



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR OCTOBER 14, 2021 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: October 14, 2021
Time: 12:00 p.m. to 1:30 p.m.
Public Call-in Number: <https://jcc.granicus.com/player/event/1436>

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 August 5, 2021 Trial Court Budget Advisory Committee (TCBAC) 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 October 13, 2021 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEM (ITEM 1)

Item 1

Federally Funded Dependency Representation Program: Funding Allocation Methodology for General Fund Supplement to Address Shortfall (Action Required)

Consideration of a Funding Methodology Subcommittee recommendation on an allocation methodology for up to \$30 million in support of court-appointed counsel in dependency cases.

Presenter(s)/Facilitator(s): Ms. Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

\$30 Million One-Time Court Interpreter Employee Incentive Grant Funding

Discussion of the 2021-22 one-time funding included in SB 170.

Presenter(s)/Facilitator(s): Mr. Douglas Denton, Principal Manager, Judicial Council Center for Families, Children & the Courts

Info 2

\$37 Million in Ongoing Funding for Court Reporters in Family Law and Civil Cases and for Increased Transcript Rates

Discussion of the 2021-22 ongoing funding included in SB 170.

Presenter(s)/Facilitator(s): Mr. Rob Oyung, Chief Operating Officer, Judicial Council
Mr. Cory Jaspersen, Director, Judicial Council Governmental Affairs

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

August 5, 2021

9:00 a.m. – 12:00 p.m.

<http://jcc.granicus.com/player/event/1351>

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Kimberly Gaab, 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. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, Ms. Kim Turner, and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Joyce D. Hinrichs, and Hon. B. Scott Thomsen.

Others Present: Mr. John Wordlaw, Ms. Fran Mueller, Mr. Zlatko Theodorovic, Ms. Brandy Olivera, Ms. Oksana Tuk, Mr. Catrayel Wood, and Hon. D. Zeke Ziedler.

OPEN MEETING

Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 9:00 a.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved minutes of the May 6, 2021 Trial Court Budget Advisory Committee (TCBAC) virtual meeting and May 24, 2021 Action by Email between the meetings.

DISCUSSION AND ACTION ITEMS (ITEMS 1-4)

Item 1 - \$60 Million One-Time COVID-Driven Caseload Backlog Funding (Action Required)

Consideration of the 2021-22 one-time allocations to address backlogs and workload delays resulting from the COVID-19 pandemic.

Presenter(s)/Facilitator(s): Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services
Ms. Leah Rose-Goodwin, Manager, Judicial Council Business Management Services

Action: TCBAC unanimously voted to approve the data-driven methodology for the \$60 million one-time COVID-driven caseload backlog allocation; allocate 100 percent of the funding in a single distribution in October 2021 based on filings and clearance rate data available through March 2021 (included as option B in the materials) to allow courts time to plan and spend accordingly; have Judicial Council staff update the charts provided in the materials when presented to the Judicial Branch Budget Committee (Budget Committee) to enhance the clearance rate information; and in the event additional backlog funding is available, discuss how to include complex cases (e.g., asbestos and complex civil) in the clearance rate data.

Item 2 - \$140 Million Pretrial Funding (Action Required)

Consideration of a recommendation for utilizing increased reimbursement authority to cover the increased contract amount with the Department of Child Support Services to support the AB 1058 Child Support Commissioner and Family Law Facilitator Program.

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

Action: TCBAC unanimously voted to approve the 2021-22 Pretrial Release allocations as outlined in Attachment C for consideration by the Budget Committee.

Item 3 - \$4.45 Million AB 1058 Reimbursement Authority Increase (Action Required)

Consideration of a recommendation for utilizing increased reimbursement authority to cover the increased contract amount with the Department of Child Support Services to support the AB 1058 Child Support Commissioner (CSC) and Family Law Facilitator (FLF) Program.

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

Action: TCBAC unanimously voted to approve the allocation of additional funding to the CSC program for 2021-22 as outlined in option 2 as well as a technical adjustment to a small number of courts' base allocation as outlined in Attachment A1; and a methodology for the additional funding to the FLF program for 2021-22 that takes the statewide average population into consideration, provides funding to those courts below the average population amount, and then allocates the remaining funding to all courts. Each recommendation will be presented to the Budget Committee for consideration.

Item 4 - Annual Funding Methodology Subcommittee (FMS) Work Plan Update (Action Required)

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

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

Action: TCBAC unanimously voted to adopt the work plan with an amendment that number 2 read as follows: "Develop an ongoing, workload-based methodology for allocation of Court Interpreter Funding, including but not limited to video remote interpreting and cross assignments, effective in 2022-23."

INFORMATION ONLY ITEMS (ITEMS 1-3)

Info 1 - 2021 Budget Act

Discussion of the funding provided for trial courts in the 2021 Budget Act.

Presenter(s)/Facilitator(s): Ms. Fran Mueller, Deputy Director, Judicial Council Budget Services

Action: No action taken.

Info 2 - Trial Court Executive Summary Display

Review of the 2021-22 allocation summary for distribution to all 58 trial courts.

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

Action: No action taken.

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

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

Presenter(s)/Facilitator(s): Mr. Catrayel Wood, Senior Analyst, Judicial Council 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 11:04 a.m.

Approved by the advisory body on enter date.

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

(Action Item)

Title: **Federally Funded Dependency Representation Program: Funding Allocation Methodology for General Fund Supplement to Address Shortfall**

Date: October 14, 2021

Contact: Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts | audrey.fancy@jud.ca.gov | 415-865-7706

Kelly Meehleib, Supervising Analyst, Judicial Council Center for Families, Children & the Courts | kelly.meehleib@jud.ca.gov | 916-263-1693

Issue

The 2021 Budget Act¹ includes up to \$30 million General Fund for court-appointed counsel (CAC) in dependency cases to address a shortfall between what was expected could be claimed from Federal Title IV-E funding and what was able to be claimed once federal guidance on eligible activities for Title IV-E reimbursement was provided. The Judicial Council is required to report to the Legislature by April 1, 2022, on the size of the expected shortfall and the proposed allocation and distribution plan for the additional funds which will then trigger the release of the funds. To complete this requirement, an ad hoc subcommittee of the Funding Methodology Subcommittee (FMS) is recommending that the Trial Court Budget Advisory adopt the recommendations set forth below on how to allocate and distribute the funds and forward those recommendations to the Judicial Branch Budget Committee for consideration, and then to the Judicial Council at its January 21, 2022 business meeting.

¹ SEC. 6. Item 0250-102-0932 of Section 2.00 of the Budget Act of 2021 reads: “Upon order of the Department of Finance, the Controller shall increase Schedule (1) by up to \$30,000,000 to address any shortfalls in federal reimbursements pursuant to Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) that supplement funding for court-appointed counsel for children, nonminor dependents, and parents in juvenile court dependency proceedings pursuant to subdivisions (b) and (c) of Section 317 of the Welfare and Institutions Code and paragraph (4) of subdivision (a) of Section 77003 of the Government Code. The Judicial Council shall report by April 1, 2022, to the chairpersons of the committees and appropriate subcommittees that consider the State Budget the following information: (a) the total federal reimbursements invoiced statewide in the first two quarters of the current fiscal year; (b) any projected shortfalls through the end of the current fiscal year as compared to the \$57,000,000 in expected federal reimbursements; and (c) a proposed allocation and distribution of any portion of the \$30,000,000 necessary to address projected shortfalls. The Judicial Council shall work in collaboration with court-appointed dependency counsel providers to ensure timely submission, review, and payment of monthly invoices attributable to the 2021–22 fiscal year so that determination of the statewide total of federal reimbursements and any portion of the funding described in Provision 2 needed to address any remaining shortfall can be made no later than September 30, 2022. Distribution of funds to address any shortfall shall be made by the Judicial Council using the methodology customarily employed to distribute statewide court-appointed dependency counsel funding as described in Provision 1. Any funds described in Provision 2 not encumbered by October 1, 2022, for eligible activities attributable to the 2021–22 fiscal year shall revert to the General Fund.” Senate Bill 129 (Skinner) *Budget Act of 2021* https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB129.

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Background

The council has taken an active role to ensure funding for CAC in dependency cases is adequate to ensure high quality representation for parents and children. These efforts have included adoption of a caseload standard and a funding methodology to ensure that available funding is distributed equitably based on workload and regional costs (Link A). Those efforts allowed the council to clearly identify the total amount needed to fully fund adequate representation and to advocate for additional funding.

The Federally Funded Dependency Representation Program (FFDRP) was established in 2019 to support the courts and CAC providers in gaining access to newly available federal funds² to support enhanced legal representation services for families and children in dependency proceedings (Link B). When the program was initiated, Judicial Council Center for Families, Children & the Courts (CFCC) staff worked with the state's Title IV-E administrator, the California Department of Social Services (CDSS), to determine program parameters and anticipated funding availability. Using CDSS' Title IV-E match calculator, it was determined that federal funding had the potential to provide up to an additional \$57 million. That amount was allocated to providers based on their existing share of the total CAC budget, and every provider that was interested in obtaining the additional funds, and had the consent of its superior court, entered into a contract for FFDRP that specified the maximum amount that could be claimed.

When the initial estimate was generated, it was assumed that the bulk of work billed to the CAC program would be eligible for FFDRP matching. This assumption was based on analogizing the work of CAC providers to child welfare social workers. However, in Spring 2021, clarification was received from the Federal Title IV-E agency, the Administration for Children and Families (ACF), indicating that the expansion of Title IV-E claiming to include legal representation should be interpreted more narrowly as an expansion for a specific activity and not to include all the costs of the provider more broadly. Moreover, a number of activities that the council considers within dependency legal representation, such as seeking a restraining order or attending a collaborative court proceeding for a client, were specifically excluded by ACF. It was then apparent that CAC providers could not actually receive the full \$57 million augmentation in federal funding that had been anticipated.

To address this gap, the 2021 Budget Act included a provision making up to \$30 million General Fund available to address any shortfall in federal reimbursement for eligible program costs. This budget item was not related to a Judicial Council budget change proposal.

² Title IV-E of the Social Security Act enables states and counties to seek reimbursement from the federal government for eligible foster care related expenditures. Traditionally this has included social workers and their attorneys (typically county counsel). A 2019 revision of the Child Welfare Policy Manual extended the availability of title IV-E match funds to dependency counsel who provide legal representation to children in foster care and their parents.

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FFDRP Funding to Date

The council entered into a contract with the CDSS to administer the FFDRP funds in 2019, and providers were able to begin submitting retroactive invoices for 2019-20. In that initial year, approximately \$26 million was paid out to 61 dependency representation providers in 29 courts. Adapting a new system of invoicing and documentation to meet state and federal requirements was challenging for providers that needed to present a record to support their eligible workload and expenses and submit detailed proof of expenditures and payments to receive the matching funds. CFCC staff were active in reviewing and seeking clarification or additional documentation for invoices to ensure they would meet all requirements and pass any future audit. In addition, a number of providers that did not have adequate records to document the work for the retroactive period opted to invoice in a more limited fashion. As a result, the \$26 million that was paid out was significantly less than the \$49 million maximum that had been budgeted for 2019-20.

For 2020-21, there are 65 providers in 31 courts currently invoicing for FFDRP under contracts that would allow a maximum of just under \$54 million to be claimed. Because CFCC staff were awaiting guidance from the Federal ACF on the precise scope of eligible activities, invoicing for 2020-21 was delayed. Most of those issues have now been resolved, and providers are in the process of submitting invoices for the fiscal year that just ended. Based on the invoices received, it is estimated that providers will be able to receive approximately \$37 to \$45 million, leaving a gap of approximately \$8 to \$16 million. In 2021-22, additional providers may join the program, so a final total FFDRP contract amount is not yet available. It is expected to be similar to 2020-21, such that, the shortfall will be less than the \$30 million available through this allocation.

Funding Methodology

CFCC staff have consulted with dependency legal representation providers as required by the budget language and met with the FMS ad hoc subcommittee to develop recommendations for allocating and distributing the funds for the shortfall in the current year and for future fiscal years. Because the funds were provided to address the shortfall between what California estimated it could claim from Title IV-E and what is able to be claimed, the methodology assumes that only those providers who have an FFDRP contract would be eligible for funding. To ensure that the report to the Legislature is accurate, it is recommended that providers who are not currently in an FFDRP contract that wish to join the program submit a notice of intent to do so by December 31, 2021 to be eligible for funding in the 2021-22 cycle. The other proposed eligibility requirement would be that each provider submit an invoice for every month under the contract or provide an explanation for the extenuating circumstances that resulted in no invoice being submitted for a given month. This requirement is included to demonstrate that the program is making every effort to maximize the drawdown of federal funds and relying on the

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supplemental funding only to address the shortfall resulting from federal restrictions on eligible activities for reimbursement. The FMS ad hoc subcommittee considered requiring a minimum threshold for billing into FFDRP but concluded that the program is too recent to determine a fair and equitable level for such a threshold. Instead, the ad hoc subcommittee recommends that staff use the current year to gather information on how the distribution of the shortfall funding impacts providers and make recommendations on improvements for future years as needed.

Because the funds were intended to address the shortfall, and the total gap is expected to be less than \$30 million, funding should be provided to each eligible provider to bridge the full difference between their FFDRP contract and the amount that the provider was able to claim via FFDRP. If this shortfall exceeds \$30 million, it is proposed that each provider get their proportional share of the \$30 million based on their contract share of total FFDRP funding up to their full contract amount. Because the report to the Legislature is due in April 2022, the FMS ad hoc subcommittee recommends that the shortfall funding be distributed in a lump sum at the end of 2021-22. For future fiscal years, these distributions would be made on a quarterly basis to ease cash flow and provide flexibility for providers that may not participate for an entire fiscal year.

Recommendations

1. Approve the allocation and distribution methodology for 2021-22 which funds all providers with FFDRP contracts for the full amount of the shortfall between their contract and total billing in one lump sum payment, provided that they submit invoices for each month of the contract or demonstrate extenuating circumstances preventing them from invoicing;
2. Revise this approach for future years to make the payments on a quarterly basis;
3. Approve a proportional allocation approach with each provider receiving their share of the \$30 million based on their contract share of total FFDRP funding up to their full contract amount if the shortfall exceeds \$30 million; and
4. Direct CFCC staff to monitor FFDRP invoicing to ensure that this allocation methodology is maximizing the drawdown of Federal Title IV-E funds.

Attachments and Links

Link A: Judicial Council report (September 3, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8766467&GUID=17E19209-5AA7-4382-B7A7-257AAEE206F2>.

Link B: FFDRP Information Page, <https://www.courts.ca.gov/43441.htm>.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date October 14, 2021	Action Requested Please Review
To Hon. Jonathon B. Conklin, Chair Ms. Rebecca Fleming, Vice Chair Trial Court Budget Advisory Committee	Deadline TBD
From Douglas G. Denton Principal Manager, Language Access Services Center for Families, Children & the Courts	Contact Douglas G. Denton 415-865-7870 phone douglas.denton@jud.ca.gov
Subject Court Interpreter Employee Incentive Grant	

[SB 170](#) (Stats. 2021, ch. 240) amended the 2021 Budget Act and provides \$30 million in one-time General Fund (GF) for a new Court Interpreter Employee Incentive Grant intended to increase the number of new interpreters in trial courts, and to increase language access services for court users inside courthouses. This memorandum summarizes the budget language and includes a process for soliciting and approving grant awards.

Budget Language

SB 170 creates the Court Interpreter Employee Incentive Grant and appropriates \$30 million one-time GF to the Trial Court Trust Fund, Court Interpreters Program (CIP) (see Attachment 1). Provisions to qualify for this funding are as follows:

- Of the \$30 million, \$18 million shall be allocated as one-time grants to eligible local courts. This funding shall pay for the first year of employment and associated costs,

including training, of any new hire of a court interpreter employee if all the following conditions are met:

- The local court can demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on independent contractor interpreters or part-time employees who provided services in any of the languages described in subdivision (b) of Section 1632 of the Civil Code (Spanish, Chinese, Tagalog, Vietnamese, or Korean).
 - The local court can demonstrate that the grant will be exclusively used to hire full-time court employee interpreters providing language interpreter services for the languages described in Civil Code section 1632(b), in order to reduce the percentage of the court's interpreter funds spent on independent contractors or part-time employees to 20 percent or less than 20 percent.
 - The local court can demonstrate that a new full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services.
 - The local court commits to retaining the court interpreter employee position beyond the grant year.
 - The monies are to be separately restricted for new hires and are not intended to reduce the amount of funding provided statewide or to local courts for interpreter services. The amounts allocated for grants cannot be used to supplant an existing, pending, or prior interpreter employee position.
- Of the \$30 million, \$12 million in one-time grants shall be allocated by the Judicial Council to increase language access in local courts through the hiring of certified court interpreter employees who shall provide interpreter services inside courthouses in support of court users. "Interpreter services" includes assistance at self-help centers and interpreting interviews between district attorneys and witnesses and criminal defense attorneys and their clients. A local court is eligible to receive these funds only if at least 80 percent of interpreter services in the languages described in Civil Code section 1632(b) (Spanish, Chinese, Tagalog, Vietnamese, or Korean) are provided by court interpreter employees.
 - Courts may apply for grants to hire interpreters in other languages if the court can demonstrate that there is a local need for interpreter employees in other languages.
 - The \$30 million one-time grants in 2021-22 shall be available for expenditure or encumbrance until June 30, 2024.

Recommended Process for Grant Applications and Awards

Judicial Council staff recommends that trial court presiding judges, court executive officers, interpreter coordinators, Human Resources contacts, Regional Bargaining Committee chairs, and Language Access Representatives be informed of the establishment of the Court Interpreter Employee Incentive Grant through a memorandum and notified that an application process will be created for interested courts.

Through the application process, courts will need to attest to qualification for grants under the provisions of the Budget Act, based on their interpreter expenditures over the past four fiscal years (2017-18 through 2020-21).

For languages other than those listed in Civil Code section 1632(b), the court will need to demonstrate that there is a local need for interpreter employees in other languages.

The local court must also demonstrate that a new full-time employee hired pursuant to the grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services. Finally, the local court must also commit to retaining the court interpreter employee position beyond the grant year, with the understanding that there is no guarantee of future funding once the \$30 million in grant funding is expended. SB 170 states that grant funding shall pay for only the first year of employment and associated costs, including training. Thus, courts will be responsible for paying subsequent years of salary through the court's annual CIP allocation or operational funds as needed.

Once applications are received, Judicial Council staff will work to develop a report with grant recommendations for approval by the Trial Court Budget Advisory Committee (TCBAC), the Judicial Branch Budget Committee (Budget Committee), and Judicial Council. The draft report will include information on the program, including the number of courts that applied, the number of interpreters and languages requested by each interested court, recommended awards, and remaining funding. If total requests exceed the \$30 million in one-time funding, Judicial Council staff will work to develop an allocation methodology that includes the evaluation and ranking of overall requests based on local and statewide interpreter needs for the state's most frequently interpreted languages. If total requests are under the \$30 million, staff will develop recommendations that may include going out to courts again for a future grant request cycle, since grant funding is available for expenditure or encumbrance until June 30, 2024.

Specifics on grant awards, the timing of grant award allocations, and expenditure tracking requirements are yet to be determined and will be developed through consultation with Judicial Council Budget Services and Branch Accounting offices, as appropriate.

Next Steps

A memorandum is planned to go out to the courts in October 2021 notifying courts of the creation of the Court Interpreter Employee Incentive Grant, and that grant applications will commence in Fall 2021 and conclude in early 2022. Once applications for grants are evaluated, a report with recommendations will then be developed for TCBAC, Budget Committee, and Judicial Council approval by Spring 2022.

Attachment

1. SB 170 budget language regarding the Court Interpreter Employee Incentive Grant

SB 170 Budget Act of 2021

Item 0250-101-0932, Provision 29

The Court Interpreter Employee Incentive Grant is hereby created. Of the amounts appropriated in Schedule (4), \$30,000,000 shall be allocated by the Judicial Council as follows:

Of this amount, \$18,000,000 shall be allocated as one-time grants to eligible local courts. This funding shall pay for the first year of employment and associated costs, including training, of any new hire of a court interpreter employee if all of the following conditions are met:

(a)

(1) The local court can demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on independent contractor interpreters or part-time employees who provided services in any of the languages described in subdivision (b) of Section 1632 of the Civil Code.

(2) The local court can demonstrate that the grant will be exclusively used to hire full-time court employee interpreters providing language interpreter services for the languages described in subdivision (b) of Section 1632 of the Civil Code, in order to reduce the percentage of the court's interpreter funds spent on independent contractors or part-time employees to 20 percent or less than 20 percent.

(3) The local court can demonstrate that a new full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services.

(4) The local court commits to retaining the court interpreter employee position beyond the grant year.

(5) Nothing in this subdivision is intended to reduce the amount of funding provided statewide or to local courts for interpreter services, and the amounts allocated by this provision cannot be used to supplant an existing, pending, or prior interpreter employee position.

(b) Of this amount, \$12,000,000 in one-time grants, shall be allocated by the Judicial Council, to increase language access in local courts through the hiring of certified court interpreter employees who shall provide interpreter services inside courthouses in

support of court users. "Interpreter services" includes assistance at self-help centers and interpreting interviews between district attorneys and witnesses and criminal defense attorneys and their clients. A local court is eligible to receive these funds only if at least 80 percent of interpreter services in the languages described in subdivision (b) of Section 1632 of the Civil Code are provided by court interpreter employees.

- (c) Courts may apply for grants to hire interpreters in other languages if the court can demonstrate that there is a local need for interpreter employees in other languages.

- (d) The \$30 million for one-time grants in fiscal year 2021-22 shall be available for expenditure or encumbrance until June 30, 2024.