



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR AUGUS 12, 2020 VIRTUAL MEETING

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TRIAL COURT BUDGET ADVISORY COMMITTEE

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 12, 2020
Time: 12:00 p.m. to 1:30 p.m.
Public Call-in Number: <https://jcc.granicus.com/player/event/988?>

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.

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 16, 2020 Trial Court Budget Advisory Committee virtual 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 12:00 p.m. on August 11, 2020 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)

Item 1

AB 1058 Budget Reduction (Action Required)

Consideration of a Family and Juvenile Law Advisory Committee recommendation for an updated allocation methodology that takes into consideration a \$7 million contract reduction for the AB 1058 child support program with the Department of Child Support Services in 2020-21.

Presenter(s)/Facilitator(s): Mr. Don Will, Deputy Director, Judicial Council Center for Families, Children & the Courts
Ms. Anna Maves, Supervising Attorney, Judicial Council Center for Families, Children & the Courts

Item 2

2020-21 Court Interpreter Program (CIP) Methodology (Action Required)

Consideration of an Ad Hoc Interpreter Subcommittee recommendation for a 2020-21 allocation methodology for the CIP, not to exceed the current appropriation, while the Ad Hoc Interpreter Subcommittee continues working with Judicial Council staff on a long-term, data-based solution to address the program's ongoing funding shortfall.

Presenter(s)/Facilitator(s): Mr. David Yamasaki, Member, Ad Hoc Interpreter Subcommittee
Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

Item 3

\$50 Million One-Time Funding for COVID-19 Backlog (Action Required)

Begin discussion on gathering data from trial courts for reporting on how the first \$25 million is used as approved for immediate, pro rata allocation by the Judicial Council; developing a more precise definition on COVID-19 backlog and practices for documenting and reporting in relation to a recommendation for the remaining \$25 million; and identifying an allocation recommendation based on data and need for the remaining \$25 million in consultation with the Judicial Branch Budget Committee.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Vice Chair, Trial Court Budget Advisory Committee
Ms. Fran Mueller, Deputy Director, Judicial Council Budget Services

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

None

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET
ADVISORY COMMITTEE

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MINUTES OF OPEN MEETING

July 16, 2020
12:00 p.m. – 1:30 p.m.

<http://jcc.granicus.com/player/event/985?>

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Kimberly Gaab, Hon. Joyce D. Hinrichs, Hon. Patricia L. Kelly, and Hon. Deborah A. Ryan

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson, Ms. Sherri Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Mr. Shawn Landry, Mr. Michael D. Planet, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, Ms. Kim Turner, and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Charles Margines and Hon. B. Scott Thomsen.

Others Present: Mr. John Wordlaw, Ms. Fran Mueller, Ms. Leah Rose-Goodwin, Ms. Kristin Greenaway, Ms. Brandy Olivera, Ms. Michele Allan, Mr. Nick Armstrong, and Mr. Catrayel Wood.

OPEN MEETING

Call to Order and Roll Call

The chair welcomed the members and called the meeting to order at 12:03 p.m. and took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1 - Trial Court Usage of Pension Prefunding Trust Funds (Action Required)

Consideration of the impact of trial court participation in a pension prefunding trust fund.

Presenter(s)/Facilitator(s): Ms. Michele Allan, Supervisor, Budget Services

Action: TCBAC unanimously voted to further research the cost benefit impact for developing a recommendation regarding potential trial court participation in the California Employers' Pension Prefunding Trust (CEPPT) program for consideration by the Judicial Council at a future business meeting.

Item 2 - Annual Funding Methodology Subcommittee (FMS) Work Plan Update (Action Required)

Consideration of an FMS recommendation to update and prioritize the items on the annual work plan.

Presenter(s)/Facilitator(s): Ms. Brandy Olivera, Manager, Budget Services

Action: TCBAC unanimously voted to approve updates to the annual work plan recommended by the FMS and Budget Services staff as follows:

1. Mark items 1 and 2 as complete once recommendations are approved by the Judicial Council at its July 24, 2020 business meeting.
2. Mark items 3, 5, and 6 as complete.
3. Add an item to 2019-20 to initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding.
4. Move remaining 2019-20 items 4 and the ad hoc subcommittee addition to fiscal year 2020-21.

INFORMATION ONLY ITEMS (INFO 1 - 3)

Info 1 - Budget Act of 2020

Discussion of the funding provided for trial courts in the Budget Act of 2020.

Presenter(s)/Facilitator(s): Mr. John Wordlaw, Chief Administrative Officer, Judicial Council

Action: No action taken.

Info 2 - 2020-21 Self-Help Annual Update

Annual update of the three-year average census data from the California Department of Finance, Demographic Research Unit, and Population estimates for Cities and Counties and the State.

Presenter(s)/Facilitator(s): Mr. Nick Armstrong, Senior Research Analyst, Business Management Services

Action: No action taken.

Info 3 - Trial Court Trust Fund Funds Held on Behalf Expenditure Reporting

Report to TCBAC on how funds were expended for projects and planned expenditures that are complete.

Presenter(s)/Facilitator(s): Mr. Catrayel Wood, Senior Analyst, Budget Services

Action: No action taken.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:40 p.m.

Approved by the advisory body on enter date.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on September 24-25, 2020

Title

Child Support: AB 1058 Child Support
Commissioner and Family Law Facilitator
Program Funding Reduction FY 20/21

Rules, Forms, Standards, or Statutes Affected

None

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair

Agenda Item Type

Action Required

Effective Date

September 24, 2020

Date of Report

July 31, 2020

Contact

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Executive Summary

The Trial Court Budget Advisory Committee (TCBAC) recommends approving a temporary budget reduction methodology to allocate the \$7 million budget reduction to the AB 1058 Child Support Commissioner and Family Law Facilitator program's (AB 1058) fiscal year (FY) 2020/21 budget resulting from the California Department of Child Support Services' (DCSS) reduction to the Judicial Council's cooperative agreement for FY 2020-21. The DCSS has allocated \$2.38 million of the \$8.3 million of their state budget reduction for FY 2020-21 to the AB 1058 Program. The reduction of the state funds will result in a reduction of federal matching funds of \$4.62 million for a \$7 million total reduction to AB1058 Program for the current fiscal year.

Recommendation

The TCBAC recommends that the Judicial Council, effective July 1, 2020:

1. Approve the committee's recommended reduction for funding of child support commissioners for FY 2020-21, as set forth in Attachment A1. This methodology distributes 75 percent of the \$7 million reduction to the child support commissioners based on the FY 2020-21 allocation approved by the Judicial Council in January 2019. Additionally, the methodology applies the reduction based on courts' child support commissioner workload by establishing a 4 percent band around the statewide average funding level (2 percent above the average funding level and 2 percent below) and includes the following criteria:
 - a. Courts within the band take a pro rata reduction, but do not fall outside the band;
 - b. Courts above the band take up to an additional 1 percent cut from those within the band without falling into the band;
 - c. Courts below the band take up to 1 percent less of a cut than those within the band, and
 - d. Cluster 1 courts are held to a cut of 50 percent of the percentage reduction taken by courts within the band.
2. Approve the committee's recommended reduction for funding of family law facilitators for FY 2020-21, as set forth in Attachment A2. This methodology distributes 25 percent of the \$7 million reduction to the family law facilitators based on the FY 20-21 allocation approved by the Judicial Council in March 2020. Additionally, the methodology applies the reduction pro rata, holding the cluster 1 courts to 50 percent or the pro rata reduction.
3. Approve the committee's recommendation for FY 2020-21 AB 1058 program funding for the courts for the total base funding allocations derived from recommendations 1 and 2, and the application of the additional federal drawdown funding, as displayed in Attachment C1 and C2.

Relevant Previous Council Action

The Judicial Council is required annually to allocate non-trial court funding to the Child Support Commissioner and Family Law Facilitator Program (collectively known as the AB 1058 program) and has done so since 1997.¹ A cooperative agreement between the California

¹ Assembly Bill 1058 added article 4 to chapter 2 of part 2 of division 9 of the Family Code, which at section 4252(b)(6) requires the Judicial Council to "[e]stablish procedures for the distribution of funding to the courts for

Department of Child Support Services (DCSS) and the Judicial Council provides the funds for this program and requires the council to annually approve the funding allocation. Two-thirds of the funds are federal, and one-third comes from the state General Fund (non-trial court funding). Any funds left unspent during the fiscal year revert to the state General Fund and cannot be used in subsequent years.

On January 15, 2019, the Judicial Council approved the recommendations of the AB 1058 Funding Allocation Joint Subcommittee and:

1. Adopted a new funding methodology for the AB1058 child support commissioner program base funding that is workload-based and employs the same workload and cost structures as the Workload Formula, caps increases or decreases of funding at 5 percent, maintains current funding levels for smaller courts to ensure continued operation of their programs, and reviews the workload measure on a biannual basis;
2. Based on recommendations of the Family and Juvenile Law Advisory Committee, allocated federal Title IV-D (of the Social Security Act) drawdown funds (to be matched by the trial courts) to each court in proportion to the total funds up to the amount the court requests and is prepared to match; and
3. Maintained the historical funding methodology for the family law facilitator program until FY 2021-22.

On March 24, 2020, the Judicial Council approved the allocation of funding for the AB 1058 program for FY 2020–21. For the child support commissioner component of the program, it approved \$31,616,936 in base funding and \$13,038,952 for the federal drawdown option. For the family law facilitator component of the program it approved \$10,789,626 in base funding and \$4,449,685 from the federal drawdown option. Consequently, for the total program the council approved a base allocation of \$44.6 million and a total federal drawdown allocation of \$15.2 million.

Other Background

Due to the ongoing COVID-19 pandemic and subsequent recession, the budget passed by the state for FY 2020–21 was revised substantially downward from the previous budgets proposed in January and May. The budget that was enacted and signed into law seeks to close an expected \$54.3 billion shortfall for the current fiscal year.²

child support commissioners, family law facilitators pursuant to [Family Code] Division 14 (commencing with Section 10000), and related allowable costs.”

According to the Department of Finance, the enacted budget “includes an ongoing \$46.4 million General Fund reduction for child support administration,” which includes “[s]avings of \$38.1 million to revert Local Child Support Agency Funding to 2018 levels” and “[s]avings of \$8.3 million to reduce state operations and contracts cost.”³ The DCSS has allocated \$2.38 million of the \$8.3 million of their state budget reduction for Fiscal Year 2020-21 to the AB1058 Program. The reduction of the state funds will result in a reduction of federal matching funds of \$4.62 million for a \$7 million total reduction to AB1058 Program for the current fiscal year.

The Judicial Council is required annually to allocate non-trial court funding to the Child Support Commissioner and Family Law Facilitator Program (collectively known as the AB 1058 program) and has done so since 1997.⁴ A cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council provides the funds for this program and requires the council to annually approve the funding allocation. Two-thirds of the funds are federal, and one-third comes from the state General Fund (non-trial court funding). Any funds left unspent during the fiscal year revert to the state General Fund and cannot be used in subsequent years.

The federal Title IV-D (of the Social Security Act) drawdown funds (to be matched by the trial courts) will continue to be allocated to each court in accordance with the recommendations approved by the Judicial Council in March 2020 and will be allocated in proportion to the total funds, up to the amount the court requests and is prepared to match.

The budget contains “triggers” should the state receive relief funding from the federal government so that this funding will be fully restored in the event federal funds are made available to the state by October 15, 2020.

Analysis/Rationale

Current funding for child support commissioners meets only 47 percent of the funding need, as calculated by the workload formula approved by the Judicial Council in January 2019.

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 Funding Formula including the Resource Assessment Study (RAS) model. Child support commissioner need is estimated by taking a three-year average of governmental child support filings (FY 2014–15 through FY 2016–17) and multiplying those filings by the caseweight in the Family Law–Other Petitions category (46 minutes). The product is then divided by the judicial workload year value. The result is an

³ See Entire Department of Child Support Services budget detail at <http://www.ebudget.ca.gov/2020-21/pdf/Enacted/GovernorsBudget/4000/5175.pdf>.

⁴ Assembly Bill 1058 added article 4 to chapter 2 of part 2 of division 9 of the Family Code, which at section 4252(b)(6) requires the Judicial Council to “[e]stablish procedures for the distribution of funding to the courts for child support commissioners, family law facilitators pursuant to [Family Code] Division 14 (commencing with Section 10000), and related allowable costs.”

estimate of the full-time equivalent (FTE) positions 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 percent of a judge's salary. A similar approach was taken to estimate the workload-based need for staff support (footnote: more details can be found in the January 2019 Judicial Council report).

The 2019 model calculates a funding need of \$67.696 million for child support commissioner services in the courts. The available funding of \$31.617 million is 47 percent of the funding need. The reduction of \$5,250,000 will lower the available funding to \$26.367 million for child support commissioners, reducing the percentage of funding need met to 39 percent.

As the latest judicial needs study did not determine caseweights for Title IV-D governmental child support cases specifically, the caseweights for the Family Law–Other Petitions case type was used to assess Child Support Commissioner (CSC) staffing need for each court. A future judicial needs study will determine a separate caseweight for Title IV-D governmental child support cases that can be applied to the CSC funding model.

Despite the reduction, it is expected that there will be an increase in workload for the courts, due to:

- An increase in applications for CalWORKs caused by the COVID-19 pandemic, which will lead to an increase in new Title IV-D actions;
- A large increase in applications for unemployment benefits in the state caused by the COVID-19 pandemic, as many Californians have either lost their jobs or seen reduced hours or wages, which will in turn lead to more requests for modification of support orders.

These factors will result in an increased workload for child support commissioners and the clerks and other staff that support the program, which will also cause an increase in self-represented litigants seeking assistance from their local family law facilitator for assistance with preparing paperwork and other matters.

Policy implications

The funding for the AB 1058 program is grounded in a workload-based methodology that fairly distributes funds for the program, while taking into account the statutory requirement that each court provide sufficient AB 1058 commissioners to hear child support cases filed by the local child support agencies and maintain an office of the family law facilitator to assist parents with their child support cases. To ensure each court can meet that requirement within the funding for the program it is critical that each court receive a level of funding that makes it possible to employ someone in each of these positions. In addition, it is critical that the funding for the program is such that California continues to meet federal performance measures that allow the federal funds to flow to the program. The economic impact of the COVID-19 is extensive and it is critical the budget reduction methodology be implemented to ensure that statewide AB 1058 services can continue and to prevent any loss of performance in the program.

Comments

The Court Executives Advisory Committee Subcommittee (CEAC) on Child Support Services met twice to discuss the budget reduction and make a recommendation to the Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee on reduction methodology. The Subcommittee requested and reviewed a range of reduction methodologies. The Subcommittee noted the importance of workload-based reductions and the desirability of a reduction methodology that paralleled the recent TCBAC recommendation to the Judicial Council on reductions to trial court budget allocations. In this context they also discussed the fact that the Child Support Commissioner allocation is based on a workload methodology approved by the Judicial Council, while a workload methodology for Family Law Facilitators is still under development. This means that a workload-based reduction methodology can only be considered for the Child Support Commissioner allocation. Finally, they noted the importance of preserving core services in the Cluster 1 courts, and recommended the following:

- 1) For both the Family Law Facilitator and the Child Support Commissioner allocation reduction methodologies, Cluster 1 courts should receive only 50 percent of the statewide reduction percentage.
- 2) For Family Law Facilitator allocations, the reductions should be applied pro rata to all courts.
- 3) For Child Support Commissioners, the reductions should be applied as followed:
 - a) Courts with a ratio of FY 2020-21 budget allocation to total workload-based need (“Ratio”) that is within a band of 2 percent below and above the statewide Ratio receive the average statewide reduction;
 - b) Courts with a Ratio above the statewide Ratio receive the statewide reduction plus 1 percent;
 - c) Courts with a Ratio below the statewide Ratio receive the statewide reduction less 1 percent, scaled by their distance below the Ratio;
 - d) Cluster 1 courts receive 50 percent of the statewide reduction.

The Family and Juvenile Law Advisory Committee (FamJuv) was charged by the Judicial Council in its January 2019 Child Support: AB 1058 Child Support Commissioner and Family Law Facilitator Program Funding Allocation Judicial Council Report to make recommendations to the TCBAC on funding methodologies for both Family Law Facilitators and Child Support Commissioners. FamJuv met to discuss the budget reduction, review the CEAC subcommittee recommendation and make a recommendation to the TCBAC on reduction methodology. After an extensive discussion about the various options, the committee agreed with the recommendation made by the CEAC subcommittee, with the amendment that the reduction to the courts below the band not be scaled, rather it be uniformly 1 percent less than the pro rata reduction. The recommendation received two dissenting votes, with both committee members expressing that small courts should not receive a reduction, and that unless the Legislature explicitly directs otherwise, all Judicial Branch processes should be based on equity with special consideration to the underfunded courts.

In addition, FamJuv recommended to the TCBAC that Cluster 1 courts be polled as to the potential impact of the reductions, and that information be provided in the final report to the Judicial Council.

Alternatives considered

Various alternate allocation methodologies for the reduction to AB 1058 funding were discussed for consideration. All of the funding alternatives considered are contained in the attachments to the report to the Family and Juvenile Law Advisory Committee, posted here:

<https://www.courts.ca.gov/documents/famjuv-20200730-materials.pdf>.

Below is the list of options that were considered:

Child Support Commissioner Only Alternatives:

Pro rata reduction based on courts' workload calculation and establishment of a 6 percent band around the statewide funding level. (Note: Establishing a 6 percent band was not considered in either committee's discussion.)

Pros

- Consistent with the options presented to TCBAC made in developing the trial court budget reduction methodology.
- Compared to the 4 percent band model, a larger number of courts fall into the band around the statewide average and are thus protected from the larger reduction made to courts above the band.

Cons

- Compared to the 4 percent band model, fewer courts receive the lower reduction made to courts below the band.

Pro rata reduction based on courts' workload calculation and establishment of a 4 percent band around the statewide funding level be scaled relative to distance from statewide average met need for the courts below the band.

Pros

- Consistent with the methodology for trial court budget reductions
- Mitigates the reduction for those courts at greatest distance below statewide average need met.

Cons

- Deviates from strict pro rata reduction, which some commenters believed was the most fair model.

Child Support Commissioner and Family Law Facilitator Alternatives

For all reductions, Cluster 1 courts receive no reduction.

Pros

- Protects Cluster 1 courts from having to reduce staff to the extent of ending the program.

Cons

- Exempting Cluster 1 courts from the reduction is inconsistent with equity principles.

For all reductions, Cluster 1 courts receive full pro rata reduction.

Pros

- Including Cluster 1 courts in the reduction is consistent with equity principles.

Cons

- Cluster 1 courts may not be able to absorb any reduction without reducing staff to the extent of ending the program.

Fiscal and Operational Impacts

The proposed budget reduction will result in reducing staff who are critically needed during the recession to maintain service levels. Approximately 80 percent of the AB 1058 funds provided to the trial courts are used for personnel costs. The proposed cut in funding will result in a reduction of court personnel who process filings, assist parents in understanding the child support system, and assist in accurately completing forms and providing necessary documentation. It will also result in reduced hearing time, which will lead to delays in establishing and modifying orders.

This reduction will have substantial negative impacts on trial court operations. It will make it challenging for courts to comply with provisions related to filing time frames and hearing cases that are contained in the contract between DCSS and the Judicial Council, the Judicial Council and the local courts, and the plans of cooperation between the trial courts and the local child support agencies. Both the contract and the plans of cooperation will need to be renegotiated with the DCSS to revise these timelines.

Attachments and Links

1. Attachment A

A1. Child Support Commissioner Reduction Model 4% Band – small courts held at 50% of Pro Rata

A2. Family Law Facilitator Reduction Model – small courts held at 50% of Pro Rata

2. Attachment B

B1. Child Support Commissioner Reduction Model 4% Band – small courts held at 50% of

Pro Rata and courts below band scaled

3. Attachment C

C1. Family Law Facilitator Final FY 2020-21 Allocations based on the Committee recommendation of reduction model

C2. Child Support Commissioners Final FY 2020-21 Allocations based on the Committee recommendation of reduction model

Links: All financial models considered are available in the July 30, 2020 Report to the Family and Juvenile Law Advisory Committee: <https://www.courts.ca.gov/documents/famjuv-20200730-materials.pdf>.

DRAFT

	A	C	F	T	W	X	Y	Z	AA	AB	AC
1	Cluster	Court	Total CSC and Staff Funding Need	Allocation FY 2020-21	Percentage of Need Met	Reduction: Small Court	Reduction: Above Band	Reduction: Within Band	Reduction: Below Band	Reduction One Column	Amount of Reduction
2	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K
3	1	Mono	9,301	45,974	494.27%	8.43%				8.43%	3,873
4	1	Inyo	27,489	79,264	288.35%	8.43%				8.43%	6,678
5	1	Plumas	39,749	95,777	240.95%	8.43%				8.43%	8,069
6	1	Sierra	4,595	11,000	239.42%	8.43%				8.43%	927
7	2	Nevada	135,724	316,593	233.26%		17.85%			17.85%	56,512
8	1	Colusa	20,730	45,691	220.41%	8.43%				8.43%	3,849
9	1	Mariposa	35,342	75,216	212.82%	8.43%				8.43%	6,337
10	1	Amador	73,760	140,250	190.14%	8.43%				8.43%	11,816
11	1	San Benito	86,478	135,384	156.55%	8.43%				8.43%	11,406
12	2	Tuolumne	104,455	158,566	151.80%		17.85%			17.85%	28,304
13	1	Glenn	83,419	120,030	143.89%	8.43%				8.43%	10,113
14	1	Calaveras	109,761	132,667	120.87%	8.43%				8.43%	11,177
15	3	Sonoma	429,281	477,253	111.17%		17.85%			17.85%	85,190
16	2	Santa Cruz	168,509	186,631	110.75%		17.85%			17.85%	33,314
17	4	Santa Clara	1,551,874	1,697,087	109.36%		17.85%			17.85%	302,930
18	2	Siskiyou	117,625	124,720	106.03%		17.85%			17.85%	22,262
19	2	Shasta	399,474	398,675	99.80%		17.85%			17.85%	71,163
20	2	Yuba	228,887	203,149	88.76%		17.85%			17.85%	36,262
21	2	Marin	139,003	120,757	86.87%		17.85%			17.85%	21,555
22	3	Contra Costa	973,086	835,291	85.84%		17.85%			17.85%	149,099
23	3	Santa Barbara	554,070	458,012	82.66%		17.85%			17.85%	81,755
24	3	San Mateo	453,725	372,835	82.17%		17.85%			17.85%	66,551
25	2	Lake	185,197	148,425	80.14%		17.85%			17.85%	26,494
26	2	Placer	411,054	328,758	79.98%		17.85%			17.85%	58,683
27	4	San Francisco	1,107,735	863,471	77.95%		17.85%			17.85%	154,130
28	2	San Luis Obispo	293,214	220,725	75.28%		17.85%			17.85%	39,399
29	2	El Dorado	290,358	203,169	69.97%		17.85%			17.85%	36,266
30	2	Mendocino	233,717	162,914	69.71%		17.85%			17.85%	29,080
31	2	Kings	419,007	289,538	69.10%		17.85%			17.85%	51,683
32	3	Tulare	782,899	534,195	68.23%		17.85%			17.85%	95,354
33	2	Butte	465,533	287,042	61.66%		17.85%			17.85%	51,237
34	1	Lassen	98,431	60,000	60.96%	8.43%				8.43%	5,055
35	2	Sutter	321,148	192,235	59.86%		17.85%			17.85%	34,314
36	3	Stanislaus	1,263,676	737,802	58.39%		17.85%			17.85%	131,698
37	3	Solano	874,487	493,537	56.44%		17.85%			17.85%	88,096
38	2	Merced	936,592	516,419	55.14%		17.85%			17.85%	92,181
39	2	Napa	189,565	100,465	53.00%		17.85%			17.85%	17,933
40	4	Orange	4,339,981	2,199,809	50.69%		17.85%			17.85%	392,666
41	3	Fresno	3,143,939	1,547,773	49.23%		17.85%			17.85%	276,277
42	3	Monterey	788,655	375,757	47.65%			16.85%		16.85%	63,315
43	2	Madera	436,283	205,992	47.22%			16.85%		16.85%	34,710
44	3	Ventura	1,181,896	555,211	46.98%			16.85%		16.85%	93,553
45	2	Humboldt	251,220	117,835	46.91%			16.85%		16.85%	19,855
46	4	San Diego	3,746,939	1,755,653	46.86%			16.85%		16.85%	295,828

	A	C	F	T	W	X	Y	Z	AA	AB	AC
1	Cluster	Court	Total CSC and Staff Funding Need	Allocation FY 2020-21	Percentage of Need Met	Reduction: Small Court	Reduction: Above Band	Reduction: Within Band	Reduction: Below Band	Reduction One Column	Amount of Reduction
2	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K
47	1	Trinity	41,798	18,900	45.22%	8.43%				8.43%	1,592
48	3	San Joaquin	1,616,992	719,254	44.48%				15.85%	15.85%	114,002
49	2	Tehama	224,963	98,961	43.99%				15.85%	15.85%	15,685
50	2	Yolo	457,344	199,702	43.67%				15.85%	15.85%	31,653
51	4	Alameda	2,621,376	1,119,358	42.70%				15.85%	15.85%	177,418
52	4	San Bernardino	7,550,076	2,698,328	35.74%				15.85%	15.85%	427,685
53	1	Del Norte	142,611	50,404	35.34%	8.43%				8.43%	4,247
54	4	Los Angeles	16,130,495	5,554,479	34.43%				15.85%	15.85%	880,385
55	3	Kern	2,205,847	704,023	31.92%				15.85%	15.85%	111,588
56	4	Sacramento	3,437,294	1,096,727	31.91%				15.85%	15.85%	173,831
57	2	Imperial	635,749	173,631	27.31%				15.85%	15.85%	27,521
58	4	Riverside	5,097,627	1,055,625	20.71%				15.85%	15.85%	167,317
59	1	Modoc	24,662			8.43%				8.43%	
60	1	Alpine	1,103			8.43%				8.43%	
61		Total	67,695,798	31,616,936	46.70%						5,249,872
62											
63											

Family Law Facilitator Program Allocation, FY 2020-2021				
Clusters	FLF Court Col. A	Beginning Base Funding Allocation Col. B	Base Allocation - Small Courts Held 50% Col. C	Difference (B-C)
4	Alameda	362,939	302,087	60,852
1	Alpine (see El Dorado)		-	-
1	Amador	46,885	43,083	3,802
2	Butte	101,754	84,694	17,060
1	Calaveras	70,655	64,925	5,730
1	Colusa	35,600	32,713	2,887
3	Contra Costa	345,518	287,587	57,931
1	Del Norte	50,002	45,947	4,055
2	El Dorado	106,037	88,258	17,779
3	Fresno	394,558	328,405	66,153
1	Glenn	75,808	69,660	6,148
2	Humboldt	89,185	74,232	14,953
2	Imperial	52,865	44,001	8,864
1	Inyo	57,185	52,548	4,637
3	Kern	355,141	295,597	59,544
2	Kings	58,493	48,686	9,807
2	Lake	57,569	47,917	9,652
1	Lassen	65,000	59,729	5,271
4	Los Angeles	1,890,029	1,573,141	316,888
2	Madera	80,794	67,248	13,546
2	Marin	136,581	113,681	22,900
1	Mariposa	45,390	41,709	3,681
2	Mendocino	60,462	50,325	10,137
2	Merced	98,847	82,274	16,573
1	Modoc	70,941	65,188	5,753
1	Mono	48,246	44,333	3,913
3	Monterey	120,688	100,453	20,235
2	Napa	61,820	51,455	10,365
2	Nevada	116,010	96,559	19,451
4	Orange	537,209	447,139	90,070
2	Placer	89,626	74,599	15,027
1	Plumas	55,827	51,300	4,527
4	Riverside	665,441	553,871	111,570
4	Sacramento	309,597	257,689	51,908
1	San Benito	60,289	55,400	4,889
4	San Bernardino	459,342	382,327	77,015
4	San Diego	605,937	504,344	101,593
4	San Francisco	245,257	204,136	41,121
3	San Joaquin	214,154	178,248	35,906
2	San Luis Obispo	67,010	55,775	11,235
3	San Mateo	126,800	105,540	21,260
3	Santa Barbara	170,705	142,084	28,621
4	Santa Clara	445,545	370,843	74,702
2	Santa Cruz	74,335	61,872	12,463
2	Shasta	185,447	154,354	31,093
1	Sierra (see Nevada)	0	-	-
2	Siskiyou	74,650	62,134	12,516
3	Solano	129,070	107,430	21,640
3	Sonoma	138,141	114,980	23,161
3	Stanislaus	219,062	182,333	36,729
2	Sutter	66,292	55,177	11,115
2	Tehama	27,294	22,718	4,576
1	Trinity (see Shasta)	0	-	-
3	Tulare	307,882	256,262	51,620
2	Tuolumne	64,534	53,714	10,820
3	Ventura	252,718	210,346	42,372
2	Yolo	76,604	63,760	12,844
2	Yuba	65,856	54,814	11,042
	Total	10,789,626	9,039,626	1,750,000

Child Support Commissioner Reduction Model 4% Band – small courts held at 50% of Pro Rata and courts below band scaled

Chart to be provided

Attachment C1

Family Law Facilitator Final FY 2020-21 Allocations						
	A	B	C	D	E	F
FLF Court	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Federal Share 66% (Column B * .66)	Court Share 34% (Column B * .34)	Total Allocation (A + B)	Contract Amount (A + C)
Alameda	302,087	247,743	163,510	84,233	549,830	465,598
Alpine (see El Dorado)	0	0	0	0	0	0
Amador	43,083	4,701	3,103	1,598	47,784	46,185
Butte	84,694	61,250	40,425	20,825	145,944	125,119
Calaveras	64,925	8,000	5,280	2,720	72,925	70,205
Colusa	32,713	8,900	5,874	3,026	41,613	38,587
Contra Costa	287,587	0	0	0	287,587	287,587
Del Norte	45,947	5,971	3,941	2,030	51,918	49,888
El Dorado	88,258	50,384	33,253	17,131	138,642	121,512
Fresno	328,405	186,596	123,153	63,443	515,001	451,558
Glenn	69,660	0	0	0	69,660	69,660
Humboldt	74,232	9,774	6,451	3,323	84,006	80,683
Imperial	44,001	36,086	23,817	12,269	80,087	67,818
Inyo	52,548	27,171	17,933	9,238	79,719	70,480
Kern	295,597	200,000	132,000	68,000	495,597	427,597
Kings	48,686	32,000	21,120	10,880	80,686	69,806
Lake	47,917	26,836	17,712	9,124	74,753	65,629
Lassen	59,729	0	0	0	59,729	59,729
Los Angeles	1,573,141	803,431	530,264	273,167	2,376,572	2,103,405
Madera	67,248	25,383	16,753	8,630	92,631	84,001
Marin	113,681	0	0	0	113,681	113,681
Mariposa	41,709	0	0	0	41,709	41,709
Mendocino	50,325	30,000	19,800	10,200	80,325	70,125
Merced	82,274	67,473	44,532	22,941	149,747	126,806
Modoc	65,188	1,247	823	424	66,435	66,011
Mono	44,333	1,350	891	459	45,683	45,224
Monterey	100,453	57,179	37,738	19,441	157,632	138,191
Napa	51,455	40,000	26,400	13,600	91,455	77,855
Nevada	96,559	0	0	0	96,559	96,559
Orange	447,139	114,738	75,727	39,011	561,877	522,866
Placer	74,599	0	0	0	74,599	74,599
Plumas	51,300	7,803	5,150	2,653	59,103	56,450
Riverside	553,871	218,500	144,210	74,290	772,371	698,081
Sacramento	257,689	211,331	139,478	71,853	469,020	397,167
San Benito	55,400	29,151	19,240	9,911	84,551	74,639
San Bernardino	382,327	313,548	206,942	106,606	695,875	589,269
San Diego	504,344	253,614	167,385	86,229	757,958	671,729
San Francisco	204,136	113,795	75,105	38,690	317,931	279,241
San Joaquin	178,248	78,238	51,637	26,601	256,486	229,885
San Luis Obispo	55,775	32,246	21,282	10,964	88,021	77,057
San Mateo	105,540	86,554	57,126	29,428	192,094	162,666
Santa Barbara	142,084	77,323	51,033	26,290	219,407	193,117
Santa Clara	370,843	210,712	139,070	71,642	581,555	509,913
Santa Cruz	61,872	43,000	28,380	14,620	104,872	90,252
Shasta	154,354	111,913	73,863	38,050	266,267	228,217
Sierra (see Nevada)	0	0	0	0	0	0
Siskiyou	62,134	35,000	23,100	11,900	97,134	85,234
Solano	107,430	39,710	26,209	13,501	147,140	133,638
Sonoma	114,980	65,519	43,243	22,276	180,499	158,222
Stanislaus	182,333	120,000	79,200	40,800	302,333	261,533
Sutter	55,177	31,409	20,730	10,679	86,586	75,907
Tehama	22,718	3,535	2,333	1,202	26,253	25,051
Trinity (see Shasta)	0	0	0	0	0	0
Tulare	256,262	132,293	87,313	44,980	388,555	343,575
Tuolumne	53,714	30,084	19,855	10,229	83,798	73,569
Ventura	210,346	77,864	51,390	26,474	288,210	261,737
Yolo	63,760	35,377	23,349	12,028	99,137	87,109
Yuba	54,814	44,953	29,669	15,284	99,767	84,483
Total	9,039,626	4,449,685	2,936,792	1,512,893	13,489,311	11,976,418

FLF Base Funds 9,039,626
 FLF Federal Drawdown 4,449,685
 Total 13,489,311

Attachment C2

Child Support Commissioner Final FY 2020-21 Allocations						
	A	B	C	D	E	F
CSC Court	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Federal Share 66% (Column B * .66)	Court Share 34% (Column B * .34)	Total Allocation (A + B)	Contract Amount (A + C)
Alameda	941,940	549,815	362,878	186,937	1,491,755	1,304,818
Alpine (see El Dorado)	0	0	0	0	0	0
Amador	128,434	45,736	30,186	15,550	174,170	158,620
Butte	235,805	0	0	0	235,805	235,805
Calaveras	121,490	10,000	6,600	3,400	131,490	128,090
Colusa	41,842	20,809	13,734	7,075	62,651	55,576
Contra Costa	686,192	0	0	0	686,192	686,192
Del Norte	46,158	29,023	19,155	9,868	75,181	65,313
El Dorado	166,903	100,382	66,252	34,130	267,285	233,155
Fresno	1,271,495	843,800	556,908	286,892	2,115,295	1,828,403
Glenn	109,917	63,012	41,588	21,424	172,929	151,505
Humboldt	97,980	59,801	39,469	20,332	157,781	137,449
Imperial	146,111	99,977	65,985	33,992	246,088	212,096
Inyo	72,586	45,640	30,122	15,518	118,226	102,708
Kern	592,435	405,377	267,548	137,828	997,812	859,983
Kings	237,855	166,716	110,033	56,683	404,571	347,888
Lake	121,931	37,000	24,420	12,580	158,931	146,351
Lassen	54,945	0	0	0	54,945	54,945
Los Angeles	4,674,094	3,198,270	2,110,858	1,087,412	7,872,364	6,784,952
Madera	171,282	83,000	54,780	28,220	254,282	226,062
Marin	99,201	34,980	23,087	11,893	134,181	122,288
Mariposa	68,879	0	0	0	68,879	68,879
Mendocino	133,834	51,250	33,825	17,425	185,084	167,659
Merced	424,238	297,354	196,254	101,100	721,592	620,492
Modoc	0	0	0	0	0	0
Mono	42,101	5,000	3,300	1,700	47,101	45,401
Monterey	312,442	100,556	66,367	34,189	412,998	378,809
Napa	82,532	0	0	0	82,532	82,532
Nevada	260,081	0	0	0	260,081	260,081
Orange	1,807,143	326,142	215,254	110,888	2,133,285	2,022,397
Placer	270,075	51,092	33,721	17,371	321,167	303,796
Plumas	87,708	0	0	0	87,708	87,708
Riverside	888,308	244,375	161,288	83,088	1,132,683	1,049,596
Sacramento	922,896	500,000	330,000	170,000	1,422,896	1,252,896
San Benito	123,978	30,000	19,800	10,200	153,978	143,778
San Bernardino	2,270,643	1,393,318	919,590	473,728	3,663,961	3,190,233
San Diego	1,459,826	1,010,905	667,197	343,708	2,470,731	2,127,023
San Francisco	709,341	441,796	291,585	150,211	1,151,137	1,000,926
San Joaquin	605,252	50,000	33,000	17,000	655,252	638,252
San Luis Obispo	181,325	127,093	83,881	43,212	308,418	265,206
San Mateo	306,284	214,678	141,687	72,991	520,962	447,971
Santa Barbara	376,257	149,724	98,818	50,906	525,981	475,075
Santa Clara	1,394,157	977,183	644,941	332,242	2,371,340	2,039,098
Santa Cruz	153,317	36,000	23,760	12,240	189,317	177,077
Shasta	327,512	205,874	135,877	69,997	533,386	463,389
Sierra (see Nevada)	10,073	0	0	0	10,073	10,073
Siskiyou	102,457	0	0	0	102,457	102,457
Solano	405,440	95,481	63,017	32,464	500,921	468,457
Sonoma	392,063	221,104	145,929	75,175	613,167	537,992
Stanislaus	606,105	260,000	171,600	88,400	866,105	777,705
Sutter	157,921	63,487	41,901	21,586	221,408	199,822
Tehama	83,276	56,982	37,608	19,374	140,258	120,884
Trinity (see Shasta)	17,308	0	0	0	17,308	17,308
Tulare	438,841	68,348	45,110	23,238	507,189	483,951
Tuolumne	130,262	78,346	51,708	26,638	208,608	181,970
Ventura	461,658	106,527	70,308	36,219	568,185	531,966
Yolo	168,049	33,000	21,780	11,220	201,049	189,829
Yuba	166,887	50,000	33,000	17,000	216,887	199,887
Total	26,367,064	13,038,953	8,605,709	4,433,244	39,406,017	34,972,774

CSC Base Funds	26,367,064
CSC Federal Drawdown	13,038,953
Total Funding Allocated	39,406,017

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

(Action Item)

Title: 2020-21 Court Interpreter Program (CIP) Allocation Methodology
Date: 7/31/2020
Contact: Catrayel Wood, Senior Analyst, Judicial Council Budget Services
916-643-7008 | catrayel.wood@jud.ca.gov

Issue

Consider a recommendation from the Ad Hoc Interpreter Subcommittee for a 2020-21 allocation methodology for the CIP, not to exceed the 2020 Budget Act appropriation amount of \$130.393 million.

Background

Trial Court Budget Advisory Committee (TCBAC) Meeting

On June 11, 2020, the TCBAC approved a recommendation from the Funding Methodology Subcommittee to defer actions to reduce the CIP reimbursement to trial courts until the TCBAC August meeting to allow the Ad Hoc Interpreter Subcommittee additional time to develop an allocation reduction methodology that addresses the shortfall for 2020-21 and 2021-22 for consideration by the Judicial Council at its September 24-25, 2020 business meeting¹.

2020 May Revision and Budget Act

At the time the TCBAC meeting took place, there was an increase of \$9.008 million in ongoing funding included in the May Revision as well as a reduction of \$6.035 million for the CIP fund. With 2020-21 program costs estimated at \$139.816 million, which did not include the anticipated impact from the COVID-19 pandemic and following recession, the funding shortfall was estimated at \$17.433 million.

¹ TCBAC meeting report (June 11, 2020), <https://www.courts.ca.gov/documents/tcbac-20200611-materials.pdf>;
TCBAC meeting minutes (June 11, 2020), <https://www.courts.ca.gov/documents/tcbac-20200611-minutes.pdf>.

JUDICIAL COUNCIL OF CALIFORNIA
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The 2020 Budget Act did not include a reduction in program funding. Instead, the CIP appropriation increased by \$9.794 million², providing total funding for interpreter services in the amount of \$130.393 million for 2020-21. This changed the estimated shortfall amount from \$17.433 million to \$11.485 million for 2020-21³.

Trial Court Trust Fund (TCTF)

The CIP has been faced with a shortfall for a number of years, which has been addressed by first using available CIP fund balance to cover the shortfall and more recently using TCTF unrestricted fund balance as approved by the council. The most recent approval was the use of up to \$13.5 million from the TCTF to cover the projected 2019-20 shortfall, and it is anticipated that the full \$13.5 million will be required for reimbursing qualified 2019-20 expenditures. Use of the \$13.5 million would reduce the TCTF unrestricted fund balance to approximately \$12.9 million in 2020-21. The most recent TCTF fund condition statement is included as Attachment 2A.

The current process for providing CIP funding to courts is through a reimbursement based on actual expenditures with a year-end true up process. Should the total 2019-20 expenditures exceed available funding including the \$13.5 million from the TCTF, Judicial Council Budget Services staff will circle back with the Ad Hoc Interpreter Subcommittee on the potential impact to 2020-21 funding levels.

Ad Hoc Interpreter Subcommittee

Through recent Ad Hoc Interpreter Subcommittee deliberations, an allocation methodology recommendation was developed for 2020-21. This is a one-time approach that uses current, available data to first identify each court's staff and contractor need (via the 2019-20 Schedule 7A and 2018-19 actual contractor expenditures), and then allocates dollars on a pro rata basis up to the appropriation amount (see Attachment 2B). This approach would replace the current reimbursement process for costs incurred as well as the year-end true up process and provide courts with timely allocation information for planning purposes.

During these deliberations and inquiries made to Judicial Council staff, it was determined that more time and information is needed to develop an ongoing, workload-based need and allocation methodology for 2021-22 and beyond. The Ad Hoc Interpreter Subcommittee will continue its work to develop an ongoing allocation methodology effective July 1, 2021, taking

² This amount includes \$8.423 million in new budget change proposal funding, \$1.114 million for employee benefits, and \$257,000 in new judgeship funding from the prior year. This amount excludes \$987,000 for the Language Access Program and \$87,000 for the CIDCS.

³ Excluding COVID-19 impact.

JUDICIAL COUNCIL OF CALIFORNIA
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the Court Interpreter Data Collection System (CIDCS) and other data sources and options into consideration.

Impact to Program and Court Operations

Under the recommended allocation per court, courts should plan and develop strategies for the provision of interpreter services, for both mandated and nonmandated cases, and identify potential cost saving measures. These measures should include consideration of alternative service delivery models, including telephonic interpreting and video remote interpreting (as allowed by statute or rule, or as otherwise bargained in an applicable Memoranda of Understanding with interpreter bargaining units).

These alternative service delivery methods will help to control costs and maintain interpreter services for limited English proficient court users, and also support recommended state and local social distancing protocols due to the COVID-19 pandemic to ensure the safety of all courtroom participants.

Recommendation

The Ad Hoc Interpreter Subcommittee recommends the following for approval, to be considered by the council at its September 24-25, 2020 business meeting:

Approve the one-time 2020-21 allocation methodology by court as outlined in Attachment 2B, while the Ad Hoc Interpreter Subcommittee continues development of a workload-based allocation methodology recommendation for implementation beginning in 2021-22.

Attachments

Attachment 2A: TCTF Fund Condition Statement

Attachment 2B: 2020-21 CIP Allocation Methodology by Court

Trial Court Trust Fund Fund Condition Statement as of June 30, 2020					
	Description	YEAR END FINANCIAL STATEMENTS		ESTIMATED	
		2017-18 (Financial Statements)	2018-19 (Financial Statements)	2019-20	2020-21
#	A	B	C	D	E
1	Beginning Fund Balance	66,659,468	60,478,281	71,630,938	118,842,009
2	Prior-Year Adjustments	(12,185,090)	7,380,390	-	-
3	TOTAL REVENUES AND TRANSFERS	1,303,563,015	1,314,999,921	1,278,761,252	1,016,638,277
4	<i>Total Revenues¹</i>	<i>1,283,589,015</i>	<i>1,295,031,921</i>	<i>1,159,284,252</i>	<i>1,098,323,277</i>
5	Transfers/Charges/Reimbursements				
6	General Fund Loan - Statewide E-Filing	671,000	491,000		(1,162,000)
7	Reduction Offset Transfers	6,080,000	6,080,000	106,080,000	(93,920,000)
8	<i>From State Court Facilities Construction Fund</i>	<i>5,486,000</i>	<i>5,486,000</i>	<i>5,486,000</i>	<i>5,486,000</i>
9	<i>From Immediate and Critical Needs Account - Loan²</i>	<i>-</i>	<i>-</i>	<i>100,000,000</i>	<i>(100,000,000)</i>
10	<i>From Trial Court Improvement and Modernization Fund</i>	<i>594,000</i>	<i>594,000</i>	<i>594,000</i>	<i>594,000</i>
11	Net Other Transfers/Charges/Reimbursements	13,397,000	13,397,000	13,397,000	13,397,000
12	Total Resources	1,358,037,393	1,382,858,593	1,350,392,190	1,135,480,286
13	EXPENDITURES/ENCUMBRANCES/ALLOCATIONS				
14	Program 0140010 - Judicial Council (Staff)	2,657,200	3,446,535	3,452,975	3,764,417
15	Program 0150010 - Support for Operation of the Trial Courts	1,831,305,998	1,990,037,604	2,030,148,207	1,954,915,838
16	Program 0150011 - Court-Appointed Dependency Counsel	136,631,250	134,062,223	156,700,000	156,700,000
17	Program 0150019 - Compensation of Superior Court Judges	348,583,021	373,931,033	388,452,000	387,647,000
18	Program 0150028 - Assigned Judges	28,063,247	22,372,129	21,000,000	25,212,000
19	Program 0150037 - Court Interpreters	108,537,000	112,773,052	134,186,000	131,380,000
20	Program 0150075 - Grants	9,554,900	9,003,519	10,329,000	10,329,000
21	Program 0150095 - Expenses on Behalf of the Trial Courts	10,078,398	8,950,559	10,014,999	21,186,152
22	<i>Total Local Assistance</i>	<i>2,462,675,415</i>	<i>2,651,130,120</i>	<i>2,750,830,206</i>	<i>2,687,369,990</i>
23	<i>Pro Rata/State Ops</i>	<i>128,098</i>	<i>176,000</i>	<i>240,000</i>	<i>383,643</i>
24	<i>Supplemental Pension Payments</i>		<i>98,000</i>	<i>76,000</i>	<i>76,000</i>
25	Total Expenditures (includes State Ops and LA)	2,465,332,615.79	2,654,576,654.54	2,754,283,181.00	2,691,134,407.00
26	<i>Less Funding Provided by General Fund:</i>	<i>1,177,981,000</i>	<i>1,343,623,000</i>	<i>1,523,049,000</i>	<i>1,610,932,000</i>
27	Total Expenditures and Expenditure Adjustments	1,297,558,112	1,311,227,655	1,231,550,181	1,080,662,050
28	Ending Fund Balance	60,478,281	71,630,938	118,842,009	54,818,236
29	Restricted Funds				
30	Total Restricted/Reserved Funds	26,663,679	29,701,648	28,599,894	28,448,051
31	Ending Unrestricted Fund Balance	33,814,602	41,929,290	90,242,115	26,370,185

¹ Revenues reflect May Revise estimates provide to DOF. Revenues include possible impacts of COVID-19.

² 2019-20 Fund Balance includes \$100M loan from the ICNA to be repaid in 2020-21

³ The revenue affects of a temporary reduction to the fee collected by CourtCall will be known by August 2020.

2020-21 Budget Act Appropriation¹: 130,393,000

STAFF INTERPRETERS

Region	Court	Full-Time Equivalent*	Statewide Averages**		BLS Salary Adjustment***	Updated Average Salary	Total Staff Need
			Salary	Benefits			
		A	B	C	D	E (Total B * D)	F (A * (Total C + E))
1	Los Angeles	345.00	\$ 85,202	\$ 39,074	1.137	\$ 83,912	\$ 42,073,555
1	San Luis Obispo	5.50	60,368	32,682	0.861	63,544	558,711
1	Santa Barbara	11.30	58,821	32,575	0.989	72,930	1,253,958
1	Ventura	8.00	100,638	50,380	1.013	74,703	901,941
2	Alameda	32.00	98,122	40,668	1.241	91,523	4,146,005
2	Contra Costa	14.50	92,893	30,478	1.110	81,861	1,738,559
2	Del Norte	0.00	-	-	0.755	55,679	-
2	Humboldt	0.99	83,418	44,858	0.634	46,741	83,933
2	Lake	0.00	-	-	0.660	48,655	-
2	Marin	5.00	77,097	34,841	1.133	83,552	607,963
2	Mendocino	0.80	69,865	45,373	0.692	51,052	71,273
2	Monterey	12.00	56,941	27,372	1.010	74,484	1,350,294
2	Napa	3.00	89,220	48,490	1.078	79,536	352,729
2	San Benito	0.00	-	-	0.865	63,847	-
2	San Francisco	19.50	88,651	49,104	1.434	105,761	2,804,114
2	San Mateo	16.25	89,036	50,992	1.296	95,601	2,171,665
2	Santa Clara	24.00	92,173	55,962	1.259	92,849	3,141,329
2	Santa Cruz	7.50	75,771	39,144	1.004	74,038	840,587
2	Solano	3.00	82,606	43,459	1.031	76,051	342,275
2	Sonoma	9.70	88,683	31,340	1.004	74,071	1,087,474
3	Alpine	0.00	-	-	0.790	58,314	-
3	Amador	0.00	-	-	1.035	76,331	-
3	Butte	3.00	58,282	19,940	1.019	75,156	339,588
3	Calaveras	0.25	14,948	7,028	0.940	69,376	26,854
3	Colusa	0.00	-	-	0.834	61,530	-
3	El Dorado	0.50	35,133	509	1.209	89,188	63,614
3	Fresno	10.80	81,698	51,195	1.056	77,871	1,251,845
3	Glenn	0.00	-	-	0.746	55,025	-
3	Kern	25.00	78,018	60,713	1.112	82,037	3,001,914
3	Kings	2.60	84,867	31,872	0.924	68,139	276,066
3	Lassen	0.00	-	-	0.824	60,813	-
3	Madera	6.00	70,483	39,567	0.998	73,651	670,146
3	Mariposa	0.00	-	-	0.999	73,687	-
3	Merced	5.70	75,294	28,034	0.956	70,555	618,991
3	Modoc	0.00	-	-	0.636	46,952	-
3	Mono	0.60	23,316	5,159	1.025	75,639	68,207
3	Nevada	0.00	-	-	1.192	87,933	-
3	Placer	2.99	82,687	51,694	1.377	101,568	417,428
3	Plumas	0.00	-	-	0.775	57,167	-
3	Sacramento	25.30	87,375	51,631	1.415	104,414	3,604,081
3	San Joaquin	6.94	77,793	55,287	1.214	89,552	885,486
3	Shasta	1.00	44,916	22,885	1.001	73,838	111,878
3	Sierra	0.00	-	-	-	-	-
3	Siskiyou	0.00	-	-	0.772	56,954	-
3	Stanislaus	2.50	54,680	32,543	1.146	84,518	306,395
3	Sutter	1.00	81,303	64,613	1.114	82,164	120,204
3	Tehama	1.00	79,108	42,427	0.891	65,730	103,770
3	Trinity	0.00	-	-	0.782	57,687	-

CONTRACT INTERPRETERS

Per Diem Costs*	Pro Rata Percentage	Total Per Diem Need	Total Projected Need	Pro Rata Percentage	Total Allocation
G	H	I			
\$ 1,939,577	6.357%	\$ 2,152,700	\$ 44,226,256	32.430%	\$ 42,286,713
151,134	0.495%	167,740	726,452	0.533%	694,593
753,843	2.471%	836,676	2,090,634	1.533%	1,998,949
1,139,030	3.733%	1,264,188	2,166,128	1.588%	2,071,133
1,303,121	4.271%	1,446,309	5,592,314	4.101%	5,347,063
1,272,618	4.171%	1,412,455	3,151,013	2.311%	3,012,826
61,063	0.200%	67,773	67,773	0.050%	64,800
193,292	0.634%	214,531	298,465	0.219%	285,375
114,961	0.377%	127,593	127,593	0.094%	121,998
206,005	0.675%	228,642	836,604	0.613%	799,915
182,292	0.597%	202,322	273,595	0.201%	261,597
350,791	1.150%	389,336	1,739,629	1.276%	1,663,338
323,640	1.061%	359,202	711,931	0.522%	680,709
116,488	0.382%	129,288	129,288	0.095%	123,618
1,209,628	3.965%	1,342,544	4,146,658	3.041%	3,964,806
1,647,654	5.400%	1,828,700	4,000,365	2.933%	3,824,929
3,718,221	12.187%	4,126,784	7,268,113	5.330%	6,949,370
168,676	0.553%	187,210	1,027,797	0.754%	982,723
377,774	1.238%	419,284	761,559	0.558%	728,161
751,845	2.464%	834,459	1,921,932	1.409%	1,837,646
2,336	0.008%	2,593	2,593	0.002%	2,479
64,824	0.212%	71,947	71,947	0.053%	68,792
178,427	0.585%	198,032	537,620	0.394%	514,043
43,400	0.142%	48,169	75,023	0.055%	71,732
109,097	0.358%	121,085	121,085	0.089%	115,774
218,492	0.716%	242,501	306,114	0.224%	292,690
1,127,255	3.695%	1,251,119	2,502,964	1.835%	2,393,197
108,565	0.356%	120,494	120,494	0.088%	115,210
863,809	2.831%	958,725	3,960,639	2.904%	3,786,945
277,475	0.909%	307,964	584,030	0.428%	558,417
22,702	0.074%	25,196	25,196	0.018%	24,091
201,354	0.660%	223,479	893,625	0.655%	854,435
41,374	0.136%	45,920	45,920	0.034%	43,906
722,442	2.368%	801,825	1,420,816	1.042%	1,358,506
7,201	0.024%	7,992	7,992	0.006%	7,641
9,908	0.032%	10,996	79,204	0.058%	75,730
53,209	0.174%	59,056	59,056	0.043%	56,466
262,122	0.859%	290,924	708,353	0.519%	677,288
7,153	0.023%	7,939	7,939	0.006%	7,591
853,702	2.798%	947,508	4,551,589	3.338%	4,351,979
954,688	3.129%	1,059,590	1,945,076	1.426%	1,859,775
365,959	1.199%	406,171	518,049	0.380%	495,330
371	0.001%	412	412	0.000%	394
52,207	0.171%	57,944	57,944	0.042%	55,403
1,254,941	4.113%	1,392,835	1,699,230	1.246%	1,624,711
166,991	0.547%	185,340	305,544	0.224%	292,144
41,211	0.135%	45,739	149,509	0.110%	142,953
23,730	0.078%	26,337	26,337	0.019%	25,182

STAFF INTERPRETERS

Region	Court	Full-Time Equivalent*	Statewide Averages**		BLS Salary Adjustment***	Updated Average Salary	Total Staff Need
			Salary	Benefits			
		A	B	C	D	E (Total B * D)	F (A * (Total C + E))
3	Tulare	8.00	79,540	45,517	1.080	79,698	941,902
3	Tuolumne	0.00	-	-	0.927	68,416	-
3	Yolo	1.00	91,201	55,265	1.225	90,364	128,404
3	Yuba	0.00	-	-	1.071	79,041	-
4	Imperial	5.95	77,384	25,210	0.718	52,973	541,529
4	Inyo	0.25	16,357	6,726	0.789	58,221	24,065
4	Orange	71.70	82,374	41,722	1.243	91,685	9,301,313
4	Riverside	45.80	78,930	32,820	1.110	81,866	5,491,684
4	San Bernardino	46.00	97,890	58,584	1.000	73,771	5,143,329
4	San Diego	45.40	81,573	31,908	1.140	84,115	5,545,862
Totals		837.32	\$ 73,772	\$ 38,040		\$ 74,146	\$ 102,510,920

*Includes all interpreter positions filled on the 2019-20 Schedule 7A; supervisor, coordinator, interpreter, and pro tempore.
 **The statewide total salary and benefits is an average of the courts' averages.
 ***Bureau of Labor Statics; three-year average.

¹ Excludes \$87k for CIDCS database and language access funding for video remote interpreting.

CONTRACT INTERPRETERS

Per Diem Costs*	Pro Rata Percentage	Total Per Diem Need	Total Projected Need	Pro Rata Percentage	Total Allocation
G	H	I	J (F + I)	K (J / Total J)	L (K * Approp.)
1,300,557	4.263%	1,443,464	2,385,366	1.749%	2,280,755
40,816	0.134%	45,301	45,301	0.033%	43,314
796,947	2.612%	884,516	1,012,921	0.743%	968,499
53,740	0.176%	59,645	59,645	0.044%	57,030
151,729	0.497%	168,401	709,930	0.521%	678,796
51,646	0.169%	57,321	81,386	0.060%	77,817
1,597,206	5.235%	1,772,708	11,074,021	8.120%	10,588,370
969,803	3.179%	1,076,366	6,568,050	4.816%	6,280,008
496,888	1.629%	551,486	5,694,815	4.176%	5,445,069
1,034,317	3.390%	1,147,969	6,693,831	4.908%	\$ 6,400,274
\$ 30,510,247	100.000%	\$ 33,862,747	\$ 136,373,667	100.000%	\$ 130,393,000

*2018-19 actual expenditures; includes each per diem category of certified, non-cert., registered, and non-reg.
 Contractor costs made up 24.8% of total interpreter costs (75.2% for staff).

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

(Action Item)

Title: \$50 Million One-Time Funding for COVID-19 Backlog
Date: 7/31/2020
Contact: Brandy Olivera, Manager, Budget Services
415-865-7195 | brandy.sanborn@jud.ca.gov

Issue

Begin discussion on gathering data from trial courts for reporting on how the first \$25 million is used as approved for immediate, pro rata allocation by the Judicial Council; developing a more precise definition on COVID-19 backlog and practices for documenting and reporting in relation to a recommendation for the remaining \$25 million; and identifying an allocation recommendation based on data and need for the remaining \$25 million in consultation with the Judicial Branch Budget Committee.

Background

COVID-19 Funding for Trial Courts

As described in the enacted budget summary for 2020-21, the Judicial Branch has had to change its operations to protect the public from the spread of COVID-19 while also maintaining access to justice. Actions taken by the Judicial Council include extending court deadlines, suspending jury trials, using technology to conduct proceedings remotely, and suspending evictions and foreclosures. Trial courts have taken actions to protect the public by closing courthouses and courtrooms, limiting operations to only essential court functions, and suspending collection activities, among others.

These actions have resulted in delays in court operations and a backlog of cases that will take time for the courts to process as they continue to practice physical distancing. In an effort to help the trial courts address the backlog and resume normal operations, the Budget includes \$50 million one-time General Fund in 2020-21. The specific budget language states:

Judicial Branch: Resources to Fund Additional Workload from COVID-19—It is requested that Items 0250-101-0932 and 0250-111-0001 each be increased by \$50 million to provide the trial courts with one-time funding to address the backlog of cases stemming from reduced court services due to the COVID-19 pandemic. The Judicial Branch has

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

taken various actions to reduce court operations, which has resulted in a backlog of cases that will need to be addressed as court operations begin to resume. This funding will help the trial courts address this backlog.

Judicial Council-Approved Motion

At its July 24, 2020 business meeting, the Judicial Council approved the following motion:

1. Of the \$50 million appropriated to the Judicial Branch for trial court COVID-19 related backlogs, the Judicial Council allocates \$25 million immediately using the pro rata method proposed by the Trial Court Budget Advisory Committee (TCBAC).
2. TCBAC will develop more precise definitions and practices for documenting and reporting COVID-19 related backlogs and report its recommendations to the council prior to distribution of any of the second \$25 million.
3. TCBAC will gather from trial courts data regarding how trial courts spent the first \$25 million. Report that data back to the council prior to allocation of the second \$25 million.
4. Have TCBAC develop, in consultation with the Judicial Branch Budget Committee (Budget Committee), recommendations for allocating the remaining \$25 million on a data and needs basis. TCBAC will report the recommendations to the council.

Allocation Chart and Reference Materials

Attachment 3A reflects the initial \$50 million TCBAC allocation recommendation as well as the council-approved allocation for the first \$25 million. Attachments 3B and 3C are provided as reference materials to aid the committee in its discussion and in determining next steps in addressing the council's motion.

Recommendation

It is recommended that TCBAC identify the next course of action for the following items for future consideration by the Judicial Council:

- A. Define COVID-19 backlog and related documentation practices;
- B. Develop documentation practices for reporting on the first \$25 million allocation; and
- C. Develop an allocation methodology recommendation based on data and need for the second \$25 million in consultation with the Budget Committee.

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

Attachments

Attachment 3A: Initial Recommendation and Allocation Chart

Attachment 3B: Prior Trial Court Budget Advocacy Document

Attachment 3C: Prior Trial Court Budget Snapshot

Court	\$50m One-Time Funding*	\$25m Pro Rata Distribution**
Alameda	1,684,339	842,169
Alpine	8,198	4,099
Amador	69,152	34,576
Butte	285,652	142,826
Calaveras	55,440	27,720
Colusa	42,263	21,131
Contra Costa	1,079,343	539,671
Del Norte	61,607	30,804
El Dorado	183,851	91,925
Fresno	1,354,519	677,260
Glenn	50,643	25,321
Humboldt	171,603	85,802
Imperial	196,835	98,417
Inyo	40,987	20,493
Kern	1,375,823	687,911
Kings	205,759	102,879
Lake	104,237	52,118
Lassen	42,201	21,101
Los Angeles	14,653,087	7,326,544
Madera	232,240	116,120
Marin	278,373	139,187
Mariposa	30,988	15,494
Mendocino	142,221	71,110
Merced	333,461	166,730
Modoc	22,178	11,089
Mono	35,189	17,595
Monterey	508,493	254,246
Napa	193,379	96,689
Nevada	121,889	60,945
Orange	3,663,802	1,831,901
Placer	476,966	238,483
Plumas	31,813	15,906
Riverside	2,658,168	1,329,084
Sacramento	2,351,162	1,175,581
San Benito	77,314	38,657
San Bernardino	2,801,827	1,400,914
San Diego	3,394,805	1,697,402
San Francisco	1,170,080	585,040
San Joaquin	1,026,199	513,099
San Luis Obispo	384,412	192,206
San Mateo	873,648	436,824
Santa Barbara	585,394	292,697
Santa Clara	1,907,860	953,930
Santa Cruz	344,104	172,052
Shasta	313,505	156,752
Sierra	5,521	2,760
Siskiyou	79,432	39,716
Solano	606,042	303,021
Sonoma	597,116	298,558
Stanislaus	659,862	329,931
Sutter	162,406	81,203
Tehama	114,670	57,335
Trinity	34,470	17,235
Tulare	611,456	305,728
Tuolumne	90,252	45,126
Ventura	990,460	495,230
Yolo	325,547	162,774
Yuba	97,759	48,879
	50,000,000	25,000,000

*TCBAC recommendation.

**Council-approved allocation as of July 24, 2020.

CALIFORNIA'S 58 TRIAL COURTS

Population: 39,506,094 • Authorized Judges: 2010 • Staff: 18,095 FTE

Civil Filings: 712,299 • Criminal Filings: 4,946,881 • Family/Juvenile Filings: 387,849 • Other Filings: 47,170

PRIORITIES FOR REINVESTMENT

Ensure court clerks are available when and how people need them.

- **Nearly 60% of the responding courts would reinvest in their window and phone clerk positions to provide greater access to the public.**
 - **“Fewer operating windows in the clerk’s office have resulted in long lines, which often force customers to return later and/or miss work to conduct court business.”**
 - Superior Court of Santa Clara County
- **Many courts also identified a need for operational funding more generally, to support staff, provide cost-of-living adjustments, and rehire for positions long-held vacant.**
 - **“After the director of Family Court Services retired, the court had to keep this position vacant due to budget cuts.”**
 - Superior Court of Yuba County

Expand/improve court infrastructure, public access to the courts, and delivery of court services.

- **Courts report that the communities they serve need better options for interacting with the courts, including improved case management systems, e-filing options, collaborative court programming, video and online self-help services, and many more.**
 - **“Court lacks the revenue for an updated case management system or for online public access.”**
 - Superior Court of Mariposa County

Help more self-represented litigants in family and housing cases with at the Self Help/Facilitator’s office.

- **Courts responded that additional support for self-help and family law facilitation was another area of need for funding.**
- **Many courts listed this in the top three priorities for reinvestment.**
 - **“Range of services significantly limited; we can no longer assist litigants in unlawful detainer, guardianship, conservatorship, small claims, and general civil litigation cases.”**
 - Superior Court of San Mateo County

Courts also indicated other critical operational areas as priorities for investments.

- **Reduce wait time for sealing/expunging criminal records to help people get jobs and to protect privacy by hiring criminal clerks.**
- **Reduce wait time for businesses and individuals to get money owed in civil disputes by increasing civil court personnel.**
- **Protect families with emergency orders and restore family stability with mediated custody agreements by hiring or refilling family court clerks.**
- **Restore local court services and reopen courtrooms.**

FISCAL CHALLENGES

- **Budget cuts during the recession were unallocated and each court determined how to best address those funding reductions, so court needs remain varied.**
- **Due to lack of sufficient funding and staffing, courts have not been able to maintain hours of operations the ensure access by the public.**
- **Many of California’s courts have not been funded at 100% of their need for over a decade, and some have never been funded at their need.**
- **Despite years of filings going down, the trend for more complex case types is now increasing.**
- **Many courts need new facilities to serve the public.**

ALAMEDA

Population: 1,573,254 • Authorized Judges: 73 • Staff: 635.6 FTE

Civil Filings: 24,385 • Criminal Filings: 240,885 • Family/Juvenile Filings: 14,601 • Other Filings: 3,103

OPERATIONAL CHALLENGES

Ensure court clerks are available when and how people need them.

- **Clerk's Office closed after 2:30 (we need to process filings and prepare documents for court).**
- **Customer wait times have increased to an hour or more.**
- **Regressed from "universal filing" by limiting which case types can be filed at which courthouses.**

Protect families with emergency orders and restore family stability with mediated custody agreements.

- **255 family law judgments waiting for review (individuals are waiting at least 10 weeks).**
- **Family law hearings are set 6-8 weeks (about 2 months) out.**
- **2-month backlog in family law findings and orders after hearing.**

Reduce wait time for sealing/expunging criminal records to help people get jobs and to protect privacy.

- **Over 2100 orders (1-plus week) behind in entering minute orders.**
- **Over 1400 juvenile documents (3-4 weeks) awaiting processing.**

Reduce wait time for businesses and individuals to get money owed in civil disputes.

- **2-week backlog to open mail (500 documents unprocessed).**
- **4-6 weeks of civil judgments waiting for review.**
- **Over 2 weeks delay serving customer requests (for records, files and copies).**

Ensure that all court users have access to safe, secure courthouses.

- **Sheriff's Office funding deficit resulting in lack of sufficient deputies in some courthouses.**
- **To adequately staff courthouse with most volatile case types and the most self-represented litigants, had to reduce the number of deputies available to criminal courtrooms, limiting trials and slowing calendars.**

Help more self-represented litigants in family and housing cases at the Self Help/Facilitator's office.

- **Self-help services available only 3½ hours per day (8:30 to 12:00) at one courthouse.**
- **Insufficient staff to meet with individuals and answer phones (during afternoons staff are running workshops).**

PRIORITIES FOR REINVESTMENT

Assuming an additional investment in operations funds, we intend to...

- Hire additional clerks, which will allow us to keep clerk's offices open until 4 p.m., eliminate backlogs, and cross-train so as to return to universal filing.
- Enhance security of courthouses, particularly the Hayward Hall of Justice.
- Add additional staff to the Self-Help Center to expand services to more court users.



Superior Court of California County of Alameda

BUDGET SNAPSHOT

March 2017



JUDICIAL COUNCIL
OF CALIFORNIA
GOVERNMENTAL AFFAIRS

Hon. Morris D. Jacobson, Presiding Judge

Chad Finke, Court Executive Officer

(510) 891-6273

Court Service Highlights in the Current Year

- Reduced overall service levels to the public in response to budget challenges
- Successfully consolidated and expanded self-help services

Court Service Highlights in Detail

Reduced overall service levels to the public in response to budget challenges

As one of the largest so-called “donor” courts under WAFM, Alameda endured yet another year of cuts to our baseline budget. This mandated that we make a number of business decisions that unfortunately resulted in a reduction of our service levels, to the detriment of the public.

At the beginning of the fiscal year we implemented a partial hiring freeze to help control our personnel costs. This resulted in many staff positions being held open, which in turn resulted in much longer lines at our filing counters and much longer waits on our phone lines.

In December we asked our staff to take a 5-day, voluntary furlough. To facilitate maximum participation, we closed all of our courthouses but one (in downtown Oakland) for a week, and limited our services to essential duties only. Then, in January we reduced our clerk’s office hours in all case types except traffic, from 8:30 AM - 4:00 PM to 8:30 AM - 2:30 PM, a reduction of 7 and a half hours each week.

Currently, we are preparing to reduce the overall number of traffic departments so that judicial and staff resources can be deployed elsewhere.

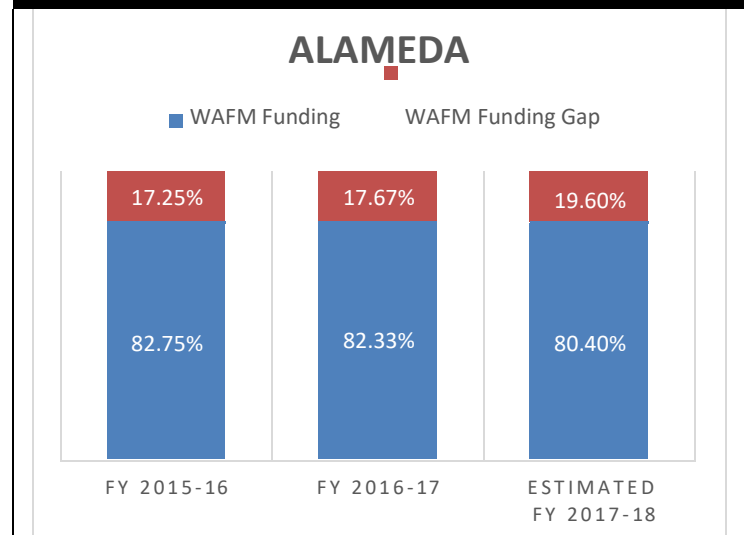
Successfully consolidated and expanded self-help services

Despite our significant resource challenges, our staff was able to improve the level of service provided to users of our newly consolidated self-help center in Hayward. We were able to serve more customers from both North and South County compared to the same time period last year, and we were able to assist more users by phone as well.

Budget Challenges and Priorities

For the reasons discussed, the overall branch budget and our status as a “donor” court remain our biggest challenges. Without some augmentation to our funding, we anticipate additional service reductions, including staff layoffs, the closure of additional courtrooms, elimination of certain case types, and additional furlough days.

Courts Remain Under-Funded, Despite Reduced Filings. Here is the Workload Allocation & Funding Gap (see reverse)



Court Demographics

Population Served	1,573,254
Square Miles Covered	821
Total Number of Court Facilities	11

Why do courts need more money if filings are down?

Most of California's courts have not been funded at 100% of their need for at least the past five years. Some courts, specifically those that are considered historically under-resourced, have always been chronically underfunded.

How courts are funded

Trial court revenues can be divided into three categories: state financing sources, grants, and other financing sources. The majority of the courts' revenue comes from the state, and the vast majority of state funding is provided by the Trial Court Trust Fund (TCTF). State financing sources also include reimbursements for court interpreters and other costs. Grant funding for child support commissioners and facilitators is a significant portion of grant revenue. Local fees, local reimbursements, and the recovery of costs for comprehensive collection programs make up a significant portion of other financing sources revenue. Reimbursements are paid to the courts in the amounts they are authorized to spend. Grant funding is allocated to the courts based on amounts they are awarded based on grant applications and program criteria. Local fees and collections are distributed to the courts according to schedules and statutes that govern how much courts are entitled to retain from what is collected. However, these other financing sources account for only a modest amount of all trial court revenues. The majority of funds distributed from the TCTF to the trial courts is determined by way of a statewide filings-based formula called the Workload-based Allocation and Funding Methodology (WAFM) which allocates funds based on each court's share of the estimated statewide funding need calculated from a three-year average of filings and case type at each court.

WAFM

The WAFM calculation begins with resources assessment study which assigns a relative time value to each type of case (felony, unlimited civil, family law, etc.). That value is determined through time studies performed at the courts and research in clerk's offices, self-help centers, and courtrooms. As a result, this method assesses the average amount of processing time each case type requires of court staff. We then multiply this amount of time, called a caseweight, by the court's three-year average of the number of cases filed for that case type. We use the sum of the calculated times for all case types to estimate a staffing need. WAFM then determines an overall 'workload based' funding need for each trial court using that staffing need in combination with information on court employees compensation, operating expenses, and equipment expenditures. WAFM was created by the Judicial Council to establish an equitable way to allocate money to the courts. Prior to WAFM, courts received a share of TCTF funds based on how much funding they received historically from their counties (when trial courts were funded by the counties rather than by the State). The change from local to state funding occurred in 1997 with the passage of the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233; Ch. 850, Statutes of 1997). Unfortunately, even with the introduction and use of WAFM as a model, California's courts suffer a shortfall in funding. In fact, courts currently share funding that is less than 100% of their estimated need, which means that just about every court in California receives less money than it needs to serve the public. It is important to stress that WAFM provides a mechanism to distribute money to the courts, but it does not mean there is sufficient money to fund court operations and services.

Impact of legislation and ballot initiatives

Some bills that become law require the courts to perform new functions without providing funding to support those new functions. For example, SB 1134 (Leno; Ch. 785, Statutes of 2016) requires all California courts (trial courts, Courts of Appeal, and the Supreme Court) to rehear specified habeas corpus petitions because that bill changed the standard of review for such cases. As a result of these "do-over" filings and hearings without an appropriation of funding, court revenues must be spent hearing cases a second time, delaying for weeks and months any new cases because no funding was appropriated with this bill. The same is true for ballot initiatives. Prop. 64 allows people who previously had convictions for specified marijuana crimes to petition the courts to have their convictions vacated. Tens of thousands of people in California have been convicted of marijuana violations; they may now be eligible to ask the courts to undo their convictions, but the initiative didn't include funding to help the courts process these requests. That means that courts will spend their revenues to address these marijuana issues, rather than hearing new cases that are filed.

Other factors

Even though fewer cases were filed in 2015 than in 2014, courts are still underfunded no less than \$430 million because: (1) Courts have been historically underfunded. Even though filings are down, they are not down enough to close the gap between what courts need and what they have. (2) More people are representing themselves in court. Since individuals are largely unfamiliar with court procedures, these cases take longer than cases that are tried by lawyers. (3) There are more criminal cases going to trial. Statistics show that since the passage of AB 109 (realignment) and Prop. 47 (felonies converted to misdemeanors in certain cases), the number of trials has increased *and* the length and complexity of trials have also increased. (4) Language services are becoming more critical. The courts face new and increasing responsibilities to manage and provide interpreter services for litigants who are not English speakers. While the services of interpreters are often reimbursed, management and logistics associated with language access are not. (5) Since realignment there have been significant changes to how people are sentenced and the duration courts retain jurisdiction over them, resulting in new hearings, increased paperwork, and other logistics that must be managed by the courts.