



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 27, 2015

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Title	Agenda Item Type
Juvenile Dependency: Proposed Allocation for Fiscal Year 2015–2016 for Juvenile Dependency Counsel Collections Program	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	October 27, 2015
Recommended by	Date of Report
Trial Court Budget Advisory Committee Hon. Jonathan B. Conklin, Chair	October 14, 2015
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### Executive Summary

Under the Juvenile Dependency Counsel Collections Program (JDCCP), courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The Trial Court Budget Advisory Committee recommends allocating the \$872,692 remitted through the JDCCP in fiscal year 2014–2015 to the trial courts using the methodology adopted by the council at its August 23, 2013, meeting.

### Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective October 27, 2015:

1. Allocate the \$872,692 remitted through the Juvenile Dependency Counsel Collections Program in fiscal year (FY) 2014–2015 to the trial courts using the methodology adopted by the council; and

2. Direct staff to notify courts regarding the remaining balance of JDCCP funding allocated in FY 2013–2014 and FY 2014–2015, and the amount of any new allocations in FY 2015–2016. Any portion of a court’s allocated funds not distributed should be carried forward for distribution to the court in FY 2015–2016 and subsequent years.

The allocations provided in Attachment A are preliminary and determined using the methodology approved by the council at its August 23, 2013, meeting.<sup>1</sup> Judicial Council staff is still in the process of confirming which courts are eligible to receive an allocation based on council policy. Confirmation of the eligibility of all courts should be completed by no later than mid-November.

### **Previous Council Action**

At its October 26, 2012, meeting, the Judicial Council adopted the JDCCP guidelines,<sup>2</sup> which fulfilled the council’s legislative mandate to “establish a program to collect reimbursements from the person liable for the costs of counsel appointed to represent parents or minors pursuant to [Welfare & Institutions Code] Section 903.1 in dependency proceedings.” (Welf. & Inst. Code, § 903.47(a).)<sup>3</sup> As required by statute, the guidelines include a statewide standard for determining an obligated person’s ability to pay reimbursement as well as policies and procedures to allow courts to recover costs associated with implementing the program.

At its August 23, 2013, meeting, the council adopted amendments to the guidelines by adding current section 14, which addresses the outstanding issue of how the Judicial Council can equitably allocate the funds remitted through the JDCCP among the trial courts in compliance with the statutory mandate that the funds be used to reduce court-appointed attorney caseloads. Section 14 of the JDCCP guidelines describes the allocation methodology, which considers each court’s participation in the program and each court’s percentage of the statewide court-appointed counsel funding need.

The council then allocated funds remitted through the JDCCP for the first time since the JDCCP’s inception at the February 20, 2014, Judicial Council meeting.<sup>4</sup> At this meeting, the council approved an allocation of \$2.3 million to eligible trial courts using the methodology in section 14 of the JDCCP guidelines. This allocation represented funds collected from January 1, 2010 through June 30, 2013. At the October 28, 2014, Judicial Council meeting, the council

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<sup>1</sup> Judicial Council of Cal., *Juvenile Dependency: Counsel Collections Program Guidelines* (August 23, 2013), <http://www.courts.ca.gov/documents/jc-20130823-itemF.pdf>.

<sup>2</sup> The guidelines took effect January 1, 2013, and are published as Appendix F of the California Rules of Court. See [www.courts.ca.gov/documents/appendix\\_f.pdf](http://www.courts.ca.gov/documents/appendix_f.pdf).

<sup>3</sup> Judicial Council of Cal., *Juvenile Dependency: Counsel Collections Program* (October 26, 2012), [www.courts.ca.gov/documents/jc-20121026-itemA20.pdf](http://www.courts.ca.gov/documents/jc-20121026-itemA20.pdf).

<sup>4</sup> Judicial Council of Cal., *Trial Court Allocations: Criminal Justice Realignment, Court-Appointed Dependency Counsel, and Workers’ Compensation Liabilities* (February 20, 2014), [www.courts.ca.gov/documents/jc-20140220-itemJ.pdf](http://www.courts.ca.gov/documents/jc-20140220-itemJ.pdf).

again approved an allocation of \$525,139 to eligible trial courts.<sup>5</sup> This allocation represented funds collected from July 1, 2013 through June 30, 2014. Any portion of a court's allocated funds not spent and distributed has been carried forward for distribution to the court in FY 2015–2016 and subsequent years, even if a court is ineligible for an allocation in the current fiscal year.

### **Rationale for Recommendation**

The estimates of courts' funding needs are computed using the Caseload Funding Model (CFM) approved by the council in 2007 and 2008.<sup>6</sup> The CFM estimates that the total funding required to enable each full-time equivalent appointed dependency attorney to represent no more than 188 clients at a given time—the maximum caseload permissible to ensure the adequate and competent representation required by statute—is higher than the current state allocation. The current base allocation for court-appointed dependency counsel is \$114.7 million—less than the estimated need.

In FY 2014–2015, the trial courts remitted a cumulative \$872,692, excluding administrative costs and monies recovered to offset their cost of collections, through the JDCCP to the Trial Court Trust Fund (TCTF). These funds are part of the overall TCTF balance available for use in 2015–2016 and beyond. Statute requires the Judicial Council to allocate the monies remitted through the JDCCP to the trial courts for use to reduce court-appointed attorney caseloads to the council's approved standard.

For a court to be eligible to receive an allocation of these funds, it must meet the participation and funding need requirements described in section 14 of the JDCCP Guidelines.<sup>7</sup> Every court that has satisfied those requirements receives an allocation. Each eligible court's allocated share of the JDCCP funds is equivalent to its share of the aggregate funding need of all the eligible courts. Attachment A displays the recommended allocation amount for each court.

### **Comments, Alternatives Considered, and Policy Implications**

Because the recommended allocation outlined in Attachment A was determined using the methodology approved by the council at its August 2013 meeting, no alternatives to this proposal were considered.

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<sup>5</sup> Judicial Council of Cal., *Juvenile Dependency: Proposed Allocation for Fiscal Year 2014–2015 for Juvenile Dependency Counsel Collections Program* (October 28, 2014), [www.courts.ca.gov/documents/jc-20141028-itemK.pdf](http://www.courts.ca.gov/documents/jc-20141028-itemK.pdf).

<sup>6</sup> The CFM uses data collected in the 2002 Caseload Study to calculate the amount of time a court-appointed attorney would spend working on each stage of a juvenile dependency case. Because the basic elements of a dependency case remain the same as they were in 2002, the constants in the CFM remain valid indicators of attorney workload per case. The variable inputs in the CFM—total clients and attorney salaries—are updated periodically to reflect changing conditions.

<sup>7</sup> As described in section 14 of the JDCCP guidelines, a court demonstrates its participation in the program by submitting an annual report required by section 13 of the program guidelines and adopting a rule or policy to inquire regarding a responsible person's ability to reimburse the cost of appointed counsel at each dispositional hearing.

## **Implementation Requirements, Costs, and Operational Impacts**

This proposal is for the allocation of funds that have already been collected, including funds to cover the cost of distribution. Hence, no additional costs or impacts are anticipated.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

The JDCCP aligns with Judicial Council strategic Goal II, Independence and Accountability. Goal II specifies that “[t]he judiciary must maintain its status as an independent, separate, and co-equal branch of government . . . The judiciary will unify in its advocacy for resources and policies that support and protect independent and impartial judicial decisionmaking in accordance with the constitution and the law. The branch will maintain the highest standards of accountability for its use of public resources, and adherence to its statutory and constitutional mandates.” The courts’ collective efforts to implement the JDCCP—and the funds allocated from their collections efforts—demonstrate the branch’s adherence to statutory and constitutional mandates and highlight the judiciary’s unity in advocating for much-needed resources.

## **Attachments**

1. Attachment A: Preliminary Allocation per Court of \$872,692 in Collections Generated by the Juvenile Dependency Counsel Collections Program

Funding Analysis											
Court	Estimated Funding Need per Caseload Funding Model (CFM)	Estimated Funding Need as Percentage of Statewide Need (Col. A Total)	Allocation of Court Appointed Counsel (CAC) Base Funding in FY 15-16	Allocation as a Percentage of Total CAC Base Funding in FY 15-16 (Col. C Total)	Eligible for JDCCP Funding <sup>1</sup>	Funding Need of Eligible Courts	Need as a % of Total Need of Eligible Courts (Col. F Total)	Preliminary Allocation of FY 14-15 JDCCP Collections	Allocated to Courts in FY 13-14 & FY 14-15	FY 13-14 & FY 14-15 Allocation Spent through 8/31/15	FY 13-14 & FY 14-15 Allocation Remaining
Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. K	Col. L	Col. M	Col. N	
Alameda	\$3,568,391.25	2.50%	\$4,037,391.42	3.52%	N	-	0.00%	-	-	-	-
Alpine*	-	0.00%	-	0.00%	N	-	0.00%	-	-	-	-
Amador	108,977.36	0.08%	115,232.82	0.10%	N	-	0.00%	-	-	-	-
Butte	857,644.89	0.60%	664,922.53	0.58%	Y	857,644.89	0.89%	7,788.04	26,476.96	-	26,476.96
Calaveras	267,542.13	0.19%	123,939.87	0.11%	Y	267,542.13	0.28%	2,429.48	5,737.02	-	5,737.02
Colusa†	54,656.35	0.04%	38,470.84	0.03%	Y	54,656.35	0.06%	496.32	293.14	-	293.14
Contra Costa	2,783,093.72	1.95%	3,030,406.45	2.64%	N	-	0.00%	-	-	-	-
Del Norte	173,163.98	0.12%	214,730.47	0.19%	N	-	0.00%	-	-	-	-
El Dorado	634,259.75	0.44%	788,644.04	0.69%	N	-	0.00%	-	-	-	-
Fresno	3,090,382.13	2.16%	2,900,593.50	2.53%	N	-	0.00%	-	-	-	-
Glenn	170,096.83	0.12%	90,417.17	0.08%	Y	170,096.83	0.18%	1,544.60	5,261.47	5,261.00	0.47
Humboldt	531,239.24	0.37%	543,896.35	0.47%	N	-	0.00%	-	-	-	-
Imperial	657,410.15	0.46%	591,127.67	0.52%	N	-	0.00%	-	-	-	-
Inyo	36,325.76	0.03%	72,277.40	0.06%	N	-	0.00%	-	-	-	-
Kern	3,019,074.60	2.11%	2,347,547.69	2.05%	Y	3,019,074.60	3.14%	27,415.41	111,083.91	111,084.00	(0.09)
Kings	835,680.19	0.59%	354,778.66	0.31%	Y	835,680.19	0.87%	7,588.59	19,983.69	19,984.00	(0.31)
Lake	239,288.90	0.17%	296,119.41	0.26%	N	-	0.00%	-	-	-	-
Lassen	109,312.69	0.08%	106,890.87	0.09%	N	-	0.00%	-	-	-	-
Los Angeles	59,680,829.60	41.81%	40,230,156.50	35.07%	Y	59,680,829.60	62.10%	541,945.69	1,780,277.05	1,780,277.05	-
Madera	646,944.56	0.45%	225,443.30	0.20%	Y	646,944.56	0.67%	5,874.73	16,068.83	-	16,068.83
Marin	269,602.68	0.19%	388,488.02	0.34%	N	-	0.00%	-	-	-	-
Mariposa	37,799.72	0.03%	38,070.02	0.03%	N	-	0.00%	-	1,817.86	-	1,817.86
Mendocino	543,733.58	0.38%	711,060.06	0.62%	N	-	0.00%	-	-	-	-
Merced	1,086,997.22	0.76%	738,248.37	0.64%	Y	1,086,997.22	1.13%	9,870.73	32,783.77	-	32,783.77
Modoc	23,497.12	0.02%	16,089.69	0.01%	Y	23,497.12	0.02%	213.37	-	-	-
Mono	17,297.98	0.01%	13,956.28	0.01%	N	-	0.00%	-	103.62	104.00	(0.38)
Monterey	788,774.34	0.55%	434,540.70	0.38%	Y	788,774.34	0.82%	7,162.65	19,795.72	15,927.00	3,868.72
Napa	327,052.78	0.23%	212,285.18	0.19%	Y	327,052.78	0.34%	2,969.88	9,391.29	-	9,391.29
Nevada	190,277.81	0.13%	226,123.46	0.20%	N	-	0.00%	-	-	-	-
Orange	5,940,684.83	4.16%	6,418,278.21	5.60%	N	-	0.00%	-	-	-	-
Placer	817,300.25	0.57%	518,086.51	0.45%	Y	817,300.25	0.85%	7,421.69	21,945.48	-	21,945.48
Plumas	79,175.27	0.06%	154,059.11	0.13%	N	-	0.00%	-	-	-	-
Riverside	10,704,510.37	7.50%	6,080,321.99	5.30%	Y	10,704,510.37	11.14%	97,204.80	327,502.87	-	327,502.87
Sacramento	4,795,003.68	3.36%	5,205,426.30	4.54%	N	-	0.00%	-	-	-	-
San Benito	190,277.81	0.13%	89,163.23	0.08%	Y	190,277.81	0.20%	1,727.86	6,334.31	-	6,334.31
San Bernardino	8,847,918.22	6.20%	4,963,161.38	4.33%	Y	8,847,918.22	9.21%	80,345.58	242,055.83	2,641.00	239,414.83
San Diego	7,437,299.56	5.21%	9,408,199.40	8.20%	N	-	0.00%	-	-	-	-
San Francisco	2,946,535.55	2.06%	3,761,098.38	3.28%	N	-	0.00%	-	-	-	-
San Joaquin	2,714,055.11	1.90%	2,982,578.46	2.60%	N	-	0.00%	-	-	-	-
San Luis Obispo	783,022.49	0.55%	699,248.41	0.61%	N	-	0.00%	-	-	-	-
San Mateo	1,164,714.03	0.82%	554,581.81	0.48%	Y	1,164,714.03	1.21%	10,576.46	29,275.16	29,275.00	0.16
Santa Barbara	1,221,970.01	0.86%	1,557,378.94	1.36%	N	-	0.00%	-	-	-	-
Santa Clara	3,610,995.66	2.53%	4,508,063.17	3.93%	N	-	0.00%	-	-	-	-

<b>Funding Analysis</b>											
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Court	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. K	Col. L	Col. M	Col. N
Santa Cruz	664,719.84	0.47%	863,288.87	0.75%	N	-	0.00%	-	-	-	-
Shasta	932,733.52	0.65%	681,817.68	0.59%	Y	932,733.52	0.97%	8,469.90	28,641.28	28,641.00	0.28
Sierra	3,064.84	0.00%	13,758.53	0.01%	N	-	0.00%	-	-	-	-
Siskiyou	185,933.73	0.13%	245,373.43	0.21%	N	-	0.00%	-	-	-	-
Solano	920,126.17	0.64%	875,639.32	0.76%	N	-	0.00%	-	-	-	-
Sonoma	1,209,365.54	0.85%	1,137,764.28	0.99%	N	-	0.00%	-	-	-	-
Stanislaus	1,143,397.34	0.80%	1,107,189.42	0.97%	N	-	0.00%	-	-	-	-
Sutter	256,010.15	0.18%	143,904.29	0.13%	Y	256,010.15	0.27%	2,324.76	9,407.66	-	9,407.66
Tehama	341,729.86	0.24%	163,859.07	0.14%	Y	341,729.86	0.36%	3,103.16	10,364.15	-	10,364.15
Trinity	124,126.09	0.09%	93,829.12	0.08%	Y	124,126.09	0.13%	1,127.16	692.88	-	692.88
Tulare	1,735,722.06	1.22%	954,552.93	0.83%	Y	1,735,722.06	1.81%	15,761.63	49,300.85	-	49,300.85
Tuolumne	205,269.40	0.14%	110,593.02	0.10%	Y	205,269.40	0.21%	1,864.00	7,054.13	-	7,054.13
Ventura	2,100,302.42	1.47%	1,151,974.74	1.00%	Y	2,100,302.42	2.19%	19,072.29	59,142.74	59,142.36	0.38
Yolo	592,744.21	0.42%	404,106.64	0.35%	Y	592,744.21	0.62%	5,382.55	17,813.12	-	17,813.12
Yuba	331,544.67	0.23%	200,854.61	0.18%	Y	331,544.67	0.34%	3,010.67	1,534.17	-	1,534.17
Unallocated			100,000.00			-					
<b>Total</b>	<b>\$142,749,600.00</b>		<b>\$114,700,000.00</b>			<b>\$96,103,693.66</b>	<b>100.00%</b>	<b>\$872,692.00</b>	<b>\$2,840,138.96</b>	<b>\$2,052,336.41</b>	<b>\$787,802.55</b>
Reserved for admin.								233,390.00	528,653.00		
Total collected								1,106,082.00	3,368,791.96		

1. A court is eligible for an allocation if the court has met both the *Funding Need* and *Participation* requirements described in section 14 of the JDCCP Guidelines. This table indicates a court's eligibility to receive an allocation based on the *Funding Need* criteria. Courts that meet the *Funding Need* criteria must also meet the *Participation* requirements in order to receive an allocation.