



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 16, 2016

Title

Child Support: AB 1058 Funding Allocation
Joint Subcommittee Interim Report

Agenda Item Type

Information Only

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November 29, 2016

Submitted by

AB 1058 Funding Allocation Joint
Subcommittee
Hon. Irma Poole Asberry, Cochair
Hon. Mark A. Juhas, Cochair
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Executive Summary

At its meeting on April 17, 2015, the Judicial Council approved the recommendation from the Family and Juvenile Law Advisory Committee that the AB 1058 Funding Allocation Joint Subcommittee be established to reconsider the allocation methodology developed in 1997 for the AB 1058 Child Support Commissioner and Family Law Facilitator Program. The subcommittee—which included representatives from the Family and Juvenile Law Advisory Committee, Trial Court Budget Advisory Committee, Workload Assessment Advisory Committee, and California Department of Child Support Services—was charged to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

At that meeting, the Judicial Council approved the subcommittee's recommendations, with modifications, to allocate funding using the historical funding methodology and to develop a workload-based funding methodology for implementation beginning in fiscal year (FY) 2018–2019. The Judicial Council additionally reconstituted the subcommittee and directed it to report back at the December 2016 council meeting on its progress in developing a recommendation for the Judicial Council on a workload-based funding methodology. This report is to provide an update to the council on the subcommittee's progress.

Previous Council Action

At its meeting on April 17, 2015, the council approved the recommendation from the Family and Juvenile Law Advisory Committee that the AB 1058 Funding Allocation Joint Subcommittee be established to review the allocation methodology developed in 1997 for the AB 1058 Child Support Commissioner and Family Law Facilitator Program. After three open meetings, the subcommittee, at its February 26, 2016, meeting, presented to the council its recommendations and the separate recommendations of the Family and Juvenile Law, Trial Court Budget, and Workload Assessment Advisory Committees. At that meeting, the council approved the following actions:

- Adopt the recommendation of the subcommittee for revising the process of how funds are moved from one court to another during a fiscal year to maximize program resources.
- Reappoint the joint subcommittee for at least fiscal year 2016–2017 to continue consideration of the allocation of the Assembly Bill 1058 funds.
- Continue to allocate funding using the historical model for fiscal years 2016–2017 and 2017–2018, develop a workload-based funding methodology to begin implementation in FY 2018–2019, and coordinate with the California Department of Child Support Services (DCSS) on its current review of funding allocations for local child support agencies.
- Instruct the subcommittee to continue its work to determine accurate and complete workload numbers to include in a funding methodology for both child support commissioners and family law facilitators.
- When developing a funding methodology, determine whether the family law facilitator methodology should use different underlying data than the child support commissioner methodology, and identify what data should be used, given that different factors drive commissioner and facilitator workloads.
- As part of the subcommittee’s funding methodology determination, establish a subject-matter–expert (SME) group comprising both child support commissioners and family law facilitators to provide input and expertise to the joint subcommittee.
- Instruct the subcommittee to report back to the council at its December 2016 meeting after providing a report to the Trial Court Budget, Workload Assessment, and Family and Juvenile Law Advisory Committees to ensure statewide input.

Methodology and Process

The new AB 1058 Funding Allocation Joint Subcommittee began its work with an initial meeting on June 30, 2016. This meeting served to orient members to the history of AB 1058 funding and the prior work of the subcommittee as well as to discuss next steps. The

subcommittee's two subsequent meetings were both open meetings. No public comments were received for either meeting, although members of the public did call in to the listen-only line. At its August 8, 2016, meeting, staff from the Office of Court Research who support the Workload Assessment Advisory Committee presented information on the Resource Assessment Study (RAS).

At its September 22, 2016, meeting, Ms. Alisha Griffin, Director of DCSS, presented on the funding methodology review process for the local child support agencies. Ms. Griffin explained that DCSS created an internal committee, the Budget Allocation Methodology Committee, to investigate various factors for possible inclusion in the final methodology. Two models are currently being reviewed, one that mathematically merges several factors and apportions funds based on each county's part of the whole and a second that mathematically establishes a base and modifies up or down based on additional factors. DCSS expects to develop a consensus on the base components of a funding methodology within the next few months. DCSS additionally plans on requesting additional funding from the Legislature in the fall of 2017, which would allow any increases to be implemented in the 2018–2019 fiscal year.

Subject-matter–expert groups

Under the council's directive, two subject-matter–expert groups were formed—one composed of child support commissioners (CSCs) and another of family law facilitators (FLFs)—to provide input and expertise to the joint subcommittee. The membership for the CSC group was selected by the California Court Commissioners Association and the membership for the FLF group by the California Family Law Facilitators Association. There are nine CSC members and seven FLF members representing courts of various sizes both in population and geography throughout the state. The chairs for each group are also members of the joint subcommittee. These chairs facilitate communication and instructions from the joint subcommittee to the SME groups and update the joint subcommittee on the information gathered by the SME groups.

The CSC SME group has held six conference calls and the FLF SME group ten, with additional calls scheduled. Each group developed an exploratory survey that was distributed to all CSCs and FLFs throughout the state in an attempt to identify unique factors that may affect workload. The surveys were not intended to measure workload, but rather to uncover possible variables worth further consideration. The SME groups used the information obtained from the surveys to conduct focus groups at the AB 1058 Child Support Training Conference in Los Angeles on August 30, 2016. The SME groups continue to meet as needed to serve as a vehicle for further input from CSCs and FLFs to the subcommittee.

In addition to identifying unique factors in the child support program that affect workload, the joint subcommittee has also instructed the SME groups to identify best practices that can create efficiencies within the program. These innovative practices could then be replicated in other courts to ensure that the program goals could continue to be met even if a court receives a different funding allocation.

Additional statewide input

The AB 1058 Child Support Training Conference afforded an additional opportunity for statewide input from CSCs and FLFs. The conference included a plenary session dedicated to the issue of the funding allocation methodology. The panelists provided information about the history of AB 1058 funding, updates about the joint subcommittee meetings, an overview of RAS and the Workload-Based Allocation and Funding Methodology (WAFM), and the work of the SME groups, including the preliminary results of the surveys distributed to their respective constituencies.

After the plenary session, each SME group held a focus group session, at which the attending CSCs and FLFs had an opportunity to provide more in-depth input about factors affecting workload as well as to ask questions about the funding allocation methodology review process. Subcommittee members who attended the conference provided information about the focus group discussions at the subcommittee meeting on September 22, 2016.

Advisory committees

The joint subcommittee approved the draft of this interim report on October 17, 2016. Thereafter, under the council's directive, the report was provided to the three advisory committees to ensure statewide input.

On October 12, 2016, the Workload Assessment Advisory Committee (WAAC) met telephonically and received a verbal update from WAAC's co-chair to the joint subcommittee on the group's progress to date. At that meeting, WAAC determined that it would vote to approve the interim report by e-mail, unless, upon initial review, members felt it warranted additional discussion. On October 31, 2016, a notice was posted to WAAC's website that it proposed to act by e-mail between meetings on November 2, 2016. No public comments were received and no WAAC members requested additional discussion of the report. As of the approval deadline on November 4, 15 of the 17 WAAC members had submitted votes, all to approve the report.

On November 7, 2016, the Family and Juvenile Advisory Committee held a public meeting at the San Francisco Judicial Council office, at which time it considered the interim report. No public comments were received regarding the report. By acclamation, the interim report was approved.

On November 10, 2016, the Trial Court Budget Advisory Committee (TCBAC) held a public meeting in the Sacramento Judicial Council office, at which time it considered the interim report. No public comments were received regarding the report. Members discussed the importance of identifying a quantifiable workload measure, and staff indicated the subcommittee's continued effort to do so. No objections or concerns were raised regarding the interim report.

Next Steps

The subcommittee will continue to work on its development of a workload-based funding methodology for the AB 1058 program in coordination with the DCSS funding methodology

review process, consistent with the directives of the council. The subcommittee will likely have a recommendation on a new funding methodology for consideration by the council at its January or February 2018 meeting to provide adequate time for implementation of the new methodology for the 2018–2019 fiscal year.