



Judicial Council of California
Trial Court Budget Advisory Committee

TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

MATERIALS DECEMBER 18, 2025
VIRTUAL MEETING

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Judicial Council of California

Trial Court Budget Advisory Committee

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TRIAL COURT BUDGET ADVISORY COMMITTEE

FUNDING METHODOLOGY SUBCOMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: Thursday, December 18, 2025
Time: 12:00 p.m. to 1:30 p.m.
Public Video Livestream: <https://jcc.granicus.com/player/event/4961>

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.

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 October 9, 2025, Funding Methodology Subcommittee meeting.

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

Remote Comment

In accordance with California Rules of Court, rule 10.75(i) and (k), individuals wishing to speak about an agenda item during the public comment part of the meeting, must email a request by 12:00 p.m. on Wednesday, December 17, 2025, to tcbac@jud.ca.gov. The request must state the speaker's name, the name of the organization that the speaker represents, if any, and the agenda item the speaker wishes to address. Only requests received by 12:00 p.m. on December 17, 2025, will receive a reply providing the virtual meeting link and information needed to speak during the public comment time.

Written Comment

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 December 17, 2025, will be provided to advisory body members prior to the start of the meeting.

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

Item 1

Trial Court Minimum Operating and Emergency Fund Balance Policy (Action Required)

Consideration of the repeal of the Judicial Council’s trial court minimum operating and emergency fund balance requirements.

Presenter: Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Item 2

Mid-Year Reallocation for Pretrial Release Program for Fiscal Year 2025–26 (Action Required)

Consideration of a mid-year reallocation of unspent funding for the Pretrial Release Program in fiscal year 2025–26.

Presenter: Ms. Deirdre Benedict, Supervising Analyst, Judicial Council Criminal Justice Services

Item 3

Allocation Methodology for Court-Appointed Juvenile Dependency Counsel (Action Required)

Consideration of potential changes to the current allocation methodology for court-appointed juvenile dependency counsel funding.

Presenters: Ms. Kelly Meehleib, Supervising Analyst, Judicial Council Center for Families, Children & the Courts

Ms. Irene Balajadia, Senior Analyst, Judicial Council Center for Families, Children & the Courts

IV. INFORMATION ONLY ITEMS (ITEM 1) (NO ACTION REQUIRED)

Item 1

Funding Methodology Subcommittee Work Plan Updates

Updates for various Funding Methodology Subcommittee work plan items including the court cluster system and Workload Formula Policy adjustment requests.

Presenter: Ms. Kristin Greenaway, Manager, Judicial Council Research, Analytics, and Data

V. ADJOURNMENT

Adjourn



TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

MINUTES OF OPEN MEETING

October 9, 2025
12:30 p.m. – 2:00 p.m.

<https://jcc.granicus.com/player/event/4021>

Advisory Body Judges: Hon. Jonathan B. Conklin (Cochair), Hon. Judith C. Clark, and Hon.
Members Present: Patricia L. Kelly

Executive Officers: Mr. Chad Finke (Cochair), Ms. Stephanie Cameron, Mr.
Jake Chatters, Ms. Rebecca Fleming, Mr. David W. Slayton, and Mr. David H.
Yamasaki

Advisory Body Hon. Samantha P. Jessner, Hon. David C. Kalemkarian, and Ms. Kim Turner
Members Absent:

Others Present: Hon. Ann C. Moorman, Mr. Zlatko Theodorovic, Ms. Donna Newman, Ms.
Oksana Tuk, and Ms. Rose Lane

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:32 p.m. and took roll call.

Approval of Minutes

The advisory body approved the minutes of the July 31, 2025, Funding Methodology Subcommittee (FMS) meeting.

DISCUSSION AND ACTION ITEM (ITEM 1-2)

Item 1 – Funding Methodology Subcommittee Work Plan Update for Fiscal Year 2025–26 (Action required)

Consideration of an update to the Funding Methodology Subcommittee annual work plan for fiscal year 2025–26.

Action: The FMS unanimously voted to approve the proposed update to the FMS work plan for fiscal year 2025–26 to revise the existing allocation methodology for court-appointed juvenile dependency counsel funding to determine an appropriate and effective way to address challenges faced by the trial courts in providing quality representation for children and families. This recommendation will be considered by the Trial Court Budget Advisory Committee on October 29, 2025.

Item 2 – Workload Formula Equity-Based Reallocation Policy Update (Action Required)

Consideration of updates to the Workload Formula policy's equity-based reallocation methodology.

Action: The FMS deferred action to allow sufficient time for further deliberation of potential policy updates at a future meeting.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:59 p.m.

Approved by the advisory body on enter date.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee
(Action Item)

Title: Trial Court Minimum Operating and Emergency Fund Balance Policy
Date: 12/18/2025
Contact: Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@jud.ca.gov

Issue

Consideration of the repeal of the Judicial Council’s trial court minimum operating and emergency fund balance policy. The policy has been continuously suspended by the council since fiscal year (FY) 2012–13 due to statutory changes, and the current suspension expires on June 30, 2026.

Background

The Judicial Council’s minimum operating and emergency fund balance policy (Attachment 1A) requires the trial courts to maintain a fund balance or reserve of approximately 3 to 5 percent of their prior year General Fund expenditures. This policy was first established in FY 2006–07 to ensure that reserve funding was set aside for use in emergency situations, or when revenue shortfalls or budgetary imbalances might occur. The policy was in place through FY 2011–12.

Beginning in FY 2012–13, the policy was continuously suspended in two-year increments due to several legislative changes and advocacy efforts by the judicial branch to increase the fund balance cap for the trial courts. The current suspension of the policy will expire on June 30, 2026.

Policy Suspension History

Beginning in FY 2012–13, Government Code section 68502.5 required a 2 percent reserve be established in the Trial Court Trust Fund (TCTF). Each court contributed to the reserve from its base allocation for operations. On August 31, 2012, the Judicial Council suspended the minimum operating and emergency fund balance requirement for two years to determine the impact of this statutory change.

The next fiscal year, Government Code section 77203 (Attachment 1B) imposed a 1 percent cap on the fund balance that courts could carry forward from one fiscal year to the next, effective June 30, 2014.¹ Previously, a trial court could carry over all unexpended funds from the court’s

¹ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Trust Fund Allocations: Statewide Programs* (Aug. 31, 2012), www.courts.ca.gov/documents/jc-20120831-itemN.pdf; mins. (Aug. 31, 2012), www.courts.ca.gov/documents/jc-20120831-minutes.pdf.

operating budget from the previous fiscal year. On October 28, 2014, the council extended the suspension of the policy for two additional years until June 30, 2016.²

On January 19, 2017,³ and May 24, 2018,⁴ the council approved additional two-year suspensions of the policy until June 30, 2020, in recognition of the 2 percent reserve in the TCTF and advocacy efforts by the branch to eliminate or increase the 1 percent cap. In FY 2019–20, Government Code section 77203 was amended and the fund balance cap was increased from 1 percent to 3 percent. This allowed the trial courts to carry over unexpended funds in an amount not to exceed 3 percent of the court’s operating budget from the prior fiscal year beginning June 30, 2020.

On July 24, 2020,⁵ May 11, 2022,⁸ and May 17, 2024,⁶ the council again approved additional two-year suspensions of the policy. The last suspension expires on June 30, 2026.

Fund Balance Cap

As stated, the fund balance cap for the trial courts was increased from 1 percent to 3 percent in FY 2019–20. Since that time, the Judicial Council has continued discussions with the Administration to raise the cap further in recognition of limited resources to support vital programs and services provided by the trial courts.

This resulted in a proposal in the FY 2024–25 Governor’s Budget to increase the fund balance cap from 3 percent to 5 percent or \$100,000, whichever is greater, effective June 30, 2024. The proposal was to help the trial courts maintain adequate reserve funding to support operational needs and address emergency expenditures. However, the proposal was not included in the enacted budget and the fund balance cap remains at 3 percent.

² Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: 2 Percent State-Level Reserve Process and Minimum Operating and Emergency Fund Balance Policy* (Oct. 28, 2014), www.courts.ca.gov/documents/jc-20141028-itemM.pdf; mins. (Oct. 28, 2014), www.courts.ca.gov/documents/jc-20141028-minutes.pdf.

³ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy* (Jan. 19, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=4885769&GUID=7E02378F-E7AC-407D-BDD2-DA81B5FEB9E8>; mins. (Jan. 19, 2017),

<https://jcc.legistar.com/View.ashx?M=M&ID=523723&GUID=AAC05972-68BD-4B48-B46C-240B851E3CEF>.

⁴ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy* (May 24, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6246424&GUID=FD9DAD84-DD7D-448D-8C94-085FFC2FFBBF>; mins. (May 24, 2018),

<https://jcc.legistar.com/View.ashx?M=M&ID=559783&GUID=1C4B0F75-3F17-4F8A-9712-034640BB460C>.

⁵ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy* (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8648714&GUID=DAA755CB-AD69-4C95-AB23-49AF3B15A37F>; mins. (July 24, 2020),

<https://jcc.legistar.com/View.ashx?M=M&ID=711582&GUID=90001AF2-7CEE-4F0F-906B-29A03ED9CB43>.

⁸ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy* (May 10, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10831522&GUID=E3E6A833-3D51-41D8-B68D-225383632DEF>; mins. (May 11, 2022),

<https://jcc.legistar.com/View.ashx?M=M&ID=869099&GUID=990E26C2-797D-4F24-BAE0-4945FB131549>.

⁶ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy* (May 6, 2024), <https://jcc.legistar.com/View.ashx?M=F&ID=12906835&GUID=1BD21B0F-1766-4D49-975D-A0984E3CC680>; mins. (May 17, 2024),

<https://jcc.legistar.com/View.ashx?M=M&ID=1091340&GUID=CFBAE626-CB09-4BE5-872F-ECB2BCB40B99>.

Funds Held on Behalf of the Trial Courts

Gov. Code section 68502.5(c)(2)(A) requires the Judicial Council to approve preliminary allocations to the trial courts in July and to finalize allocations in January of each fiscal year. Each court's final allocation must be offset by the amount of reserves in excess of the 3 percent cap, unless the court submits a funds held on behalf request to use some or all of this funding.

The Funds Held on Behalf of the Trial Courts program is a Judicial Council–approved process that allows trial courts to request funding that exceeds the 3 percent cap be used to fund allowable projects or expenditures for the benefit of those courts.⁷ The process was developed in FY 2015–16 in consultation with the Department of Finance in recognition that courts have limited resources to meet their operational needs. Funds held on behalf requests can be used for expenditures that cannot be funded by a court's annual budget or that require multiyear savings to implement.

Allowable projects include technology improvements or infrastructure (case management systems), court efficiency efforts (online or smart forms for court users), facilities maintenance or repair allowed under California Rules of Court, rule 10.810, and one-time expenditures such as vehicle, equipment, or furniture replacement. Funding for approved projects is held in the TCTF and courts are reimbursed for actual expenses related to specific projects.

The funds held on behalf process is an important fiscal tool that allows the courts to fund necessary projects or purchases and meet contractual obligations within their limited allocations. This process maximizes available resources, especially given the fund balance cap and recent budget reductions.

Other Emergency Funding Options

There are several funding options available to the trial courts to assist with funding shortfalls, unforeseen emergencies, or unanticipated expenses for existing programs or operations. These options provide flexibility to the trial courts and negate the need for the continuation of the minimum operating and emergency fund balance policy. These funding options include the following:

State-Level Reserve – Government Code section 68502.5(c)(2)(B) authorized a one-time General Fund reserve of \$10 million in the TCTF. This reserve replaced the 2 percent reserve requirement that was in place since FY 2012–13. This reserve funding has only been used one time in FY 2018–19 by the Superior Court of Humboldt County. Assembly Bill 170 (Stats. 2024, ch. 51) reduced the emergency reserve in the TCTF from \$10 million to \$5 million as a budget solution and because of the reserve's limited use by the courts.

⁷ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Allocations: Trial Court Reserves Held in the Trial Court Trust Fund* (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4378277&GUID=57D6B686-EA95-497E-9A07-226CA724ADCB>; mins. (Apr. 15, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463457&GUID=194A3350-D97F-452B-ACF4-1EBE6C105CCA>.

The Judicial Council established a process for the trial courts to apply for this emergency funding.⁸ If funding is used from the reserve, it must be replenished the following fiscal year from all trial courts' base allocations.

Cash Advance – Government Code section 68502.5 (c)(2)(B) and Judicial Council policy⁹ also authorized a process by which trial courts experiencing cash flow issues can request a cash advance. Whenever possible, the cash advance will be distributed from a court's remaining TCTF allocation. The cash advance must be repaid by the borrowing court based on the repayment schedule included in the court's approved cash advance application.

Use of Statutorily Restricted Funds – Although statutorily restricted funds are to be used for the purpose specified in statute, there are urgent or emergency circumstances when these funds may be use by the courts. Use of these funds are also authorized under Government Code section 68502.5 (c)(2)(B) and Judicial Council policy, and require repayment within the same month they were borrowed.

The trial court minimum operating and emergency fund balance policy has become obsolete over time given the alternate options available to courts for emergency situations and revenue shortages. After suspending the policy for 14 consecutive years, a repeal of the policy is proposed for consideration. The council must take action before June 30, 2026, when the current suspension of the policy expires.

Recommendation

Approve the repeal of the Judicial Council's trial court minimum operating and emergency fund balance policy, which has been suspended since FY 2012–13. This recommendation will be considered by the Trial Court Budget Advisory Committee, the Judicial Branch Budget Committee, and then the Judicial Council at its April 24, 2026, business meeting.

Attachments

1. **Attachment 1A:** Trial Court Minimum Operating and Emergency Fund Balance Policy
2. **Attachment 1B:** Government Code section 77203

⁸ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: \$10 Million State-Level Reserve Process* (Oct. 13, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4730556&GUID=B27BB5A7-B14B-44E8-A809-9F6FA97F6536>; mins. (Oct. 28, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463482&GUID=71780E2D-3758-4213-B3A5-7100073AB7CF>.

⁹ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: \$10 Million State-Level Reserve Policy* (Dec. 16, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7972039&GUID=AD0ECA7-5B7A-41B7-8680-5D1B5D64F90D>; mins. (Jan. 17, 2020), <https://jcc.legistar.com/View.ashx?M=M&ID=711572&GUID=AC46528C-6E37-406A-A1CE-B41CC33E29EB>.

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, receipted 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 Funding Methodology Subcommittee
(Action Item)

Title: Mid-Year Reallocation for Pretrial Release Program for Fiscal Year 2025–26

Date: 12/18/2025

Contact: Deirdre Benedict, Supervising Analyst, Criminal Justice Services
415-865-7543 | deirdre.benedict@jud.ca.gov

Issue

Consideration of a mid-year reallocation of unspent funding for the Pretrial Release Program for the trial courts in fiscal year (FY) 2025–26.

Background

The Budget Act of 2021 (amended by Sen. Bill 129) provided ongoing funding for “the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail”. SB 129 appropriated \$140 million one-time General Fund in FY 2021–22 and \$70 million annually thereafter to the Judicial Council for distribution to the trial courts for these purposes.

In accordance with the Budget Act of 2025 (amended by Assem. Bill 102), item 0250-101-0001, provision 7, the Judicial Council is required to distribute the funding to all courts based on each county’s relative proportion of the state population that is 18 to 25 years of age.¹

Each court may retain up to 30 percent of the funding for costs associated with pretrial programs and practices. Except as otherwise authorized², courts must contract for pretrial services with their county’s probation department or other county department or agency and provide that department with the remainder of the funds.

Starting in FY 2021–22, the Trial Court Budget Advisory Committee (TCBAC) has approved staff recommendations for the Pretrial Release Program allocations for each fiscal year for consideration by the Judicial Branch Budget Committee (Budget Committee) and then the Judicial Council.

¹ U.S. Census Bureau five-year estimates based on each county’s relative proportion of the state population 18 to 25 years of age, American Community Survey, 2023: ACS 5-Year Estimates Subject Tables, Table S0101, [https://data.census.gov/table/ACSST5Y2023.S0101?g=040XX00US06\\$0500000&tp=true](https://data.census.gov/table/ACSST5Y2023.S0101?g=040XX00US06$0500000&tp=true). The California Department of Finance population data age categories do not match the age categories specified in the SB 129 language. The department broke down the 18-to-25 age category into two groups: 15 to 19 years of age and 20 to 24 years of age. SB 129 specified that the age group be between 18 and 25 years of age.

² SB 129 specifically provides that the Superior Court of Santa Clara County may contract with the Office of Pretrial Services in that county and the Superior Court of San Francisco County may contract with the Sheriff’s Office and the existing not-for-profit entity that is performing pretrial services in the city and county for pretrial assessment and supervision services.

The Budget Act of 2025 added language authorizing the Judicial Council to “reallocate unspent funds from counties to other counties with demonstrated needs.”³ In prior fiscal years, some courts underspent their allocation and returned sizeable amounts of funding to the state’s General Fund. The reallocation authority will provide a mechanism to ensure funding to support pretrial services are utilized fully and appropriately.

On September 2, 2025, the Judicial Council approved the FY 2025–26 allocations and directed council staff to conduct a mid-year survey and recommend a methodology for reallocating funding between trial courts based on demonstrated need.

Survey Results

Council staff conducted the mid-year survey in early November 2025. Thirty-two courts confirmed that they were not requesting additional funds and were not returning any of their allocated funding. One court responded to the survey returning funds in the amount of \$194,000. Twenty-four courts responded to the survey requesting additional funds totaling approximately \$12.2 million.⁴

Of the 24 courts requesting additional funds, 13 requested individual amounts lower than \$194,000. Those courts were required to provide a one-page narrative detailing their specific need for additional funds, how the funds would be used to address the need, and the outcome of receiving/not receiving the funds.

Staff reviewed the one-page narratives, in addition to analyzing each court’s spending patterns from previous fiscal years. Staff focused on the spending patterns for FY 2022–23 through FY 2024–25, as many courts’ spending increased as they moved from implementation to operations. Staff also reviewed the submitted FY 2025–26 budgets for these courts.

Overall, the requests were needed to offset reductions in state pretrial funding and county reductions for probation departments. Primarily the requesting courts identified reduced services and support from the probation department for the court and the individuals released pretrial. This includes reducing the number of officers available to provide assessment reports in a timely manner to the court, the reduction of electronic and alcohol monitoring tools as well as support services to the individual released pretrial, and the reduction of court staff available to coordinate the pretrial release program.

Since the survey results returned less funds than needed to fulfill all the requests, the following reallocation options are provided for consideration to the committee.

Option One: Reallocate funding based on smallest requests and fulfill the most complete requests up to the \$194,000 that was returned.

Under this option, the Superior Courts of Plumas, Lassen, El Dorado, Modoc, and Solano Counties would be funded at the full amount of their requests. The Superior Court of San Mateo

³ Assem. Bill 102, § 4, item 0250-101-0001, provision 12.5.

⁴ One court did not respond to the survey.

County would be funded at 55 percent of its request – to utilize every dollar of the reallocated funding.

Staff recommend this option as it allows the amount returned to have the most impact in fully funding smaller communities. Please see Attachment C for the narratives submitted.

Plumas – \$8,583 request

Restore a Deputy Probation Officer to a full-time position, restore electronic/alcohol monitoring to previous levels; make software updates, and provide support services needed.

FY 2024–25 Allocation \$125,000

FY 2025–26 Allocation \$115,938

In FY 2024–25, Plumas spent 92 percent of its entire pretrial allocation.

Lassen - \$14,500 request

Maintain probation services through the end of this fiscal year.

FY 2024–25 Allocation \$200,000

FY 2025–26 Allocation \$185,500

In FY 2024–25, Lassen spent 97 percent of its entire pretrial allocation.

El Dorado - \$24,780 request

Maintain probation services at current levels and offset the court’s salary expenditures.

FY 2024–25 Allocation \$234,237

FY 2025–26 Allocation \$214,729

In FY 2024–25, El Dorado spent 102 percent⁵ of its entire pretrial allocation.

Modoc - \$51,000 request

Maintain probation service levels.

FY 2024–25 Allocation \$200,000

FY 2025–26 Allocation \$185,500

In FY 2024–25, Modoc spent 101 percent of its entire pretrial allocation.

⁵ Over 100 percent spending, reflects a court’s earned interest on the pretrial program that utilized above the yearly allocation amount.

Solano - \$55,452 request

Make necessary technical updates to the court's pretrial case management system.

FY 2024–25 Allocation \$695,875

FY 2025–26 Allocation \$640,422

In FY 2024–25, Solano spent 99 percent of its entire pretrial allocation.

San Mateo - \$72,000 request – Fund at 55 percent

Partially funding this request would restore funding for probation staff and fund a transition to a new risk pretrial risk assessment tool.

FY 2024–25 Allocation \$996,136

FY 2025–26 Allocation \$921,931

In FY 2024–25, San Mateo spent 89 percent of its entire pretrial allocation.

Option Two: Reallocate funding equally among all 24 courts that requested funding.

This approach ensures that every court that requested funding receives a portion of the reallocated funds. Given the amount of funding returned this year, each court would receive approximately \$8,000 each. (See Attachment A, Table 2.) While this would ensure that each court receives an amount, the level of funding provided would have very limited impact on larger courts and those that requested more than the \$194,000 available.

Other Option Considered:

Resurvey all courts with the known amount of reallocated funding.

The survey conducted in November 2025 asked courts to specify the amount of reallocation funding they needed, without knowing how much funding was available. Now that there is a confirmed dollar amount, a follow-up survey with that information could be conducted. However, given the timeline to secure approval from the budget committees and ultimately the Judicial Council before the end of the fiscal year, resurveying all courts is not a practical option.

Recommendation

Approve option one for reallocation of the \$194,000 in available pretrial funding for the Pretrial Release Program as outlined in Attachment A, Table 1.

These recommendations will be considered by the Trial Court Budget Advisory Committee, the Judicial Branch Budget Committee and then the Judicial Council at its meeting on April 24, 2026.

Attachments

Attachment 2A: Reallocation Options for Consideration

Attachment 2B: Narrative Responses from Option One Courts

Table 1:

Option One: Reallocate funding based on smallest requests and fulfill the most complete requests up to the \$194,000 that was returned.

Court	Requested Amount	Funding Proposed
Plumas	\$8,583	\$8,583
Lassen	14,500	14,500
El Dorado	24,780	24,780
Modoc	51,000	51,000
Solano	55,452	55,452
San Mateo	72,000	39,684
Total	\$226,316	\$194,000

Table 2:

Option Two: Reallocate funding equally among all 24 courts that requested funding.

Court	Requested Amount	Funding Proposed
Plumas	\$8,583	\$8,083
Lassen	14,500	8,083
El Dorado	24,780	8,083
Modoc	51,000	8,083
Solano	55,452	8,083
San Mateo	72,000	8,083
Merced	80,000	8,083
Yuba	85,000	8,083
San Joaquin	100,000	8,083
Yolo	117,885	8,083
Marin	120,000	8,083
Sutter	140,188	8,083
Mendocino	150,000	8,083
Sonoma	200,000	8,083
Butte	252,330	8,083
Placer	327,677	8,083
Sacramento	366,000	8,083
Kern	423,270	8,083
Nevada	492,000	8,083
Santa Cruz	500,000	8,083
Madera	1,171,048	8,083
Santa Clara	1,674,380	8,083
Alameda	2,500,000	8,083
Los Angeles	3,318,512	8,083
Total	\$12,244,606	\$194,0000

Date: December 5, 2025

Plumas Superior Court
FY2526 Pretrial Release Program
RE: Narrative in Support of Pretrial Reallocation Funding Need

Plumas Superior Court respectfully requests an additional \$8,583.47 for FY2526. The additional funds which were included in our original budget will be used for the following:

- Restore FTE Pretrial Deputy Probation Officer to 1.0 FTE
- Restore Electronic Monitoring / Soberlink Program to previous levels
- Noble Software Updates
- Provide Cell Phone Service to Clients
- Drug Testing
- Ensure the ability to provide housing, inpatient treatment, and emergency shelter

The outcome of receiving the funding verse not receiving the funding will result in the following:

- The additional funding will support the need for 1.0 FTE Pretrial Deputy Probation Officer. The result in additional funding to support this position will mean more time for the deputy to attend hearings and track outcomes, not only for pretrial supervision clients, but all release categories. If the funding is not approved, it is likely the Probation Department will not have the resources to maintain pretrial services at a level that is acceptable to the Court.
- The additional funding will support the cost for Soberlink Alcohol Detection program and drug testing program for the entire fiscal year. If the funding is not approved the current funds budgeted will most likely be exhausted prior to the end of the fiscal year. The Probation Department does not have other funding sources that can supplement these services, and the services will be discontinued once the funds are exhausted.
- The additional funding will ensure that the Noble Software is updated. If the funding is not approved the software will not be updated and Probation may not be able to comply with future reporting requirements.
- The additional funding will ensure Probation can provide clients with cell phone service to ensure they stay in contact with Probation and can get their hearing reminders. If the funding is not approved Probation will not be able to support this cost for clients making it more difficult to keep in contact with them.
- The additional funding will ensure there are funds support housing, inpatient treatment, and emergency shelter needs for clients. If the funding is not approved these services will be eliminated.

Thank you for your consideration.



Superior Court of California, County of Lassen

Mark R. Nareau
Presiding Judge

Robert M. Burns
Assistant Presiding Judge

Megan Reed
Court Executive Officer

Administrative Office
2610 Riverside Drive, Susanville, CA 96130
Telephone: 530-251-8102

Date: December 5, 2025

To: Budget Committee

From: Samantha Ngotel, Administrative Services Manager

Re: Fiscal Year 2025-2026 Pretrial Reallocation Request Justification

Lassen County Superior Court received an allocation totaling \$185,500 for the Fiscal Year 2025-2026. The allocation was a decrease from the previous fiscal years' awards of \$200,000 per year, the floor allocation. Lassen Court partners with Lassen County Probation Department to facilitate and meet the goals of the Pretrial program. Allocation funds are split on a 70/30 basis between probation and the court. These funds support court and probation department staff in serving the public and achieving the mission of Pretrial as directed by the state. The decrease in allocation from past fiscal years to this current year's award did not dictate a decrease to program activity or needs. Lassen County is a generally underserved community with limited opportunities for employment and therefore great challenges exist in attracting viable candidates to the area. As a result of prior years Pretrial allocations, Probation was able to hire and dedicate staff directly supporting the program. The program continues to operate at the same level and the same cost as it did in prior years. As such, without the court's request to receive an additional \$14,500 reallocation for pretrial being granted, probation's portion of the existing allocation will be elapsed before the completion of the fiscal year. Pretrial costs for the Probation department average \$12,000 per month. The cost of the program for Probation alone is estimated to land around \$144,000 per fiscal year. As of the date of this memo, Probation has billed through October 2025 totaling \$47,804.43. A reallocation of \$14,500 will enable Probation to continue meeting service level requirements. Without the reallocation, Probation will be unable to maintain necessary staffing levels to meet service level needs required to facilitate the Pretrial program. The court and probation staff had dedicated many hours to establishing and developing our pretrial program since its installation and thank you for your consideration in awarding the requested reallocation amount of \$14,500. If awarded this amount, Lassen Court and Probation department will continue to foster and grow our Pretrial program in support of our county and constituents to the level they so deserve.

Sincerely,

Samantha Ngotel

Samantha Ngotel
Administrative Services Manager



SUPERIOR COURT OF CALIFORNIA COUNTY OF EL DORADO

2850 Fairlane Court, Suite 110
Placerville, California 95667

December 4, 2025

Judicial Council of California
2850 Gateway Oaks Drive, Ste 490
Sacramento, CA 95833

Re: Pretrial Reallocation

To Whom It May Concern:

Since Fiscal Year 21/22, the Courts have been receiving (and utilizing) an average of \$322,465.36 in Pretrial funding. With this funding, the El Dorado Superior Court (Court), in conjunction with the El Dorado County Department of Probation (EDC Probation), have offset salary expenditures for eight probation officers, where 100% of their regularly scheduled hours were exclusively assigned to pretrial activities. Probation uses these funds to enhance the EDC Probation's Pretrial Services Program, which includes providing information to the Court about a defendant's risk and establishing conditions for release if they are granted pretrial release. They utilize a weighted risk factor tool (Virginia Pretrial Risk Assessment Instrument - VPRAI) to help identify the party's level of risk by examining all charges and identifying the most serious charge category and its impact on the individual's overall risk. There are six levels of risk assessed and four levels of pretrial monitoring or supervision.

Along with this, the Court has offset salary expenditures for 13 Court employees, amounting to approximately \$75,543.42 in salaries allocated to staff's pretrial program hours (data from fiscal year (FY) 24/25). Program hours are dedicated to support staff who are committed to assisting judicial officers with determining pretrial release, assessing a defendant's risk of failing to appear in court or committing a new crime, and providing supervision or other release conditions.

The total allocation amount of \$214,728.76 for FY 25/26 limits the amount of funding provided to Probation necessary to sustain and expand the County's Pretrial Services Program, as well as support the Court in continuing to offset the salaries, benefits, and indirect costs of Court staff assigned to and actively working on the pretrial program.

The additional ask of \$24,780.49 for FY 25/26 will allow the Court to maintain its commitment to the EDC Probation as well as offset the Court's expenditures. This will put us in alignment with the exact amount that the Court received in funding for FY 24/25 (\$239,509.25).

Should the Court not receive the additional funding for FY 25/26, we would limit the level of support we have been able to maintain with EDC Probation since 2021, as well as restrict the full support of Court staff assigned to the pretrial program.

If you have any further questions or need further explanation of our requested additional funding amount, please contact us.

Thank you for your time and consideration.

Sincerely,

Shelby Wineinger
Court Executive Officer



MODOC COUNTY PROBATION DEPARTMENT

326 South Main Street - Alturas, California 96101

(530) 233-6324 - FAX (530) 233-6363

Chief Probation Officer Stephen Svetich



Response for Additional Pretrial Funding

For the past several fiscal years, Modoc County Probation has been entirely dependent on state funding for its budget; this has consisted primarily of realignment (AB109), SB678, and Pretrial funds. Our net General Fund monies make up an insignificant part of our annual revenues.

Historically, the costs of meeting the needs of our Pretrial client base have exceeded our Pretrial allocation of \$140,000 (decreasing to \$130,000 for the current FY), such that we have been forced to make use of our other two funding streams to pay for services rendered to our Pretrial client population.

Of those two funding sources, one, AB109, is a limited line-item which typically only covers Probation costs associated with GPS and alcohol monitoring. Therefore, the majority of our excess Pretrial funding is drawn from SB678. For the past three fiscal years, we have used the entirety of our SB678 grant and been forced to budget from our savings. This year, the state decreased our SB678 funding, a decrease which comes at the same time that we have budgeted the last of our savings.

In order to stay within our budget, we have already begun to limit the amount of alcohol and GPS tracking services recommended by the Court. As this has been one of our court's preferred options for Pretrial services, this has necessarily decreased our scope of Pretrial service. We have also decreased the number and length of housing services we have offered to clients, partly as a result of the changes in California's residency laws and partly due to funding concerns.

Our request for additional funding, therefore, is primarily intended to allow us to continue the same scope of services that we have previously been able to meet: GPS tracking, continuous alcohol monitoring, and the labor costs for same. The amount requested reflects not only the difference in allocation amounts between this fiscal year and the previous, but the historic shortfalls we have incurred in meeting our clients' needs. With these additional funds, we also hope to be able to expand our scope to include other services we have been financially unable to provide, such as transportation to court and clothing vouchers for clients.

Without this additional funding, we project that we may be unable to offer the equivalent scope of services as in previous years, or may be forced to request the county pay for services out of the general fund, thereby reducing services offered elsewhere.

A blue ink signature of Stephen Svetich.

Stephen Svetich
Chief Probation Officer
Modoc County Probation



Superior Court of California
County of Solano

Hall of Justice
600 Union Avenue
Fairfield, California 94533

Sara J. MacCaughey
Assistant Court Executive Officer

December 1, 2025

Judicial Council of California
Via Email: pretrial@jud.ca.gov

Re: Pretrial Reallocation

To Whom It May Concern,

The Court is requesting a reallocation of \$55,452 to support the ongoing need for IT troubleshooting and technical support associated with our pretrial system. Our Court IT staff have been working closely with our justice partners, and continued adjustments to the system configuration have been required. In addition, several requests have arisen that fall outside the original scope of the project, resulting in the need for additional staff time and technical resources. This funding will allow Court IT to continue implementing necessary enhancements to improve system performance and streamline processes for all users.

Without this reallocation, the Court would face delays in system updates, reduced capacity to respond to technical issues, and potential impacts on the efficiency and reliability of pretrial operations. Access to these funds ensures we can maintain a fully functional system that supports timely and accurate justice partner collaboration.

If any funds remain after covering Court IT staff time, the Court will use the balance to support county probation expenses, if necessary.

Sincerely,

Sara MacCaughey

Assistant Court Executive Officer
Superior Court of California, County of Solano
Email: sjmaccaughey@solano.courts.ca.gov

Cc: Brian Taylor, CEO
Agnes Shappy, CFO

San Mateo Superior Court
FY 25-26 Pretrial Allocation
Justification for Additional MYR Funding

Requested MYR Funding:
\$72,000

Background:

All courts experienced a 7.25% statewide cut to Pretrial Services (PTS) funding, which amounted to an estimated \$72,000 locally for the San Mateo Superior Court. A majority of that funding cut was absorbed through our county probation department despite probation fully utilizing their allocated pretrial funds in prior fiscal years. Consequentially, probation had to make the difficult decision to absorb the cuts by reducing funding in a critical area—probation staffing.

Justification:

Our court has experienced significant delays in receiving timely notification of condition violations due to probation being understaffed in their PTS division. The delay between when the defendant failed to abide by their conditions of supervised release and when the court was notified by way of memo and warrant request was noted in nearly every case being reviewed between September-November 2025. Some of these cases posed a grave threat to public safety, involving serious alcohol-related offenses where the defendant failed to test or tested positive on the Continuous Alcohol Monitoring electronic device. If the court must release defendants on non-financial conditions then it must be insured that the conditions are being abided by. This may be accomplished with more adequate funding and/or restoration of funds for probation staff.

Alternatively, our court is interested in exploring new or improved pretrial risk assessment tools as our bench has identified gaps in information and risk assessment with our current tool. San Mateo current uses VPRAI-R and would like to explore other risk assessment systems that might better meet our needs. The \$72,000 also can be used to fund this targeted project aimed at finding the best pretrial risk assessment tool to meet our local needs.

Additional funding in either of these two areas would have a positive impact to public safety and improving PTS. Therefore, San Mateo requests restoration of funding for FY 25-26 up to the funding cut we experienced at the beginning of the fiscal year of \$72,000.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee
(Action Item)

Title: Allocation Methodology for Court-Appointed Juvenile Dependency Counsel

Date: 12/18/2025

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

Irene Balajadia, Senior Analyst, Center for Families, Children & the Courts
415-865-8833 | irene.balajadia@jud.ca.gov

Issue

Consideration of recommending updates to the Judicial Council–approved court-appointed juvenile dependency council funding methodology for an appropriate and effective way to address the unique challenges faced by local trial courts.¹ This funding covers all aspects of providing legal representation to children and parents in juvenile dependency cases. The key factors used in the current funding methodology are detailed in this report.

Background

Court-appointed dependency counsel became a state fiscal responsibility in 1989 through the Brown–Presley Trial Court Funding Act (Sen. Bill 612; Stats. 1988, ch. 945). The act added section 77003 to the Government Code and defined “court operations” in that section as including court-appointed dependency counsel and made an appropriation to fund trial court operations. In 1997, the Lockyer–Isenberg Trial Court Funding Act (Assem. Bill 233; Stats. 1997, ch. 850) provided the funding for, and delineated the parameters of, the transition to state trial court funding that had been outlined in the earlier legislation.

Funding for court-appointed juvenile dependency counsel (CAC) is allocated to the courts based on a workload model created by the Judicial Council in 2016² and as amended in 2022.³ Across California, attorneys and organizations provide these services in many different ways. Providers

¹ On September 2, 2025, the Judicial Council approved the fiscal year (FY) 2025–26 allocations for court-appointed juvenile dependency counsel and directed the Trial Court Budget Advisory Committee to add an additional item to its FY 2025–26 work plan. Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Fiscal Year 2025-26 Allocation of Court-Appointed Juvenile Dependency Council Funding* (Aug. 25, 2025), jcc.legistar.com/View.ashx?M=M&ID=1335073&GUID=7EA97284-5FF5-49CA-A5BD-A86123AB9CCD.

² Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (Apr. 1, 2016), jcc.legistar.com/View.ashx?M=F&ID=4382676&GUID=E8BCCA8A-5DED-48C3-B946-6E21EBB0BEAF.

³ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Fiscal Year 2022–23 Allocation of Court-Appointed Juvenile Dependency Counsel Funding* (June 24, 2022), jcc.legistar.com/View.ashx?M=F&ID=11019079&GUID=CB0A2EE1-B3CF-43AC-B92B-F4724B5D209C.

range from solo practitioners to complex nonprofit, for-profit, and governmental organizations. Because these models and local costs vary so much, there is not one perfect way to measure financial need. Instead, the workload model offers a way to calculate overall funding needs, which courts and attorney groups can then use to support different service approaches.

During the budget development process for fiscal year (FY) 2025–26, stakeholders raised concerns that the existing allocation methodology may no longer address the realities of current juvenile dependency practice due to various factors, including changes in federal and state law, additional required hearings and procedures based on these changes, and families in the dependency system with more complex needs. The trial courts also noted concerns that the methodology's small court adjustment, which provides additional funding to smaller courts to help them meet minimum staffing and service standards despite having fewer cases, should be revisited to ensure it reflects current program needs. As a result, the Judicial Council directed the Trial Court Budget Advisory Committee to reevaluate the current methodology to improve outcomes in the dependency system.

Methodology Factors

The key factors used in the current methodology are (for each court):

1. Caseloads:
 - A three-year rolling average of original dependency filings;
 - A three-year rolling average of the number of children in foster care; and
 - A multiplier of 0.8 parent case per 1.0 child case to estimate parent clients;
2. Caseload standard of 141 cases per full-time attorney;
3. Attorney salaries
4. Overhead calculation; and
5. Small courts
 - \$100,000 reserve funding; and
 - Small court adjustments

The detailed calculation of total funding need for FY 2025–26 which utilizes these factors is included in Attachment A for reference.

1. Caseloads

The annual caseload for each court is calculated using original dependency filings, child welfare caseloads, and a set ratio of 0.8 parent case per 1.0 child case to estimate and incorporate parent clients.

Child Caseload – Original Dependency Filings and Children in Foster Care

The annual child caseload is determined for each court using a weighted metric derived from a court's percentage of total original dependency filings and the court's percentage total of child

welfare caseload. The child caseload metric (1) uses a three-year⁴ rolling average of both original dependency filings and child welfare caseloads; and (2) is weighted by 30 percent of court filings and 70 percent of child welfare caseload.

The current methodology for estimating parent clients is based on a standardized multiplier. Specifically, for each child case filed, the calculation assumes 0.8 parent cases. This approach recognizes that not every child case corresponds to a distinct parent client, as multiple children may be associated with the same parent or certain filings may not require parent participation.

Original dependency filing counts are derived from data reported by the courts through the Judicial Branch Statistical Information System (JBSIS). Counts for the number of children in foster care are derived from point in time data (July 1st of the previous fiscal year) from the [University of California at Berkeley Child Welfare Indicators Project \(CCWIP\)](#) site.

To guide discussions, the following key questions should be considered:

1. Should the annual child caseload for each court continue to be determined using a three-year rolling average of total original dependency filings, (weighted at 30 percent) and total of child welfare caseload (weighted at 70 percent)?
2. Should the ratio used to estimate parent clients continue to be calculated using the multiplier of 0.8 parent case per 1.0 child case?

2. Caseload Standard

Attorney caseloads are another factor used in the current CAC funding methodology to determine the total statewide funding need for dependency counsel. The methodology assumes a standard caseload of 141 clients per full-time dependency attorney, based on a workload study published in 2004.⁵ Since then, there have been several changes to federal and state laws that impact juvenile dependency practice and dependency attorney workload. These changes include:

- Introduction of a new category of foster youth aged 19 to 21 (non-minor dependents);
- Widespread implementation of the Indian Child Welfare Act;
- Extensive new responsibilities for attorneys related to psychotropic medication orders for children;
- Continuum of Care reform;
- Court oversight of educational outcomes; and
- Federal legislation promoting family connections and preventive services (the Family First Prevention Services Act).

⁴ Composed of the previous three years.

⁵ In 2002, the Judicial Council and the American Humane Association conducted a time study of all dependency attorneys in California. Caseload study results indicated an optimal practice standard maximum caseload of 77 cases or clients per full-time dependency attorney, and a basic practice standard caseload of 141 clients per full-time dependency attorney.

In addition, while filings dropped by 35 percent over the past 10 years, courts and attorneys report that much of the decline is due to keeping relatively simple cases out of the dependency system and workload has increased due to a growing proportion of complex cases.

At its business meeting on July 18, 2025, the Judicial Council approved a FY 2026–27 budget change proposal to support the costs of producing a comprehensive workload assessment on court-appointed juvenile dependency counsel practice in California.⁶ A workload assessment will help the Judicial Council to determine if the current caseload standard of 141 needs to be updated.

To guide discussions, the following key questions should be considered:

1. Should the current caseload standard of 141 clients per full-time attorney be changed?
2. Should revisions to the caseload standard be deferred until a comprehensive workload assessment is completed?

3. Attorney Salaries

Attorney salaries are also used to calculate local and statewide funding need. Two data sources are used: (1) current county counsel salaries⁷ at the median of the first two salary ranges reported by counties and (2) the Bureau of Labor Statistics (BLS) current Category 92 index that is used in the Workload Formula. County counsel handle cases for the child welfare department and have similar skills and experience to court-appointed dependency counsel. The salary information is public and can be used to keep the workload model current. The Workload Formula uses the BLS index to adjust the median salary to each county's governmental salary market. Because the BLS index is also updated each year and publicly available, the workload model can be updated regularly.

To guide upcoming discussions, the following key questions should be considered:

1. Should attorney salaries used in workload model continue to be based on the median salary for the first-tier range for county counsel in all counties?
2. Should attorney salaries used in the model be updated for each county using the statewide median county counsel salary and the BLS Category 92 index?

4. Overhead Calculation

The funding model accounts for overhead costs and are determined according to the following criteria:

1. Salaries for line attorneys constitute 45 percent of the total cost.

⁶ At its meeting on July 18, 2025, the Judicial Council considered 15 budget change proposals for submission to the Department of Finance for FY 2026–27. An amendment to add a 16th proposal of \$1.1 million in one-time General Fund for a comprehensive workload assessment of dependency representation to determine which factors in the existing methodology require revision for CAC was approved and adopted.

<https://jcc.legistar.com/View.ashx?M=F&ID=14745154&GUID=B7671064-6D29-48F7-8D5F-8660B9E1A78B>.

⁷ Salaries are updated annually for each county.

2. All non-salary costs (e.g., benefits, overhead, and auxiliary services) constitute 55 percent of the total cost.

To guide upcoming discussions, the following key question should be considered:

- Should overhead costs continue to constitute 55 percent of the total cost, with salaries constituting 45 percent of the total cost?

5. Small Courts

At its meeting on January 15, 2019, the Judicial Council adopted the modified funding methodology for small courts, approved by the council in May 2017 for FYs 2017–18 and 2018–19, as ongoing effective July 1, 2019.⁸ The methodology for small courts includes a \$100,000 reserve for caseload fluctuations and the adjustments detailed below. As noted in the 2019 report, small courts face many unique circumstances including:

- Lack of a large enough pool of experienced attorneys;
- Limited pool of qualified attorneys and inability to lower costs by conducting competitive solicitations;
- Small courts often hire conflict counsel from outside their county. Those attorneys often charge higher rates than local contract attorneys and these costs can exceed the budget set aside for dependency cases;
- Attorneys incur higher costs when practicing in small courts (travel time, out-of-county client visits);
- Attorneys incur higher costs for overhead in small courts as they lack economies of scale; and
- The cost to small courts for expert witnesses is greatly affected by travel times and the lack of access to psychiatrists and other experts.

Small Court Reserve Funding

The current methodology includes a reserve of \$100,000 to assist small courts with the cost of sharp caseload increases. The reserve was established to assist the few small courts that experience sudden caseload increases every year, which in a small court can have a disproportionate impact on the court's total allocation for dependency counsel.

Small Court Adjustments

The funding methodology also includes several adjustments for small courts to ensure that these courts have adequate funding to meet their needs. Small court adjustments include (1) suspending reallocation-related budget reductions for the smallest courts, with caseloads under 200, (2) adjusting the local economic index for the small courts, with dependency caseloads under 400, and (3) reducing the funding allocations of all large court budgets to offset the costs for small courts.

⁸ Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Court-Appointed Juvenile Dependency Counsel Funding Methodology for Small Courts* (Dec. 20, 2018), jcc.legistar.com/View.ashx?M=F&ID=6913216&GUID=4DEB6A82-B007-46D8-9885-8D11D907DBF5.

The methodology also provides that if the impact of these adjustments results in a small court being allocated more than 100 percent of the total need calculated through the workload and funding methodology, the court will receive an allocation equal to 100 percent of total need.

Due to downward trends in dependency filings, the small-court adjustments have applied to more courts in recent years, which has resulted in some small courts receiving increased funding despite drops in caseloads. Based on current workload and filing information, in FY 2025–26, 37 courts are in the small-court category, with 27 of those courts meeting the “smallest court” criteria.

To guide upcoming discussions, the following key questions should be considered:

1. Should the model continue to include \$100,000 in reserve funds to assist small courts with the cost of sharp caseload increases?
2. Should the methodology continue to include the following adjustments for small courts?
 - a. Suspending reallocation-related budget reductions for the smallest courts, with caseloads under 200;
 - b. Adjusting the local economic index for the small courts, with dependency caseloads under 400; and
 - c. Reducing the funding allocations of all large-court budgets to offset the costs for small courts.

Recommendation

1. Consider recommending updates to the factors used in the current CAC funding methodology to address the unique challenges faced by local trial courts.
2. Consider whether there are elements of other funding methodologies that should be considered to appropriately and effectively allocate dependency counsel funding.

Attachments

1. **Attachment 3A:** Fiscal Year 2025–26 Total Funding Need for Court-Appointed Dependency Counsel Based on 2016 Workload Methodology

Fiscal Year 2025-26 Total Funding Need for Court-Appointed Dependency Counsel Based on 2016 Workload Methodology*

Court	Average Original Filings FY21 - FY23	Average CW Cases July 2022, 2023, 2024	Filings %	Cases %	Sum of Weighted %	Partially Redistributed Caseload	BLS Index 2021- 2023	Annual Salary	Caseload Multiplied by Estimated Child-to-Parent Case Ratio	Attorneys Needed Per Caseload	Total Salaries	Total Funding Need	Allocation Pre-BLS Adjustment	Small Court Increase with BLS Adjustment	Large Court Funding Adjustment (Pro-Rata Decrease)	Proposed Allocation 2025-26	Proposed Allocation 2025-26 Based on Court Spending Plan
	A	B	C	D	E (.3C+.7D)	F (B*E)	G	H (G*Median Salary)	I (F*1.8)	J (I/141)	K (H*J)	L (K/.45)	M	N	O	P	Q
Alameda	491	1,126	1.65%	1.90%	1.82%	1,081	1.49	\$ 169,533	1,946	13.80	\$ 2,340,277	\$ 5,200,616	\$ 4,174,270	\$ -	\$ (36,513)	\$ 4,137,757	\$ 4,137,757
*Alpine	1	10	0.00%	0.02%	0.01%	7	0.78	88,097	13	0.09	8,319	18,488	14,839	3,649	-	-	18,488
*Amador	37	59	0.12%	0.10%	0.11%	63	0.96	108,893	114	0.81	87,798	195,107	156,602	5,535	-	-	162,137
Butte	189	435	0.63%	0.73%	0.70%	417	0.87	99,191	750	5.32	527,957	1,173,237	941,698	-	(8,237)	933,460	933,460
*Calaveras	69	78	0.23%	0.13%	0.16%	96	0.85	96,391	172	1.22	117,760	261,689	210,044	35,629	-	-	245,673
*Colusa	21	38	0.07%	0.06%	0.07%	39	0.74	83,590	70	0.50	41,707	92,682	74,391	18,291	-	-	72,682
Contra Costa	386	679	1.29%	1.14%	1.19%	705	1.33	151,363	1,270	9.00	1,362,992	3,028,870	2,431,120	-	(21,265)	2,409,855	2,409,855
*Del Norte	50	110	0.17%	0.19%	0.18%	107	0.75	85,360	193	1.37	116,859	259,687	208,437	51,249	-	-	259,687
*El Dorado	123	161	0.41%	0.27%	0.31%	186	1.11	126,504	335	2.38	300,797	668,438	536,521	131,917	-	-	668,438
Fresno	913	2,262	3.06%	3.81%	3.58%	2,127	0.94	106,928	3,829	27.16	2,904,075	6,453,499	5,179,896	-	(45,309)	5,134,586	4,936,000
*Glenn	30	56	0.10%	0.09%	0.10%	57	0.77	86,995	103	0.73	63,358	140,795	113,009	27,786	-	-	140,795
*Humboldt	209	385	0.70%	0.65%	0.66%	394	0.75	84,675	709	5.03	425,961	946,581	759,772	186,809	-	-	946,581
*Imperial	149	317	0.50%	0.53%	0.52%	311	0.70	79,670	559	3.97	315,992	702,205	563,624	138,581	-	-	702,205
*Inyo	16	32	0.05%	0.05%	0.05%	32	0.79	89,719	58	0.41	36,848	81,884	65,724	16,160	-	-	81,884
Kern	871	2,007	2.92%	3.38%	3.24%	1,925	0.93	105,455	3,464	24.57	2,590,912	5,757,583	4,621,319	-	(40,423)	4,580,896	4,580,896
*Kings	225	378	0.75%	0.64%	0.67%	399	0.83	94,635	718	5.09	481,669	1,070,376	859,136	164,376	-	-	1,023,513
*Lake	35	79	0.12%	0.13%	0.13%	76	0.77	86,989	137	0.97	84,802	188,449	151,258	37,190	-	-	188,449
*Lassen	32	68	0.11%	0.12%	0.11%	67	0.79	90,123	120	0.85	76,752	170,559	136,899	33,660	-	-	170,559
Los Angeles	12,011	23,432	40.21%	39.48%	39.70%	23,562	1.37	155,683	42,412	300.79	46,828,478	104,063,283	83,526,302	-	(730,617)	82,795,685	82,795,685
*Madera	223	254	0.75%	0.43%	0.52%	311	0.90	102,822	559	3.97	407,882	906,405	727,525	70,187	-	-	797,713
*Marin	62	93	0.21%	0.16%	0.17%	102	1.22	138,550	183	1.30	179,493	398,873	320,155	78,718	-	-	398,873
*Mariposa	30	33	0.10%	0.06%	0.07%	41	0.83	94,479	73	0.52	49,192	109,316	87,742	16,960	-	-	104,702
*Mendocino	132	265	0.44%	0.45%	0.45%	264	0.78	88,967	476	3.37	300,093	666,874	535,266	131,608	-	-	666,874
Merced	327	632	1.10%	1.06%	1.07%	638	0.79	89,570	1,148	8.14	728,985	1,619,967	1,300,265	-	(11,374)	1,288,891	1,288,891
*Modoc	23	24	0.08%	0.04%	0.05%	31	0.56	63,260	56	0.40	24,989	55,531	44,572	10,959	-	-	55,531
*Mono	7	10	0.02%	0.02%	0.02%	11	0.89	101,595	20	0.14	14,491	32,202	25,847	2,836	-	-	28,683
Monterey	92	201	0.31%	0.34%	0.33%	195	1.14	129,322	351	2.49	322,115	715,812	574,546	-	-	574,546	574,546
Napa	50	97	0.17%	0.16%	0.16%	97	1.27	144,392	175	1.24	179,307	398,461	319,824	-	-	319,824	319,824
*Nevada	33	43	0.11%	0.07%	0.08%	50	1.06	120,461	89	0.63	76,181	169,292	135,882	33,410	-	-	169,292
Orange	1,886	3,207	6.31%	5.40%	5.68%	3,369	1.23	139,272	6,065	43.01	5,990,313	13,311,808	10,684,711	-	(93,461)	10,591,250	10,591,250
Placer	165	212	0.55%	0.36%	0.42%	247	1.16	131,458	444	3.15	414,172	920,382	738,744	-	-	738,744	738,744
*Plumas	24	41	0.08%	0.07%	0.07%	43	0.72	81,911	77	0.54	44,520	98,933	79,409	19,525	-	-	98,933
Riverside	2,877	4,787	9.63%	8.07%	8.54%	5,066	1.06	120,741	9,119	64.68	7,808,921	17,353,158	13,928,497	-	(121,835)	13,806,662	13,806,662
Sacramento	539	1,432	1.80%	2.41%	2.23%	1,323	1.33	150,644	2,382	16.89	2,544,827	5,655,172	4,539,119	-	(39,704)	4,499,414	4,499,414
San Benito	20	37	0.07%	0.06%	0.06%	38	1.01	114,425	69	0.49	55,881	124,179	99,672	-	-	99,672	99,672
San Bernardino	2,611	5,822	8.74%	9.81%	9.49%	5,632	1.14	130,078	10,138	71.90	9,352,243	20,782,763	16,681,266	-	(145,914)	16,535,353	16,535,353
San Diego	781	2,133	2.62%	3.59%	3.30%	1,959	1.18	133,903	3,526	25.00	3,348,125	7,440,278	5,971,932	-	(52,237)	5,919,695	5,919,695
San Francisco	377	816	1.26%	1.37%	1.34%	796	1.69	191,746	1,432	10.16	1,947,760	4,328,355	3,474,151	-	(30,389)	3,443,762	3,443,762
San Joaquin	606	1,272	2.03%	2.14%	2.11%	1,252	1.05	119,543	2,253	15.98	1,910,444	4,245,431	3,407,591	-	(29,807)	3,377,785	3,377,785
San Luis Obispo	148	289	0.49%	0.49%	0.49%	291	1.02	115,760	523	3.71	429,390	954,201	765,888	-	-	765,888	765,888
San Mateo	87	154	0.29%	0.26%	0.27%	159	1.61	183,131	287	2.03	372,259	827,243	663,986	-	-	663,986	663,986
Santa Barbara	245	476	0.82%	0.80%	0.81%	479	1.21	137,982	863	6.12	844,134	1,875,853	1,505,651	-	(13,170)	1,492,481	1,492,481
Santa Clara	186	644	0.62%	1.09%	0.95%	561	1.48	168,702	1,011	7.17	1,209,234	2,687,186	2,156,867	-	(18,866)	2,138,001	2,138,001
*Santa Cruz	84	155	0.28%	0.26%	0.27%	159	1.10	125,362	285	2.02	253,780	563,955	452,658	111,297	-	-	563,955
Shasta	226	436	0.76%	0.74%	0.74%	440	0.93	105,214	792	5.62	590,939	1,313,197	1,054,036	-	(9,220)	1,044,817	1,044,817
*Sierra	6	14	0.02%	0.02%	0.02%	14	0.71	80,275	25	0.18	14,151	31,447	25,241	6,206	-	-	31,447
*Siskiyou	47	71	0.16%	0.12%	0.13%	78	0.69	78,056	140	0.99	77,444	172,097	138,134	33,964	-	-	172,097
Solano	163	378	0.54%	0.64%	0.61%	362	1.19	135,162	651	4.62	623,882	1,386,404	1,112,796	-	-	1,112,796	1,112,796
Sonoma	218	578	0.73%	0.97%	0.90%	535	1.20	135,889	962	6.82	927,270	2,060,600	1,653,939	-	(14,467)	1,639,472	1,639,472
Stanislaus	180	541	0.60%	0.91%	0.82%	486	1.03	117,028	876	6.21	726,725	1,614,945	1,296,234	-	(11,338)	1,284,896	1,284,896
*Sutter	116	104	0.39%	0.17%	0.24%	142	0.94	107,143	255	1.81	193,840	430,755	345,745	18,068	-	-	363,813
*Tehama	87	123	0.29%	0.21%	0.23%	138	0.76	86,622	248	1.76	152,563	339,029	272,121	66,908	-	-	339,029
*Trinity	20	22	0.07%	0.04%	0.05%	27	0.75	84,999	49	0.35	29,648	65,884	52,882	13,002	-	-	65,884
Tulare	687	1,121	2.30%	1.89%	2.01%	1,194	0.97	110,796	2,150	15.25	1,689,221	3,753,824	3,013,003	-	(26,355)	2,986,648	1,984,956
*Tuolumne	100	85	0.33%	0.14%	0.20%	119	0.83	94,219	214	1.52	142,750	317,223	254,619	50,055	-	-	304,674
Ventura	230	511	0.77%	0.86%	0.83%	495	1.25	142,374	891	6.32	899,340	1,998,532	1,604,120	-	(14,031)	1,590,089	1,590,089
Yolo	189	339	0.63%	0.57%	0.59%	350	1.30	148,210	631	4.47	662,976	1,473,280	1,182,527	-	-	1,182,527	1,182,527
Yuba	125	187	0.42%	0.31%	0.35%	205	1.22	138,557	370	2.62	363,283	807,295	647,975	-	-	647,975	600,000
Total	29,867	59,350	100.00%	100.00%	100.00%	59,350	1.00		106,829	758	\$ 104,616,076	\$ 232,480,168	\$ 186,600,000	\$ 1,514,534	\$ (1,514,534)	\$ 186,600,000	\$ 185,664,227

Median annual salary of county attorneys \$ 113,656

* Courts with small court adjustments

BLS = Bureau of Labor Statistics; CW = child welfare