCIL OF CALIFORNIA

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

AB1058 FUNDING ALLOCATION JOINT SUBCOMMITTEE

MINUTES OF OPEN MEETING

September 10, 2018
10:00 a.m. - 4:00 p.m.

Advisory Body Members Present: Hon. Mark Ashton Cope, Cochair, Hon. Joyce D. Hinrichs, Cochair, Hon. Mark A. Juhas, Cochair, Hon. Sue Alexander, Mr. Mark Beckley, Hon. Jonathan B. Conklin, Ms. Rebecca Fleming, Ms. Catherine Hohenwarter, Hon. Patricia M. Lucas, Hon. B. Scott Thomsen

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

Others Present: Ms. Charlene Depner, Ms. Tracy Kenny, Ms. Anna Maves, Ms. Cassandra McTaggart, Ms. Leah Rose-Goodwin, Mr. Gary Slossberg, Mr. Don Will

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

Call to Order and Roll Call

Judge Juhas called the meeting to order at 10:11 a.m. Ms. Maves took roll call.

Approval of Minutes

The minutes of August 20, 2018 were approved by acclamation.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Item 1

Welcome and Approval of the Minutes

Presenters: Hon. Mark Ashton Cope, Cochair, Judge, Superior Court of Riverside County
Hon. Joyce D. Hinrichs, Cochair, Judge, Superior Court of Humboldt County
Hon. Mark A. Juhas, Cochair, Judge, Superior Court of Los Angeles County

Item 2

Public Comment

Facilitators: Hon. Mark Ashton Cope, Cochair, Judge, Superior Court of Riverside County
Hon. Joyce D. Hinrichs, Cochair, Judge, Superior Court of Humboldt County
Hon. Mark A. Juhas, Cochair, Judge, Superior Court of Los Angeles County

Three public comments were offered by the following members of the public: Child Support Commissioner Rebecca Wightman (San Francisco), Family Law Facilitator Lollie Roberts (Sacramento), and Family Law Facilitator Melanie Snider (Butte, Lake, and Tehama).

Item 3

Presentation on Updates to the Proposed AB1058 Child Support Commissioner Funding Models

Presenters: Leah Rose-Goodwin, Manager, Judicial Council Office of Court Research
Don Will, Deputy Director, Judicial Council Center for Families, Children & the Courts

Ms. Rose-Goodwin reviewed Model 1, which follows a process similar to that of the Workload-Based Allocation and Funding Methodology (WAFM) in determining the funding for each court. As she explained, Model 1 uses the Judicial Needs Study to determine the Child Support Commissioner staffing need and the Resource Assessment Study (RAS) to determine non-CSC staffing need, translates the staffing needs to dollars based on a statewide salary average (adjusted for each county's cost of labor per the Bureau of Labor Statistics (BLS)), adds in benefits and operating expenses and equipment totals per full-time equivalent staff member (FTE), and a court reporter at a 1:1 ration to CSCs. The total funding need per Model 1 of \$67,695,798 far exceeds the available funding for the program of \$31,616,936, so each court's allocation would be prorated down to the available funding.

Mr. Will presented on the three additional models which use Model 1 as a base and then apply various adjustments to limit the cuts to courts. Model 2 applies a 5% cap on funding decreases from each court's prior year's allocation. Model 3 maintains the current funding for all Cluster 1 courts. Model 4, which the Joint Subcommittee requested be developed for this meeting, includes both the adjustment of the 5% cap and maintains the current funding for the Cluster 1 courts.

Item 4

Discussion and Development of Recommendation Regarding the AB1058 Child Support Commissioner Funding Model

Facilitators: Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Rebecca Fleming, Court Executive Officer, Superior Court of Santa Clara County

The Joint Subcommittee began by reviewing the objectives and goals developed at the prior meetings. The objectives and goals were approved without objection by the Joint Subcommittee.

The members discussed the merits of each of the models presented and thereafter approved following motions without objection:

- Motion to approve the underlying assumptions for determining funding need as reflected in Model 1. Child support commissioner need is determined for each court by taking a 3 year average of JBSIS filings times case weights in the Judicial Needs Study for other family law case types divided by judicial officer minutes in a year. The child support commissioner need for each court is then multiplied by 85% of a judge salary to determine the child support commissioner salary need. The salary need is added to salary-driven benefits and non-salary driven benefits to determine the total CSC funding needs for each court. Staffing need is determined by taking a three year average of JBSIS filings times case weights for IN RAS for non-management staff divided by number of staff minutes in a year. The staffing need is multiplied by salary/FTE from 7A times BLS for each court to determine non-child support commissioner salary need for each court. Total non-child support commissioner funding need for each court is determined by adding non-child support salary need to salary-driven benefits, non-salary driven benefits and court reporter costs. Finally to determine total funding need for each court, the total non-child support commissioner funding need is added to total child support funding need and OE & E. Because there are insufficient funds to meet the total program need, any allocations identified for each court needs to be prorated.
- Motion to build a model using a 1:1.25 CSC to court reporter ratio to more accurately reflect program need and to be consistent with the ratio used in WAFM
- Motion to have the model spreadsheet reflect the funding level for every court, even courts who have an intra-branch agreement to share services and one court is designated as the primary court to receive all of the funding and submit invoices for reimbursement on behalf of both courts.
- Motion to maintain the current funding levels of the Cluster 1 courts and any courts that have an existing agreement for shared services and direct the Family and Juvenile Law Advisory Committee to develop data and information to identify basic funding need for small courts to maintain minimum services for the CSC program by FY 2020-2021.
- Motion to limit any decrease or increase in existing base funding to no more than 5% from what the court received in funding from the prior fiscal year with implementation of this methodology for FY 2019-2020 with a reallocation of funds every two years

- Motion to direct the Trial Court Budget Advisory Committee's (TCBAC) Funding Methodology Subcommittee (FMS) to hear all future proposed revisions to the funding methodology and to direct FMS to consult with Family and Juvenile Law Advisory Committee in considering these proposals

One motion was made, but not approved, by the Joint Subcommittee. This motion was to include courts with shared services agreements in the model variance that limited any increase or decrease in funding of up to 5% of the total allocation for the combined total of the prior year's allocations for all courts in the agreement, rather than maintaining those courts' prior year allocations. This motion failed.

Item 5

Recommendation Regarding the Family Law Facilitator Funding Model

Facilitators: Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Rebecca Fleming, Court Executive Officer, Superior Court of Santa Clara County

The members considered whether to make any changes to the funding model for the Family Law Facilitator (FLF) program. Noting concerns raised at previous meetings regarding possible adverse consequences to the implementation of the new self-help funding in the courts if the FLF funding model were to be changed, the Joint Subcommittee approved the following motion without objection:

- Motion to leave the current funding methodology in place until at least fiscal year 2021-2022 after the conclusion of the review of the impacts of the new self-help funding is undertaken and to develop better workload data from FLF offices.

Item 6

Discussion and Development of Recommendation Regarding the AB 1058 Federal Drawdown Funds

Facilitators: Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Rebecca Fleming, Court Executive Officer, Superior Court of Santa Clara County

The members discussed the options for allocating the federal drawdown (FDD) funds and approved the following motion without objection:

- Motion to allow courts to decide whether to opt-in to the FDD program for the CSC program in advance of the FY allocations and to fund courts proportional to their new base funding allocations up to the amount of FDD funds they have requested and can provide the required matching funds.
- Motion to maintain the current FDD program for the FLF program without change

Item 7

Review and Discussion of Judicial Council Recommendations

Facilitators: Judicial Council Staff

Staff reviewed the motions approved by the members. Staff was directed to prepare a draft Report to the Judicial Council regarding the Joint Subcommittee's recommendations and to circulate it amongst the members via e-mail and to have conference call meeting in early October to allow members to propose changes to the report. After being approved by the Joint Subcommittee, the report would be forwarded to the three advisory committees (F&J, TCBAC, and the Workload Assessment Advisory Committee) for their consideration, prior to being submitted to the Judicial Council for its consideration.

A D J O U R N M E N T

Concluding Remarks and Adjourn at 1:56 p.m..

Approved by the advisory body on October 11, 2018.

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

(Action Item)

Title: 2018-19 \$75 Million New Funding
Date: 10/18/2018
Contact: Lucy Fogarty, Deputy Director, Budget Services
415-865-7587 | lucy.fogarty@jud.ca.gov

Issue

The Trial Court Budget Advisory Committee (TCBAC) needs to determine how the allocation of \$75 million in the Budget Act of 2018 will impact each court’s Workload-based Allocation and Funding Methodology (WAFM) need.

Background

On September 21, 2018, the Judicial Council approve allocation of the \$75 million provided in the Budget Act of 2018. The allocation was structured as follows:

1. Allocate up to \$3.6 million for cluster 1 courts to fund them at 100 percent of funding need;
2. Allocate up to \$0.8 million for court-provided, non-sheriff security;
3. Allocate the remaining \$70.6 million on a proportional basis and separately allocate \$10 million of the \$70.6 million to increase the level of court reporters in family law cases; and
4. The \$60.6 million is identified as discretionary and the \$10 million is to increase the level of court reporters in family law cases. However, if a court demonstrates that their family law court reporting services are fully staffed, the \$10 million allocation will become discretionary funds.

The courts would receive the same total allocation but \$10 million of the \$70.6 million would be to increase the level of court reporters in family law cases, consistent with the budget language in the 2018 Budget Act.

The current display of trial court allocations is provided as attachment C.

Recommendation

TCBAC must determine how the \$75 million should be classified respective to WAFM, as reflected in Attachment C. Funding that is categorized as part of a court’s WAFM allocation

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

(yellow in Attachment C) is funding that has a direct relationship to a court’s case processing workload and would be factored into a court’s WAFM funding to need ratio. Funding that is designated as an “other allocation” (brown) is either not directly related to case processing workload or is non-discretionary and serves a specific purpose that is not tied to filings-based workload. That funding is not part of the WAFM need ratio calculation.

Judicial Council staff recommends the following:

1. The \$3.6 million for cluster 1 courts to fund them at 100 percent of funding need should be reflected in the WAFM section of the allocation (yellow);
2. The \$0.8 million for court-provided, non-sheriff security should be reflected in the Other Allocations section (brown). Once the Resource Assessment Study has been updated to incorporate court reporters in family law into the model, the allocations should be reflected in the WAFM section of the allocation (yellow);
3. The \$10 million for court reporters in family law should be reflected in the Other Allocations section (brown) unless the court demonstrates that their family law court reporting services are fully staffed and the dollars become discretionary in nature. Under that circumstance, the allocation should be reflected in the WAFM section of the allocation (yellow) ; and
4. The \$60.6 million identified as discretionary should be reflected in the WAFM section of the allocation (yellow).

Court	2017-18 Total Base Allocation	Changes to WAFM Allocation									2018-19 WAFM Allocation
		Fiscal Neutral Cost Change	Fiscal Neutral Offset	Change in Revenue Collected	Fiscal Neutral Cost Change	Population Methodology	RAS Methodology	Population Methodology	RAS Methodology		
		TCTF Reduction for SJO Conversion	SJO Adjustment (Change from PY)	Automated Recordkeeping & Micrographics (Change from PY)	2017-18 Benefits Funding ²	TCTF Self-Help Adjustment (Change from PY)	2018-19 Funding for Courts Below the Average	2018-19 Self-Help Funding	2018-19 WAFM Funding Floor Adjustment		
A	B	C	D	E	F	G	H	I	J	K (B:J)	
Alameda	76,715,321	71,190,879	-	39,794	(890)	(1,495,764)	9,225	-	795,129	(6,837)	70,531,536
Alpine	739,145	738,872	-	-	18	10,855	(38)	-	556	(263)	750,000
Amador	2,247,491	2,241,749	-	-	86	19,838	(505)	20,210	18,548	(223)	2,299,704
Butte	10,314,956	9,431,053	-	(5,083)	2,236	149,298	(1,061)	1,035,340	109,411	(1,039)	10,720,154
Calaveras	2,088,044	2,086,404	-	-	23	42,045	(802)	-	21,828	(208)	2,149,290
Colusa	1,928,387	1,924,696	-	-	51	5,523	(194)	-	10,652	(188)	1,940,540
Contra Costa	39,914,703	39,033,643	-	(85,393)	3,992	355,758	10,511	7,771	550,676	(3,865)	39,873,093
Del Norte	2,535,333	2,526,719	-	(116,360)	50	(26,419)	(915)	-	13,108	(232)	2,395,951
El Dorado	6,688,898	6,491,374	-	(1,531)	(279)	38,823	(535)	380,365	89,432	(678)	6,996,971
Fresno	48,184,650	46,825,837	-	(64,488)	2,664	1,821,733	9,236	206,520	481,310	(4,777)	49,278,036
Glenn	1,914,224	1,914,224	-	-	(14)	31,893	(405)	-	13,884	(190)	1,959,392
Humboldt	6,440,016	6,067,419	-	(9,182)	512	54,891	(924)	123,006	66,183	(611)	6,301,294
Imperial	8,750,458	8,097,856	-	35,138	1,436	30,188	2,617	280,294	91,013	(828)	8,537,715
Inyo	2,082,448	1,887,827	-	-	1	100,316	(249)	-	8,998	(194)	1,996,699
Kern	46,746,883	44,870,144	-	(56,019)	1,782	(251,715)	15,388	6,934,144	432,568	(5,035)	51,941,257
Kings	7,209,133	6,457,573	-	(1,708)	454	14,771	(1,760)	621,965	72,265	(694)	7,162,866
Lake	3,445,858	3,192,506	-	(23,140)	86	55,181	(751)	397,775	31,385	(354)	3,652,688
Lassen	2,084,467	1,780,690	-	-	2	77,313	(1,582)	-	14,941	3,635	1,874,999
Los Angeles	538,865,942	499,747,429	(1,007,523)	1,685,798	47,759	10,054,336	(152,335)	-	4,949,153	(49,951)	515,274,666
Madera	7,648,372	7,218,959	-	-	259	144,168	692	406,148	75,626	(761)	7,845,091
Marin	11,919,150	11,829,410	-	(2,249)	91	(7,814)	(1,346)	-	127,388	(1,158)	11,944,322
Mariposa	1,172,483	1,167,971	-	-	24	5,308	(285)	-	8,770	68,211	1,250,000
Mendocino	5,538,797	5,178,759	-	(259)	(270)	91,311	(1,642)	439,507	43,074	(557)	5,749,924
Merced	11,619,071	11,122,840	-	(3,142)	775	33,898	2,873	1,411,609	132,733	(1,231)	12,700,355
Modoc	875,071	871,813	-	-	8	7,971	(205)	-	4,630	(86)	884,130
Mono	1,773,269	1,746,186	-	-	(30)	26,337	(173)	-	6,627	96,052	1,874,999
Monterey	17,944,396	16,675,449	-	(16,019)	712	54,552	(2,184)	1,642,389	213,775	(1,800)	18,566,875
Napa	7,508,251	6,812,495	-	(5,501)	(22)	93,079	(126)	-	68,819	(675)	6,968,069
Nevada	5,247,474	4,477,457	-	8,749	119	63,674	(1,768)	88,152	47,759	(454)	4,683,689
Orange	137,993,948	130,620,384	-	(56,426)	18,884	937,524	(16,968)	-	1,543,529	(12,896)	133,034,030
Placer	16,280,536	15,278,212	-	(12,289)	144	269,927	10,811	541,685	185,008	(1,577)	16,271,921
Plumas	1,099,721	1,098,490	-	-	(46)	(10,218)	(697)	-	9,578	(106)	1,097,001
Riverside	89,211,094	83,837,862	-	(34,526)	8,019	1,594,161	71,884	6,452,686	1,152,459	(9,023)	93,073,521
Sacramento	76,750,330	72,867,797	-	(61,352)	(103,437)	946,700	9,691	1,238,313	732,021	(7,331)	75,622,402
San Benito	2,499,711	2,490,893	-	-	166	48,238	(1,032)	77,117	27,475	(256)	2,642,600
San Bernardino	97,968,627	90,590,969	-	(93,977)	10,002	774,587	9,904	6,098,018	1,043,955	(9,541)	98,423,917
San Diego	136,586,044	131,181,972	-	(120,383)	16,557	3,734,322	12,925	-	1,602,568	(13,224)	136,414,737
San Francisco	52,241,942	51,704,684	-	(16,908)	2,222	984,589	5,842	-	422,475	(5,147)	53,097,757
San Joaquin	34,696,484	33,430,503	-	(17,891)	4,103	(43,342)	8,481	2,112,908	360,928	(3,476)	35,852,214
San Luis Obispo	13,054,314	12,321,118	-	1,032	1,129	127,602	48	1,002,293	135,360	(1,317)	13,587,266
San Mateo	34,482,280	32,430,165	-	(86,706)	817	692,007	68	2,403,438	372,205	(3,471)	35,808,521
Santa Barbara	22,042,267	20,361,423	-	10,761	665	325,925	552	742,298	217,785	(2,099)	21,657,311
Santa Clara	75,731,460	74,849,852	-	(13,171)	1,877	(122,098)	12,314	-	936,636	(7,334)	75,658,075
Santa Cruz	11,783,694	11,494,453	-	(16,684)	689	107,215	(548)	860,214	133,670	(1,219)	12,577,791
Shasta	13,307,053	10,267,708	-	(18,593)	265	91,670	(3,352)	1,293,888	86,312	(1,136)	11,716,763
Sierra	736,853	736,648	-	-	(5)	2,345	(120)	-	1,550	9,582	750,000
Siskiyou	2,970,624	2,796,467	-	2,025	(66)	144,829	(1,023)	-	21,596	(287)	2,963,539

¹ Prior to implementation of the funding floor adjustments.

² Benefits funding reflects actual cost changes as identified by the court and is fiscally neutral.

³ Not inclusive of all allocations such as restricted funding and reimbursements.

Court	2017-18 Total Base Allocation	Changes to WAFM Allocation									2018-19 WAFM Allocation
		Fiscal Neutral Cost Change	Fiscal Neutral Offset	Change in Revenue Collected	Fiscal Neutral Cost Change	Population Methodology	RAS Methodology	Population Methodology	RAS Methodology		
		TCTF Reduction for SJO Conversion	SJO Adjustment (Change from PY)	Automated Recordkeeping & Micrographics (Change from PY)	2017-18 Benefits Funding ²	TCTF Self-Help Adjustment (Change from PY)	2018-19 Funding for Courts Below the Average	2018-19 Self-Help Funding	2018-19 WAFM Funding Floor Adjustment		
Solano	21,155,359	19,959,592	-	2,439	1,052	339,071	(3,170)	578,591	210,710	(2,044)	21,086,241
Sonoma	23,621,856	22,518,260	-	(15,166)	(187)	126,428	(1,207)	-	244,102	(2,217)	22,870,014
Stanislaus	21,743,154	21,196,456	-	(17,831)	1,221	522,902	268	2,986,976	264,852	(2,419)	24,952,424
Sutter	5,112,077	4,843,196	-	-	43	210,891	(66)	212,389	46,855	(515)	5,312,793
Tehama	3,873,657	3,861,352	-	(6,478)	16	22,267	(334)	473,168	30,926	(425)	4,380,493
Trinity	1,906,786	1,383,914	-	-	174	13,842	(299)	-	6,586	(136)	1,404,080
Tulare	18,984,798	18,418,388	-	(6,815)	2,525	338,976	5,747	2,370,947	228,020	(2,070)	21,355,717
Tuolumne	3,375,195	3,047,087	-	8,406	(6)	(18,494)	(1,683)	418,591	26,437	(337)	3,480,001
Ventura	35,973,663	33,422,006	-	(32,463)	1,996	(86,784)	(2,724)	2,105,586	414,336	(3,472)	35,818,481
Yolo	9,941,251	9,013,254	-	381	759	135,685	3,855	1,561,631	105,783	(1,049)	10,820,299
Yuba	4,621,562	4,451,057	-	-	23	4,011	77	274,066	36,040	(462)	4,764,813
Total	1,849,901,174	1,744,082,393	(1,007,523)	776,791	31,239	23,816,127	(0)	47,800,000	19,100,000	(0)	1,834,599,027

¹ Prior to implementation of the funding floor adjustments.

² Benefits funding reflects actual cost changes as identified by the court and is fiscally neutral.

³ Not inclusive of all allocations such as restricted funding and reimbursements.

Court	2018-19 WAFM Need	WAFM Funding to Need	Other Allocations				2018-19 Total Base Allocation ³
			Non-Sheriff Security	SJOs (excludes AB 1058)	Criminal Justice Realignment	Total Other Allocations	
			N	O	P	Q (N:P)	
L	M (K/L)					R (K+Q)	
Alameda	81,002,945	87.1%	3,212,246	2,019,741	291,550	5,523,537	76,055,073
Alpine	423,375	177.1%	-	-	202	202	750,202
Amador	2,875,289	80.0%	-	-	7,470	7,470	2,307,175
Butte	13,374,342	80.2%	472,190	330,047	99,741	901,978	11,622,132
Calaveras	2,611,172	82.3%	-	-	6,663	6,663	2,155,952
Colusa	1,994,887	97.3%	-	-	5,653	5,653	1,946,193
Contra Costa	49,564,075	80.4%	-	850,172	109,836	960,008	40,833,101
Del Norte	2,821,641	84.9%	-	116,360	12,922	129,282	2,525,233
El Dorado	8,706,630	80.4%	-	154,758	43,409	198,167	7,195,138
Fresno	61,505,974	80.1%	-	1,018,675	422,788	1,441,463	50,719,499
Glenn	2,131,394	91.9%	9,885	-	2,625	12,509	1,971,902
Humboldt	7,859,064	80.2%	169,612	161,102	55,120	385,834	6,687,128
Imperial	10,646,670	80.2%	425,020	151,222	40,785	617,027	9,154,742
Inyo	2,005,177	99.6%	188,674	-	6,461	195,135	2,191,834
Kern	64,924,267	80.0%	66,275	1,531,380	350,708	1,948,363	53,889,620
Kings	8,937,370	80.1%	426,475	265,474	64,206	756,154	7,919,020
Lake	4,564,481	80.0%	198,615	65,367	13,931	277,914	3,930,602
Lassen	2,147,934	87.3%	297,009	-	7,067	304,076	2,179,075
Los Angeles	638,806,215	80.7%	14,448,847	19,855,347	2,710,165	37,014,359	552,289,025
Madera	9,793,045	80.1%	385,525	-	37,554	423,079	8,268,170
Marin	12,566,559	95.0%	9,729	64,829	21,604	96,162	12,040,483
Mariposa	1,345,369	92.9%	-	-	5,451	5,451	1,255,451
Mendocino	7,193,213	79.9%	302,582	17,930	45,025	365,536	6,115,460
Merced	15,840,897	80.2%	-	394,167	105,192	499,359	13,199,714
Modoc	1,028,437	86.0%	798	-	808	1,605	885,735
Mono	1,921,905	97.6%	24,417	-	1,211	25,628	1,900,628
Monterey	23,133,221	80.3%	879,396	370,295	34,929	1,284,621	19,851,495
Napa	8,401,332	82.9%	298,744	386,927	-	685,671	7,653,740
Nevada	5,843,371	80.2%	438,112	320,695	2,423	761,230	5,444,919
Orange	158,456,848	84.0%	2,763,301	4,282,161	467,207	7,512,669	140,546,700
Placer	20,276,800	80.2%	-	970,110	39,775	1,009,885	17,281,806
Plumas	1,248,131	87.9%	-	-	404	404	1,097,405
Riverside	115,862,199	80.3%	1,952,380	2,540,304	788,437	5,281,122	98,354,643
Sacramento	94,395,798	80.1%	1,884,560	1,915,768	127,604	3,927,931	79,550,333
San Benito	3,296,242	80.2%	-	-	10,095	10,095	2,652,695
San Bernardino	122,742,865	80.2%	3,304,756	3,251,190	1,025,271	7,581,217	106,005,134
San Diego	149,934,947	91.0%	664,290	4,364,278	572,803	5,601,370	142,016,107
San Francisco	50,232,141	105.7%	-	508,842	53,303	562,145	53,659,902
San Joaquin	44,735,096	80.1%	290,855	853,972	141,535	1,286,362	37,138,576
San Luis Obispo	16,955,493	80.1%	244,286	417,124	83,992	745,402	14,332,668
San Mateo	44,665,811	80.2%	447,827	1,648,337	57,947	2,154,111	37,962,632
Santa Barbara	27,023,513	80.1%	1,066,507	529,336	71,070	1,666,913	23,324,224
Santa Clara	84,090,893	90.0%	-	752,452	185,752	938,205	76,596,280
Santa Cruz	15,685,230	80.2%	-	297,927	202	298,129	12,875,920
Shasta	14,659,632	79.9%	2,662,303	322,217	85,406	3,069,925	14,786,688
Sierra	384,421	195.1%	-	-	808	808	750,808
Siskiyou	2,947,529	100.5%	-	162,904	7,067	169,970	3,133,510

¹ Prior to implementation of the funding floor adjustments.

² Benefits funding reflects actual cost changes as identified by the court and is fiscally neutral.

³ Not inclusive of all allocations such as restricted funding and reimbursements.

Court	2018-19 WAFM Need	WAFM Funding to Need	Other Allocations				2018-19 Total Base Allocation ³
			Non-Sheriff Security	SJOs (excludes AB 1058)	Criminal Justice Realignment	Total Other Allocations	
Solano	26,312,624	80.1%	440,102	630,587	107,817	1,178,506	22,264,748
Sonoma	26,972,981	84.8%	444,752	558,958	119,527	1,123,238	23,993,252
Stanislaus	31,117,525	80.2%	9,427	491,527	95,097	596,051	25,548,475
Sutter	6,637,467	80.0%	249,739	-	28,065	277,804	5,590,597
Tehama	5,482,422	79.9%	-	6,478	14,335	20,813	4,401,305
Trinity	1,577,430	89.0%	520,479	-	1,413	521,893	1,925,973
Tulare	26,630,469	80.2%	15,744	469,091	98,731	583,567	21,939,284
Tuolumne	4,353,053	79.9%	222,898	89,831	7,067	319,796	3,799,797
Ventura	44,625,264	80.3%	1,575,996	657,024	448,228	2,681,248	38,499,729
Yolo	13,505,143	80.1%	589,184	286,546	47,246	922,976	11,743,275
Yuba	5,960,394	79.9%	134,001	-	31,295	165,296	4,930,109
Total	2,214,738,616	82.8%	41,737,537	54,081,452	9,223,000	105,041,989	1,939,641,016

¹ Prior to implementation of the funding floor adjustments.

² Benefits funding reflects actual cost changes as identified by the court and is fiscally neutral.

³ Not inclusive of all allocations such as restricted funding and reimbursements.

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

(Information Only)

Title: Children’s Waiting Room Annual Report
Date: 10/18/2018
Contact: Melissa Ng, Senior Budget Analyst, Judicial Council Budget Services
916-263-1754 | melissa.ng@jud.ca.gov

Issue

The Children’s Waiting Room (CWR) Distribution and Fund Balance Policy requires courts that have council approved fund balance cap adjustments to report annually on: (1) the status of the court’s CWR operations, and (2) any changes to the operation or expenditures of their CWR. The purpose of the annual reporting is to ensure funds continue to be used appropriately.

Background

CWR distributions to trial courts from first paper filing fee revenues deposited into the TCTF can only be spent on costs associated with operating a CWR. CWR distributions that are not needed by a court would be retained in the TCTF and used to support trial court operations allocations or become unrestricted fund balance that could be allocated by the council for other purposes. The CWR policy requires courts to monitor their CWR distribution amounts per filing to ensure they are adequate to meet CWR needs without accumulating an amount in excess of a cap that is equal to the highest annual CWR distribution within the three most recent fiscal years.

The Judicial Council revised its CWR Distribution and Fund Balance Policy on June 26, 2015, placing a cap on the amount of CWR fund balance that courts can accumulate. Courts with fund balances that exceed the cap are required to return the amount above the cap to the Trial Court Trust Fund (TCTF) by the end of the fiscal year unless the council approves a court’s request for a cap adjustment. The Judicial Council approved additional revisions to the policy on March 24, 2017, to extend the review and adjustment of CWR fund balances from an annual to a biennial schedule, and to require annual reporting for courts that retain excess funding for multi-year contracts.

On November 17, 2017, the Judicial Council approved requests to increase the fund balance cap by \$862,289 for three courts as shown in the table below.

Court	Date Submitted	Date Approved by Judicial Council	Requested Adjustment to Fund Balance Cap 2017-18
Contra Costa	9/19/2017	11/17/2017	66,981
Orange	9/8/2017	11/17/2017	351,922
Santa Barbara	9/21/2017	11/17/2017	443,386

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

Per policy, annual reports from courts are due 60 days after the end of the fiscal year. The three courts with approved excess fund balance submitted their annual report to the Judicial Council.

Contra Costa

Contra Costa Superior Court's multi-year contract for operation of the CWR runs through June 30, 2020. Expenditures have exceeded revenue distributed to the Court, requiring use of the fund balance. The Court anticipates temporary suspension of CWR services for a portion of 2018-19 due to relocation from its Pittsburg courthouse to the Martinez Family Law Courthouse. Its annual report reflects the estimated reduction in expenditures due to the relocation.

Orange

Orange Superior Court's current contract for operation of CWR in six justice centers expires June 30, 2019. The Court will go through a Request for Proposal (RFP) process to secure a new five-year contract for CWR services, effective July 1, 2019. CWR service levels, number of locations, and hours may be adjusted to bring CWR costs within program revenues and the RFP will be tailored to that end. Orange Superior Court anticipates being under the fund balance cap this fiscal year, continuing into the conceivable future.

Santa Barbara

Santa Barbara Superior Court operates two children's waiting rooms in its more populated areas within the county. The two waiting rooms, once run on a part-time basis are now open on a full-time basis, effective June 1, 2017, under a multi-year contract with a non-profit agency. Due to this increase in services, and the addition of learning equipment, the Court anticipates continuing using its fund balance.

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

The table below reflects financial information provided in the courts' annual reports.

		<i>Actual</i>				<i>Estimated</i>		
		Beginning Fund Balance	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Contra Costa Superior Court	Revenue Distributed to the Court		107,223	-731,860	115,472	120,000	120,000	120,000
	Expenditures		154,489	135,601	135,547	36,424	150,067	154,569
	Fund Balance	1,092,261	1,044,995	177,534	157,459	241,035	210,968	176,399
Orange Superior Court	Revenue Distributed to the Court		374,275	402,297	431,766	387,500	387,500	387,500
	Expenditures		652,449	633,793	722,806	690,632	380,000	380,000
	Fund Balance	1,287,568	1,009,393	777,898	486,858	183,726	191,226	198,726
Santa Barbara Superior Court	Revenue Distributed to the Court		39,686	41,033	43,677	41,465	41,465	41,465
	Expenditures		55,397	63,205	138,413	157,745	217,745	157,745
	Fund Balance	522,303	506,591	484,419	389,683	273,403	97,123	-19,157

Attachments

- 3A. Children's Waiting Room (CWR) Distribution and Fund Balance Policy
- 3B. Contra Costa Superior Court Annual Report
- 3C. Orange Superior Court Annual Report
- 3D. Santa Barbara Superior Court Annual Report
- 3E. Government Code 70640

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.

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

- 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 the 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 for courts that have an adjustment to their CWR cap approved by the Judicial Council, 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

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

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.

**CHILDREN'S WAITING ROOM (CWR)
ANNUAL REPORTING FOR COURTS WITH CWR CAP ADJUSTMENTS /
BIENNIAL FUND BALANCE CAP ADJUSTMENT REQUEST**

Please check all that apply:

ANNUAL REPORTING FOR COURTS WITH CWR CAP ADJUSTMENTS

(Complete Sections I and II) To be submitted in fiscal years ending in an even number (i.e., 2017-2018)

BIENNIAL FUND BALANCE CAP ADJUSTMENT REQUEST *(Complete Sections I, II, and III)*

To be submitted in fiscal years ending in an odd number (i.e., 2018-2019)



SECTION I: GENERAL INFORMATION

SUPERIOR COURT:

Contra Costa

PERSON AUTHORIZING REPORT *(Presiding Judge or Court Executive Officer):*

Kate Bieker, CEO

CONTACT PERSON AND CONTACT INFO *(Please include mailing address, email, and phone number):*

Fae Li, Director of Finance

Contra Costa Superior Court
PO Box 1509
Martinez, CA 94553

925-608-2531

DATE OF SUBMISSION:

RECEIVED AT LEAST 12 MONTHS OF DISTRIBUTIONS IN THE LAST FISCAL YEAR:
YES **NO** *(No biennial reporting is required if less than 12 months of distributions received)*

DO YOU HAVE MULTI-YEAR CONTRACTS? **YES** **NO** *(If yes, provide an explanation of the contracts in the CWR Program Update below)*

CWR PROGRAM UPDATE *(Please briefly summarize the status of your current program):*

Contra Costa Superior Court (Court) has a children's waiting room (CWR) in the Pittsburg Courthouse. The Court entered into a multi-year contract to operate the CWR on July 1, 2015, which has one more option year to extend through June 30, 2020. Historically, the annual cost of operating the CWR has exceeded the annual CWR allocation, and the Court has had to use the CWR fund balance to cover the difference.

Due to a recent reorganization that included shifting Family Law court proceedings from Pittsburg to Martinez, the Court has seen a decline in the usage of the Pittsburg CWR. As a result, the Court is looking to relocate the CWR from Pittsburg to the Martinez Family Law Courthouse later this fiscal year. This may result in a temporary suspension of services while the Court gets the Martinez CWR constructed.

SECTION II: FINANCIAL INFORMATION

A. THREE-YEAR HISTORY AND THREE-YEAR PROJECTION OF YEAR END FUND BALANCES, REVENUES, AND EXPENDITURES *(Double click below for Excel spreadsheet. Please populate rows 1 and*

2, and the beginning fund balance in cell A3. The rest of the sheet is formula driven and will automatically populate. If requesting an adjustment to the calculated CAP and return of funds to the Trial Court Trust Fund (TCTF), enter the amount (row 7) being requested and complete Section III):

		A	B	C	D	E	F	G
Row	Fiscal Year	Actual			Estimated			
		Beginning Fund Balance	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
1	Revenue Distributed to the Court		107,223	-731,860	115,472	120,000	120,000	120,000
2	Expenditures		154,489	135,601	135,547	36,424	150,067	154,569
3	Fund Balance	1,092,261	1,044,995	177,534	157,459	241,035	210,968	176,399
CWR Fund Balance above CAP Calculation:								
4	Highest Year of Revenue Distributed to the Court	115,472						
5	Fund Balance at the End of the Current Fiscal Year	157,459						
6	Amount to Return to the TCTF							
7	Requested Adjustment to Fund Balance CAP ¹							
¹ Due to the Director of Budget Services within 60 days of the end of the fiscal year								


B. CURRENT DETAILED EXPENDITURE PROJECTIONS/PLAN FOR NEXT THREE FISCAL YEARS (Please provide an explanation of the expenditure plan that ties to row 2, columns E, F, and G):

The Court has been contracting with the same vendor, Kidango, to operate the CWR. In FY18/19, we anticipate operating the CWR in Pittsburg for 3 months through 9/30/18, suspend service as we move the CWR to the Martinez Family Law Courthouse, and then resume services in FY18/19. The FY18/19 and 19/20 expenditure projections assume services for the entire FY with an anticipated 3% annual cost increase.

SECTION III: RETURNING FUNDS ABOVE THE CAP TO THE TCTF

A. IF REQUESTING AN ADJUSTMENT TO THE FUND BALANCE CAP, PLEASE PROVIDE YOUR JUSTIFICATION BELOW (Include a summary of your ongoing CWR expenditure plan):

**CHILDREN'S WAITING ROOM (CWR)
ANNUAL REPORTING FOR COURTS WITH CWR CAP ADJUSTMENTS /
BIENNIAL FUND BALANCE CAP ADJUSTMENT REQUEST**

<p>Please check all that apply:</p> <p><input checked="" type="checkbox"/> ANNUAL REPORTING FOR COURTS WITH CWR CAP ADJUSTMENTS <i>(Complete Sections I and II) To be submitted in fiscal years ending in an even number (i.e., 2017-2018)</i></p> <p><input type="checkbox"/> BIENNIAL FUND BALANCE CAP ADJUSTMENT REQUEST <i>(Complete Sections I, II, and III)</i> <i>To be submitted in fiscal years ending in an odd number (i.e., 2018-2019)</i></p>	
SECTION I: GENERAL INFORMATION	
<p>SUPERIOR COURT: Orange</p>	<p>PERSON AUTHORIZING REPORT <i>(Presiding Judge or Court Executive Officer):</i> David H. Yamasaki, Court Executive Officer</p> <hr/> <p>CONTACT PERSON AND CONTACT INFO <i>(Please include mailing address, email, and phone number):</i> Daniel Kopp 700 Civic Center Drive West Santa Ana, CA 92701 dkopp@occourts.org (657) 622-7737</p>
<p>DATE OF SUBMISSION: 8/29/2018</p>	<p>RECEIVED AT LEAST 12 MONTHS OF DISTRIBUTIONS IN THE LAST FISCAL YEAR: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>(No biennial reporting is required if less than 12 months of distributions received)</i></p> <p>DO YOU HAVE MULTI-YEAR CONTRACTS? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>(If yes, provide an explanation of the contracts in the CWR Program Update below)</i></p>
<p>CWR PROGRAM UPDATE <i>(Please briefly summarize the status of your current program):</i></p> <p>The Superior Court of California, County of Orange (Court) currently operates Children's Waiting Rooms (CWR) at six justice centers throughout the county. The CWRs are open five days a week, from 8:00 am to 5:00 pm (excluding a lunch hour).</p> <p>In October 2016, the JCC approved an adjustment to the Court's cap on the CWR fund balance. Since then, the Court has continued operating the six CWRs at the same service levels without interruption. As proposed in the cap adjustment request, Court staff completed an assessment of operations, utilization, and costs. Relevant data (e.g. utilization, language needs, and filing trends) were gathered and analyzed with the goal of determining how to best use limited funds. The Court's executive team approved a number of recommendations and, as a result, various CWR supplies and furniture were purchased. In addition, some minor facility modifications were completed with the intent of improving safety for visiting children and CWR staff.</p> <p>FY 2018-19 marks the fifth year of a five-year agreement with the Court's current CWR provider. The contract has a June 30, 2019 end date. The Court will issue a request for proposals (RFP)—the scheduled RFP issuance date is October 1, 2018—to secure a new five-year service contract with an expected start date of July 1, 2019. Beginning in FY 2019-20, service levels—including the number of CWR locations and operating hours—may need to be adjusted so the Court is able to operate the CWR program at an expenditure level that is commensurate with its program revenues.</p>	

SECTION II: FINANCIAL INFORMATION

A. THREE-YEAR HISTORY AND THREE-YEAR PROJECTION OF YEAR END FUND BALANCES, REVENUES, AND EXPENDITURES (Double click below for Excel spreadsheet. Please populate rows 1 and 2, and the beginning fund balance in cell A3. The rest of the sheet is formula driven and will automatically populate. If requesting an adjustment to the calculated CAP and return of funds to the Trial Court Trust Fund (TCTF), enter the amount (row 7) being requested and complete Section III):

		A	B	C	D	E	F	G
Row	Fiscal Year	<i>Actual</i>				<i>Estimated</i>		
		Beginning Fund Balance	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
1	Revenue Distributed to the Court		374,275	402,297	431,766	387,500	387,500	387,500
2	Expenditures		652,449	633,793	722,806	690,632	380,000	380,000
3	Fund Balance	1,287,568	1,009,393	777,898	486,858	183,726	191,226	198,726
CWR Fund Balance above CAP Calculation:								
4	Highest Year of Revenue Distributed to the Court	431,766						
5	Fund Balance at the End of the Current Fiscal Year	486,858						
6	Amount to Return to the TCTF							
7	Requested Adjustment to Fund Balance CAP ¹							
¹ Due to the Director of Budget Services within 60 days of the end of the fiscal year								

B. CURRENT DETAILED EXPENDITURE PROJECTIONS/PLAN FOR NEXT THREE FISCAL YEARS (Please provide an explanation of the expenditure plan that ties to row 2, columns E, F, and G):


The FY 2018-19 CWR expenditure budget includes contract services totaling \$670,000. This will enable the Court to operate all its current locations at their current service levels. In addition, the current year budget includes \$17,309 for facility improvements to improve occupant safety and another \$3,323 for program supplies. The Court expects to be well under the fund balance cap by the end of this calendar year and will remain under the cap for the foreseeable future.

Expenditures in FY 2019-20 and FY 2020-21 reflect a decreased expenditure level that is in line with expected ongoing revenues. The RFP for CWR contract services to be issued in October 2018 will ask vendors to submit proposals in such a way that the Court will be able to adjust the number of locations and service hours, if necessary, in order for expenditures to match revenue.

SECTION III: RETURNING FUNDS ABOVE THE CAP TO THE TCTF

A. IF REQUESTING AN ADJUSTMENT TO THE FUND BALANCE CAP, PLEASE PROVIDE YOUR JUSTIFICATION BELOW *(Include a summary of your ongoing CWR expenditure plan):*

**CHILDREN'S WAITING ROOM (CWR)
ANNUAL REPORTING FOR COURTS WITH CWR CAP ADJUSTMENTS /
BIENNIAL FUND BALANCE CAP ADJUSTMENT REQUEST**

<p>Please check all that apply:</p> <p><input checked="" type="checkbox"/> ANNUAL REPORTING FOR COURTS WITH CWR CAP ADJUSTMENTS <i>(Complete Sections I and II) To be submitted in fiscal years ending in an even number (i.e., 2017-2018)</i></p> <p><input type="checkbox"/> BIENNIAL FUND BALANCE CAP ADJUSTMENT REQUEST <i>(Complete Sections I, II, and III)</i> <i>To be submitted in fiscal years ending in an odd number (i.e., 2018-2019)</i></p>	
SECTION I: GENERAL INFORMATION	
<p>SUPERIOR COURT: Santa Barbara</p>	<p>PERSON AUTHORIZING REPORT <i>(Presiding Judge or Court Executive Officer):</i> Darrel Parker, CEO</p> <hr/> <p>CONTACT PERSON AND CONTACT INFO <i>(Please include mailing address, email, and phone number):</i> Patrick Ballard, CFO pballard@sbcourts.org phone: (805) 882-4682</p>
<p>DATE OF SUBMISSION: 8/24/2018</p>	<p>RECEIVED AT LEAST 12 MONTHS OF DISTRIBUTIONS IN THE LAST FISCAL YEAR: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>(No biennial reporting is required if less than 12 months of distributions received)</i></p> <p>DO YOU HAVE MULTI-YEAR CONTRACTS? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>(If yes, provide an explanation of the contracts in the CWR Program Update below)</i></p>
<p>CWR PROGRAM UPDATE <i>(Please briefly summarize the status of your current program):</i></p> <p>The Santa Barbara Superior Court currently operates two children's waiting rooms in the major population centers within the county. The first is operated in downtown Santa Barbara, in the Figueroa Division, a criminal court building adjacent to the civil and family courts operated in the historic courthouse. The second children's waiting room is operated in the Juvenile Court building in Santa Maria. Both rooms were previously open a limited number of hours under the supervision of a contracted non-profit agency.</p> <p>In order to better serve the needs of the public, a multi-year contract was negotiated with the non-profit agency Community Action Commission to operate both rooms on a full-time basis. The contract and expanded hours became effective on June 1, 2017. The children's waiting room in Santa Barbara, previously opened for just 24 hours per week and is now currently open 40 hours per week. The children's waiting room in Santa Maria at the Juvenile Court, was previously opened a mere 8 hours per week, is now serving the public 35 hours per week. Over the past year 364 families with 468 children used the Children's Waiting Rooms in both locations.</p> <p>The Court will continue to use its fund balance for the increase in services available to the public since June 1, 2017, and also to add technologically advanced learning equipment to both of its waiting rooms.</p> <p>PLEASE NOTE: The Judicial Council, effective November 17, 2017, increased the amount of the 2016-17 cap on the CWR fund balance the Superior Court of Santa Barbara county can carry forward from one fiscal year to the next by \$443,386. (See: <i>Judicial Council of Cal., (November, 2017), https://jcc.legistar.com/LegislationDetail.aspx?</i>)</p>	

SECTION II: FINANCIAL INFORMATION

A. THREE-YEAR HISTORY AND THREE-YEAR PROJECTION OF YEAR END FUND BALANCES, REVENUES, AND EXPENDITURES (Double click below for Excel spreadsheet. Please populate rows 1 and 2, and the beginning fund balance in cell A3. The rest of the sheet is formula driven and will automatically populate. If requesting an adjustment to the calculated CAP and return of funds to the Trial Court Trust Fund (TCTF), enter the amount (row 7) being requested and complete Section III):

Row	Fiscal Year	A	B	C	D	E	F	G	
		Actual				Estimated			
		Beginning Fund Balance	2015-16	2016-17	2017-18	2018-19	2019-20*	2020-21	
1	Revenue Distributed to the Court		39,686	41,033	43,677	41,465	41,465	41,465	
2	Expenditures		55,397	63,205	138,413	157,745	217,745	157,745	
3	Fund Balance	522,303	506,591	484,419	389,683	273,403	97,123	-19,157	

CWR Fund Balance above CAP Calculation:

4	Highest Year of Revenue Distributed to the Court	43,677						
5	Fund Balance at the End of the Current Fiscal Year	389,683						
6	Amount to Return to the TCTF							
7	Requested Adjustment to Fund Balance CAP ¹							

¹Due to the Director of Budget Services within 60 days of the end of the fiscal year

B. CURRENT DETAILED EXPENDITURE PROJECTIONS/PLAN FOR NEXT THREE FISCAL YEARS (Please provide an explanation of the expenditure plan that ties to row 2, columns E, F, and G):

The court has a Multi-year contract agreement for Children’s Waiting Room with Community Action Commission. Please see below for the expenditure plan of the agreement. Within the next three fiscal years the court will be incurring a total of \$473,235 to run the children’s waiting rooms in both the north and south locations. However, only \$124,395 is estimated (based on average of prior 3-years of revenues) to be received in revenues during the same period leaving a large deficit.

Ongoing Expenses	Annual Max Amount
Contractor Staff Salaries	126,433
Classroom Expenses	17,424
Total Costs	12,227
Indirect Costs @8.5%	12,227
Other Allowable Expenses	2,448
Annual Total	\$157,745

One-time Costs*	\$60,000
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*(Add technologically advanced learning equipment to both waiting rooms.)

SECTION III: RETURNING FUNDS ABOVE THE CAP TO THE TCTF

A. IF REQUESTING AN ADJUSTMENT TO THE FUND BALANCE CAP, PLEASE PROVIDE YOUR JUSTIFICATION BELOW *(Include a summary of your ongoing CWR expenditure plan):*

Government Code Section 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.)