



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-087

For business meeting on July 12, 2024

Title

Trial Court Budget: Fiscal Year 2024–25
Allocation of Court-Appointed Juvenile
Dependency Counsel Funding

Agenda Item Type

Action Required

Effective Date

July 1, 2024

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

June 11, 2024

Recommended by

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

Contact

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Executive Summary

The fiscal year 2024–25 budget for court-appointed dependency counsel is \$186.7 million. The Judicial Council is required to approve the allocation of court-appointed dependency counsel funding on an annual basis.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective July 1, 2024, allocate \$186.7 million for fiscal year 2024–25 to the trial courts for court-appointed juvenile dependency counsel costs.

This recommendation was presented to the Judicial Branch Budget Committee on May 16, 2024, and approved for consideration by the Judicial Council.

Relevant Previous Council Action

Court-appointed dependency counsel became a state fiscal responsibility in 1989 through the Brown-Presley Trial Court Funding Act (Sen. Bill 612; Stats. 1988, ch. 945). The act added section 77003 to the Government Code, defined “court operations” in that section as including

court-appointed dependency counsel, and made an appropriation to fund trial court operations. In 1997, the Lockyer-Isenberg Trial Court Funding Act (Assem. Bill 233; Stats. 1997, ch. 850) provided the funding for, and delineated the parameters of, the transition to state trial court funding that had been outlined in the earlier legislation.

Court-appointed dependency counsel funding is distributed to the courts based on a workload model adopted by the council in 2016¹ and amended in 2022.² The funding methodology includes several adjustments for small courts to ensure that these courts have adequate funding to meet their needs. Small-court adjustments include (1) suspending reallocation-related budget reductions for the smallest courts, with caseloads under 200, (2) adjusting the local economic index for the small courts, with dependency caseloads under 400, and (3) slightly reducing the funding allocations of all large-court budgets to offset the costs for small courts.

Based on current workload and filing information, 33 courts are in the small-court category, with 27 of those courts meeting the “smallest court” criteria.³

Analysis/Rationale

A total of \$186.7 million is allocated in the annual budget for court-appointed juvenile dependency counsel. The fiscal year 2024–25 allocations to trial courts in Attachment A were derived using the methodology designated in the Judicial Council reports listed above. Attachment B details the total funding need for court-appointed dependency counsel using the methodology designated in those same reports.

The key factors used in this methodology are (for each court):

- A three-year rolling average of original dependency filings;
- A three-year rolling average of number of children in foster care;⁴ and

¹ Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (Apr. 1, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4382676&GUID=E8BCCA8A-5DED-48C3-B946-6E21EBB0BEAF>.

² Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Fiscal Year 2022–23 Allocation of Court-Appointed Juvenile Dependency Counsel Funding* (June 24, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11019079&GUID=CB0A2EE1-B3CF-43AC-B92B-F4724B5D209C>.

³ Because of downward trends in dependency filings, the small court adjustments will likely apply to more courts, which may result in some small courts receiving increased funding despite drops in caseloads.

⁴ On February 27, 2020, the California Child Welfare Indicators Project site was updated to improve navigation and offer new features. With these changes, some previously available views of the data were removed. Cases opened and not identified to a specific court are assigned to the service component “Missing.”

To comply with California Department of Social Services (CDSS) data de-identification guidelines, “masking” is performed to protect the privacy of individuals served by CDSS. In reporting the number of children served, any service component with a value between 1 and 10 is masked. Two courts, Alpine and Mono had total values between 1 and 10; therefore, the number of children served was masked and identified with (M). With the aim of maintaining confidentiality and allocating funds to each of these courts, each was allotted a value of 10 as of reporting period July 1, 2023.

- Current county counsel salaries at the median of the first two salary ranges reported by counties, and the current index from the U.S. Bureau of Labor Statistics.

Policy implications

There are no policy implications to consider for the recommended allocation.

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 recommended allocation outlined in Attachment A was determined using the methodology approved by the council.

Fiscal and Operational Impacts

This recommendation is for the allocation of funds that are included in the fiscal year 2024–25 budget. Hence, no additional costs or impacts are anticipated.

Attachments and Links

1. Attachment A: Fiscal Year 2024–25 Allocation of Dependency Counsel Funding
2. Attachment B: Fiscal Year 2024–25 Total Funding Need for Court-Appointed Dependency Counsel Based on 2016 Workload Methodology

