



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-166

For business meeting on September 20, 2024

Title

Equal Access Fund: Distribution of Funds for CARE Act Legal Representation

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

None

Effective Date

September 20, 2024

Recommended by

Judicial Council staff
Charlene Depner, Director
Center for Families, Children & the Courts

Date of Report

August 23, 2024

Contact

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Executive Summary

Judicial Council staff recommend approving the distribution of \$18,761,000 to the Legal Services Trust Fund Commission of the State Bar of California for the implementation of the Community Assistance, Recovery, and Empowerment (CARE) Act as authorized by the Budget Act of 2024. The commission will distribute a portion of these funds through the Equal Access Fund as grants to qualified legal services projects to provide legal counsel for representation in CARE Act proceedings or to county public defender offices or public defender services shared with another county or organization providing public defender services to the county in the event that no qualified legal services project is available to provide representation; to qualified support centers or other entities that have expertise in providing legal training and technical assistance to legal aid providers or public defenders related to the implementation of the CARE Act; and to the State Bar of California for administration of this program.

Recommendation

Judicial Council staff recommends that the Judicial Council, effective September 20, 2024, approve the distribution of \$18,761,000 to the Legal Services Trust Fund Commission of the State Bar of California for the implementation of the Community Assistance, Recovery, and Empowerment Act (Link A), as authorized by the Budget Act of 2024 (Link B).

Relevant Previous Council Action

On September 19, 2023, the Judicial Council approved allocation of \$22,852,000 to the Legal Services Trust Fund Commission to distribute to qualified legal services projects, qualified support centers, and county public defender offices for the implementation of the CARE Act in the counties of Glenn, Los Angeles, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne (Link C).

On January 20, 2023, the Judicial Council approved allocation of \$250,000 to the Legal Services Trust Fund Commission to distribute to qualified legal services projects and qualified support centers for planning efforts related to the CARE Act (Link D).

Analysis/Rationale

The Budget Act of 2024 provides that by December 1, 2024, the Judicial Council shall distribute the funds for CARE Act legal representation to the commission, which will distribute:

- \$16,750,000 through the Equal Access Fund as grants to qualified legal services projects to provide legal counsel pursuant to Welfare and Institutions Code section 5976(c) for representation in CARE Act proceedings or to county public defender offices or public defender services shared with another county or organization providing public defender services to the county in the event that no qualified legal services program is available to provide representation;
- \$838,000¹ as grants to qualified support centers or other entities that have expertise in providing legal training and technical assistance to legal aid providers or public defenders related to the implementation of the CARE Act; and
- \$1,173,000 to the State Bar of California for administration of this program.

The commission must use a formula to determine grant amounts to award to qualified legal services projects in the counties identified in Welfare and Institutions Code sections 5970.5(a) and (b). Any funds not awarded to legal services providers in each county shall be allocated to that county's public defender office or public defender services shared with another county or organization providing public defender services to the county to provide CARE Act services.

Qualified legal services projects, support centers, public defender offices, and public defender services shared with another county or organization providing public defender services to the county that receive these funds are required to comply with data collection and reporting requirements specified in the Budget Act. The commission will utilize the data reporting framework that was developed in consultation with the Judicial Council to ensure consistent and

¹ The Budget Act of 2024 provides that if any of the \$838,000 funds remain after grants are awarded, upon order of the Department of Finance, up to \$275,000 shall be transferred to the State Public Defender to provide legal training and technical assistance to legal aid providers or public defenders related to the implementation of the CARE Act.

comparable data reporting. The commission is responsible for (1) collecting outcome data from each county’s public defender office or public defender services shared with another county or organization providing public defender services to the county, qualified legal services projects, and support centers; and (2) providing the Judicial Council an annual report that includes funding allocations, annual expenditures, and program outcomes by service area and service provider. The commission shall coordinate with the Judicial Council to ensure that the data collection and reports comply with the Judicial Council’s CARE Act reporting requirements.

Policy implications

The distribution of these funds helps implement Goal I of the Judicial Council’s strategic plan—Access, Fairness, Diversity, and Inclusion—by increasing representation for low-income persons.

Comments

Public comments were not solicited for this proposal because the recommendations are within the Judicial Council’s purview to approve without circulation.

Alternatives considered

No alternatives were considered because the funding is allocated as directed by the Budget Act.

Fiscal and Operational Impacts

The recommendations contained in this report will have no direct fiscal effect on the courts. Judicial Council staff will work with the staff of the commission to oversee administration of the funds, data collection, and reporting. Staff will also provide support to the commission to facilitate administration of the funds.

Attachments and Links

1. Link A: Community Assistance, Recovery, and Empowerment (CARE) Court Program (Sen. Bill 1338; Stats. 2022, ch. 319),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1338
2. Link B: Budget Act of 2024 (Assem. Bill 107; Stats. 2024, ch. 22),
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB107
3. Link C: Judicial Council report, Sept. 8, 2023, Item 23-179, *Equal Access Fund: Distribution of Funds for CARE Act Legal Representation*,
<https://jcc.legistar.com/View.ashx?M=F&ID=12285712&GUID=63DF3F24-A083-46DF-B776-D265249C01CA>
4. Link D: Judicial Council report, Dec. 14, 2022, Item 23-053, *Equal Access Fund: CARE Act Planning Funds for Legal Services Organizations*,
<https://jcc.legistar.com/View.ashx?M=F&ID=11533936&GUID=EC0848A2-1C74-47A4-9BAA-787A7CC451BD>