



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: May 17, 2019

Title	Agenda Item Type
Allocations and Reimbursements to Trial Courts: Continued Children's Waiting Room Funds Distribution	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	May 17, 2019
Recommended by	Date of Report
Trial Court Budget Advisory Committee Hon. Jonathan B. Conklin, Chair	April 22, 2019
	Contact
	Melissa Ng, 916-263-1754 melissa.ng@jud.ca.gov

Executive Summary

Effective October 1, 2018, the Superior Court of Contra Costa County closed its Children's Waiting Room (CWR) at its Pittsburg facility in order to relocate the CWR to the Peter L. Spinetta Family Law Center in Martinez, which currently houses its family law operations. The Superior Court of Contra Costa County is requesting to continue to receive CWR funds in order to build sufficient resources to reopen in Martinez by July 2019. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the continuation of the distribution of funds to allow the court to resume ongoing operations at its new location without decreasing service levels.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective May 17, 2019, approve the continuation of the distribution of CWR funds to the Superior Court of Contra Costa County to allow the court to accumulate sufficient funding to operate the CWR full time at its new location in Martinez, scheduled to reopen in July 2019.

Relevant Previous Council Action

The Judicial Council's Children's Waiting Room Distribution and Fund Balance Policy was last revised by the council on March 24, 2017 (see Attachment A).

Analysis/Rationale

Per Government Code section 70640, after January 1, 2006, a court may apply to the Judicial Council for a CWR distribution between \$2 and \$5, inclusive, from applicable filing fees (see Attachment B). The Judicial Council's policy requires the Trial Court Budget Advisory Committee to make a recommendation to the council on a court's request. The Superior Court of Contra Costa County's request for a continued CWR distribution is provided in Attachment C.

Attachment D provides the current distribution amount and total distributions for 2015–16, 2016–17, 2017–18, and 2018–19 (for the period of July–October 2018) for the 18 courts that currently have a CWR distribution.

Attachment E provides the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (Gov. Code, § 70611) for the Superior Court of Contra Costa County. There is no change in the distribution for this request because the court is already receiving a CWR distribution.

Policy implications

There are no policy implications from approving this request.

Comments

This item was not circulated for public comment.

Alternatives considered

No alternatives were considered.

Fiscal and Operational Impacts

Approving the court's request for a continued CWR distribution would reduce by approximately \$126,000 the total amount of uniform, first paper civil filing fee revenues that would otherwise support all courts' Trial Court Trust Fund base allocations for court operations.

Attachments and Links

1. Attachment A: Children's Waiting Room (CWR) Distribution and Fund Balance Policy
2. Attachment B: Government Code Section 70640
3. Attachment C: Superior Court of Contra Costa County's CWR Continued Distribution Request
4. Attachment D: Children's Waiting Room—Distribution Amount and Total Distribution
5. Attachment E: Distribution from First Paper General Civil Unlimited Uniform Filing Fee (Gov. Code, § 70611) in Contra Costa County

Children's Waiting Room (CWR) Distribution and Fund Balance Policy

A. Applying for a New CWR Distribution

- A court's presiding judge or executive officer must submit a request to the director of the Judicial Council Finance Office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
 - Date of the council meeting at which the court is requesting consideration.
 - Requested effective date of the distribution (July 1 or January 1). If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).
 - The scheduled opening date of the CWR(s).
 - Description of the CWR(s).
 - The date when the court intends to make expenditures related to operating its CWR(s).
 - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance Office to provide an estimate of annual distributions.
- The Trial Court Budget Advisory Committee (TCBAC) will make a recommendation to the council on each court's request.
- If the council approves that distributions begin prior to the operating of a CWR but the court does not operate a CWR six months after their planned opening date, the court must apply for a continued distribution.

B. Requesting a Decreased CWR Distribution Amount

- Any court's request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

C. Temporarily or Permanently Ceasing CWR Operations

- Courts that cease operating all CWRs must notify the director of the JC Finance Office within 60 days of the cessation date. Unless a court provides notification and submits an application to continue receiving distributions while not operating a CWR within 60 days of the cessation date, the court's CWR distributions will be stopped either January 1 or July 1, whichever is earlier, and the court will be required to return any CWR fund balance to the TCTF.
- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return of the CWR fund balance will occur on the February trial court distribution for those courts that the CWR distribution stopped on January 1, and on the August distribution for those courts that the CWR distributions stopped on July 1.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

Children's Waiting Room (CWR) Distribution and Fund Balance Policy

- An application for a continued distribution must include all the information required of courts applying for a new distribution (see section A above) as well as the amount of any CWR fund balance.
- The TCBAC will make a recommendation to the Judicial Council on each court's application.
- For courts that apply and whose application is denied by the Judicial Council, any CWR fund balance shall be returned to the TCTF.

D. Cap on CWR Fund Balance

- Courts shall monitor the CWR distribution amount per filing to ensure it is adequate to meet the CWR needs of the court without accumulating an amount in excess of the cap described below.
- Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next. The cap shall be the amount of the highest annual distribution within the three most recent fiscal years.
- Courts that have a CWR fund balance greater than the cap (as described above) at the end of the every other fiscal year (beginning with fiscal year 2016–2017) will be required to return to the TCTF the amount above the cap in the subsequent fiscal year.
- For courts that are required to return the portion of their CWR fund balance above the cap to the TCTF, the return of the CWR fund balance will occur on the August trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.
- The cap applies only to courts that have received at least 12 months of distributions in a fiscal year while operating a CWR.
- If a court wants a cap adjustment, it must submit a request explaining the extenuating circumstance and including its CWR expenditure plan to the director of the JC Finance Office for consideration by the TCBAC and the Judicial Council. The request must be received by the Finance Director within 60 days of the end of the fiscal year for which the adjustment is being requested.
- JC staff will report any return of CWR fund balance through the trial court distribution process to the TCBAC and the Judicial Council.
- For courts that have Judicial Council–approved adjustments to their CWR caps, annual reporting will be required 60 days after the end of each fiscal year for courts that have an adjustment to their CWR cap approved by the Judicial Council, using a template provided by Judicial Council staff.

E. Courts that have Received a Distribution but Never Operated a CWR

- Courts that received distributions between January 1, 2006 and June 30, 2014 but did not operate a CWR during that time period must either apply for a continued distribution by

Children's Waiting Room (CWR) Distribution and Fund Balance Policy

September 26, 2015 or have their distributions stopped on January 1, 2016 and return to the TCTF any CWR fund balance.

- For courts that are required to return all of their remaining CWR fund balance to the TCTF, the return will occur on the October 2015 trial court distribution.
- If there is a dispute between a court and JC staff over the amount of CWR fund balance that should be returned to the TCTF, the dispute will be brought before the TCBAC and the Judicial Council if the two parties cannot come to a resolution within 90 days of the cessation date.

Government Code Section 70640

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, monthly allocations for children's waiting rooms shall be added to the monthly apportionment under subdivision (a) of Section 68085 for each court where a children's waiting room has been established or where the court has elected to establish that service.

(b) The amount allocated to each court under this section shall be equal to the following: for each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670, and each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658, the same amount as was required to be collected as of December 31, 2005, to the Children's Waiting Room Fund under former Section 26826.3 in the county in which the court is located when a fee was collected for the filing of a first paper in a civil action under former Section 26820.4.

(c) Notwithstanding any other provision of law, the court may make expenditures from these allocations in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(d) If, as of January 1, 2006, there is a Children's Waiting Room Fund in the county treasury established under former Section 26826.3, the county immediately shall transfer the moneys in that fund to the court's operations fund as a restricted fund. By February 15, 2006, the county shall provide an accounting of the fund to the Administrative Office of the Courts.

(e) After January 1, 2006, the court may apply to the Judicial Council for an adjustment of the amount distributed to the fund for each uniform filing fee. A court that wishes to establish a children's waiting room, and does not yet have a distribution under this section, may apply to the Judicial Council for a distribution. Applications under this subdivision shall be made according to trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206. Adjustments and new distributions shall be effective January 1 or July 1 of any year beginning January 1, 2006.

(f) The distribution to a court under this section per each filing fee shall be not less than two dollars (\$2) and not more than five dollars (\$5).

(Amended by Stats. 2007, Ch. 130, Sec. 135. Effective January 1, 2008.)

October 18, 2018

*Superior Court of California*COUNTY OF CONTRA COSTA
725 COURT STREET
P.O. BOX 911
MARTINEZ, CA 94553-0091Zlatko Theodorovic
Director of Budget Services
Judicial Council of California
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4353

Re: Notification of Temporary Closure of Children's Waiting Room and Request to Continue Receiving CWR Distribution

Dear Mr. Theodorovic:

The Contra Costa Superior Court closed its Children's Waiting Room (CWR) at the Richard E. Arnason Justice Center located at 1000 Center Drive in Pittsburg effective October 1, 2018. Public utilization of the CWR in Pittsburg had decreased since Family Law operations was relocated from the Pittsburg facility to the Peter L. Spinetta Family Law Center in Martinez last fiscal year, and therefore it is no longer viable to continue operating a CWR in the Pittsburg facility.

There is significant public demand and need for a CWR in Martinez where Family Law services are centrally located. The Court has requested self-help funding to build a CWR in the Peter L. Spinetta Family Law Center that is larger than the Pittsburg CWR. The Court has obtained a cost estimate to build a bathroom and perform other renovation work to transform the space into a CWR. If funding for this project is approved, the Court will proceed with the renovation work, hire a new vendor to staff and operate the CWR, and aim to re-open the CWR in Martinez by July 2019.

It is requested that the Judicial Council approve Contra Costa Superior Court's continued receipt of its CWR distribution at the next council meeting. The Court currently receives a CWR distribution at the \$5 level and has a CWR fund balance of \$165,136. The cost of operating the CWR full-time has exceeded the annual allocation for the last four fiscal years, thus the fund balance was used to cover the annual shortfall. It is anticipated that once the CWR reopens in Martinez, the fund balance will be needed to help pay for the costs of operating the CWR full-time. If approved to continue receiving CWR distributions during this temporary closure, the Court will be in a better position to resume ongoing operations without decreasing service levels for a longer period of time. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kate Bieker".

Kate Bieker
Court Executive Officer

KB/FL

cc: Hon. Jill Fannin, Presiding Judge
Hon. Barry Baskin, Assistant Presiding Judge
Fae Li, Director of Finance

Children's Waiting Room
Distribution Amount and Total Distribution

	Court	Distribution Amount	2015-16 Total Distribution	2016-17 Total Distribution	2017-18 Total Distribution	2018-19 July 2018-October 2018
	A	B	C	D	E	F
1	Alameda	\$5	\$ 162,487	\$ 188,819	\$ 169,579	\$ 58,756
2	Butte	\$5	\$ 19,372	\$ 27,096	\$ 11,227	\$ -
3	Contra Costa	\$5	\$ 104,333	\$ 129,349	\$ 116,444	\$ 43,687
4	Fresno	\$5	\$ 98,469	\$ 121,401	\$ 110,504	\$ 41,229
5	Los Angeles	\$5	\$ 830,421	\$ 1,295,100	\$ 1,480,168	\$ 537,728
6	Monterey	\$5	\$ 32,856	\$ 40,826	\$ 20,230	\$ -
7	Orange	\$5	\$ 369,617	\$ 466,843	\$ 421,645	\$ 150,500
8	Riverside	\$5	\$ 253,815	\$ 317,869	\$ 287,070	\$ 100,732
9	Sacramento	\$5	\$ 504,807	\$ 373,901	\$ 348,234	\$ 167,253
10	San Bernardino	\$5	\$ -	\$ 297,239	\$ 288,108	\$ 93,426
11	San Diego	\$5	\$ 336,581	\$ 430,649	\$ 380,780	\$ 131,162
12	San Francisco	\$5	\$ 115,160	\$ 140,230	\$ 124,923	\$ 45,990
13	San Joaquin	\$5	\$ -	\$ -	\$ 91,233	\$ 31,958
14	San Luis Obispo	\$5	\$ 23,484	\$ 29,250	\$ 25,681	\$ 9,557
15	San Mateo	\$5	\$ 64,791	\$ 81,204	\$ 71,715	\$ 25,953
16	Santa Barbara	\$5	\$ 39,686	\$ 48,354	\$ 43,675	\$ 14,719
17	Santa Clara	\$5	\$ 147,497	\$ 174,867	\$ 162,279	\$ 58,617
18	Solano	\$5	\$ 46,724	\$ 56,083	\$ 54,379	\$ 19,232
19	Sonoma	\$5	\$ 45,987	\$ 55,979	\$ 49,926	\$ 18,314
20	Stanislaus	\$2	\$ 19,924	\$ 24,371	\$ -	\$ -
21	Ventura	\$5	\$ 84,342	\$ 103,657	\$ 92,008	\$ 32,383
	Total		\$ 3,302,071	\$ 4,403,087	\$ 4,349,806	\$ 1,581,195

Distribution from First Paper General Civil Unlimited
Uniform Filing Fee (Gov. Code, §70611) in
Contra Costa County

Distribution	State vs. Local	Current
Trial Court Trust Fund Base Allocation	State	\$311.70
Children's Waiting Room	State	\$5.00
Automated Record Keeping and Micrographics	State	\$3.00
Judges' Retirement Fund	State	\$2.50
State Court Facilities Construction Fund	State	\$35.00
Immediate & Critical Needs Account	State	\$30.00
Local Courthouse Construction Surcharges		\$0.00
Equal Access Fund	Local	\$4.80
Dispute Resolution	Local	\$8.00
Law Library	Local	\$35.00
Fee Amount		\$435.00