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Administrative Director
Judicial Council

March 28, 2025

Hon. Scott D. Wiener
Chair, Senate Committee on Budget and Fiscal Review
Chair, Joint Legislative Budget Committee
1020 N Street, Room 502
Sacramento, California 95814

Hon. Jesse Gabriel
Chair, Assembly Committee on Budget
Vice-Chair, Joint Legislative Budget Committee
1021 O Street, Suite 8230
Sacramento, California 95814

Re: *Report on Allocation of Funding in 2024–25 for Federally Funded Dependency Representation Program Shortfall*

Dear Senator Wiener and Assembly Member Gabriel:

Under item 0250-102-0932, provision 2, of the Budget Act of 2024, the Judicial Council is submitting this *Report on Allocation of Funding in 2024–25 for Federally Funded Dependency Representation Program Shortfall*.

In January 2019, the U.S. Department of Health and Human Services made court-appointed counsel in dependency proceedings eligible for federal matching funds. The Judicial Council established the Federally Funded Dependency Representation Program (FFDRP) beginning fiscal year (FY) 2019–20 to support the courts and court-appointed counsel (CAC) providers in accessing these newly available federal funds to support enhanced legal representation services for families and children in dependency proceedings. For FY 2024–25, an estimated maximum of $66 million is available in federal matching dollars to courts and CAC providers.

The $66 million estimate is based on the amount that the 2024 Budget Act provided in state General Fund for court-appointed dependency counsel. FFDRP providers are unable to reach the federal reimbursement maximum for two reasons: (1) the scope of services eligible for reimbursement under federal funding is narrower than under the state General Fund, and (2) not all providers are currently capable of providing the type of documentation required for federal reimbursement. Participating providers were able to bill 53 percent in FY 2019–20; 64 percent in FY 2020–21; 72 percent in FY 2021–22; 71 percent in FY 2022–23; and 69 percent in FY 2023–24.

To address these issues, the Budget Act of 2024 includes a provision that up to $30 million of General Fund be made available to the Judicial Council to reimburse courts and providers for any gap existing between the $66 million estimate and what the state is able to recover in federal funds. In FY 2023–24, $15 million of the General Fund made available by the provisional authority was used to reimburse courts and providers for this purpose.

As required by the 2024 Budget Act, this report identifies (a) the total federal reimbursements invoiced statewide in the first two quarters of the current fiscal year; (b) projected shortfalls in year-end federal reimbursements; and (c) a proposed allocation and distribution of any portion of the $30 million necessary to address projected shortfalls.

(a) The total federal reimbursements invoiced statewide in the first two quarters of the current fiscal year.
The Judicial Council estimates that approximately 500 invoices will be submitted for expenses in quarters one and two. These invoices are typically submitted at least two months after the quarter ends. At the time of this report the Judicial Council has received 144 or approximately 30 percent of the expected invoices for quarters one and two, for a total of $11 million in federal reimbursements.

(b) Projected shortfalls in year-end federal reimbursements.
Based on the data on legal representation invoices that were eligible for federal reimbursement, Judicial Council staff project a shortfall in federal reimbursements of approximately $17 million to $24 million in FY 2024–25.

(c) A proposed allocation and distribution of any portion of the $30 million necessary to address projected shortfalls.
By June 30, 2025, the Judicial Council will issue contracts to fund approximately 52 to 82 providers that entered into an FFDRP contract and have submitted invoices for every month under contract—or documented extenuating circumstances preventing them from invoicing.

It is expected that participating providers will have submitted all FY 2024–25 FFDRP invoices to the Judicial Council by July 25, 2025, so that the final shortfall amount in federal reimbursements can be determined.

By August 18, 2025, providers will have invoiced the council for the federal reimbursement shortfall amount so that all quarterly payments can be issued before September 30, 2025.

If you have any questions related to this report, please contact Ms. Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts, at 415-865-7706.

Sincerely,

Michelle Curran
Administrative Director
Judicial Council

MC/AF/gl
cc: Cara L. Jenkins, Legislative Counsel
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