

### Item 3: Allocation of Domestic Violence—Family Law Interpreter Program Funding

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## REPORT TO THE JUDICIAL COUNCIL

For business meeting on: January 23, 2014

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Title	Agenda Item Type
Domestic Violence: Family Law Interpreter Program Allocations	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	January 23, 2014
Recommended by	Date of Report
Administrative Office of the Courts Curtis L. Child, Chief Operating Officer Diane Nunn, Director Donna Hershkowitz, Director	January 9, 2014
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### Executive Summary

At its August 23, 2013, meeting, the Judicial Council approved \$1.73 million for fiscal year (FY) 2013–2014 for the Domestic Violence—Family Law Interpreter Program (DVFLI) using Program 45.45 (Court Interpreter) expenditure authority from the Trial Court Trust Fund Program instead of the State Trial Court Improvement and Modernization Fund. Since 2001–2002, the DVFLI program has reimbursed courts for costs related to providing interpreters in domestic violence, elder abuse, and family law matters up to the allocation. However, for many years, the requests for funding for interpretation of domestic violence cases alone has exceeded the funding available. This report requests determination of a funding formula for the DVFLI program.

### Recommendation

1. The Administrative Office of the Courts (AOC) recommends that the Judicial Council review the information provided and adopt the prior year’s methodology which focuses on funding of domestic violence matters and allocates based on prior year’s expenditures and current year’s request.

### Previous Council Action

Beginning in FY 2001–2002, the Judicial Council of California authorized an annual allocation of \$1.6 million from the State Trial Court Improvement and Modernization Fund (STCIMF) to fund interpreters for limited-English-proficiency litigants in domestic violence cases through the DVFLI program. In November 2005, the council increased funding to \$1.75 million and authorized expenditures in two additional case types, elder abuse protective orders and general

family law, with a requirement that priority be given to domestic violence cases. For the last five years, requests for funding for domestic violence cases alone have been greater than the available funding.

On August 23, 2013, effective with the 2013–2014 funding cycle, the council approved a recommendation from the Trial Court Budget Advisory Committee to shift the funding source for the Family Law Interpreter Program (\$1.73 million) from the STCIMF to the Trial Court Trust Fund using Program 45.45 (Court Interpreter) expenditure authority. This change will improve and streamline the DVFLI program.

### **Rationale for Recommendation**

Courts are asked to submit a simple request for funding for domestic violence, elder abuse, and family law matters and to submit a yearend report that notes how many interpretations were provided with the DVFLI funding. Attachment A, entitled *2013–2014 Funding Chart Domestic Violence—Family Law Interpreter Program*, sets out the requests for funding by category. The amount of \$3,026.976 was requested by 46 trial courts, of which \$1,880,519 was for domestic violence.

In past years, staff developed a formula intended for distribution which is set out below. Proposed allocations were reviewed and approved by the Administrative Director of the Courts who had been delegated this responsibility by the Judicial Council.

This methodology is designed to provide a fair and equitable share of the funding to participating trial courts. It focuses resources on an area of great need—domestic violence—and allows courts flexibility to use the allocated funds for elder abuse and family law if any funds remain, as these issues are often inextricable with domestic violence.

The steps used for this methodology are:

1. Compare the court's request for funding against the previous year's expenditures for domestic violence interpretation.
2. Approve the actual expenditures for domestic violence interpretation in the past fiscal year, or, if the request is for the lower amount, for the amount of the request. For courts that have not previously applied for funding, recommend full funding of request for domestic violence matters.
3. If allocated funds remain, divide the remaining amount by the amount of total unfunded requests for domestic violence to establish a percentage to be allocated to all courts that have not been fully funded.
4. If, instead, a deficit exists, divide the deficit by the amount of unfunded requests for domestic violence to establish a percentage to be cut from all courts requesting funding.

*Applying the Methodology to Fiscal Year 2013–2014*

Attachment A sets out the requests for funding in 2013–2014 and applies the proposed formula for distribution.

- Funding the amount of 2012–2013 domestic violence interpreter expenses or, if lower, the courts’ current year requests, equals \$1,659,796.
- Allocate a percentage of the remaining \$70,204 in available funds to those courts that have identified a need for more funds than they spent for interpreters in domestic violence matters in the previous fiscal year. For FY 2013–2014, the percentage to be distributed to each court is 32%.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for comment as that would further delay reimbursing the courts.

Other alternatives considered included providing full funding of requests for interpretation in domestic violence, elder abuse, and family law cases. This alternative would allow courts to handle cases involving persons who need interpreters in these critical case types. Often the issue of domestic violence is a factor in a family law case, but is not initially identified on pleadings, which precludes or delays the provision of an interpreter in those matters. Many courts report that over 70% of their family law cases involve at least one self-represented person. Without an attorney available to present the case, it is extremely difficult for the court to address matters involving persons with limited English proficiency.

As set forth in Attachment A, courts have requested \$3,026,976 for this fiscal year. Some courts did not make a request for funding for interpreters in family law matters, possibly because the requests for interpretation in domestic violence matters have exceeded funding available for many years.

The Judicial Council will be considering distribution of additional funds from Project 45-45 in a separate discussion item at its meeting on January 23, 2014. Given that there may need to be an additional process to determine the full level of funding needed for the courts, it seems most prudent to allocate the \$1.73 million already approved by the Judicial Council at this point, and allow a separate process for any additional funding.

Another alternative considered was to allocate the funds between the courts based upon a percentage of the court’s requested funding for domestic violence interpretation and the total amount available. This alternative also provides for the distribution of only the allocated amount, and follows the Judicial Council’s directive to make domestic violence a priority. Rather than comparing the request to prior year’s funding to determine if the requested funds are likely to be spent, it uses a simple formula to give a similar percentage of funding for interpretation in domestic violence matters to all the courts. This alternative may encourage requests for higher

amounts than can be appropriately spent for domestic violence interpretation and will not reflect actual usage.

### **Implementation Requirements, Costs, and Operational Impacts**

There are no significant implementation requirements or costs associated with the methodology. However, moving the project to the Court Interpreter Program will significantly reduce operational procedures for both the trial courts and the AOC.

#### *Prior Practice*

Upon completing the methodology model, allocations were approved by the Administrative Director of the Courts. Staff then developed an Inter Branch Agreement (IBA) for participating courts. Execution of the IBA was required before courts were able to submit an invoice to receive reimbursement.

#### *New Structure*

Under the new structure, reimbursements will be handled similarly to the Court Interpreter Programs. IBAs will not be required nor will courts have to submit a monthly invoice. Information will be retrieved from Phoenix, and courts will be reimbursed accordingly via an electronic wire.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

This recommendation helps implement Goal I of the Judicial Council's strategic plan, Access, Fairness, and Diversity by providing more interpreter services as well as Goal IV, Quality of Justice and Service to the Public by implementing effective practices to enhance procedural fairness and reduce the time and expense of court hearings as well as encourage court users to have a better understanding of court orders, procedures, and processes.

### **Attachments**

1. Attachment A: *2013–2014 Funding Chart, Domestic Violence—Family Law Interpreter Program*

**ATTACHMENT A - 2013-2014 Funding Chart Domestic Violence- Family Law Interpreter Program**

Court	2013-2014 Request				2012-2013		2013-2014 Proposed Allocation				2013-2014 Option applying percentage based on DV request without reference to past usage	
	Domestic Violence	Elder Abuse	Family Law	Total Request	Domestic Violence (Only) Expenses	Lesser of DV Request or Prior Year Expense	32% Augmentation of unfunded DV Request	Total Proposed Allocation	% of DV Need	Total Proposed Allocation		
Alameda	38,509	-	-	38,509	32,213	32,213	2,002	34,215	2.0%	35,426		
Amador	1,000	-	4,000	5,000	114	114	282	396	0.1%	920		
Butte	500	-	200	700	157	157	109	266	0.0%	460		
Contra Costa	68,000	2,000	-	70,000	67,509	67,509	156	67,665	3.6%	62,556		
El Dorado	6,440	-	5,900	12,340	6,438	6,438	1	6,439	0.3%	5,924		
Fresno	22,412	606	7,269	30,287	8,266	8,266	4,498	12,764	1.2%	20,618		
Glenn	9,708	67	-	9,775	9,708	9,708	-	9,708	0.5%	8,931		
Humboldt	1,332	-	1,457	2,789	1,332	1,332	-	1,332	0.1%	1,225		
Imperial	18,915	-	-	18,915	18,915	18,915	-	18,915	1.0%	17,401		
Inyo	3,000	-	2,000	5,000	3,847	3,000	-	3,000	0.2%	2,760		
Kern	28,316	-	-	28,316	28,316	28,316	-	28,316	1.5%	26,049		
Kings	800	2,200	-	3,000	1,062	800	-	800	0.0%	736		
Los Angeles	721,007	-	581,743	1,302,750	721,007	721,007	-	721,007	38.3%	663,284		
Madera	30,000	4,000	4,000	38,000	36,099	30,000	-	30,000	1.6%	27,598		
Marin	6,564	-	6,101	12,665	6,564	6,564	-	6,564	0.3%	6,038		
Mendocino	2,050	-	3,520	5,570	1,752	1,752	95	1,847	0.1%	1,886		
Merced	3,500	500	31,000	35,000	2,259	2,259	395	2,654	0.2%	3,220		
Modoc	125	-	125	250	35	35	29	64	0.0%	115		
Mono*	1,872	-	5,615	7,487	-	1,872	-	1,872	0.1%	1,722		
Monterey	40,000	1,000	40,000	81,000	27,640	27,640	3,930	31,570	2.1%	36,798		
Napa	7,054	-	7,112	14,166	8,054	7,054	-	7,054	0.4%	6,489		
Nevada	1,606	220	206	2,032	1,317	1,317	92	1,409	0.1%	1,477		
Orange	159,278	-	-	159,278	101,742	101,742	18,296	120,038	8.5%	146,526		
Placer	9,000	-	12,000	21,000	8,700	8,700	95	8,795	0.5%	8,279		
Riverside	149,797	-	78,899	228,696	149,797	149,797	-	149,797	8.0%	137,805		
Sacramento	59,280	780	17,940	78,000	59,941	59,280	-	59,280	3.2%	54,534		

Court	2013-2014 Request				2012-2013 Domestic Violence (Only) Expenses	2013-2014 Proposed Allocation			2013-2014 Option applying percentage based on DV request without reference to past usage	
	Domestic Violence	Elder Abuse	Family Law	Total Request		Lesser of DV Request or Prior Year Expense	32% Augmentation of unfunded DV Request	Total Proposed Allocation	% of DV Need	Total Proposed Allocation
San Bernardino	15,182	-	152,765	167,947	56,556	15,182	-	15,182	0.8%	13,967
San Diego	50,000	-	-	50,000	28,366	28,366	6,880	35,246	2.7%	45,997
San Francisco	75,000	3,000	30,000	108,000	65,000	65,000	3,180	68,180	4.0%	68,996
San Joaquin	5,040	-	-	5,040	603	603	1,411	2,014	0.3%	4,637
San Luis Obispo	16,000	-	-	16,000	16,439	16,000	-	16,000	0.9%	14,719
San Mateo	20,000	2,000	30,000	52,000	7,039	7,039	4,122	11,161	1.1%	18,399
Santa Barbara	1,899	100	5,857	7,856	1,899	1,899	-	1,899	0.1%	1,747
Santa Clara	157,144	-	-	157,144	113,968	113,968	13,730	127,698	8.4%	144,563
Santa Cruz	21,918	-	3,131	25,049	3,621	3,621	5,818	9,439	1.2%	20,163
Shasta	17,744	-	21,109	38,853	17,744	17,744	-	17,744	0.9%	16,323
Sierra	1,850	-	-	1,850	1,138	1,138	226	1,364	0.1%	1,702
Solano	7,439	-	-	7,439	7,190	7,190	79	7,269	0.4%	6,843
Sonoma	8,500	-	3,800	12,300	8,574	8,500	-	8,500	0.5%	7,820
Stanislaus	10,000	1,200	6,000	17,200	7,729	7,729	722	8,451	0.5%	9,199
Sutter	14,220	-	-	14,220	8,455	8,455	1,833	10,288	0.8%	13,082
Tulare	46,949	282	54,530	101,761	46,949	46,949	-	46,949	2.5%	43,190
Tuolumne	2,000	-	-	2,000	1,731	1,731	86	1,817	0.1%	1,840
Ventura	15,020	-	7,000	22,020	9,559	9,559	1,737	11,296	0.8%	13,818
Yolo	3,579	-	1,693	5,272	2,571	2,571	321	2,892	0.2%	3,292
Yuba	1,000	500	3,000	4,500	765	765	75	840	0.1%	920
	1,880,549	18,455	1,127,972	3,026,976	1,708,680	1,659,796	70,199	1,729,995	100.0%	1,729,995