



**Judicial Council of California**  
**Trial Court Budget Advisory Committee**

**TRIAL COURT BUDGET ADVISORY COMMITTEE**

**MATERIALS FOR JANUARY 22, 2024  
 VIRTUAL MEETING**

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Judicial Council of California  
Trial Court Budget Advisory Committee

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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

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**Date:** Monday, January 22, 2024  
**Time:** 12:00 p.m. - 2:30 p.m.  
**Public Video Livestream:** <https://jcc.granicus.com/player/event/3260>

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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 emailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov).

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

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

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**Call to Order and Roll Call**

**Approval of Minutes**

Approve minutes of the November 2, 2023 Trial Court Budget Advisory Committee meeting.

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

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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](mailto:tcbac@jud.ca.gov). Only written comments received by 12:00 p.m. on January 19, 2024 will be provided to advisory body members prior to the start of the meeting.

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

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**Item 1**

**2023–24 State Trial Court Improvement and Modernization Fund (IMF) Allocation Increase for the Judicial Council Center for Judicial Education and Research (Action Required)**

Consider a recommendation from the Revenue and Expenditure Subcommittee to increase the 2023–24 IMF allocation by \$150,000 to provide required education to new judges.

Presenter(s)/Facilitator(s): Ms. Karene Alvarado, Director, Judicial Council Center for Judicial Education and Research

**Item 2**

**Access to Visitation Grant Program Funding Allocation for Federal Fiscal Years 2024–25 through 2026–27 (Action Required)**

Consider a recommendation from the Family and Juvenile Law Advisory Committee to approve the Access to Visitation Grant Program funding allocation and distribution of \$655,000 statewide for 2024–25 through 2026–27.

Presenter(s)/Facilitator(s): Ms. Shelly La Botte, Senior Analyst, Judicial Council Center for Families, Children & the Courts

**Item 3**

**Funds Held on Behalf (FHOB) of the Trial Courts Policy Updates (Action Required)**

Consider recommendations from the Fiscal Planning Subcommittee to update the current policy for the FHOB program.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Ms. Rose Lane, Senior Analyst, Judicial Council Budget Services

**Item 4**

**Trial Court Budget Change Proposals for 2025–26 (Action Required)**

Deliberate trial court funding priorities and budget change proposals for consideration in the 2025–26 budget development process.

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

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**IV. INFORMATION ONLY ITEM (NO ACTION REQUIRED)**

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**Info 1**

**Governor's Budget Proposal for 2024–25**

Update on the Governor's Budget proposal for 2024–25.

Presenter(s)/Facilitator(s): Mr. Zlatko Theodorovic, Director, Judicial Council Budget Services

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**V. ADJOURNMENT**

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**Adjourn**



Judicial Council of California  
Trial Court Budget Advisory Committee

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**TRIAL COURT BUDGET ADVISORY COMMITTEE**

**MINUTES OF OPEN MEETING**

November 2, 2023

12:00 p.m. – 12:30 p.m.

<https://jcc.granicus.com/player/event/2948>

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**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), Hon. Judith C. Clark, Hon. Kimberly A. Gaab, Hon. Maria D. Hernandez, Hon. David C. Kalemkarian, Hon. Erick L. Larsh, Hon. Michael A. Sachs, and Hon. Kevin M. Seibert.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Stephanie Cameron, Mr. Chad Finke, Mr. James Kim, Mr. Shawn Landry, Ms. Krista LeVier, Mr. Brandon E. Riley, Mr. Chris Ruhl, Mr. Lee Seale, Mr. David W. Slayton, Mr. Neal Taniguchi, and Mr. David H. Yamasaki.

**Advisory Body Members Absent:** Hon. Jill C. Fannin, Hon. Wendy G. Getty, Hon. Patricia L. Kelly, and Hon. Michael J. Reinhart.

**Others Present:** Hon. Ann C. Moorman, Mr. John Wordlaw, Mr. Adam Dorsey, Mr. Zlatko Theodorovic, Ms. Fran Mueller, Ms. Oksana Tuk, and Ms. Rose Lane.

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**OPEN MEETING**

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**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 committee approved minutes from the September 7, 2023 Trial Court Budget Advisory Committee (TCBAC) meeting and the September 27, 2023 Action by Email in between meetings.

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**DISCUSSION AND ACTION ITEMS (ITEM 1)**

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**Item 1 – 2022–23 Final Adjustments for Year-end Fund Balances (Action Required)**

Review of final submissions of one-time adjustments for 2022–23 trial court fund balances.

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

**Action:** *The TCBCAC unanimously voted to approve the recommendation subject to correction, final review, and posting of updated materials, which were posted on November 9, 2023. The TCBCAC approved the recommendation for the final 2022–23 year-end adjustment of a 3 percent fund balance cap reduction allocation of \$30 million, which nets to \$2.8 million after adjusting for \$27.2 million in applicable Funds Held on Behalf requests, for consideration and recommendation to the Judicial Branch Budget Committee and then the Judicial Council at its January 19, 2024 business meeting.*

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:15 p.m.

Approved by the advisory body on .

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee  
(Action Item)

**Title:** 2023-24 State Trial Court Improvement and Modernization Fund (IMF) Allocation Increase for the Judicial Council Center for Judicial Education and Research (CJER)

**Date:** 1/9/2024

**Contact:** Oscar Aguirre, Sr. Analyst, Center for Judicial Education and Research  
916-263-1732 | [Oscar.Aguirre@jud.ca.gov](mailto:Oscar.Aguirre@jud.ca.gov)

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**Issue**

Consider adopting a Revenue and Expenditure Subcommittee recommendation to increase the Judicial Council’s CJER 2023-24 IMF Judicial Education program allocation by \$150,000 to provide additional judicial officer orientation to newly appointed judges as required by California Rule of Court 10.462, for consideration by the Judicial Branch Budget Committee and the Judicial Council at its March 15, 2024 business meeting.

**Background**

The Judicial Council’s CJER provides education and training to all new judges and subordinate judicial officers. This education equips them with the knowledge and skills necessary to fulfill their roles effectively and is required by California Rule of Court 10.462. Annually, CJER receives an allocation from the IMF for new judge education. Historically, the average annual number of new judges and subordinate judicial officers has been stable.

In 2023-24, the judicial branch has seen a significantly higher number of judicial appointments than previous years. As a result, in August 2023, CJER identified the need for a \$150,000 increase to the Judicial Council approved Judicial Education program allocation from the IMF. This request for additional funding was approved by the Judicial Council at its November 17, 2023, business meeting.<sup>1</sup>

Since that time, the number of judicial appointments has further increased, and an additional \$150,000 is needed to meet judicial officer education requirements in the current year. This request would increase the 2023-24 IMF allocation for Judicial Education from \$1,134,000 to \$1,284,000 (Attachment A, row 18).

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<sup>1</sup>Judicial Council of Cal., Staff Rep., Trial Court Budget: 2023–24 State Trial Court Improvement and Modernization Fund Allocation Increase for Judicial Education (Nov. 17, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=12400302&GUID=FBCF699F-3AA9-4A24-8A3A-E5C9D5458DF5>.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee  
(Action Item)

**Recommendation**

The following recommendation is presented to the Trial Court Budget Advisory Committee for consideration:

Increase the approved 2023-24 IMF allocation for the Judicial Education program allocation by \$150,000 to provide the Judicial Council's CJER with the resources necessary so that newly appointed judicial officers can meet the education requirements for new judges as required by California Rule of Court 10.462.

This request for \$150,000 is not reflected in the IMF Fund Condition Statement (Attachment B). Based on current revenue estimates, the fund is estimated to have a sufficient balance for the requested allocation increase.

**Attachments**

1. Attachment A: Judicial Council of California Approved 2023-24 IMF Allocations – State Operations and Local Assistance Appropriations
2. Attachment B: IMF Fund Condition Statement



**Judicial Council of California**  
**Approved 2023-24 Allocations**  
**State Trial Court Improvement and Modernization Fund**  
**State Operations and Local Assistance Appropriations**

Updated as per JC Approval: November 17, 2023

#	Program Name	Office	Approved 2023-24 Allocations		
			State Operations	Local Assistance	Total
A	B	C	D	E	F = (D + E)
1	Audit Services	AS	\$ 372,000	\$ -	\$ 372,000
2	Trial Court Master Agreements	BAP	182,000	-	182,000
3	Treasury Services - Cash Management	BAP	110,000		110,000
4	Data Analytics Advisory Committee	BMS		9,000	9,000
5	Budget Focused Training and Meetings	BS		25,000	25,000
6	Revenue Distribution Training	BS		10,000	10,000
7	Treasury Services - Cash Management	BS	-		-
8	Domestic Violence Forms Translation	CFCC		17,000	17,000
9	Interactive Software - Self-Rep Electronic Forms	CFCC		60,000	60,000
10	Self-Help Center	CFCC		5,000,000	5,000,000
11	Statewide Multidisciplinary Education	CFCC		67,000	67,000
12	Shriver Civil Counsel - cy près Funding	CFCC		893,000	893,000
13	Statewide Support for Self-Help Programs	CFCC		100,000	100,000
14	Court Interpreter Testing etc.	CFCC		143,000	143,000
15	CJER Faculty	CJER		48,000	48,000
16	Essential Court Management Education	CJER	40,000		40,000
17	Essential Court Personnel Education	CJER		130,000	130,000
18	Judicial Education	CJER		1,134,000	1,134,000
19	Jury System Improvement Projects	CJS		9,000	9,000
20	Trial Court Labor Relations Academies and Forums	HR		23,000	23,000
21	Data Center and Cloud Service	IT	2,215,000	4,471,000	6,686,000
22	Uniform Civil Filing Services	IT	399,000	3,000	402,000
23	California Courts Protective Order Registry (CCPOR)	IT	418,000	537,000	955,000
24	Telecommunications	IT	-	14,500,000	14,500,000
25	Enterprise Policy & Planning (Statewide Planning and Dev Support)	IT	1,044,000	2,500,000	3,544,000
26	Data Integration	IT	703,000	993,000	1,696,000
27	Jury Management System	IT	-	665,000	665,000
28	Case Management System Replacement	IT	-	-	-
29	Telecom	IT	1,297,000	4,384,000	5,681,000
30	Digitizing Court Records	IT		721,490	721,490
31	Jury System Improvement Projects	LS		10,000	10,000
32	Regional Office Assistance Group	LS	861,000	-	861,000
33	Judicial Performance Defense Insurance	LSS		1,931,000	1,931,000
	<b>Total</b>		<b>\$ 7,641,000</b>	<b>\$ 38,383,490</b>	<b>\$ 46,024,490</b>

Totals by Office		Office	State Operations	Local Assistance	Total
Legend	C	D	E	F = (D + E)	
34	Audit Services	AS	\$ 372,000	\$ -	\$ 372,000
35	Branch Accounting and Procurement	BAP	292,000	-	292,000
36	Business Management Services	BMS	-	9,000	9,000
37	Budget Services	BS	-	35,000	35,000
38	Center for Families, Children and the Courts	CFCC	-	6,280,000	6,280,000
39	Center for Judicial Education and Research	CJER	40,000	1,312,000	1,352,000
40	Criminal Justice Services	CJS	-	9,000	9,000
41	Human Resources	HR	-	23,000	23,000
42	Information Technology	IT	6,076,000	28,774,490	34,850,490
43	Legal Services	LS	861,000	10,000	871,000
44	Leadership Services	LSS	-	1,931,000	1,931,000
	<b>Total Allocations</b>		<b>\$ 7,641,000</b>	<b>\$ 38,383,490</b>	<b>\$ 46,024,490</b>

**State Trial Court Improvement and Modernization Fund  
Fund Condition Statement  
November 2023**

Updated: November 20, 2023

#	Description	2020-21	2021-22	2022-23	Estimated	
		(Year-end Financial Statement)	(Year-end Financial Statement)	(Year-end Financial Statement)	2023-24	2024-25
		A	B	C	D	E
1	Beginning Balance	21,152,288	16,886,288	23,242,054	38,128,109	32,529,619
2	Prior-Year Adjustments	2,422,000	8,176,338	8,638,611	-3,200,000	
3	<b>Adjusted Beginning Balance</b>	<b>23,574,288</b>	<b>25,062,626</b>	<b>31,880,665</b>	<b>34,928,109</b>	<b>32,529,619</b>
4	<b>REVENUES<sup>1</sup>:</b>					
5	Jury Instructions Royalties	466,000	538,154	429,853	576,000	560,000
6	Interest from Surplus Money Investment Fund	242,000	210,218	1,550,086	1,727,000	1,296,000
7	Escheat-Unclaimed Checks, Warrants, Bonds	65,000	0	1,000	1,000	1,001
8	50/50 Excess Fines Split Revenue	7,288,250	4,986,200	7,504,000	2,863,000	2,720,000
9	2% Automation Fund Revenue	7,925,750	8,455,157	8,327,104	8,479,000	8,394,000
10	Other Revenues/State Controller's Office Adjustments	366,000	285,925	171,078	20,000	2,000
11	Class Action Residue	911,000	952,317	329,186	0	0
12	<b>Subtotal Revenues</b>	<b>17,264,000</b>	<b>15,428,439</b>	<b>18,311,387</b>	<b>13,666,000</b>	<b>12,973,000</b>
13	<b>Transfers and Other Adjustments</b>					
14	To Trial Court Trust Fund (Gov. Code, § 77209(j))	-13,397,000	-13,397,000	-13,397,000	-13,397,000	-13,397,000
15	To Trial Court Trust Fund (Budget Act)	-594,000	-594,000	-594,000	-594,000	-594,000
16	General Fund Transfer (Gov. Code § 20825.1)		-270,000	0	0	0
17	<b>Total Revenues, Transfers, and Other Adjustments</b>	<b>3,273,000</b>	<b>1,167,439</b>	<b>4,320,387</b>	<b>-325,000</b>	<b>-1,018,000</b>
18	<b>Total Resources</b>	<b>26,847,288</b>	<b>26,230,065</b>	<b>36,201,052</b>	<b>34,603,109</b>	<b>31,511,619</b>
19	<b>EXPENDITURES:</b>					
20	Judicial Branch Total State Operations	4,635,000	5,217,956	5,319,495	7,641,000	7,860,000
21	Judicial Branch Total Local Assistance	47,825,000	44,734,883	36,857,436	38,533,490	38,254,000
22	Pro Rata and Other Adjustments	289,000	307,171	180,012	117,000	117,000
23	Less funding provided by General Fund (Local Assistance)	-42,788,000	-47,272,000	-44,284,000	-44,218,000	-44,218,000
24	<b>Total Expenditures and Adjustments</b>	<b>9,961,000</b>	<b>2,988,011</b>	<b>-1,927,057</b>	<b>2,073,490</b>	<b>2,013,000</b>
25	<b>Fund Balance</b>	<b>16,886,288</b>	<b>23,242,054</b>	<b>38,128,109</b>	<b>32,529,619</b>	<b>29,498,619</b>
26	<b>Fund Balance - less restricted funds</b>	<b>12,775,459</b>	<b>19,677,611</b>	<b>35,864,950</b>	<b>30,365,460</b>	<b>27,449,459</b>
27	<b>Structural Balance</b>	<b>-6,688,000</b>	<b>-1,820,572</b>	<b>6,247,444</b>	<b>-2,398,490</b>	<b>-3,031,000</b>

<sup>1</sup> Revenue estimates are as of October 2023



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.*

For business meeting on March 14–15, 2024

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**Title**

Allocations and Reimbursements to Trial  
Courts: Access to Visitation Grant Program  
Funding Allocation for Federal Fiscal Years  
2024–25 through 2026–27

**Agenda Item Type**

Action Required

**Effective Date**

March 15, 2024

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

January 17, 2024

**Recommended by**

Family and Juvenile Law Advisory  
Committee  
Hon. Stephanie E. Hulsey, Cochair  
Hon. Amy Pellman, Cochair

**Contact**

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends approving Access to Visitation Grant Program funding allocation and distribution of \$655,000 statewide for federal grant fiscal years 2024–25 through 2026–27. The Access to Visitation contract period begins on April 1 and ends on March 31 (of each of the three fiscal years). Subject to the availability of federal funds, the funding allocations will be directed to 8 superior courts, representing 13 counties, and involving 11 subcontractor agencies (i.e., local courts' community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services for family law cases. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

## Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Trial Court Budget Advisory Committee approve the following for Judicial Branch Budget Committee and Judicial Council consideration:

1. Approve the funding allocation and distribution of \$655,000 to 8 of the 9 superior courts that submitted applications for the Access to Visitation Grant Program for fiscal years 2024–25 through 2026–27, as stated in Attachment A; and
2. Delegate authority to the Family and Juvenile Law Advisory Committee to distribute and reallocate any excess grant funds to any of the eight applicant courts based on need and justification within the scope of the grant program if any of the selected courts decline their grant award amount after Judicial Council allocation approval but before execution of a funding contract with the Judicial Council.

## Relevant Previous Council Action

The Judicial Council has applied for and distributed grant funds for California’s Access to Visitation Grant Program since 1998, as required by Family Code section 3204(a). At its meeting on April 25, 2014, the Judicial Council adopted a new funding methodology for the program, effective fiscal year (FY) 2015–16. Under the approved funding methodology, Judicial Council staff were instructed to conduct an open competitive request for proposals (RFP) Grant Application process for the superior courts to apply for federal fiscal year funding (See Link A).

In addition, the council also directed that, subject to the availability of federal funding, the superior courts selected by the Judicial Council for grant funding would receive continuation funding for three years (effective federal fiscal year 2015–16). Furthermore, the new funding methodology required that the RFP Grant Application process open up again in federal FY 2018–19 for another three-year funding period, with a permanent open RFP Grant Application process repeating every three years and grant funding provided to the selected courts for a three-year period.

At its meeting on November 17, 2017,<sup>1</sup> the Judicial Council:

- Delegated authority to the Family and Juvenile Law Advisory Committee to reallocate and distribute any excess grant funds to any of the applicant courts based on need and justification within the scope of the grant program if any of the selected courts decline their grant award amount after the Judicial Council allocation approval but before execution of a funding contract with the Judicial Council;

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<sup>1</sup> Judicial Council of Cal., mins. (Nov. 17, 2017), p. 2, <https://jcc.legistar.com/View.ashx?M=F&ID=5526793&GUID=1E232B38-3A39-44D0-AFF0-4D34DEAE2985>.

- Modified the midyear reallocation process to delegate authority to the Family and Juvenile Law Advisory Committee to approve reallocation and distribution of any unspent funds to those eligible courts that spent the full grant award allocation and were approved for Access to Visitation funding based on the previous midyear funding reallocation methodology approved by the council in 2014, or to any court that applied for funding but did not receive an award based on need and a justification that falls within the scope of the grant program; and
- Authorized Judicial Council staff to develop a plan to expend any remaining unspent grant funds to provide statewide services that will benefit all courts when unused funds exceed the requested funds from those eligible courts to receive additional funding through the midyear reallocation process and to report on the plan to the Family and Juvenile Law Advisory Committee.

### **Analysis/Rationale**

Family Code section 3204(a) requires the Judicial Council to apply annually for federal Child Access and Visitation Grant funding from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, under section 669B of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2105). The federal Child Access and Visitation Grant enables states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. The federal Child Access and Visitation Grant is a formula grant program based on each state's number of single-parent households. The use of the funds in California is limited by state statute to three types of programs: supervised visitation and exchange services, parent education, and group counseling services.<sup>2</sup> The amount of grant funds to be awarded to courts statewide is \$655,000 for each federal FY 2024–25 through 2026–27. Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants.

The federal funding for this program is extremely limited, and no increase is expected in the near future. The need for access to visitation services is high. To ensure a fair and unbiased selection process, the Family and Juvenile Law Advisory Committee approved the establishment of a Grant Review Group (GRG). The role of the GRG was to read, score, and evaluate each grant application proposal using the RFP reviewer and rating scoring sheet outlined as Attachment A in the Access to Visitation Grant Application. Judicial Council program staff then submitted the ranking results to the Family and Juvenile Law Advisory Committee, which made funding allocation recommendations to the Judicial Council. The Judicial Council makes final decisions regarding the number and amounts of grant awards.

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<sup>2</sup> Fam. Code, § 3204(b)1 (see Link B).

### **Grant Application for Fiscal Years 2024–25 through 2026–27**

On September 8, 2023, the Judicial Council’s Center for Families, Children & the Courts (CFCC) released an open, competitive Grant Application proposal for federal fiscal years 2024–25 through 2026–27 funding for Access to Visitation–related services: supervised visitation and exchange services, parent education, and group counseling services for child custody and visitation family law cases. The Grant Application was posted on the California Courts and the Judicial Resources Network websites. Judicial Council program staff also provided two grant applicant webinars for interested applicants on September 21, 2023 and October 5, 2023. Courts and interested community-based justice partners had an opportunity to ask specific questions regarding the Grant Application and its requirements for federal grant funding for fiscal years 2024–25 through 2026–27. Courts were permitted to submit questions by email about the Grant Application process after the webinars. Program staff posted questions and staff responses each week on the California Courts Access to Visitation webpage. The deadline for the Grant Application proposals was November 13, 2023.

Additionally, the Access to Visitation Grant Application, for federal fiscal years 2024–25 through 2026–27, permitted the superior courts of the family law division to submit their grant applications online for the first time. This made the application easier for local courts to complete and streamlined the grant application process. In addition, using the online grant management also provided an opportunity for the GRG to review and evaluate the grant proposals more effectively and efficiently.

The Center for Families, Children & the Courts received 9 grant applications from the superior courts, which represented 14 counties and involved 12 subcontractor agencies (i.e., local court community-based service providers). See Attachment B for a list of Grant Applicant courts. The total funding request from the applicant courts was \$764,756, and the total available statewide funds are \$655,000. Accordingly, the total request for funding exceeded available funds by \$109,756. The anticipated federal funding allocation for the state of California for the Access to Visitation Grant Program for the grant fiscal year is expected to be in the range of \$817,000 to \$876,000, based on recent funding history.<sup>3</sup>

### **Grant funding criteria and amounts**

The grant funding categories are based on the methodology adopted by the Judicial Council. Grant funding amounts are divided into three categories: a maximum of \$45,000, a maximum of \$60,000, and a maximum of \$100,000. Two demographic factors determine which of the three funding categories would apply to a given court: (1) the number of single-parent households in

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<sup>3</sup> The difference between the federal funding allocation and the allocation to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection and mandatory attendance at annual grant meetings required by the funder. Funds have been allocated for these statewide services since inception of the grant program in 1997.

the county, from U.S. Census data; and (2) the number of individuals with income below the federal poverty level in the county, per U.S. Census data.

### **Review and selection process**

Family Code section 3204(b)(1) requires that the Judicial Council allocate funds through a request for proposal process that complies with all state and federal requirements for receiving Access to Visitation Grant funds. Family Code section 3204(b)(2) provides that the grant funds be awarded with the intent of approving as many requests for proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program. This Family Code section also specifies certain required selection criteria:

- Availability of services to a broad population of parties;
- Ability to expand existing services;
- Coordination with other community services;
- Hours of service delivery;
- Number of counties or regions participating;
- Overall cost-effectiveness; and
- Promotion and encouragement of healthy relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

### **Proposed grant awards**

The committee recommends that 8 of the 9 superior courts receive grant funding for fiscal years 2024–25 through 2026–27, as set forth under Attachments A and B. The committee is recommending a range of funding allocations for the eight courts based on the score and ranking of the proposals and a review of the specific programs and services proposed.

### **Policy implications**

The proposal applies the funding methodology adopted by the Judicial Council at its meeting of April 25, 2014, to the applications received under an open, competitive Grant Application process that was also adopted by the council at that meeting.

### **Comments**

Circulation for comment was not required.

### **Alternatives considered**

Because the request for funding exceeded the anticipated availability of federal grant funds for fiscal years 2024–25 through 2026–27, the committee considered several alternatives in reducing the total funding requests of the grant application proposals. Of the nine applications, the committee decided not to award funds to one of the grant application proposals based on score ranking and because the proposed program services were outside the allowable scope of the grant program. For the remaining eight application proposals, the committee considered awarding funding based on proportionate reductions to each court and also contemplated the option of a reduction to any of the eight superior courts that did not fully spend down their grant award amount as an existing Access to Visitation grant recipient. However, the committee determined



that the most fair and equitable method of reduction was for all eight grant allocations to be decreased by an equal amount of \$1,219.50 for a total allocation of \$655,000.

### **Fiscal and Operational Impacts**

The courts are required to contribute a 20 percent nonfederal match to the allocated funding. This requirement has been fulfilled by an in-kind match that covers the courts' implementation costs, such as procuring service providers, processing, and submitting program invoices, and collecting data. The Judicial Council will execute contract agreements with the designated lead administering courts. The courts will then execute memorandums of understanding with their local service providers. Each court and service provider receiving funds is required to comply with all federal and state grant funding requirements—including all fiscal and administrative requirements—as well as grant terms described by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.

### **Attachments and Links**

1. Attachment A: List of Superior Courts and Grant Award Amounts for Fiscal Years 2024–25 through 2026–27
2. Attachment B: Summary of Grant Applicant Courts for Fiscal Years 2024–25 through 2026–27
3. Link A: *California's Access to Visitation Grant Application Reviewer Rating and Scoring Sheet for Fiscal Years 2024–25 through 2026–27*, [www.courts.ca.gov/cfcc-accesstovisitation.htm](http://www.courts.ca.gov/cfcc-accesstovisitation.htm)
4. Link B: *Access to Visitation: Program Funding Allocation for Federal Grant Fiscal Years 2015–2016 through 2017–2018*, [www.courts.ca.gov/documents/jc-20141212-itemB.pdf](http://www.courts.ca.gov/documents/jc-20141212-itemB.pdf)
5. Link C: Fam. Code § 3204, [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=3204.&lawCode=FAM](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3204.&lawCode=FAM)



**ATTACHMENT A**

**Judicial Council of California  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM  
List of Superior Courts and Grant Award Amounts for Fiscal Years 2024–25  
Through 2026–27**

<b>Superior Courts of California</b>	<b>Proposed Grant Funding</b>
1. Superior Court of Humboldt County	\$58,780.50
2. Superior Court of Orange County	\$98,780.50
3. Superior Court of San Bernardino County	\$98,780.50
4. Superior Court of San Francisco County	\$98,780.50
5. Superior Court of Santa Clara County	\$83,536.50
6. Superior Court of Shasta County	\$58,780.50
7. Superior Court of Tulare County	\$98,780.50
8. Superior Court of Yuba County	\$58,780.50
<b>Total</b>	<b>\$655,000</b>

## ATTACHMENT B

### Judicial Council of California Center for Families, Children & the Courts

#### ACCESS TO VISITATION GRANT PROGRAM

#### Summary of RFP Grant Applicant Courts for Fiscal Years 2024–25 Through 2026–27

	Applicant Court	Counties Served	No. of Counties	Region Service Area	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Review Score	Budget Request Amount
1	<b>Orange</b>	Orange	1	SoCal	X	X			102.4	\$100,000
2	<b>San Francisco</b>	San Francisco, San Mateo, Marin	3	North-Bay Area	X	X			99.3	\$100,000
3	<b>Shasta</b>	Shasta and Trinity	2	North-Sacramento	X	X	X	X	97.8	\$ 60,000
4	<b>Tulare</b>	Tulare and Kings	2	Central Valley	X				96.4	\$100,000
5	<b>San Bernardino</b>	San Bernardino	1	SoCal	X	X	X	X	96.0	\$100,000
6	<b>Santa Clara</b>	Santa Clara	1	North-Bay Area	X				90.0	\$84,756
7	<b>Yuba</b>	Yuba and Sutter	2	Central Valley	X				88.3	\$ 60,000
8	<b>Humboldt</b>	Humboldt	1	North Coast	X	X			85.0	\$ 60,000
9	<b>San Joaquin</b>	San Joaquin	1	North-Bay Area	X	X	X	X	42.0	\$100,000
	<b>Subtotal</b>		<b>14</b>							<b>\$764,756</b>

\* The Superior Court of San Joaquin County was not recommended for funding based on ranking, scoring, and because the program service delivery design fell outside the scope of the grant program.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee  
(Action Item)

**Title:** Funds Held on Behalf of the Trial Courts Policy Updates  
**Date:** 1/16/2024  
**Contact:** Rose Lane, Senior Analyst, Judicial Council Budget Services  
916-643-6926 [rosemary.lane@jud.ca.gov](mailto:rosemary.lane@jud.ca.gov)

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**Issue**

The Fiscal Planning Subcommittee (FPS) recommends adopting revisions to the current policy and guidelines for the Funds Held on Behalf (FHOB) of the Trial Courts' program. The proposed revisions include newly defined criteria, streamlining the submission process, and implementing a reimbursement model for consideration by the Trial Court Budget Advisory Committee (TCBAC).

**Background**

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 the 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 to 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. Beginning 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.

Beginning 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 increase in the fund balance cap was in recognition of the need for trial courts to have sufficient reserve funding to support operational needs and address emergency expenditures.

At its meeting on July 6, 2015, the TCBAC established the Ad Hoc Working Group on Fiscal Planning to examine permitting trial court allocation amounts, that were reduced as a result of a court exceeding the authorized fund balance cap, to be retained in the Trial Court Trust Fund (TCTF) for the benefit of that court. The working group was charged with developing fiscal planning and management guidelines as to how these retained amounts would be managed to ensure an effective program for the trial courts.

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At its business meeting on April 15, 2016, the Judicial Council approved the TCBAC's *Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts*. This new program authorized that reduced trial court allocations, related to the fund balance cap, be retained in the TCTF as restricted fund balance for the benefit of those courts for projects or expenditures approved by the Judicial Council<sup>1</sup>. Trial courts were required to report to the TCBAC within 90 days of a completed project or planned expenditure on how the funds were expended.

### **Previous Policy Updates**

At its business meeting on January 17, 2020, the Judicial Council adopted revisions to the *Judicial Council-Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts* policy. These revisions included a streamlined submission schedule, changing the recipient of the request from the Judicial Council's Administrative Director to the Director of Budget Services, and language amendments to better align with the timing of year-end closing for the courts, trial court allocation offsets, and requests to amend previously approved requests<sup>2</sup>.

At its meeting on May 11, 2022, the council approved the TCBAC's additional recommendation to update the policy. This specific update changed the requirement that courts report to the TCBAC within 90 days of completion of a project or planned expenditure from a quarterly to an annual reporting of all projects or planned expenditures completed in a fiscal year, including status updates on projects or planned expenditures not completed<sup>3</sup>. Judicial Council Budget Services staff prepares the annual FHOB report to the TCBAC in consultation with the courts.

### **Ad Hoc Working Group for the FHOB Program**

In October 2023, the Chair of the TCBAC established an Ad Hoc Working Group, consisting of five members of the FPS, to evaluate the FHOB program to consider potential changes to the policy. The working group was charged with evaluating the process, application, and distribution components of the program.

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<sup>1</sup> Judicial Council meeting report (April 15, 2016),  
[https://jcc.legistar.com/View.ashx?M=F&ID=4378277&GUID=57D6B686-EA95-497E-9A07-226CA724ADCB](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>.

<sup>2</sup> 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>

<sup>3</sup> Judicial Council meeting report (May 10, 2022),  
<https://jcc.legistar.com/View.ashx?M=F&ID=10830769&GUID=305F68B7-26CF-4E57-B29D-BD15D8B1CB6D>;  
Judicial Council meeting minutes (May 11, 2022),  
<https://jcc.legistar.com/View.ashx?M=M&ID=869099&GUID=990E26C2-797D-4F24-BAE0-4945FB131549>

JUDICIAL COUNCIL OF CALIFORNIA  
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The working group met on November 28, December 7, December 12, and December 19, 2023 to review existing program procedures and develop recommendations to increase transparency, streamline the submission schedule, and identify process improvements. A summary of the items considered by the working group are summarized below:

**New and Amended Request Criteria**

**1. New and Amended Requests**

New Requests

Current Process – Allow trial courts to submit new requests using funding from multiple fiscal years.

Proposed Process – Require that trial courts submit new requests using new funding from the previous fiscal year or unspent funding from a previously approved FHOB project to be considered for a new project because the original project has been completed or surrendered.

Amended Requests

Current Process – Allow trial courts to submit amended requests to (1) amend the amount of funds for an existing project, (2) extend the fiscal year period to implement a previously approved project, or (3) use funding from a previously approved project for a new project or purpose.

Proposed Process – Allow trial courts to submit amended requests only to (1) amend the amount of funds for an existing project and/or (2) extend the fiscal year period to implement a previously approved project.

**Rationale:**

Clarifying the definitions of new and amended requests will ensure transparency in the use of funding and streamline the tracking and reporting of approved projects.

**2. Submission Cycles**

Current Process – Three submission cycles per year in March, August, and September with requests going to the Judicial Council for consideration at its July, November, and January business meetings.

Proposed Process – Establish one annual submission cycle in September, after all courts have completed their year-end close-out process. Requests will go to the January council meeting for consideration.

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Rationale:

Reducing the number of submission cycles will streamline tracking, reporting, and the frequency of committee meetings.

**3. Court Representation**

Current Process – Trial courts may send a representative to the subcommittee and Judicial Council meetings to present their requests and respond to questions.

Proposed Process – Trial courts that have submitted a request for consideration are strongly encouraged to provide a representative at the FPS and Judicial Council meetings.

Rationale:

Having court representatives attend the FPS meeting will ensure that questions from subcommittee members can be appropriately addressed as needed.

**Application Process**

**4. Application Form**

Current Process – Trial courts are required to submit the *Application for TCTF Funds Held on Behalf of the Court* form, in addition to financial information.

Proposed Process – Redesign the existing application form to make it easier to complete and review and ensure it includes relevant project and fiscal information needed for consideration and tracking of the request. Budget Services staff will work in consultation with a group of court representatives to make the necessary changes to the form.

Rationale:

The current application form is long and difficult to complete. A simplified version would streamline the submission, review, and tracking processes for the courts and Judicial Council staff and would improve transparency as to the use of the funds.

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**Distribution of Funding**

**5. Reimbursement Model**

Current Process – Funding is distributed to the courts via the allocation process based on their submitted expenditure plan for each project.

Proposed Process – Implement a monthly reimbursement model so that the funds are held in the TCTF on behalf of the court, as originally intended. Courts will be reimbursed monthly based on actual expenses submitted and recorded in the Judicial Council Phoenix SAP accounting system. For smaller courts that might have difficulty paying for upfront costs, there will be a process to request early distribution of funding prior to the submittal of actual expenditures related to the project.

**Rationale:**

Implementation of a reimbursement model would properly structure the program so that requested funds are held in the TCTF on behalf of the requesting courts and distributed to the courts for actual reported expenditures.

At its meeting on January 8, 2024<sup>4</sup>, the FPS reviewed the proposed policy updates and voted to approve the recommendations for consideration by the TCBAC. In addition, the policy recommendations will be provided to the Judicial Branch Budget Committee, as an informational item, at its February 9, 2024 meeting.

**Recommendation**

Approve the following recommendations to be considered by the Judicial Council at its March 15, 2024 business meeting:

1. New Request Criteria – Require that trial courts submit new requests using new funding from the previous fiscal year or unspent funding from a previously approved FHOB project to be considered for a new project because the original project has been completed or surrendered.

Amended Request Criteria – Allow trial courts to submit amended requests only to (1) amend the amount of funds for an existing project and/or (2) extend the fiscal year period to implement a previously approved project.

2. Submission Cycles – Establish one annual submission cycle in September, after all courts have completed their year-end close-out process. Requests will go to the January council meeting for consideration.

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<sup>4</sup> Fiscal Planning Subcommittee meeting materials (January 8, 2024), <https://www.courts.ca.gov/documents/tcbac-20240108-fps-materials.pdf>

JUDICIAL COUNCIL OF CALIFORNIA  
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3. Court Representation – Trial courts that have submitted a request for consideration are strongly encouraged to provide a representative at the FPS and Judicial Council meetings.
4. Application Process – A redesigned application form to make it easier to complete and review and ensure it includes relevant project and fiscal information needed for consideration and tracking of the request.
5. Distribution of Funding – Implement a monthly reimbursement model so that the funds are held in the TCTF on behalf of the court, as originally intended. Courts will be reimbursed monthly based on actual expenses submitted and recorded in the Judicial Council Phoenix SAP accounting system. For smaller courts that might have difficulty paying for upfront costs, there will be a process to request early distribution of funding prior to the submittal of actual expenditures related to the project; and
6. Make language amendments to the current policy to reflect the recommendations and delete outdated references (Attachment B).

**Attachments**

**Attachment A:** *Current Judicial Council- Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts*

**Attachment B:** *Proposed Judicial Council- Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf 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 *annually* on the project or planned expenditure and how  
74 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**

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 ~~new 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 efficiency ~~ies~~ 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 copy machine replacement.
2. The submission, review, and approval process ~~is~~ are as follows:
  - a. ~~All funds held on behalf requests for the prior fiscal year will be submitted in a once per year submission cycle in the fall, after courts complete their year-end close-out, for consideration by the Judicial Council at its January business meeting. at the January council meeting.~~
  - ~~a. All requests will be submitted to the Judicial Council for consideration.~~
  - b. Requests will be submitted to the Judicial Council's ~~D~~irector 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 and, ~~share it the preliminary report~~ with the court for any its comments, revise as necessary, and issue the report to the Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee (TCBAC). ~~T~~; the subcommittee will meet to consider review the request and, ~~hear any presentations from representatives of the requesting courts. 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 consideration by the Judicial 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.

- 46 e. The court ~~may~~ is strongly encouraged to send a representative to the subcommittee\_-  
47 ~~and meetings and~~ may send a representative to the Judicial Council meetings to ~~present~~  
48 ~~its request and~~ respond to questions.

DRAFT

- 49 3. To be considered at the January a-scheduled Judicial Council business meeting,  
 50 requests must be submitted to the Director of Budget Services no later than by  
 51 September 25. at least 40 business days (approximately eight weeks), before that  
 52 business meeting.
- 53
- 54 4. The Judicial Council may consider including appropriate terms and conditions that courts  
 55 must accept for the council to approve designating TCTF fund balance be held on the  
 56 court's behalf.
- 57 a. Failure to comply with the terms and conditions will ~~ould~~ result in the immediate change  
 58 in the designation of the related TCTF fund balance from restricted to unrestricted and  
 59 no longer held on behalf of the court unless the council specifies an alternative action.

60

61 5. Request for funds held on behalf of the trial courts may be submitted for the following:

- 62 a. Requests for new projects or planned expenditures using prior fiscal year funding.  
 63 b. Requests for new projects or planned expenditures using unspent funding from a  
 64 previously approved project that has been completed or surrendered by the requesting  
 65 court.  
 66 c. Requests to amend previously approved projects or planned expenditures to adjust the  
 67 amount of funding needed and/or the expenditure period to complete the original  
 68 project.  
 69 a.d. Denied requests will result in the immediate change in the designation of the related  
 70 TCTF fund balance from restricted to unrestricted and will no longer be held on behalf  
 71 of the requesting court unless the Judicial Council specifies an alternative action.

72

73 ~~— New requests may be submitted for prior fiscal year funding only, unless the request is~~  
 74 ~~following with except to # 6 as described below.~~

75 ~~5. Approved requests that courts subsequently determine need to be revised to reflect a change~~  
 76 ~~(1) in the amounts by year to be contributed for an existing project distributed to the court for~~  
 77 ~~the planned annual expenditures and/or encumbrances, and (2) to change the fiscal year~~  
 78 ~~period in the total amount of the planned expenditures, or (3) of more than 10 percent of the~~  
 79 ~~total request among the categories of expense will need to be amended and resubmitted~~  
 80 ~~following the submission, review, and approval process discussed in 1–3 above.~~

81 ~~a. Denied revised requests will result in the immediate change in the designation of the~~  
 82 ~~related TCTF fund balance from restricted to unrestricted and no longer held on behalf of~~  
 83 ~~the court unless the council specifies an alternative action.~~

84

85 ~~6. Approved requests that courts subsequently determine have a change in purpose will need to~~  
 86 ~~be submitted as a new request. Courts may utilize previously approved unspent FHOB~~  
 87 ~~project funding in which the project has been completed or surrendered for amended and~~  
 88 ~~resubmitted following the submission, review, and approval process discussed in 1–3 above,~~  
 89 ~~along with a request that the TCTF funds held on behalf of the court for the previously~~  
 90 ~~approved request funding to continue to be held on behalf of the court for this new purpose.~~

91 ~~a. Denied new requests tied to previously approved requests will result in the immediate~~  
 92 ~~change in the designation of the related TCTF fund balance from restricted to unrestricted~~  
 93 ~~and no longer held on behalf of the court unless the council specifies an alternative~~  
 94 ~~action.~~

95

96 6. Courts will be reimbursed monthly for actual expenses submitted for the approved project  
97 and recorded in the Judicial Council's Phoenix SAP accounting system against the approved  
98 project.

99 a. Distribution of funding may be approved granted without a recorded expense at the  
100 discretion of the Director of Budget ServicesXXX. The court must submit a ,on a case-  
101 by case basis with submittal of a request and justification explaining why the funding is  
102 needed prior to incurring and reporting expenditures for the project. ;

103

104 7. ~~On completion of the project or planned expenditure, e~~Courts are required to report to the  
105 Trial Court Budget Advisory Committee annually on the completion or status of each project  
106 or planned expenditure and how the funds were expended.

107

108 8. ~~As part of the courts' audits in the scope of the~~ During the required trial court normal-audit  
109 cycle, a review of any funds that were held on behalf of the courts will be made to confirm  
110 that they were used for their ~~stated~~ approved purpose.

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## 111 Recommended Criteria for Eligibility for TCTF Fund Balance Held on Behalf of the 112 Courts

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

## 117 Recommended Information Required to Be Provided by Trial Courts for TCTF 118 Fund Balance Held on Behalf of the Courts

119 ~~Below is the information~~ Trial courts are required to ~~be provided by trial courts~~ all applicable  
120 information as requested on the *Application for TCTF Funds Held on Behalf of the Court*:

### 122 SECTION I

#### 123 General Information.

- 124 ● ~~Superior court~~
- 125 ● ~~Date of submission~~
- 126 ● ~~Person authorizing the request~~
- 127 ● ~~Contact person and contact information~~
- 128 ● ~~Time period covered by the request (includes contribution and expenditure)~~
- 129 ● ~~Requested amount~~
- 130 ● ~~A description providing a brief summary of the request~~

### 132 SECTION II

#### 133 Amended Request Changes

- 134 ● ~~Sections and answers amended~~
- 135 ● ~~A summary of changes to request~~

### 137 SECTION III

#### 138 Trial Court Operations and Access to Justice

- 139 ● ~~An explanation as to why the request does not fit within the court's annual operational  
140 budget process and the three year encumbrance term~~
- 141 ● ~~A description of how the request will enhance the efficiency and/or effectiveness of court  
142 operations, and/or increase the availability of court services and programs~~
- 143 ● ~~If a cost efficiency, cost comparison (table template provided)~~
- 144 ● ~~A description of the consequences to the court's operations if the court request is not  
145 approved~~
- 146 ● ~~A description of the consequences to the public and access to justice if the court request is  
147 not approved~~
- 148 ● ~~The alternatives that the court has identified if the request is not approved, and the reason  
149 why holding funding in the TCTF is the preferred alternative~~

**SECTION IV****Financial Information**

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

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JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee  
(Action Item)

**Title:** Trial Court Budget Change Proposals for 2025–26  
**Date:** 1/16/2024  
**Contact:** Rose Lane, Senior Analyst, Judicial Council Budget Services  
916-643-6926 | [rosemary.lane@jud.ca.gov](mailto:rosemary.lane@jud.ca.gov)

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**Issue**

Determination of the 2025–26 statewide budget change proposals (BCP) will inform the funding priorities for the trial courts for consideration and approval by the Judicial Branch Budget Committee (Budget Committee).

To facilitate a discussion of potential 2025–26 BCPs and to ensure full trial court participation as it relates to identifying statewide priorities, each Trial Court Budget Advisory Committee (TCBAC) member was asked to contact one or two courts to submit their priorities for reporting back to the committee along with the members’ own court priorities at the January 22, 2024 TCBAC meeting.

**Background**

**Judicial Branch Budget Committee**

The Budget Committee, established in July 2016, reviews and prioritizes BCPs prior to submission to the Judicial Council for final prioritization and approval. At its December 16, 2016 meeting, the council approved a new process for BCP preparation, approval, and submission to the Department of Finance (DOF) that included the Budget Committee<sup>1</sup>.

At its July 28, 2017 meeting, authority was delegated to the Judicial Council Administrative Director to make technical changes to BCPs as necessary<sup>2</sup>.

**Trial Court Budget Advisory Committee**

In addition to prioritizing budget concepts identified by the TCBAC, the members also review BCP concept submissions developed by other committees in which the TCBAC was identified as having purview and the opportunity to provide input for submission to the Budget Committee.

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<sup>1</sup> Judicial Council meeting report (December 16, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4817140&GUID=6165243B-1678-4074-B1D7-AB5A1467CA6F>; Judicial Council meeting minutes (December 16, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463484&GUID=8E4B8E76-2D88-480D-843A-6576CC996914>.

<sup>2</sup> Judicial Council meeting report (July 28, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5324681&GUID=0A450F2C-30A0-46F7-975B-B7B0B5ABEC79>; Judicial Council meeting minutes (July 28, 2017), <https://jcc.legistar.com/View.ashx?M=M&ID=512292&GUID=8C379D3F-1774-4555-AE4D-5B8728283100>.

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**2024–25 Budget Change Proposals**

The TCBAC met on January 13, 2023<sup>3</sup> and February 24, 2023<sup>4</sup> and developed the following prioritized list of BCP concepts for recommendation to the Budget Committee:

1. Annual Inflationary Adjustment (Consumer Price Index)
2. Facilities Funding
3. Additional Judgeships
4. Self-Help Funding
5. Mental Health Funding – Mental Health Diversions and Forensic, Psychological, and Mental Health Evaluations

At its April 21, 2023 meeting, the TCBAC voted to support the following additional BCP concepts, for which it has purview, without prioritization<sup>5</sup>:

- 1A. Capital Outlay Funding 2024–25 through 2028–29
- 1B. Capital Outlay Program Support
2. Trial Court and Courts of Appeal Deferred Maintenance
3. Energy Retrofit Deferred Maintenance
4. Facility Modifications Prioritization and Costs
5. Water Conservation and Leak Detection Measures in Courthouses
6. Trial Court Facilities Maintenance and Utilities
7. Electrical Systems Safety and Reliability Study and Implementation
- A. Funding for Cost Increases for Remote Access to Court Proceedings (AB 716)
- B. Staff Support for Federally Funded Dependency Representation Program

The committee voted to proceed with the budget concepts listed above with the caveat that there may be adjustments to the proposals before the completion of the 2023–24 budget development process.

On July 21, 2023, the Budget Committee recommended, and the Judicial Council approved, the following 10 branch BCPs for submission to the DOF without prioritization<sup>6</sup>:

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<sup>3</sup> TCBAC meeting materials (January 13, 2023), <https://www.courts.ca.gov/documents/tcbac-20230113-materials.pdf>; TCBAC meeting minutes (January 13, 2023), <https://www.courts.ca.gov/documents/tcbac-20230113-minutes.pdf>.

<sup>4</sup> TCBAC meeting materials (February 24, 2023), <https://www.courts.ca.gov/documents/tcbac-20230224-materials.pdf>; TCBAC meeting minutes (February 24, 2023), <https://www.courts.ca.gov/documents/tcbac-20230224-minutes.pdf>.

<sup>5</sup> TCBAC meeting materials (April 21, 2023), <https://www.courts.ca.gov/documents/tcbac-20240421-materials.pdf>; TCBAC meeting minutes (April 21, 2023), <https://www.courts.ca.gov/documents/tcbac-20230421-minutes.pdf>.

<sup>6</sup> Judicial Council meeting report (July 21, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=12135586&GUID=4FB0CF9C-18B7-4701-A302-F0ED43EC12D2>; Judicial Council meeting minutes (July 21, 2023), <https://jcc.legistar.com/View.ashx?M=M&ID=1105928&GUID=3AB2B386-B501-4660-AD0F-3984E59DC7DD>.

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- A. Statutory Statewide External Audit Program
- B. Courts of Appeal Court-Appointed Counsel Program
- C. Trial Courts and Courts of Appeal Facilities Operations and Maintenance
- D. Trial Court and Appellate Court Facility Modifications
- E. Capital Outlay Funding 2024–25 through 2028–29
- F. Court-Based Self-Help Centers – Continuation of Operating Funds
- G. Habeas Corpus Resource Center Case Team Staffing and Establishment of Los Angeles Office
- H. Trial Court Inflationary Adjustment
- I. Statewide 50 New Trial Court Judgeships
- J. Maintaining a Sufficient Pool of Competency-to-Stand-Trial Court Evaluators

**2023 Budget Act**

The 2023 Budget Act included the following:

- \$74.1 million ongoing General Fund to provide a 3.0 percent increase in recognition of trial court operational cost pressures due to rising inflation;
- \$105.1 million General Fund backfill for the Trial Court Trust Fund due to the continued decline in civil fee and criminal fine and penalty revenues;
- \$55.5 million General Fund in 2023–24, \$106.9 million in 2024–25, and \$133 million ongoing for CARE Act implementation;
- \$6.8 million one-time General Fund reappropriation from unspent funding in the 2021 Budget Act for the Court Interpreter Employee Incentive Grant program for implementation of the Workforce Pilot Program;
- \$200,000 annual increase of expenditure authority from the Court Interpreters Fund beginning in 2023–24 for five fiscal years to address the shortage of qualified interpreters and budget bill language that allows yearly adjustments to the expenditure authority as needed;
- \$14.9 million for superior court judges and \$587,000 for temporary assigned judges for increased compensation;
- \$1.8 million ongoing reduction in General Fund for trial court employee health benefit and retirement costs due to updated rates;
- \$1.0 million one-time General Fund available until June 30, 2025 for the Judicial Council to increase judicial officer training related to California Environmental Quality Act cases;
- Budget bill language to extend the availability of pretrial funding included in the 2021 and 2022 Budget Acts until June 30, 2024;
- \$5.8 million for Firearm Relinquishment Grant Reimbursement Authority in 2023–24 and \$5.6 million in 2024–25 and 2025–26 for a three-year grant agreement (total of \$17 million) with the Board of State and Community Corrections for the Byrne State Crisis Intervention Program;

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- Budget bill language to expand the use of the \$40 million one-time General Fund included in the 2022 Budget Act for the Firearm Relinquishment Program to support both civil and criminal court-ordered firearm relinquishment pilot programs;
- Trailer bill language to extend the sunset date for remote civil proceedings from July 1, 2023 to January 1, 2026. This includes additional procedural protections for civil commitments and juvenile justice cases;
- Trailer bill language to eliminate the sunset date of June 30, 2023 for various fees that support trial court base allocations; and
- \$1.2 million ongoing General Fund for criminal fee elimination in 2023–24 and trailer bill language for additional criminal fee relief. Of this amount, \$826,000 will be allocated to the trial courts and \$374,000 will be for the counties.

**2024–25 Governor’s Budget**

The 2024–25 Governor’s Budget includes the following proposals:

- Trailer bill language to increase the trial court fund balance cap from 3 percent to 5 percent or \$100,000, whichever is greater, to ensure that trial courts have adequate reserve funding to support operational needs and address emergency expenditures;
- \$83.1 million General Fund backfill for the Trial Court Trust Fund to address the continued decline in civil fee and criminal fine and penalty revenues expected in 2024–25;
- \$80 million General Fund backfill to address the structural deficit in the State Court Facilities Construction Fund, maintain existing service levels for trial court facilities projects, and ensure an adequate fund balance;
- \$106.9 million General Fund in fiscal year 2024–25 and \$133 million ongoing for CARE Act implementation and program support, including legal representation;
- \$15.8 million ongoing General Fund for increased trial court employee health benefits and retirement costs; and
- \$1.3 million for compensation of superior court judges.

**Recommendation**

It is recommended that the 2025–26 BCP concept proposals and prioritization by the committee include consideration of the proposals included in the 2024–25 Governor’s Budget.