



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-101

For Circulating Order CO-22-02 on: May 10, 2022

Title

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

Agenda Item Type

Action Required

Effective Date

July 1, 2022

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

April 14, 2022

Recommended by

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

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Executive Summary

The Trial Court Budget Advisory Committee recommends approval that the Judicial Council allocate funding for the AB 1058 Child Support Commissioner and Family Law Facilitator Program for 2022–23. The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council. The agreement requires the council to annually approve the funding allocation for each court for the child support commissioners and family law facilitators.

Recommendation

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

1. Approve the allocation for the child support commissioner side of the program for fiscal year 2022–23 as set forth in Attachment A. This allocation maintains the current workload-based methodology approved by the Judicial Council in July 2021; and

2. Approve the allocation for the family law facilitator side of the program for fiscal year 2022–23 as set forth in Attachment B. This allocation maintains the current population-based methodology approved by the Judicial Council in July 2021.

This recommendation was presented to the Judicial Branch Budget Committee on April 6, 2022 and approved for consideration by the Judicial Council.

Relevant Previous Council Action

The Judicial Council is required to annually allocate non-trial court funding to the AB 1058 program and has done so since 1997.¹ A cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council provides the funds for this program and requires the council to annually approve the funding allocation. Two-thirds of the funds are federal, and one-third comes from the state General Fund (non-trial court funding). Any funds left unspent at the end of the fiscal year revert to the state General Fund and cannot be used in subsequent years.

In 2015, the AB 1058 Funding Allocation Joint Subcommittee was formed to review the historical AB 1058 program funding methodology. On January 16, 2019, the approved a new workload-based funding methodology for the child support commissioner (CSC) program and maintained the historical family law facilitator (FLF) funding methodology until fiscal year 2021–22 as recommended by the subcommittee.² On July 9, 2021, the council approved a new population-based methodology for the FLF program and maintained the workload-based methodology with updated workload data for the CSC program.³

On October 1, 2021, the Judicial Council approved the allocation of \$4.45 million in new base funding made available to the AB 1058 program in the Budget Act of 2021. Of the new funding, 75percent was distributed to the CSC side of the program and prorated to courts with unmet need as determined by the CSC workload-based funding methodology. In addition, of the new funding, 25 percent was distributed to the FLF side of the program and the majority was prorated

¹ Assembly Bill 1058 added article 4 to chapter 2 of part 2 of division 9 of the Family Code, which at section 4252(b)(6) requires the Judicial Council to “[e]stablish procedures for the distribution of funding to the courts for child support commissioners, family law facilitators pursuant to [Family Code] Division 14 (commencing with Section 10000), and related allowable costs.”

² More details can be found in the Judicial Council report for the January 2019 meeting: Judicial Council of Cal., Advisory Com. Rep., *Child Support: AB 1058 Child Support Commissioner and Family Law Facilitator Program Funding Allocation* (Nov. 21, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6953308&GUID=A6F15A78-08B6-42DA-8826-19A6AF0B7CBI>.

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

to courts with unmet need, with the remainder prorated to all courts as determined by the FLF population-based funding methodology.⁴

Analysis/Rationale

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

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

Policy implications

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

Comments

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

Alternatives considered

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

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

Fiscal and Operational Impacts

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

Attachments and Links

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

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

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

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

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