



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE
FISCAL PLANNING SUBCOMMITTEE

MATERIALS FOR AUGUST 3, 2020 MEETING

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www.courts.ca.gov/tcbac.htm
tcbac@jud.ca.gov

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JCCAccessCoordinator@jud.ca.gov

TRIAL COURT BUDGET ADVISORY COMMITTEE

FISCAL PLANNING SUBCOMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: August 3, 2020
Time: 1:00 p.m. - 1:30 p.m.
Public Call-in Number: 1-877-820-7831, Pass Code: 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 tcbac@jud.ca.gov.

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 May 21, 2020 Fiscal Planning Subcommittee meeting.

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

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to tcbac@jud.ca.gov. Only written comments received by 1:00 p.m. on July 31, 2020 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (1)

Item 1

Children's Waiting Room Report (Action Item)

Consideration of continued receipt of Children's Waiting Room funds for the Riverside and San Bernardino Superior Courts.

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

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

None

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE

FISCAL PLANNING SUBCOMMITTEE

MINUTES OF OPEN MEETING

May 21, 2020

9:30 a.m. – 10:00 a.m.

Call in Number: 1-877-820-7831, Pass Code: 1884843 (listen only)

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Kimberly A. Gaab, and Hon. Charles Margines.

Executive Officers: Ms. Kim Bartleson, Mr. Chad Finke, Mr. Chris Ruhl, Mr. Michael D. Planet, Mr. Shawn Landry, Mr. Brian Taylor, and Mr. David H. Yamasaki.

Advisory Body Members Absent:

Others Present: Ms. Fran Mueller, Ms. Brandy Olivera, Ms. Michele Allan, Mr. Catrayel Wood, Mr. Bob Fleshman, Mr. Tarry Singh, Mr. Joe Azevedo, and Mr. Travis Andreas.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 9:30 a.m. and roll was called.

Approval of Minutes

The advisory body reviewed and approved the minutes of the November 21, 2019 Fiscal Planning Subcommittee (FPS) meeting.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1 – Trial Court Trust Fund (TCTF) Funds Held on Behalf of the Trial Courts Requests (Action Item)

Consideration of whether to recommend that the Judicial Council approve TCTF funds to be held on behalf of the trial courts in response to six amended requests from five trial courts.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Fiscal Planning Subcommittee
Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

Action:

- *FPS unanimously approved six amended Funds Held on Behalf requests; two submitted by Sierra, one submitted by Napa, one submitted by San Benito, one submitted by Sutter, and one submitted by Kern for consideration by the Judicial Council.*

Item 2 – Update to Children’s Waiting Room (CWR) Policy (Action Item)

Consideration of revisions to the CWR Distribution and Fund Balance Policy to streamline the process including review and reporting requirements.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Fiscal Planning Subcommittee Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

Action:

- *FPS unanimously approved the updates to the Children’s Waiting Room Distribution and Fund Balance Policy for consideration by the Trial Court Budget Advisory Committee.*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 9:43 a.m.

Approved by the advisory body on [REDACTED]

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

Title: Consideration of Continued Receipt of Children’s Waiting Room (CWR) Funds for the San Bernardino and Riverside Superior Courts

Date: 8/3/2020

Contact: Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@jud.ca.gov

Issue

The San Bernardino and Riverside Superior Courts are requesting to continue to receive CWR funds during the unforeseen temporary closure of their children’s waiting rooms in response to the COVID-19 pandemic. By continuing to receive CWR funds, these courts will have sufficient resources to help defray costs when resuming operations.

Background

Per Government Code (GC) section 70640, it is the policy of the state that courts shall endeavor to provide a CWR in each courthouse for children whose parents or guardians are attending a court hearing or for other court purposes. After January 1, 2006, a court may apply to the Judicial Council for a CWR distribution between \$2 and \$5, inclusive, from applicable filing fees (see Attachment A) to help cover the costs of operating CWRs.

Per Judicial Council approval of the Trial Court Budget Advisory Committee-recommended CWR policy revisions at its business meeting on July 24, 2020¹, the Fiscal Planning Subcommittee makes a recommendation directly to the council on a court’s request.

San Bernardino Superior Court

San Bernardino Superior Court’s request for a continued CWR distribution is provided in Attachment B. On March 17, 2020, the court received Chief Justice Cantil-Sakauye’s approval of its emergency order to close except for limited emergency matters, and another extension of this order was approved on April 28, 2020. The emergency order included closure of its CWRs effective March 17, 2020. Due to continued health and safety concerns for court staff and the public, the court does not plan to reopen its CWR locations until it is deemed safe, which may be later in the summer of 2020.

Riverside Superior Court

Riverside Superior Court’s request for a continued CWR distribution is provided in Attachment C. Due to the COVID-19 pandemic and its impact on court operations, the court closed all CWR

¹ Judicial Council of Cal., Advisory Com. Rep., Trial Courts: Update to the Children’s Waiting Room Distribution and Fund Balance Policy (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8643506&GUID=BF60227F-157A-4BBE-8BD5-A0B5F4804971>

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

locations, two locations effective March 20, 2020 and four locations effective April 1, 2020. The court reopened four of its six CWRs on June 15, 2020. The court continues to closely monitor the evolving pandemic situation and hopes to reopen the remaining two locations by the end of calendar year 2020.

Attachment D provides the total distributions for 2016-17, 2017-18, 2018-19, and 2019-20 for the 18 courts that currently have a CWR distribution.

Attachments E and F provide the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) for San Bernardino and Riverside Superior Courts, respectively. There is no change in the distribution for these requests because the two courts are already receiving a CWR distribution.

Recommendation

Approve a recommendation for consideration by the Judicial Council at its business meeting on September 25, 2020 to approve the continued distribution of CWR funds to the San Bernardino and Riverside Superior Courts to allow each court to receive funding to defray costs and support operation of CWRs upon reopening.

Attachments

Attachment A: Government Code Section 70640

Attachment B: San Bernardino Superior Court's CWR Continued Distribution Request

Attachment C: Riverside Superior Court's CWR Continued Distribution Request

Attachment D: CWR – Distribution Amount and Total Distribution

Attachment E: Distribution from First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) in San Bernardino County

Attachment F: Distribution from First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) in Riverside County

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.)



**Superior Court of California
County of San Bernardino**

NANCY CS EBERHARDT
Court Executive Officer and Clerk
Jury Commissioner

**247 West Third Street, Eleventh Floor
San Bernardino, CA 92415-0302**

(909) 708-8747

May 19, 2020

Judicial Council of California
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-3509

Notice of Temporary Closure of Children's Waiting Rooms

To: Director of Budget Services

The Superior Court of San Bernardino (Court) is writing to provide official notice as required per the Children's Waiting Room Policy that all of the Court's waiting rooms temporarily closed effective March 17, 2020, in response to the COVID-19 pandemic.

The Court received Chief Justice Tani Cantil-Sakauye's approval of its emergency order to close with the exception of limited emergency matters on March 17, 2020, and another extension of this order was approved on April 28, 2020.

At the time of this notice, due to continued health and safety concerns, the Court does not plan to reopen its children's waiting room locations until it is deemed safe, which may be later in the summer. During the temporary closure, the Court respectfully requests to continue to receive distributions and will follow all required accounting measures for the safe-keeping of these funds.

Please also note the Court requested clarification of this policy on April 1, 2020, and received an official response requiring notice on May 7, 2020.

Thank you for consideration of this request.

Sincerely,


Nancy CS Eberhardt
Court Executive Officer

NE:sb



W. SAMUEL HAMRICK, JR.
Court Executive Officer

4050 Main Street
Riverside, CA 92501
951-777-3163 Phone
951-777-3164 Fax

Superior Court of California
County of Riverside

July 27, 2020

John Wordlaw
Chief Administrative Officer
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

RE: Request to Receive Children's Waiting Room (CWR) Distribution During
Temporary Closure

Dear Mr. *Wordlaw, John*

Due to the COVID-19 coronavirus pandemic and its impact on court operations, the court temporarily closed its CWRs at the Riverside Family Law and Hemet Courthouses beginning March 20, 2020. The court also temporarily closed its CWRs at the Larson Justice Center, Southwest Justice Center, Southwest Juvenile Courthouse, and Riverside Juvenile Courthouse beginning April 1, 2020.

The court is requesting that the Judicial Council consider its request to continue receiving CWR distributions during the temporary closure of these CWRs.

The court has since re-opened the CWRs at the Larson Justice Center, Southwest Justice Center, Southwest Juvenile Courthouse, and Riverside Juvenile Courthouse on June 15, 2020.

The court continues to closely monitor the evolving COVID-19 coronavirus situation and hopes to re-open the CWRs at the Riverside Family Law and Hemet Courthouses by the end of calendar year 2020.

The court is committed to providing a safe, healthy, and supportive environment for children while their parents attend to court business. Continuity in the court's CWR distributions is critical to defraying costs for the services.

If you or your staff have any questions regarding this request, please contact David Gutknecht, Deputy Executive Officer for Administration, at David.Gutknecht@riverside.courts.ca.gov or (951) 777-3133.

Sincerely,

Sam Hamrick
W. Samuel Hamrick, Jr.
Court Executive Officer

Children's Waiting Room
Distribution Amount and Total Distribution

Attachment D

	Court	Distribution Amount	2016-17 Total Distribution	2017-18 Total Distribution	2018-19 Total Distribution	2019-20 Total Distribution
	A	B	C	D	E	F
1	Alameda	\$5	\$ 188,819	\$ 169,579	\$ 174,451	\$ 141,111
2	Butte	\$5	\$ 27,096	\$ 11,227	\$ -	\$ -
3	Contra Costa	\$5	\$ 129,349	\$ 116,444	\$ 126,445	\$ 103,152
4	Fresno	\$5	\$ 121,401	\$ 110,504	\$ 117,334	\$ 93,562
5	Los Angeles	\$5	\$ 1,295,100	\$ 1,480,168	\$ 1,603,832	\$ 1,416,027
6	Monterey	\$5	\$ 40,826	\$ 20,230	\$ -	\$ -
7	Orange	\$5	\$ 466,843	\$ 421,645	\$ 447,379	\$ 346,706
8	Riverside	\$5	\$ 317,869	\$ 287,070	\$ 328,848	\$ 252,627
9	Sacramento	\$5	\$ 373,901	\$ 348,234	\$ 314,540	\$ 180,747
10	San Bernardino	\$5	\$ 297,239	\$ 288,108	\$ 299,668	\$ 236,116
11	San Diego	\$5	\$ 430,649	\$ 380,780	\$ 407,575	\$ 317,707
12	San Francisco	\$5	\$ 140,230	\$ 124,923	\$ 130,501	\$ 100,649
13	San Joaquin	\$5	\$ -	\$ 91,233	\$ 94,255	\$ 76,281
14	San Luis Obispo	\$5	\$ 29,250	\$ 25,681	\$ 28,232	\$ 24,475
15	San Mateo	\$5	\$ 81,204	\$ 71,715	\$ 76,285	\$ 63,445
16	Santa Barbara	\$5	\$ 48,354	\$ 43,675	\$ 45,150	\$ 39,227
17	Santa Clara	\$5	\$ 174,867	\$ 162,279	\$ 172,182	\$ 149,686
18	Solano	\$5	\$ 56,083	\$ 54,379	\$ 59,359	\$ 49,203
19	Sonoma	\$5	\$ 55,979	\$ 49,926	\$ 54,341	\$ 44,085
20	Stanislaus	\$2	\$ 24,371	\$ -	\$ -	\$ -
21	Ventura	\$5	\$ 103,657	\$ 92,008	\$ 97,711	\$ 75,919
	Total		\$ 4,403,087	\$ 4,349,806	\$ 4,578,087	\$ 3,710,723

Distribution from First Paper General Civil Unlimited
Uniform Filing Fee (GC 70611) in San Bernardino County

Attachment E

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

Distribution from First Paper General Civil Unlimited
Uniform Filing Fee (GC 70611) in Riverside County

Attachment F

Distribution	State vs. Local	Current
Trial Court Trust Fund Base Allocation	State	\$316.70
Children's Waiting Room	State	\$5.00
Automated Recored-Keeping and Micrographics	State	\$1.00
Judges' Retirement Fund	State	\$2.50
State Court Facilities Construction Fund	State	\$0.00
Immediate & Critical Needs Account	State	\$30.00
Local Courthouse Construction Surcharges		\$50.00
Equal Access Fund	Local	\$4.80
Dispute Resolution	Local	\$8.00
Law Library	Local	\$32.00
Fee Amount		\$450.00