



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-086

For business meeting on May 12, 2023

Title

Trial Court Budget: Allocations From the
Trial Court Trust Fund for 2022–23

Agenda Item Type

Action Required

Effective Date

May 12, 2023

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

April 21, 2023

Recommended by

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

Contact

Oksana Tuk, 916-643-8027
oksana.tuk@jud.ca.gov

Executive Summary

For 2022–23, the Judicial Council approved a \$650,000 allocation from the Trial Court Trust Fund to reimburse trial courts for expenditures related to elder or dependent adult abuse protective orders (Assem. Bill 59; Stats. 1999, ch. 561). The Trial Court Budget Advisory Committee recommends a current year increase of \$550,000, for a total allocation of \$1.2 million, to meet the increased reimbursements in 2022–23.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective May 12, 2023, approve a \$550,000 increase for the elder abuse reimbursement allocation for 2022–23 from the Trial Court Trust Fund, for a total allocation of \$1.2 million.

This recommendation was presented to the Judicial Branch Budget Committee on April 14, 2023 and approved for consideration by the Judicial Council.

Relevant Previous Council Action

Assembly Bill 59¹ authorized elders and dependent adults to seek emergency protective orders from nonrelative cohabitants under the Domestic Violence Protection Act for non-financially related abuses. It also created a new protective order for elder and dependent adult abuse, which includes financial abuse. The 2000 Budget Act (Stats. 2000, ch. 52) provided \$1.2 million to address court workload to process these orders. It also required that any funding not used for this purpose revert to the General Fund.

Since 2001–02, courts have been required to provide Judicial Council staff with the number of EA-100 forms filed with them on a quarterly basis for reimbursement of \$185 for each filing. Because of declining filings at the time, the Trial Court Budget Working Group (now the Trial Court Budget Advisory Committee) recommended, and the Judicial Council adopted at its business meeting on July 25, 2005,² a permanent redirection of \$875,000 of the \$1.2 million for processing elder and dependent adult abuse protective orders, to be used for other program areas. This change left a total of \$300,000 each year for elder abuse reimbursement costs.

In 2021–22, because of the increase in the number of protective orders in recent years, the Judicial Council approved an increase to the elder abuse reimbursement allocation for a total of \$650,000.³

Analysis/Rationale

The number of protective orders has continued to increase. As a result, last fiscal year's allocation was only able to reimburse courts for expenditures from the first and second quarter. The current year allocation amount is also approved at \$650,000.⁴ Based on available data and projections, the estimated total need for this reimbursement program is approximately \$1.2 million, reflecting the need for a \$550,000 increase to the existing allocation.

¹ Assem. Bill 59 (Stats. 1999, ch. 561), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=199920000AB59.

² Judicial Council of Cal., meeting agenda (July 25, 2005), www.courts.ca.gov/documents/age0705.pdf; Judicial Council meeting minutes (July 25, 2005), www.courts.ca.gov/documents/min0705.pdf.

³ Judicial Council of Cal., Judicial Branch Budget Com. Rep., *Trial Court Budget: Allocations from the Trial Court Trust Fund and Trial Court Allocations for 2021–22* (July 9, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9503183&GUID=6AEC14FF-C7BD-455E-9B5B-86E521702022>; Judicial Council of Cal., mins. (July 9, 2021), item 21-041, <https://jcc.legistar.com/View.ashx?M=M&ID=803683&GUID=7A91FDD5-4839-4018-9831-79E23D4383BF>.

⁴ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Allocations from the Trial Court Trust Fund and Trial Court Allocations for 2022–23* (July 15, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11018996&GUID=EFC36BA3-294F-4DC3-8C7E-1AC030ED7B72>; Judicial Council of Cal., mins. (July 15, 2022), item 22-044, <https://jcc.legistar.com/View.ashx?M=M&ID=869107&GUID=7982B915-4E53-4539-9B54-8536AB5EF9A1>.

Policy implications

This recommendation is consistent with the statutory requirement that the Judicial Council reimburse trial courts for expenditures related to elder or dependent adult abuse protective orders.

Comments

This item did not circulate for comment and received no public comment.

Alternatives considered

The Trial Court Budget Advisory Committee and the Judicial Branch Budget Committee did not consider alternative allocation amounts. Because this is a reimbursement program for eligible expenditures already incurred by the courts, the committees based their actions on available expenditure data and projections provided by council staff. In addition, the Trial Court Trust Fund fund balance projections provide assurance that sufficient resources exist to support the increased allocation.

Fiscal and Operational Impacts

Approval of the increased allocation is consistent with the principles of the budgeting process for the trial courts, which incorporates adjustments as needed and funding availability. The additional funding directed to the elder abuse reimbursement program allocation represents several hundred thousand dollars out of the approximately \$3 billion that is allocated for trial courts in 2022–23. Providing timely reimbursements for authorized expenditures enables the courts to meet their operational needs for the Elder Abuse program.

Attachments and Links

None.