



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR MARCH 14, 2022 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: March 14, 2022
Time: 12:00 p.m. to 1:30 p.m.
Public Call-in Number: <https://jcc.granicus.com/player/event/1646>

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 January 13, 2022 Trial Court Budget Advisory Committee (TCBAC) virtual meeting, the January 27, 2022 TCBAC action by email between meetings, and the February 10, 2022 TCBAC action by email between meetings.

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 March 13, 2022 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEM (ITEMS 1-4)

Item 1

Minimum Operating and Emergency Reserve Policy (Action Required)

Consideration of options related to the suspension of the Minimum Operating and Emergency Fund Balance Policy.

Presenter(s)/Facilitator(s): Mr. Joseph Glavin, Analyst, Judicial Council Budget Services

Item 2

Trial Court Trust Fund Funds Held on Behalf (FHOB) of the Trial Courts Reporting Frequency (Action Required)

Consideration to revise the current FHOB policy requiring courts to report to TCBCAC each quarter on projects completed within the last 90 days.

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

Item 3

SB 170 One-time \$30 Million Court Interpreter Employee Incentive Grant (CIEIG) Allocation Methodology (Action Required)

Consideration of an allocation methodology to distribute CIEIG funding to the trial courts approved to receive funding through the grant application process.

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

Item 4

2022-23 AB 1058 Allocations (Action Required)

Consideration of the 2022-23 allocations for the child support commissioner and family law facilitator programs.

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

IV. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

January 13, 2022
12:00 p.m. – 1:30 p.m.

<http://jcc.granicus.com/player/event/1537>

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Daniel J. Buckley, Hon. Jill C. Fannin, Hon. Kimberly Gaab, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, Hon. Deborah A. Ryan, Hon. Michael A. Sachs, Hon. Kevin M. Seibert, and Hon. Scott B. Thomsen.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson, Mr. Chad Finke, Mr. Kevin Harrigan, Mr. James Kim, Mr. Shawn Landry, Ms. Krista LeVier, Mr. Brandon E. Riley, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Theodore C. Zayner

Others Present: Mr. John Wordlaw, Ms. Fran Mueller, Mr. Zlatko Theodorovic, Mr. Rob Oyung, Ms. Leah Rose-Goodwin, Ms. Brandy Olivera, and Ms. Oksana Tuk.

OPEN MEETING

Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 12:00 p.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved minutes of the November 30, 2021 Trial Court Budget Advisory Committee (TCBAC) virtual meeting.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1 – Trial Court Budget Change Proposals 2023-24 (Action Required)

Development and adoption of trial court funding priorities for 2023-24 budget change proposal (BCP) consideration.

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

Action: TCBAC deferred the development and prioritization of the 2023-24 BCP concepts by sending the list determined at this meeting to committee members for an action by e-mail between meetings vote. The members would vote for their top five concepts, and the highest voted concepts would be moved forward for consideration by the Judicial Branch Budget Committee.

INFORMATION ONLY ITEMS (ITEMS 1 - 4)

Info 1 – Governor’s Budget Proposal for 2022-23

Update on the Governor’s Budget proposal for 2022-23.

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

Action: No action taken.

Info 2 – Adjustment Request Proposal (ARP) Update

Update on the two ARPs submitted by Humboldt and Siskiyou Superior Courts as reviewed by the Funding Methodology Subcommittee.

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

Action: No action taken.

Info 3 – 2022 Trial Court Budget Advisory Committee Annual Agenda

Update on the agenda approved by the Judicial Branch Budget Committee for 2022.

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

Action: No action taken.

Info 4 – \$60 Million One-Time COVID-Driven Caseload Backlog Funding

Information on the second 2021-22 one-time allocation to be distributed to trial courts in January 2022.

Presenter(s)/Facilitator(s): Ms. Brandy Olivera, Budget Manager, Judicial Council Budget Services
Ms. Leah Rose-Goodwin, Manager, Judicial Council Business Management 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 1:08 p.m.

Approved by the advisory body on enter date.



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TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

January 27, 2022

11:00 a.m.

Action by E-mail Between Meetings

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Daniel J. Buckley, Hon. Jill C. Fannin, Hon. Kimberly A. Gaab, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, Hon. Deborah A. Ryan, Hon. Michael A. Sachs, Hon. Kevin M. Seibert, Hon. B. Scott Thomsen, and Hon. Theodore C. Zayner.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson, Mr. Chad Finke, Mr. Kevin Harrigan, Mr. James Kim, Mr. Shawn Landry, Ms. Krista LeVier, Mr. Brandon E. Riley, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, and Mr. David H. Yamasaki.

Advisory Body Members Absent:

Others Present: Ms. Brandy Olivera

OPEN MEETING

Vote

Voting was opened at 11:00 a.m.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Finalization of the 2023-24 budget change proposal concepts from the trial courts for consideration by the Judicial Branch Budget Committee.

Action: The Trial Court Budget Advisory Committee voted with the results as follows (in order of priority):

1. Annual Automatic Inflationary Adjustment (Consumer Price Index) / Catch up to Actual Inflationary Increases (#1)
2. Civil Assessment Backfill (or General Fund Transfer) (#10)
3. Funding Towards Workload Formula Gap (#34)
4. Maintenance of Effort Buyout (#12)

ADJOURNMENT

Voting closed at 5:00 p.m.

Approved by the advisory body on enter date.



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TRIAL COURT BUDGET
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MINUTES OF OPEN MEETING

February 10, 2022

11:00 a.m.

Action by E-mail Between Meetings

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Daniel J. Buckley, Hon. Jill C. Fannin, Hon. Kimberly A. Gaab, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, Hon. Deborah A. Ryan, Hon. Michael A. Sachs, Hon. Kevin M. Seibert, and Hon. Theodore C. Zayner.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson, Mr. Chad Finke, Mr. Kevin Harrigan, Mr. James Kim, Mr. Shawn Landry, Ms. Krista LeVier, Mr. Brandon E. Riley, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, and Mr. David H. Yamasaki.

Advisory Body Members Absent: Hon. B. Scott Thomsen

Others Present: Ms. Brandy Olivera

OPEN MEETING

Vote

Voting was opened at 11:04 a.m.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Consideration of recommendations on two separate allocations for Court Appointed Counsel funding including 1) allocation of \$1,144,748 in Juvenile Dependency Counsel Collections Program funds collected in 2020-21, 2) reallocation of an estimated \$878,001 in unspent trial court funding for court-appointed counsel in dependency cases for 2021-22; and 3) allocation of \$1,543,180 in new Family First Prevention Services Act federal pass-through funding.

Action: The Trial Court Budget Advisory Committee approved, with one abstention on number three, the allocations and reallocation as recommended.

ADJOURNMENT

Voting closed at 5:00 p.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: Minimum Operating and Emergency Fund Balance Policy
Date: 3/14/2022
Contact: Joe Glavin, Analyst, Budget Services
916-643-7006 | joseph.glavin@jud.ca.gov

Issue

The Judicial Council’s suspension of the minimum operating and emergency fund balance reserve for the trial courts expires June 30, 2022.

Background

On August 31, 2012, the council suspended the minimum operating and emergency fund balance policy through June 30, 2014, which required courts to maintain a fund balance or reserve that was approximately 3 to 5 percent of their prior year General Fund expenditures.

The council’s action was taken in the context of two statutory changes. First, Government Code section 68502.5 required, starting in 2012–13, the establishment of the 2 percent reserve in the Trial Court Trust Fund (TCTF). Each court contributed towards the reserve from its base allocation for operations. Second, Government Code section 77203 imposed, effective June 30, 2014, a 1 percent cap on fund balance that courts can carry forward from one fiscal year to the next. In recognition of the efforts to either eliminate or increase the 1 percent cap, the council suspended, instead of eliminated, the minimum operating and fund balance policy.¹

On October 28, 2014, the council extended the suspension of the minimum operating and emergency fund balance policy for two more fiscal years until June 30, 2016. The council requested that the minimum operating and emergency fund balance policy be in addition to the 1 percent reserve cap while in the interim it would seek the repeal of Government Code section 77203.²

At its April 15, 2016, business meeting, the council adopted a process, criteria, and application form for courts to request funds be retained in the TCTF as restricted fund balance for the benefit of those courts. The process is intended only for expenditures that cannot be funded by a court’s

¹ Judicial Council meeting report (August 31, 2012), <https://www.courts.ca.gov/documents/jc-20120831-itemN.pdf>; Judicial Council meeting minutes (August 31, 2012), <https://www.courts.ca.gov/documents/jc20120831-minutes.pdf>.

² Judicial Council meeting report (October 28, 2014), <https://www.courts.ca.gov/documents/jc-20141028-itemM.pdf>; Judicial Council meeting minutes (October 28, 2014), <https://www.courts.ca.gov/documents/jc20141028-minutes.pdf>.

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Report to the Trial Court Budget Advisory Committee

annual budget or three-year encumbrance term, and that require multiyear savings to implement. These requests are reviewed by the Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee (TCBAC) with recommendations made directly to the Judicial Council.³

Effective July 1, 2016, the 2 percent reserve requirement in the TCTF, which each court contributed to from its base allocation for operations, was replaced with a new reserve policy for trial courts by providing \$10 million General Fund one-time as a reserve in the TCTF. In response to requirements set out in Government Code section 68502.5(c)(2)(B), the Judicial Branch Budget Committee (Budget Committee) recommended, and the Judicial Council approved, the \$10 Million State-Level Reserve Process for requesting emergency funding on October 28, 2016.⁴ Funds used from the reserve are replenished annually out of base allocations to all trial courts. At this time, the 1 percent fund balance amount that courts can carry from one fiscal year to the next was still in place.

On January 19, 2017, the council extended the suspension on the minimum operating and emergency fund balance policy again for two more fiscal years until June 30, 2018—or earlier if Government Code section 77203 was repealed or amended—while in the interim the council would continue to seek repeal of Government Code section 77203.⁵

On May 24, 2018, the council again approved an extension on the suspension of the minimum operating and emergency fund balance policy for two more fiscal years until June 30, 2020—or earlier if Government Code section 77203 was repealed or amended—while in the interim the council would continue to seek repeal of Government Code section 77203.⁶

In 2019, Government Code section 77203 was amended so that a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court’s operating budget from the prior fiscal year commencing June 30, 2020.

³ Judicial Council meeting report (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4378277&GUID=57D6B686-EA95-497E-9A07-226CA724ADCB>; Judicial Council meeting minutes (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463457&GUID=194A3350-D97F-452B-ACF4-1EBE6C105CCA>.

⁴ Judicial Council meeting report (October 28, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4730556&GUID=B27BB5A7-B14B-44E8-A809-9F6FA97F6536>; Judicial Council meeting minutes (October 28, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463482&GUID=71780E2D-3758-4213-B3A5-7100073AB7CF>.

⁵ Judicial Council meeting report (January 19, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=4885769&GUID=7E02378F-E7AC-407D-BDD2-DA81B5FEB9E8>; Judicial Council meeting minutes (January 19, 2017), <https://jcc.legistar.com/View.ashx?M=M&ID=523723&GUID=AAC05972-68BD-4B48-B46C-240B851E3CEF>.

⁶ Judicial Council meeting report (May 24, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6246424&GUID=FD9DAD84-DD7D-448D-8C94-085FFC2FFBFE>; Judicial Council meeting minutes (May 24, 2018), <https://jcc.legistar.com/View.ashx?M=M&ID=559783&GUID=1C4B0F75-3F17-4F8A-9712-034640BB460C>.

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Finally, on July 24, 2020, the council approved an extension of the suspension of the minimum operating and emergency fund balance policy for two more fiscal years until June 30, 2022—or earlier if Government Code section 77203 is amended.⁷ The most recent Fund Balance Policy is included as Attachment 1A; and Government Code section 77203 is included as Attachment 1B.

Advocacy Efforts and Fund Balance Cap Change

Advocacy efforts by the Judicial Council and the trial courts to amend Government Code section 77203 and increase the amount of the 1 percent cap to 3 percent were supported by the Department of Finance and the Legislature.

During recent TCBAC preparation of budget change proposal concepts for 2023-24, trial courts have shared that a further increase to the cap above 3 percent continues to be a priority to support trial court operations. Advocacy efforts for further changes to Government Code section 77203 to increase the established 3 percent cap remain a discussion item with the Administration.

Recommendation

Consider extending the suspension of the minimum operating and emergency fund balance policy for an additional two fiscal years until June 30, 2024—or earlier if Government Code 77203 is amended—for consideration by the Budget Committee and then the Judicial Council at its May 12-13, 2022 business meeting.

Attachments and Links

Attachment 1A: Fund Balance Policy

Attachment 1B: Government Code section 77203

⁷ Judicial Council meeting report (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8648714&GUID=DAA755CB-AD69-4C95-AB23-49AF3B15A37E>; Judicial Council meeting minutes (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=M&ID=711582&GUID=90001AF2-7CEE-4F0F-906B-29A03ED9CB43>

Trial Court Financial Policies & Procedures

Fund Balance Policy

June 2020

Fund Balance

1. As publicly funded entities, and in accordance with good public policy, trial courts must ensure that the funds allocated and received from the state and other sources are used efficiently and accounted for properly and consistently. The trial courts shall account for and report fund balance in accordance with established standards, utilizing approved classifications. Additionally, a fund balance can never be negative.
2. Beginning with the most binding constraints, fund balance amounts must be reported in the following classifications:
 - a. Nonspendable Fund Balance
 - b. Restricted Fund Balance
 - c. Committed Fund Balance
 - d. Assigned Fund Balance
 - e. Unassigned Fund Balance (General Fund only)
3. When allocating fund balance to the classifications and categories, allocations must follow the following prioritization:
 - a. Nonspendable Fund Balance
 - b. Restricted Fund Balance
 - c. Contractual commitments to be paid in the next fiscal year
 - d. The minimum calculated operating and emergency fund balance
 - e. Other Judicial Council mandates to be paid in the next fiscal year
 - f. Contractual commitments to be paid in subsequent fiscal years
 - g. Assigned Fund Balance designations
 - h. Unassigned Fund Balance
4. Nonspendable Fund Balance includes amounts that cannot be spent because they are either (a) not in spendable form (not expected to be converted to cash), or (b) legally or contractually required to be maintained intact. Examples include: Inventories, prepaid amounts, Long-Term Loans and Notes Receivable, and Principal of a Permanent (e.g., endowment) Fund.
5. Restricted Fund Balance includes amounts constrained for a specific purpose by external parties, constitutional provision, or enabling legislation.

- a. Externally imposed—imposed externally by grantors, creditors, contributors, or laws or regulations of other governments (i.e., monies received by a grantor that can only be used for that purpose defined by the grant).
 - b. Imposed by Law (Statutory)—restricted fund balance that consists of unspent, received revenues whose use is statutorily restricted (e.g., children’s waiting room and dispute resolution program funding).
6. Committed Fund Balance includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the Judicial Council. These committed amounts cannot be used for any other purpose unless the Judicial Council removes or changes the specified use by taking the same type of action it employed to previously commit those amounts. Committed Fund Balance must also include contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual requirements. While the requirement to include contractual commitments is a policy decision of the Judicial Council, the type, number, and execution of contracts is within the express authority of presiding judges or their designee.
7. **[NOTE: The minimum operating and emergency fund requirement discussed here is temporarily suspended until the Judicial Council lifts the suspension.]** The Judicial Council has authorized a stabilization arrangement (Operating and Emergency fund category) to be set aside for use in emergency situations or when revenue shortages or budgetary imbalances might exist. The amount is subject to controls that dictate the circumstances under which the court would spend any of the minimum operating and emergency fund balance. Each court must maintain a minimum operating and emergency fund balance at all times during a fiscal year as determined by the following calculation based upon the prior fiscal year’s ending total unrestricted general fund expenditures (excluding special revenue, debt service, permanent proprietary, and fiduciary funds), less any material one-time expenditures (e.g., large one-time contracts).

Annual General Fund Expenditures

5 percent of the first \$10,000,000

4 percent of the next \$40,000,000

3 percent of expenditures over \$50,000,000

If a court determines that it is unable to maintain the minimum operating and emergency fund balance level as identified above, the court must immediately notify the Administrative Director, or designee, in writing and provide a plan with a specific time frame to correct the situation.

8. Assigned Fund Balance is constrained by the presiding judge, or designee, with the intent that it be used for specific purposes or designations that are neither unspendable,

restricted, nor committed. Constraints imposed on the use of assigned amounts are more easily removed or modified than those imposed on amounts that are classified as committed. Assigned amounts are based on estimates, and explanations of the methodology used to compute or determine the designated amount must be provided.

Assigned Fund Balances include:

- a. All remaining amounts that are reported in governmental funds, other than general funds, that are not classified as nonspendable and are neither restricted nor committed; and
- b. Amounts in the general fund that are intended to be used for a specific purpose in accordance with the provision identified by the presiding judge or designee.

Assigned Fund Balances will be identified according to the following categories:

- a. One-time Facility–Tenant Improvements. Examples include carpet and fixture replacements.
- b. One-time Facility–Other Examples include amounts paid by the Judicial Council on behalf of the courts.
- c. Statewide Administrative Infrastructure Initiatives. Statewide assessment in support of technology initiatives (e.g., Phoenix) will be identified in this designation.
- d. Local Infrastructure (technology and nontechnology needs). Examples include interim case management systems and nonsecurity equipment.
- e. One-time Employee Compensation (leave obligation, retirement, etc.). Amounts included in this category are exclusive of employee compensation amounts already included in the court’s operating budget and not in a designated fund balance category.
 - i. One-time leave payments at separation from employment. If amounts are not already accounted for in a court’s operating budget, estimated one-time payouts for vacation or annual leave to employees planning to separate from employment within the next fiscal year should be in this designated fund balance subcategory. This amount could be computed as the average amount paid out with separations or other leave payments during the last three years. Any anticipated non-normal or unusually high payout for an individual or individuals should be added to at the average amount calculated.

- ii. Unfunded pension obligation. If documented by an actuarial report, the amount of unfunded pension obligation should be included as a designated fund balance. Employer retirement plan contributions for the current fiscal year must be accounted for in the court's operating budget.
- iii. Unfunded retiree health care obligation. If documented by an actuarial report, the amount of unfunded retiree health care obligation should be included as a designated fund balance.

The current year's unfunded retiree health care obligation contains: (i) the current year Annual Required Contribution (ARC) based on a 30-year amortization of retiree health costs as of last fiscal year-end, and (ii) the prior year retiree health care obligation less (iii), the retiree health care employer contributions and any transfers made to an irrevocable trust set up for this purpose. The current year's unfunded retiree health care obligation is to be added to the prior year's obligation.

- iv. Workers' compensation (if managed locally). The amount estimated to be paid out in the next fiscal year.
 - v. Use of reserve funds for liquidation of outstanding leave balances for employees in a layoff situation, consistent with the requirements of GASB 45; other examples would include reserving funds for the implementation of "enhanced retirement" or "golden handshake" programs in the interest of eliminating salaries at the "high end" or "top step," and thereby generating salary savings or rehires at the low end of a pay scale for position(s), but realizing one-time costs in the interest of longer-term savings for the court.
- f. Professional and Consultant Services. Examples include human resources, information technology, and other consultants.
 - g. Security. Examples include security equipment and pending increases for security service contracts.
 - h. Bridge Funding. A court may choose to identify specific short or intermediate term funding amounts needed to address future needs that are otherwise not reportable, nor fit the criteria, in either restricted nor committed classifications, that it believes are necessary to identify through specific designations. These designations must be listed with a description in sufficient detail to determine their purpose and requirements.
 - i. Miscellaneous (required to provide detail). Any other planned commitments that are not appropriately included in one of the above designated fund balance subcategories

should be listed here with a description in sufficient detail to determine its purpose and requirements.

9. Unassigned Fund Balance is the residual classification for the general fund. This classification represents fund balance that has not been assigned to any other fund balance classification. The general fund is the only fund that shall report a positive unassigned fund balance amount.

State of California

GOVERNMENT CODE

Section 77203

77203. (a) Prior to June 30, 2014, a trial court may carry over all unexpended funds from the courts operating budget from the prior fiscal year.

(b) Commencing June 30, 2014, and concluding June 30, 2019, a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Commencing June 30, 2020, a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year. The calculation of the percentage authorized to be carried over from the previous fiscal year shall not include funds received by the court pursuant to the following:

(1) Section 470.5 of the Business and Professions Code.

(2) Section 116.230 of the Code of Civil Procedure, except for those funds transmitted to the Controller for deposit in the Trial Court Trust Fund pursuant to subdivision (h) of that section.

(3) Subdivision (f) of Section 13963, Sections 26731, 66006, 68090.8, 70640, 70678, and 76223, subdivision (b) of Section 77207.5, and subdivision (h) of Section 77209.

(4) The portion of filing fees collected for conversion to micrographics pursuant to former Section 26863, as that section read immediately before its repeal, and Section 27361.4.

(5) Sections 1027 and 1463.007, subdivision (a) of Section 1463.22, and Sections 4750 and 6005, of the Penal Code.

(6) Sections 11205.2 and 40508.6 of the Vehicle Code.

(Amended by Stats. 2019, Ch. 36, Sec. 2. (SB 95) Effective June 27, 2019. Section conditionally inoperative as provided in Section 77400.)

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

(Action Item)

Title: Trial Court Trust Fund (TCTF) Funds Held on Behalf (FHOB) of the Trial Courts Reporting Frequency

Date: 3/14/2022

Contact: Catrayel Wood, Senior Analyst, Judicial Council Budget Services
916-643-7008 | Catrayel.Wood@jud.ca.gov

Issue

Consideration to revise the current FHOB policy requiring courts to, on completion of an approved project or planned expenditure, report to the Trial Court Budget Advisory Committee (TCBAC) within 90 days on the project or planned expenditure and how the funds were expended.

Background

Government Code

Government Code section 68502.5(c)(2)(A) requires the Judicial Council to set a preliminary allocation in July of each fiscal year when setting the allocations for trial courts. In January of each fiscal year, after review of available trial court reserves as of June 30 of the prior fiscal year, the Judicial Council is required to finalize allocations to trial courts and each court's finalized allocation is offset by the amount of reserves in excess of the amount authorized to be carried over pursuant Government Code section 77203.

Government Code section 77203 outlines the amount of funding a trial court may carry over from the prior fiscal year. Prior to June 30, 2014, a trial court could carry over all unexpended funds from the court's operating budget from the prior fiscal year. Commencing June 30, 2014, and concluding June 30, 2019, a trial court could carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Commencing June 30, 2020, a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year.

Government Code Impact and Policy Development

At its meeting on July 6, 2015, TCBAC established the Ad Hoc Working Group on Fiscal Planning (working group) to examine permitting trial court allocation amounts that were reduced because of the 1 percent fund balance cap to be retained in the TCTF for the benefit of that court. The working group was charged with developing fiscal planning and management guidelines regarding how to maintain these retained amounts and how the courts would most effectively use the program.

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

At its business meeting on April 15, 2016, the council approved the TCBAC-recommended process, criteria, and required information for trial courts to request TCTF-reduced allocations, related to the 1 percent fund balance cap, be retained in the TCTF as restricted fund balance for the benefit of those courts¹. Included in this approval was the requirement that courts report to TCBAC within 90 days of a completed project or planned expenditure, and how the funds were expended. Currently, Judicial Council Budget Services staff coordinates this effort with the courts for reporting to TCBAC each quarter.

Policy Updates

The Judicial Council adopted revisions to the policy at its business meeting on January 17, 2020, including streamlining the submission schedule, making a change to the recipient of the request from the Judicial Council Administrative Director to the director of Budget Services, and providing language corrections to better align with court year-end closing, trial court allocation offsets, and requests to amend previously reviewed requests (Attachment 2A)².

TCTF FHOB Reporting

Judicial Council Budget Services staff currently surveys courts each quarter to determine if a project has been completed in order to comply with the current 90-day reporting requirement and to report to the TCBAC quarterly. The current process requires staff to survey courts multiple times in a fiscal year, based on the expenditure plan indicating a project or expenditure would be completed in that fiscal year. Because projects often experience delays, quarterly surveys result in repeated requests with similar responses from courts.

In preparation for the November 16, 2021 TCBAC meeting, staff surveyed courts on projects or planned expenditures with planned completion through October 2021. Of the courts surveyed, less than half reported projects as complete and many courts were in the process of amending their FHOB expenditure plans for consideration by the TCBAC Fiscal Planning Subcommittee³.

Revising the current requirement for courts to report within 90 days of project completion to an annual report on completed projects following the close of each fiscal year would result in a more streamlined process by eliminating recurring court surveys, reducing court and council staff workload, and better align with the fiscal year expenditure plan included in the FHOB application. An annual reporting process would continue to ensure the transparency and accountability of the FHOB process and provide the necessary information to the council.

¹ Judicial Council meeting report (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4378277&GUID=57D6B686-EA95-497E-9A07-226CA724ADCB>; Judicial Council meeting minutes (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463457&GUID=194A3350-D97F-452B-ACF4-1EBE6C105CCA>.

² Judicial Council meeting report (January 17, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=7977186&GUID=6B519461-BD50-4F19-9B80-CD40F8FD64FE>; Judicial Council meeting minutes (January 17, 2020), <https://jcc.legistar.com/View.ashx?M=M&ID=711572&GUID=AC46528C-6E37-406A-A1CE-B41CC33E29EB>.

³ TCBAC meeting report (November 16, 2021), <https://www.courts.ca.gov/documents/tcbac-20211116-materials.pdf>; TCBAC meeting minutes (November 16, 2021), <https://www.courts.ca.gov/documents/tcbac-20211116-minutes.pdf>.

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

Recommendation

Consider the following recommendations for approval to be considered by the Judicial Branch Budget Committee and the Judicial Council at its May 13, 2022 business meeting:

1. Revise the current FHOB policy, requiring that courts report to the TCBAC within 90 days of completion of a project or planned expenditure regarding how the funds were expended, from a quarterly to an annual reporting of all projects or planned expenditures completed in a fiscal year; and
2. Make language corrections to the current policy as appropriate (Attachment 2B).

Attachments

Attachment 2A: *Current Process, Criteria, and Required Information for TCTF FHOB of the Courts*

Attachment 2B: *Proposed Process, Criteria, and Required Information for TCTF FHOB of the Courts*

Summary of Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

1. Trial Court Trust Fund fund balance will be held on behalf of trial courts only for expenditures or projects that cannot be funded by a court's annual budget or three-year encumbrance term and that require multiyear savings to implement.
 - a. Categories or activities include, but are not limited to:
 - i) Projects that extend beyond the original planned three-year term process such as expenses related to the delayed opening of new facilities or delayed deployment of new information systems;
 - ii) Technology improvements or infrastructure such as installing a local data center, data center equipment replacement, case management system deployment, converting to a VoIP telephone system, desktop computer replacement, and replacement of backup emergency power systems;
 - iii) Facilities maintenance and repair allowed under rule 10.810 of the California Rules of Court such as flooring replacement and renovation as well as professional facilities maintenance equipment;
 - iv) Court efficiencies projects such as online and smart forms for court users and RFID systems for tracking case files; and
 - v) Other court infrastructure projects such as vehicle replacement and copymachine replacement.
2. The submission, review, and approval process is as follows:
 - a. All requests will be submitted to the Judicial Council for consideration.
 - b. Requests will be submitted to the *director of Budget Services* by the court's presiding judge or court executive officer.
 - c. *Budget Services* staff will review the request, ask the court to provide any missing or incomplete information, draft a preliminary report, share the preliminary report with the court for its comments, revise as necessary, and issue the report to the *Fiscal Planning Subcommittee* of the Trial Court Budget Advisory Committee (TCBAC); the *subcommittee* will meet to review the request, hear any presentation of the court representative, and ask questions of the representative if one participates on behalf of the court; and *Budget Services* office staff will issue a final report on behalf of the *subcommittee* for the council.
 - d. The final report to the *subcommittee* and the Judicial Council will be provided to the requesting court before the report is made publicly available on the California Courts website.
 - e. The court may send a representative to the *subcommittee* and Judicial Council meetings to present its request and respond to questions.

- 43 3. To be considered at a scheduled Judicial Council business meeting, requests must be
44 submitted to the *director of Budget Services* at least 40 business days (approximately
45 eight weeks) before that business meeting.
- 46
- 47 4. The Judicial Council may consider including appropriate terms and conditions that courts
48 must accept for the council to approve designating TCTF fund balance on the court's behalf.
49 a. Failure to comply with the terms and conditions would result in the immediate change in
50 the designation of the related TCTF fund balance from restricted to unrestricted and no
51 longer held on behalf of the court unless the council specifies an alternative action.
- 52
- 53 5. Approved requests that courts subsequently determine need to be revised to reflect a change
54 (1) in the amounts by year to be distributed to the court for the planned annual expenditures
55 and/or encumbrances, (2) in the total amount of the planned expenditures, or (3) of more than
56 10 percent of the total request among the categories of expense will need to be amended and
57 resubmitted following the submission, review, and approval process discussed in 1–3 above.
58 a. Denied revised requests will result in the immediate change in the designation of the
59 related TCTF fund balance from restricted to unrestricted and no longer held on behalf of
60 the court unless the council specifies an alternative action.
- 61
- 62 6. Approved requests that courts subsequently determine have a change in purpose will need to
63 be amended and resubmitted following the submission, review, and approval process
64 discussed in 1–3 above, along with a request that the TCTF funds held on behalf of the court
65 for the previously approved request continue to be held on behalf of the court for this new
66 purpose.
67 a. Denied new requests tied to previously approved requests will result in the immediate
68 change in the designation of the related TCTF fund balance from restricted to unrestricted
69 and no longer held on behalf of the court unless the council specifies an alternative
70 action.
- 71
- 72 7. On completion of the project or planned expenditure, courts are required to report to the Trial
73 Court Budget Advisory Committee within 90 days on the project or planned expenditure and
74 how the funds were expended.
- 75
- 76 8. As part of the courts' audits in the scope of the normal audit cycle, a review of any funds that
77 were held on behalf of the courts will be made to confirm that they were used for their stated
78 approved purpose.

79 **Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the**
80 **Courts**

81 TCTF fund balance will be held on behalf of the trial courts only for expenditures or projects that
82 cannot be funded by the court's annual budget or three-year encumbrance term and that require
83 multiyear savings to implement.

84
85 **Recommended Information Required to Be Provided by Trial Courts for TCTF**
86 **Fund Balance Held on Behalf of the Courts**

87 Below is the information required to be provided by trial courts on the *Application for TCTF*
88 *Funds Held on Behalf of the Court*:

89
90 **SECTION I**

91 **General Information**

- 92 • Superior court
- 93 • Date of submission
- 94 • Person authorizing the request
- 95 • Contact person and contact information
- 96 • Time period covered by the request (includes contribution and expenditure)
- 97 • Requested amount
- 98 • A description providing a brief summary of the request

99
100 **SECTION II**

101 **Amended Request Changes**

- 102 • Sections and answers amended
- 103 • A summary of changes to request

104
105 **SECTION III**

106 **Trial Court Operations and Access to Justice**

- 107 • An explanation as to why the request does not fit within the court's annual operational
108 budget process and the three-year encumbrance term
- 109 • A description of how the request will enhance the efficiency and/or effectiveness of court
110 operations, and/or increase the availability of court services and programs
- 111 • If a cost efficiency, cost comparison (*table template provided*)
- 112 • A description of the consequences to the court's operations if the court request is not
113 approved
- 114 • A description of the consequences to the public and access to justice if the court request is
115 not approved
- 116 • The alternatives that the court has identified if the request is not approved, and the reason
117 why holding funding in the TCTF is the preferred alternative

118 **SECTION IV**119 **Financial Information**

- 120 • Three-year history of year-end fund balances, revenues, and expenditures (*table template*
121 *provided*)
- 122 • Current detailed budget projections for the fiscal years during which the trial court would
123 either be contributing to the TCTF fund balance held on the court's behalf or receiving
124 distributions from the TCTF fund balance held on the court's behalf (*table template*
125 *provided*)
- 126 • Identification of all costs, by category and amount, needed to fully implement the project
127 (*table template provided*)
- 128 • A specific funding and expenditure schedule identifying the amounts to be contributed and
129 expended, by fiscal year (*table template provided*)

Summary of Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

Recommended Process for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts

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JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No. 22-083

For business meeting on May 13, 2022

Title

Trial Court Budget: Court Interpreter
Employee Incentive Grant Award
Recommendations

Agenda Item Type

Action Required

Effective Date

May 13, 2022

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

March 9, 2022

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice Chair

Contact

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Executive Summary

The Trial Court Budget Advisory Committee recommends grant awards to nine superior courts that applied for grants to implement SB 170, which amended the 2021 Budget Act and provides \$30 million in one-time General Fund through the establishment of the Court Interpreter Employee Incentive Grant. This grant provides funding for one year of salary and training costs to establish new full-time court interpreter employee positions. The Trial Court Budget Advisory Committee also recommends that a future grant application cycle take place for 2022-23, since remaining grant funding is available until June 30, 2024.

Recommendation

The Trial Court Budget Advisory Committee recommends the following:

1. Approve the proposed allocations for the Court Interpreter Employee Incentive Grant for 2021–22;

2. Direct Judicial Council Budget Services staff to distribute grant awards to courts no later than the June 2022 distribution; and
3. Direct Judicial Council Budget Services and Language Access Services staff to initiate a future grant application cycle for 2022-23.

Relevant Previous Council Action

As the Court Interpreter Employee Incentive Grant (CIEIG) is a new program in 2021-22, there is no previous council action.

Analysis/Rationale

SB 170 (Stats. 2021, ch. 240)¹ amended the 2021 Budget Act in September 2021 and provided an additional \$30 million in one-time General Fund to the Court Interpreters Program (0150037) (CIP) as restricted funding for one-year grants to support a year of salary and training and to create new full-time court employee interpreter positions in the superior courts.

The CIEIG is intended to increase the number of new, full-time court interpreter employees in trial courts and to increase language access services for court users inside courthouses. The grant funding may help courts reduce or, at a minimum, maintain the overall percentage spent on independent interpreter contractors or part-time interpreter employees to 20 percent or less. Courts are expected to maintain grant-funded positions beyond the grant year as long-term positions. There are two categories of grants under the CIEIG and courts are permitted to apply for only one of the two:

- Category 1 - \$18 million is dedicated to one year of salary and associated costs, including training, for new full-time court interpreter employee positions.
- Category 2 - \$12 million is dedicated to one year of salary and associated costs, including training, for new full-time court interpreter employee positions to provide out-of-courtroom and in-courtroom services.

To be eligible for Category 1 grant funding, the court must demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on interpreter contractors or part-time interpreter employees who provided services in any of the languages listed in Civil Code Section 1632(b): Spanish, Chinese [Mandarin, Cantonese], Tagalog, Vietnamese, or Korean.

To be eligible for Category 2 grant funding, the court must demonstrate that at least 80 percent of interpreter services in any of the languages listed in Civil Code Section 1632(b) (Spanish, Chinese [Mandarin, Cantonese], Tagalog, Vietnamese, or Korean) are currently provided by court interpreter employees.

Courts may apply for grants to hire interpreters in any certified (including American Sign Language) or registered languages if the court can demonstrate that there is a local need for

¹ See Attachment 3B: SB 170 language regarding the CIEIG.

interpreter employees in these languages. Courts must use grant funds to create new full-time interpreter employee positions and may not use funds to support current interpreter vacancies. Courts may convert part-time interpreter positions into full-time positions, if the funding helps reduce or maintain the overall percentage spent on interpreter contractors or part-time interpreter employees to 20 percent or less. Grants cannot be used for wage increases for current positions.

On October 14, 2021, the Trial Court Budget Advisory Committee (TCBAC) received an informational memorandum from council staff that summarized the CIEIG budget language and proposed a process for soliciting and approving grant awards. After consultation with the Department of Finance and legislative staff, grant guidelines based on the Budget Act language were prepared that described background information and objectives of the grant, criteria for grant awards, the application timeline and process, and distribution of funding to the courts. On January 21, 2022, the guidelines, the application form, and court interpreter expenditure data were distributed to presiding judges, court executive officers, and court staff. On February 3, 2022, council staff conducted a webinar for the courts to review the grant application process and to answer questions. The deadline for applications was February 18, 2022.

A total of six courts applied for Category 1 grants, and a total of three courts applied for Category 2 grants. For the \$18 million available for Category 1, a total of approximately \$1.645 million was requested for one year of salary and training for 12 new positions, leaving approximately \$16.355 million in remaining funding. For the \$12 million available for Category 2, a total of approximately \$831,000 was requested for one year of salary and training for six new positions, leaving approximately \$11.169 million in remaining funding (Attachment 3A).

For Category 1, Kern, Marin², Mendocino, San Benito, Shasta, and Ventura courts requested a total of 12 new full-time court interpreter positions in Mixteco (1) and Spanish (11). The courts confirmed their commitment to lowering interpreter contractor costs and shared that the grant funding would make court services more versatile in meeting the needs of the public on a daily basis. One court mentioned the difficulties of being located in a rural area in hiring interpreter contractors and stated that the new position would provide immediate access to interpreting services for limited English proficient ('LEP') court users and ensure they are receiving quality interpreting. Another court stated that it would like to become less dependent on interpreter contractors who are in high demand in nearby counties, and the grant funding will enable the court to fill a daily need for court interpretation in a language of lesser diffusion like Mixteco.

For Category 2, Alameda, San Bernardino, and San Diego courts requested six new full-time court interpreter positions, including for American Sign Language (1), Certified Deaf Interpreter (1), Chinese (1), and Spanish (3). The courts shared that the grant funding would help to increase the number of interpreters available to assist with court-ordered mediations, investigations, and psychological evaluations as well as fill the increasing need for interpreter coverage in all case types. In addition, one court stated that while the need is greater than the grant request, the court cannot responsibly anticipate being able to sustain a greater request given their current interpreter funding allocation.

² Marin's grant request is for converting a part-time interpreter position into a full-time interpreter position.

Policy implications

None.

Comments

This proposal was not circulated for public comment, and no public comments were received.

Alternatives considered

The guidelines and application process were developed consistent with the budget language of SB 170. The purpose of the CIEIG is limited to grants to support establishment of new full-time court interpreter employee positions as described in the budget language (Attachment 3B).

Fiscal and Operational Impacts

Upon Judicial Council approval, courts will be notified that they have been approved for grant awards. Grant funding is anticipated to be distributed no later than June 2022. Council staff in Language Access Services will assist courts with recruitment for new positions supported under the grants. The \$30 million one-time grants awarded in 2021-22 will be available for expenditure or encumbrance until June 30, 2024. In order to distribute the remaining grant funding, council staff will initiate another grant application process for the CIEIG in 2022-23.

The court must 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, reducing or maintaining contractor expenses to 20 percent or less. Courts will have more than one year to accomplish this goal (the budget language does not include a timeframe for reaching the 20 percent threshold). If an interpreter employee funded under the grant for one year of salary leaves the court before 12 months, the court will notify council staff and will need to return unspent grant funding.

Council staff anticipate that there will be continued discussions with the Administration and the Legislature regarding long-term funding augmentations to the CIP that would support new employee positions beyond the grant year. However, any future augmentation requests must be approved by the Administration and the Legislature, and there is no guarantee of future funding.

Attachments

1. Attachment 3A: Proposed CIEIG Awards for 2021-22
2. Attachment 3B: SB 170 language regarding the CIEIG

Attachment 3A: Proposed CIEIG Awards for 2021-22

Category 1 - \$18 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Marin	1	Spanish	\$ 63,378	\$ 63,378
Mendocino	1	Spanish	\$ 159,345	\$ 159,345
Kern	1	Spanish	\$ 160,234	
Kern	1	Spanish	\$ 160,234	
Kern	1	Spanish	\$ 160,234	
Kern	1	Spanish	\$ 160,234	
Kern	1	Spanish	\$ 160,234	\$ 801,170
San Benito	1	Spanish	\$ 114,000	\$ 114,000
Shasta	1	Spanish	\$ 131,767	\$ 131,767
Ventura	1	Spanish	\$ 125,250	
Ventura	1	Spanish	\$ 125,250	
Ventura	1	Mixteco	\$ 125,250	\$ 375,751
			Total Requested:	\$ 1,645,412
			Total Provided for Grants:	\$ 18,000,000
			Amount Remaining:	\$ 16,354,588

Category 2 - \$12 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Alameda	1	Chinese	\$ 130,040	
Alameda	1	ASL	\$ 130,040	
Alameda	1	Deaf (CDI)	\$ 130,040	\$ 390,120
San Bernardino	1	Spanish	\$ 143,016	
San Bernardino	1	Spanish	\$ 143,016	\$ 286,032
San Diego	1	Spanish	\$ 154,744	\$ 154,744
			Total Requested:	\$ 830,896
			Total Provided for Grants:	\$ 12,000,000
			Amount Remaining:	\$ 11,169,104

Attachment 3B
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:

- (a) 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:
 - (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.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on: May 12-13, 2022

Title

Child Support: AB 1058 Child Support
Commissioner and Family Law Facilitator
Program Funding for 2022–23

Agenda Item Type

Action Required

Effective Date

July 1, 2022

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

March 9, 2022

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice-Chair

Contact

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Executive Summary

The Trial Court Budget Advisory Committee recommends approval that the Judicial Council allocate funding for the Child Support Commissioner and Family Law Facilitator Program for 2022–23. The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the following, effective July 1, 2022:

1. Approve the allocation for the Child Support Commissioner side of the program for 2022–23 as set forth in Attachment 4A. This allocation maintains the current workload-based methodology approved by the Judicial Council in July 2021; and
2. Approve the allocation for the Family Law Facilitator side of the program for 2022–23 as set forth in Attachment 4B. This allocation maintains the current population-based methodology approved by the Judicial Council in July 2021.

Relevant Previous Council Action

The Judicial Council is required to annually allocate non-trial court funding to the AB 1058 program and has done so since 1997.¹ A cooperative agreement between the 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 at the end of the fiscal year revert to the state General Fund and cannot be used in subsequent years.

In 2015, the AB 1058 Funding Allocation Joint Subcommittee was formed to review the historical AB 1058 program funding methodology. On January 16, 2019, the council approved a new workload-based funding methodology for the Child Support Commissioner (CSC) program and maintained the historical Family Law Facilitator (FLF) funding methodology until 2021–22 as recommended by the subcommittee.² On July 9, 2021, the council approved a new population-based methodology for the FLF program and maintained the workload-based methodology with updated workload data for the CSC program.³

On October 1, 2021, the Judicial Council approved the allocation of \$4.5 million in new base funding made available to the AB 1058 program in the 2021 Budget Act. Of the new funding, 75 percent was distributed to the CSC side of the program and prorated to courts with unmet need as determined by the CSC workload-based funding methodology. In addition, of the new funding, 25 percent was distributed to the FLF side of the program and the majority was prorated to courts with unmet need with the remainder prorated to all courts as determined by the FLF population-based funding methodology.⁴

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

² More details can be found in the Judicial Council report for the January 2019 meeting: Judicial Council of Cal., Advisory Com. Rep., *Child Support: AB 1058 Child Support Commissioner and Family Law Facilitator Program Funding Allocation* (Nov. 21, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6953308&GUID=A6F15A78-08B6-42DA-8826-19A6AF0B7CB1>.

³ More details can be found in the Judicial Council report for the July 2021 meeting: Judicial Council of Cal., Advisory Com. Rep., *Child Support: Updating Workload Data for the AB 1058 Child Support Commissioner Funding Methodology, Adopting a Family Law Facilitator Program Funding Methodology, and Adopting 2021–22 AB 1058 Program Funding Allocations* (May 14, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9508521&GUID=BC737E96-AFD8-4E22-A046-AE9E16A5C422>.

⁴ More details can be found in the Judicial Council report for the October 2021 meeting: Judicial Council of Cal., Advisory Com. Rep., *Child Support: \$4.45 Million AB 1058 Reimbursement Authority Increase* (Aug. 17, 2021), <https://jcc.legistar.com/LegislationDetail.aspx?ID=5082959&GUID=6A7533C7-039B-4B2C-B66E-BCE4B53C0EA4>

Analysis/Rationale

Through a two-year cooperative agreement between the DCSS and the Judicial Council, base and federal drawdown funds are distributed to the AB 1058 program for 2022–23. The base funding is distributed based on Judicial Council-approved methodologies for both sides of the program. For the federal drawdown funds, courts are given the option to contribute trial court funds to receive a two-thirds match in federal dollars. The allocation of federal drawdown funds is based on responses during the midyear reallocation process where courts indicate whether they would like to change their federal drawdown allocation for the next fiscal year.

Funding for 2022–23 for the CSC side of the program will be \$35 million in base funding and \$12.6 million for the federal drawdown funds. A remaining \$409,520 in federal drawdown funds that were not initially requested at the beginning of the fiscal year will be available for courts during the 2022-23 midyear reallocation process for the CSC side of the program. Funding for 2022-23 for the FLF side of the program will be \$11.9 million in base funding and \$4.4 million from the federal drawdown funds. The total program base allocation will be \$46.8 million, and the total federal drawdown allocation will be \$17.4 million. See Attachment 4A and 4B for more details.

Policy implications

Approval of these recommendations allows for the continued funding of the CSC and FLF programs, supporting courts in meeting mandates under Family Code sections 4251 and 10002 to hire sufficient child support commissioners and family law facilitators, respectively, to provide AB 1058 services to the public. Approval of these recommendations also fulfills the requirements of the contract between the council and DCSS.

Comments

This proposal did not circulate for public comment and no public comment has been received.

Alternatives considered

The committee considered taking no action but rejected this option as inconsistent with Judicial Council goals because it would result in the reversion of unspent funds to the General Fund. Taking no action would also deprive courts of the option of using federal drawdown funds to cover two-thirds of some of the existing court contributions to the programs.

Fiscal and Operational Impacts

To draw down federal funds, federal provisions require payment of a state share of one-third of total expenditures. Therefore, each participating court will need to provide the one-third share of the court's total cost to draw down two-thirds of total expenditures from federal participation.

Attachments and Links

1. Attachment 4A: Child Support Commissioner (CSC) Program Allocation, 2022–23
2. Attachment 4B: Family Law Facilitator (FLF) Program Allocation, 2022–23

Child Support Commissioner (CSC) Program Allocation, 2022-23							
		A	B	C	D	E	F
#	CSC Court	Base 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)
1	Alameda	1,506,792	549,815	362,878	186,937	2,056,607	1,869,670
2	Alpine (see El Dorado)						
3	Amador	140,250	45,736	30,186	15,550	185,986	170,436
4	Butte	272,690	0	0	0	272,690	272,690
5	Calaveras	132,667	10,000	6,600	3,400	142,667	139,267
6	Colusa	45,691	20,809	13,734	7,075	66,500	59,425
7	Contra Costa	793,527	0	0	0	793,527	793,527
8	Del Norte	63,235	29,023	19,155	9,868	92,258	82,390
9	El Dorado	203,169	100,382	66,252	34,130	303,551	269,421
10	Fresno	1,686,748	955,727	630,780	324,947	2,642,475	2,317,528
11	Glenn	120,030	63,012	41,588	21,424	183,042	161,618
12	Humboldt	117,051	59,801	39,469	20,332	176,852	156,520
13	Imperial	219,020	118,000	77,880	40,120	337,020	296,900
14	Inyo	79,264	0	0	0	79,264	79,264
15	Kern	1,054,951	360,000	237,600	122,400	1,414,951	1,292,551
16	Kings	275,061	166,716	110,033	56,683	441,777	385,094
17	Lake	141,004	74,000	48,840	25,160	215,004	189,844
18	Lassen	60,000	0	0	0	60,000	60,000
19	Los Angeles	6,766,426	3,198,270	2,110,858	1,087,412	9,964,696	8,877,285
20	Madera	242,269	88,000	58,080	29,920	330,269	300,349
21	Marin	114,719	40,396	26,661	13,735	155,115	141,380
22	Mariposa	75,216	0	0	0	75,216	75,216
23	Mendocino	154,769	56,550	37,323	19,227	211,319	192,092
24	Merced	490,598	297,354	196,254	101,100	787,952	686,851
25	Modoc						
26	Mono	45,974	0	0	0	45,974	45,974
27	Monterey	356,969	109,094	72,002	37,092	466,063	428,971
28	Napa	95,745	0	0	0	95,745	95,745
29	Nevada	327,593	0	0	0	327,593	327,593
30	Orange	2,133,505	424,810	280,375	144,435	2,558,315	2,413,880
31	Placer	312,320	25,440	16,790	8,650	337,760	329,111
32	Plumas	95,777	0	0	0	95,777	95,777
33	Riverside	1,598,603	0	0	0	1,598,603	1,598,603
34	Sacramento	1,413,338	500,000	330,000	170,000	1,913,338	1,743,338
35	San Benito	135,384	50,000	33,000	17,000	185,384	168,384
36	San Bernardino	3,186,397	712,227	470,070	242,157	3,898,624	3,656,466
37	San Diego	1,923,982	1,048,079	691,732	356,347	2,972,061	2,615,714
38	San Francisco	820,297	500,000	330,000	170,000	1,320,297	1,150,297
39	San Joaquin	846,981	83,046	54,810	28,236	930,027	901,792
40	San Luis Obispo	209,688	127,093	83,881	43,212	336,781	293,570
41	San Mateo	354,193	225,411	148,771	76,640	579,604	502,964
42	Santa Barbara	435,112	264,204	174,375	89,829	699,316	609,486
43	Santa Clara	1,612,233	977,183	644,941	332,242	2,589,416	2,257,173
44	Santa Cruz	177,299	21,391	14,118	7,273	198,690	191,417
45	Shasta	417,575	205,874	135,877	69,997	623,449	553,452
46	Sierra (see Nevada)						
47	Siskiyou	118,484	0	0	0	118,484	118,484
48	Solano	524,428	95,481	63,017	32,464	619,909	587,446
49	Sonoma	453,390	221,104	145,929	75,175	674,494	599,319
50	Stanislaus	700,912	260,000	171,600	88,400	960,912	872,512
51	Sutter	182,623	63,487	41,901	21,586	246,110	224,525
52	Tehama	111,871	56,982	37,608	19,374	168,853	149,479
53	Trinity (see Shasta)						
54	Tulare	507,485	77,190	50,945	26,245	584,675	558,431
55	Tuolumne	158,566	78,346	51,708	26,638	236,912	210,274
56	Ventura	527,450	204,400	134,904	69,496	731,850	662,354
57	Yolo	211,965	15,000	9,900	5,100	226,965	221,865
58	Yuba	203,149	50,000	33,000	17,000	253,149	236,149
TOTAL		34,954,436	12,629,433	8,335,426	4,294,007	47,583,869	43,289,862

CSC Base Funds	34,954,436
CSC Federal Drawdown	12,629,433
Total Funding Allocated	47,583,869

Family Law Facilitator (FLF) Program Allocation, 2022–23							
		A	B	G	H	I	J
#	FLF Court	Updated Base Allocation	Beginning Federal Drawdown Option	Federal Share 66% (Column B *.66)	Court Share 34% (Column F *.34)	Total Allocation (A+B)	Contract Amount (A + C)
1	Alameda	420,326	247,743	163,510	84,233	668,069	583,836
2	Alpine (see El Dorado)						
3	Amador	47,097	4,701	3,103	1,598	51,798	50,200
4	Butte	97,903	61,250	40,425	20,825	159,153	138,328
5	Calaveras	70,907	8,000	5,280	2,720	78,907	76,187
6	Colusa	38,250	8,900	5,874	3,026	47,150	44,124
7	Contra Costa	334,681	0	0	0	334,681	334,681
8	Del Norte	50,155	5,971	3,941	2,030	56,126	54,095
9	El Dorado	107,111	50,384	33,253	17,131	157,495	140,364
10	Fresno	380,506	191,339	126,284	65,055	571,845	506,790
11	Glenn	75,971	0	0	0	75,971	75,971
12	Humboldt	85,479	10,840	7,154	3,685	96,319	92,633
13	Imperial	68,492	36,940	24,380	12,560	105,432	92,872
14	Inyo	57,289	0	0	0	57,289	57,289
15	Kern	342,484	204,269	134,818	69,452	546,754	477,302
16	Kings	66,952	0	0	0	66,952	66,952
17	Lake	55,052	27,522	18,165	9,358	82,574	73,217
18	Lassen	65,167	0	0	0	65,167	65,167
19	Los Angeles	2,314,376	803,431	530,264	273,167	3,117,807	2,844,640
20	Madera	77,642	25,383	16,753	8,630	103,025	94,394
21	Marin	131,218	0	0	0	131,218	131,218
22	Mariposa	45,491	0	0	0	45,491	45,491
23	Mendocino	57,935	30,722	20,277	10,446	88,657	78,211
24	Merced	101,777	68,742	45,370	23,372	170,519	147,147
25	Modoc	70,995	1,247	823	424	72,242	71,818
26	Mono	48,322	1,350	891	459	49,672	49,213
27	Monterey	136,783	58,884	38,864	20,021	195,668	175,647
28	Napa	67,188	40,000	26,400	13,600	107,188	93,588
29	Nevada	116,579	0	0	0	116,579	116,579
30	Orange	707,122	114,738	75,727	39,011	821,860	782,849
31	Placer	114,143	0	0	0	114,143	114,143
32	Plumas	55,935	7,803	5,150	2,653	63,738	61,085
33	Riverside	649,668	226,599	149,555	77,044	876,267	799,223
34	Sacramento	376,094	216,019	142,573	73,447	592,114	518,667
35	San Benito	60,627	29,907	19,738	10,168	90,534	80,366
36	San Bernardino	536,755	319,545	210,900	108,645	856,300	747,655
37	San Diego	760,746	263,097	173,644	89,453	1,023,844	934,391
38	San Francisco	248,672	113,795	75,105	38,690	362,467	323,776
39	San Joaquin	218,392	80,960	53,434	27,527	299,353	271,826
40	San Luis Obispo	87,277	32,246	21,282	10,964	119,523	108,560
41	San Mateo	181,237	88,813	58,617	30,197	270,051	239,854
42	Santa Barbara	164,701	77,323	51,033	26,290	242,024	215,735
43	Santa Clara	501,084	210,712	139,070	71,642	711,796	640,154
44	Santa Cruz	90,635	44,130	29,126	15,004	134,765	119,761
45	Shasta	186,519	111,913	73,863	38,050	298,432	260,382
46	Sierra (see Nevada)						
47	Siskiyou	71,166	35,887	23,686	12,202	107,053	94,852
48	Solano	139,451	39,710	26,209	13,501	179,161	165,660
49	Sonoma	152,948	65,519	43,243	22,276	218,467	196,190
50	Stanislaus	211,222	120,000	79,200	40,800	331,222	290,422
51	Sutter	63,527	31,409	20,730	10,679	94,936	84,257
52	Tehama	39,032	3,535	2,333	1,202	42,567	41,365
53	Trinity (see Shasta)						
54	Tulare	295,159	135,972	89,742	46,231	431,132	384,901
55	Tuolumne	61,613	30,084	19,855	10,229	91,697	81,469
56	Ventura	247,940	80,955	53,430	27,525	328,895	301,370
57	Yolo	85,337	36,441	24,051	12,390	121,778	109,388
58	Yuba	62,994	44,953	29,669	15,284	107,947	92,663
TOTAL		11,902,126	4,449,685	2,936,792	1,512,893	16,351,811	14,838,918

FLF Base Funds	11,902,126
FLF Federal Drawdown	4,449,685
Total Funding Allocated	<u>16,351,811</u>