



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 16, 2016

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Title	Agenda Item Type
Juvenile Dependency: Proposed Allocation for Fiscal Year 2016–2017 for Juvenile Dependency Counsel Collections Program	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 16, 2016
Recommended by	Date of Report
Trial Court Budget Advisory Committee Hon. Jonathan B. Conklin, Chair	November 29, 2016
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### Executive Summary

Under the Juvenile Dependency Counsel Collections Program and as directed in Welfare and Institutions Code section 903.1, 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 \$629,077, the fiscal year 2015–2016 statutorily restricted funds remitted in excess of dependency counsel program administrative costs, to the trial courts calculated according to the methodology adopted by the Judicial Council at its August 23, 2013, business meeting.

### Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council allocate \$629,077, the fiscal year (FY) 2015–2016 Juvenile Dependency Counsel Collections Program (JDCCP) funds remitted in excess of dependency counsel program administrative costs, to the trial courts calculated according to the methodology adopted by the Judicial Council at its August 23, 2013, business meeting. (Attachment A shows projected allocations based on

information received at the time of this report.) The recommended allocation outlined in Attachment A has been determined using the methodology approved by the council at its August 23, 2013, meeting.<sup>1</sup>

### **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. In FY 2014–2015 and FY 2015–2016, the council approved allocations of \$525,139 and \$872,692, respectively, to eligible trial courts.<sup>5</sup> Any portion of a court’s allocated funds not spent and distributed has been carried forward for distribution to the court in FY 2016–2017 and subsequent years, even if a court is ineligible for an allocation in the current fiscal year.

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<sup>1</sup> Judicial Council of Cal., *Juvenile Dependency: Counsel Collections Program Guidelines* (Aug. 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* (Oct. 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* (Feb. 20, 2014), [www.courts.ca.gov/documents/jc-20140220-itemJ.pdf](http://www.courts.ca.gov/documents/jc-20140220-itemJ.pdf).

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

When establishing the program, the Legislature authorized the Judicial Council to expend up to \$556,000 of these funds for administrative services provided to the trial courts in support of the court-appointed dependency counsel program. The language authorizes the Judicial Council to use the funds in support of the dependency counsel program, not simply in support of the collections component of the program.

### **Rationale for Recommendation**

The estimates of courts' funding needs are computed using the dependency workload model approved by the council in April 2016 and updated in July 2016.<sup>6</sup> The current base allocation for court-appointed dependency counsel is \$114.7 million—less than the estimated need.

In FY 2015–2016, the trial courts remitted a total of \$629,077, excluding monies recovered to offset their cost of collections and dependency counsel program administrative costs, under the JDCCP and as directed in statute to the Trial Court Trust Fund (TCTF). These monies are part of the restricted TCTF fund balance available for use in 2016–2017 and beyond. Statute requires the Judicial Council to allocate the monies remitted 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. This report is not required to circulate for public comment.

### **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

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<sup>6</sup> Judicial Council of Cal., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (Apr. 15, 2016), <https://jcc.legistar.com/LegislationDetail.aspx?ID=2603151&GUID=823D2AF5-E76A-434D-A863-8E325AC8901E>.

<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.

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: Recommended FY 2016–2017 Trial Court Allocations of \$629,077 in Juvenile Dependency Counsel Collections Program Funds

Recommended FY 2016–2017 Trial Court Allocations of \$629,077 in Juvenile Dependency Counsel Collections Program Funds

Court	Estimated Funding Need (JC Report–July 2016) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in FY 16–17 Col. C	Allocation as a Percentage of Total CAC Base Funding in FY 16–17 (Col. C Total) Col. D	Eligible for JDCCP Funding <sup>1</sup> Col. E	Funding Need of Eligible Courts (Col. A when Col. E equals "Y") Col. F	Need as a % of Total Need of Eligible Courts (Col. F Total) Col. G	Recommended FY 16–17 Allocation of JDCCP Collections (Col. G x \$629,077) Col. H	Trial Court Allocations Through FY 15–16 Col. I	Trial Court Distributions Through August 2016 Col. J	Undistributed Trial Court Allocations Through August 2016 Col. K
Alameda	\$5,383,316.90	2.65%	\$3,618,313.44	3.15%	N	-	0.00%	-	-	-	-
Alpine*	1,286.18	0.00%	399.40	0.00%	N	-	0.00%	-	-	-	-
Amador	178,286.62	0.09%	115,232.82	0.10%	N	-	0.00%	-	-	-	-
Butte	1,106,812.58	0.55%	627,554.46	0.55%	N	-	0.00%	-	35,484.54	-	35,484.54
Calaveras	333,724.33	0.16%	142,757.91	0.12%	N	-	0.00%	-	5,737.02	-	5,737.02
Colusa†	66,498.71	0.03%	40,667.26	0.04%	N	-	0.00%	-	293.14	-	293.14
Contra Costa	3,506,911.67	1.73%	2,600,337.31	2.27%	N	-	0.00%	-	-	-	-
Del Norte	204,589.68	0.10%	214,730.47	0.19%	N	-	0.00%	-	-	-	-
El Dorado	786,288.94	0.39%	655,569.07	0.57%	N	-	0.00%	-	-	-	-
Fresno	4,328,262.54	2.13%	2,670,600.45	2.33%	N	-	0.00%	-	-	-	-
Glenn	151,336.59	0.07%	90,417.17	0.08%	N	-	0.00%	-	5,261.47	5,261.00	0.47
Humboldt	601,875.76	0.30%	462,558.00	0.40%	N	-	0.00%	-	-	-	-
Imperial	742,948.53	0.37%	518,512.14	0.45%	N	-	0.00%	-	-	-	-
Inyo	37,749.09	0.02%	72,277.40	0.06%	N	-	0.00%	-	-	-	-
Kern	3,925,556.90	1.93%	2,277,752.96	1.98%	N	-	0.00%	-	142,792.33	111,084.00	31,708.33
Kings	1,100,786.63	0.54%	443,477.85	0.39%	Y	1,100,786.63	0.95%	5,983.09	28,760.58	19,984.00	8,776.58
Lake	220,141.96	0.11%	296,119.41	0.26%	N	-	0.00%	-	-	-	-
Lassen	134,195.49	0.07%	106,890.87	0.09%	N	-	0.00%	-	-	-	-
Los Angeles	91,087,855.31	44.89%	45,149,389.17	39.33%	Y	91,087,855.31	78.70%	495,088.60	2,407,086.57	2,407,086.57	0.00
Madera	862,871.88	0.43%	293,833.31	0.26%	N	-	0.00%	-	16,068.83	-	16,068.83
Marin	333,014.78	0.16%	388,488.02	0.34%	N	-	0.00%	-	-	-	-
Mariposa	44,150.16	0.02%	38,070.02	0.03%	N	-	0.00%	-	1,817.86	-	1,817.86
Mendocino	582,177.26	0.29%	566,908.04	0.49%	N	-	0.00%	-	-	-	-
Merced	1,434,600.34	0.71%	751,396.71	0.65%	N	-	0.00%	-	32,783.77	-	32,783.77
Modoc	28,094.83	0.01%	17,127.56	0.01%	N	-	0.00%	-	-	-	-
Mono	21,537.62	0.01%	13,956.28	0.01%	N	-	0.00%	-	103.62	104.00	(0.38)
Monterey	1,048,356.90	0.52%	494,823.26	0.43%	N	-	0.00%	-	19,795.72	19,796.00	(0.28)
Napa	455,792.67	0.22%	232,362.40	0.20%	N	-	0.00%	-	9,391.29	-	9,391.29
Nevada	219,989.00	0.11%	226,123.46	0.20%	N	-	0.00%	-	-	-	-
Orange	8,189,943.48	4.04%	5,648,064.84	4.92%	N	-	0.00%	-	-	-	-
Placer	1,524,646.26	0.75%	687,985.18	0.60%	Y	1,524,646.26	1.32%	8,286.89	30,529.33	-	30,529.33
Plumas	90,648.50	0.04%	154,059.11	0.13%	N	-	0.00%	-	-	-	-
Riverside	13,748,021.77	6.78%	6,411,054.48	5.58%	Y	13,748,021.77	11.88%	74,724.44	439,929.07	-	439,929.07
Sacramento	7,760,416.47	3.82%	4,832,997.22	4.21%	N	-	0.00%	-	-	-	-
San Benito	213,243.00	0.11%	89,163.23	0.08%	Y	213,243.00	0.18%	1,159.04	8,332.74	4,345.00	3,987.74
San Bernardino	12,529,694.37	6.18%	5,731,209.73	4.99%	N	-	0.00%	-	242,055.83	2,641.00	239,414.83
San Diego	8,931,746.94	4.40%	7,711,176.54	6.72%	N	-	0.00%	-	-	-	-
San Francisco	4,585,273.25	2.26%	3,296,145.80	2.87%	N	-	0.00%	-	-	-	-
San Joaquin	3,623,924.05	1.79%	2,601,178.01	2.27%	N	-	0.00%	-	-	-	-
San Luis Obispo	1,082,018.15	0.53%	647,979.76	0.56%	N	-	0.00%	-	-	-	-
San Mateo	1,622,673.01	0.80%	668,642.84	0.58%	Y	1,622,673.01	1.40%	8,819.69	41,507.80	29,275.00	12,232.80
Santa Barbara	1,446,032.59	0.71%	1,267,448.41	1.10%	N	-	0.00%	-	-	-	-
Santa Clara	4,616,974.79	2.28%	3,780,955.53	3.29%	N	-	0.00%	-	-	-	-

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Santa Cruz	849,078.98	0.42%	713,676.26	0.62%	N	-	0.00%	-	-	-	-
Shasta	1,042,834.92	0.51%	621,700.06	0.54%	N	-	0.00%	-	38,437.50	28,641.00	9,796.50
Sierra	5,694.63	0.00%	13,758.53	0.01%	N	-	0.00%	-	-	-	-
Siskiyou	200,532.61	0.10%	245,373.43	0.21%	N	-	0.00%	-	-	-	-
Solano	1,271,812.02	0.63%	801,056.91	0.70%	N	-	0.00%	-	-	-	-
Sonoma	1,446,554.35	0.71%	990,020.72	0.86%	N	-	0.00%	-	-	-	-
Stanislaus	1,573,914.45	0.78%	1,004,469.68	0.87%	N	-	0.00%	-	-	-	-
Sutter	331,108.83	0.16%	146,804.14	0.13%	Y	331,108.83	0.29%	1,799.67	12,096.46	-	12,096.46
Tehama	417,450.14	0.21%	177,633.97	0.15%	Y	417,450.14	0.36%	2,268.96	13,953.23	-	13,953.23
Trinity	118,304.32	0.06%	93,829.12	0.08%	N	-	0.00%	-	1,996.54	-	1,996.54
Tulare	2,235,713.06	1.10%	1,032,410.38	0.90%	Y	2,235,713.06	1.93%	12,151.74	67,530.61	-	67,530.61
Tuolumne	222,597.40	0.11%	110,593.02	0.10%	N	-	0.00%	-	7,054.13	-	7,054.13
Ventura	2,890,556.68	1.42%	1,284,628.22	1.12%	Y	2,890,556.68	2.50%	15,711.00	81,201.57	59,142.36	22,059.21
Yolo	833,176.04	0.41%	430,428.87	0.37%	N	-	0.00%	-	17,813.12	-	17,813.12
Yuba	567,380.60	0.28%	278,909.42	0.24%	Y	567,380.60	0.49%	3,083.88	5,016.28	-	5,016.28
Unallocated			200,000.00			-					
<b>Total</b>	<b>\$202,900,975.53</b>		<b>\$114,800,000.00</b>			<b>\$115,739,435.30</b>	<b>100.00%</b>	<b>\$629,077.00</b>	<b>\$3,712,830.96</b>	<b>\$2,687,359.93</b>	<b>\$1,025,471.03</b>
Reserved for admin.								252,982.00	845,548.66		
Total collected								882,059.00	4,558,379.62		

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.