



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 14–15, 2016

Title	Agenda Item Type
Juvenile Dependency: Court-Appointed Counsel Funding Reallocation	Information Only
Submitted by	Date of Report
Trial Court Budget Advisory Committee Hon. Jonathan B. Conklin, Chair	April 7, 2016
	Contact
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Executive Summary

Among at least some law firms that provide juvenile dependency counsel services, there still is concern about the Judicial Council's April 2015 decision to phase in a new methodology for allocating court-appointed dependency counsel funding. In addition, there is concern among the trial courts about the lack of necessary funding for dependency counsel. There is also concern, however, from many Trial Court Budget Advisory Committee members that it would be inappropriate to reverse course as to the funding methodology that was fully vetted and approved by this council in April 2015.

Previous Council Action

In April 2015 the Judicial Council approved a methodology for allocating the existing base funding of \$103,725,444 for court-appointed dependency counsel. Funding would be based on each court's workload as calculated by the workload model for juvenile dependency and adjusted to available funding statewide. The council decided to phase in the new allocation methodology with annual increases or decreases in fiscal year (FY) 2015–2016, FY 2016–2017, and FY 2017–2018; and in FY 2018–2019 all courts would receive an equivalent percentage of statewide funding as calculated by the workload model.

Concerns of Stakeholders

March 10, 2016 TCBAC Meeting

Before considering the 10 recommendations from the Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee, the Trial Court Budget Advisory Committee (TCBAC) heard from five public speakers at its March 10, 2016 meeting. Each speaker stated concerns about the negative impact that would result from the continued implementation of the Dependency Counsel Funding Allocation Methodology approved by the Judicial Council in April 2015. After hearing public comments, TCBAC members also discussed the methodology's impact. Nearly all of the committee members expressed concern, if not dismay, about the lack of appropriate funding currently available for dependency counsel. It became clear that most, if not all, courts are underfunded based on current dependency counsel needs.

Considering the lack of necessary funding and the impact of reallocating what funds are currently available, some TCBAC members proposed that the previously approved allocation methodology be suspended to allow for updated information to be provided so that the impact of that methodology could be reevaluated. They noted that providers of dependency counsel services—typically private law firms—claimed they would be unable to provide the same level of service, or would be forced to cease offering services, if the current funding allocation methodology were not suspended or abandoned. In response, some committee members noted that similar claims had been made to the Judicial Council at the time the council considered, and ultimately adopted, the methodology. Other TCBAC members opined that the issue of an appropriate allocation methodology should be considered separate and apart from the issue of the appropriate level of dependency counsel funding included in the Governor's proposed budget.

The TCBAC discussion was originally scheduled to last 45 minutes; however, in order to allow for a full discussion, the Chair permitted it to continue for approximately 90 minutes. At its conclusion, the full committee considered a motion to suspend the previously approved Dependency Counsel Funding Allocation Methodology; after a voice vote, that motion was defeated 20 to 5. Subsequently, a motion was made to adopt all 10 of the joint subcommittee's recommendations; that motion was approved unanimously.

The TCBAC voted unanimously to approve providing the council with Attachment A, which displays the allocation under the first year of implementation (FY 2015–2016) of the reallocation methodology that was adopted by the council in April 2015 and the scheduled allocations, assuming no new funding, in FY 2016–2017 and FY 2017–2018.

Attachment B, *Phase-In of Reallocation of Court-Appointed Dependency Counsel Funding: Current vs. Recommended Workload Model*, displays the phase-in of funding over the period 2016–2017 to 2018–2019 under the new workload funding methodology (using preliminary computations) assuming (a) no new funding and (b) an additional \$22.4 million in new funding starting in 2016–2017.

Attachments and Links

1. Attachment A: Court-Appointed Dependency Counsel Funding Reallocation, Assuming Constant 2015–2016 Funding Level
2. Attachment B: Phase-In of Reallocation of Court-Appointed Dependency Counsel Funding: Current vs. Recommended Workload Model

Court-Appointed Dependency Counsel Funding Reallocation, Assuming Constant 2015-16 Funding Level					
	Funding Need Based on Current Workload Model	FY 2014-2015 Allocation	FY 2015-2016 Allocation (Reallocation of 10% of 14-15 Level)	Estimated FY 2016-2017 Allocation (Reallocation of 40% of 14-15 Level)	Estimated FY 2017-2018 Allocation (Reallocation of 80% of 14-15 Level)
Court	Col. A	Col. B	Col. C	Col. D	Col. E
Alameda	3,450,971	4,171,032	4,037,391	3,562,033	2,928,221
Alpine	-	-	-	-	-
Amador	85,337	120,147	115,233	98,346	75,831
Butte	833,637	664,759	664,923	653,550	710,684
Calaveras	226,027	76,519	123,940	149,950	179,550
Colusa	50,570	38,266	38,471	38,402	42,850
Contra Costa	2,716,648	3,120,151	3,030,406	2,705,491	2,436,815
Del Norte	168,567	223,090	214,730	185,671	146,926
El Dorado	614,079	819,765	788,644	680,652	536,662
Fresno	2,937,651	2,958,296	2,900,594	2,674,693	2,582,390
Glenn	166,061	55,250	90,417	109,769	131,792
Humboldt	458,194	562,460	543,896	478,168	390,530
Imperial	545,032	607,371	591,128	531,559	486,532
Inyo	34,019	76,990	72,277	56,766	36,083
Kern	3,108,448	2,023,943	2,347,548	2,462,576	2,592,365
Kings	686,525	199,672	354,779	441,959	541,209
Lake	239,289	307,076	296,119	257,769	206,635
Lassen	115,953	108,374	106,891	100,507	100,867
Los Angeles	57,151,312	32,782,704	40,230,157	43,451,304	47,101,574
Madera	586,978	53,031	225,443	329,378	447,823
Marin	247,454	408,419	388,488	321,407	231,966
Mariposa	51,592	32,243	38,070	40,316	42,855
Mendocino	518,940	742,022	711,060	604,932	463,428
Merced	1,064,522	593,861	738,248	802,433	875,208
Modoc	20,432	16,064	16,090	15,880	17,390
Mono	17,875	12,329	13,956	14,445	14,994
Monterey	667,373	329,570	434,541	485,454	543,274
Napa	294,547	176,430	212,285	227,019	243,699
Nevada	202,963	232,799	226,123	201,942	182,017
Orange	6,056,115	6,583,082	6,418,278	5,806,386	5,385,097
Placer	743,664	418,422	518,087	562,037	611,862
Plumas	82,240	163,291	154,059	123,449	82,637
Riverside	10,235,491	4,171,898	6,080,322	7,081,647	8,220,348
Sacramento	4,443,854	5,378,190	5,205,426	4,591,158	3,772,133
San Benito	209,882	31,885	89,163	123,099	161,762
San Bernardino	7,983,596	3,587,297	4,963,161	5,660,950	6,454,021
San Diego	7,678,775	9,749,950	9,408,199	8,208,950	6,609,951
San Francisco	2,951,118	3,907,633	3,761,098	3,251,759	2,572,641
San Joaquin	2,542,228	3,081,901	2,982,578	2,629,612	2,158,990
San Luis Obispo	781,869	707,000	699,248	663,376	677,133
San Mateo	1,050,916	323,022	554,582	683,698	830,670
Santa Barbara	1,318,162	1,610,017	1,557,379	1,370,733	1,121,871
Santa Clara	3,340,629	4,700,131	4,508,063	3,847,982	2,967,875
Santa Cruz	703,197	894,765	863,289	752,893	605,699
Shasta	940,396	569,416	681,818	727,329	778,832
Sierra	3,576	14,898	13,759	10,074	5,162
Siskiyou	173,164	256,552	245,373	207,259	156,441
Solano	847,816	896,319	875,639	797,604	750,677
Sonoma	1,274,378	1,150,195	1,137,764	1,079,946	1,103,395
Stanislaus	1,100,152	1,130,986	1,107,189	1,015,618	970,034
Sutter	272,155	84,083	143,904	177,234	215,172
Tehama	313,635	93,909	163,859	203,015	247,589
Trinity	119,529	83,204	93,829	96,909	100,365
Tulare	1,598,826	658,892	954,553	1,109,159	1,284,967
Tuolumne	210,459	63,981	110,593	136,627	166,262
Ventura	2,010,744	755,357	1,151,975	1,364,720	1,606,739
Yolo	565,644	333,430	404,107	433,747	467,315
Yuba	264,659	199,732	200,855	200,658	224,191
Reserve		613,375	100,000	100,000	100,000
Total	\$137,077,862	\$103,725,444	\$114,700,000	\$114,700,000	\$114,700,001

Attachment B: Phase-In of Reallocation of Court-Appointed Dependency Counsel Funding: Current vs. Recommended Workload Model

Court	Funding Need under:				Allocation of \$114.7 Million under Current Workload Model				Allocation of \$114.7 Million under Recommended Workload Model			Allocation of \$137 Million under Recommended Workload Model		
	New Workload Model	% of Total	Current Workload Model	% of Total	2015-16	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
	A	A1	B	B1	C	D	E	F	G	H	I	J	K	L
Alameda	\$5,020,790	2.56%	\$3,450,971	2.52%	\$4,037,391	\$3,562,033	\$2,928,221	\$2,885,085	\$3,581,323	\$2,966,802	\$2,938,367	\$3,581,323	\$3,709,094	\$3,512,140
Alpine	\$429	0.00%	\$0	0.00%	\$0	\$0	\$0	\$0	\$139	\$216	\$251	\$238	\$271	\$300
Amador	\$131,221	0.07%	\$85,337	0.06%	\$115,233	\$98,346	\$75,831	\$71,343	\$100,320	\$79,779	\$76,796	\$100,320	\$98,370	\$91,792
Butte	\$1,096,397	0.56%	\$833,637	0.61%	\$664,923	\$710,254	\$710,684	\$696,938	\$699,312	\$667,606	\$641,655	\$834,669	\$778,344	\$766,951
Calaveras	\$302,092	0.15%	\$226,027	0.16%	\$123,940	\$149,683	\$179,550	\$188,963	\$137,463	\$165,475	\$176,797	\$193,581	\$200,757	\$211,320
Colusa	\$62,728	0.03%	\$50,570	0.04%	\$38,471	\$42,234	\$42,850	\$42,278	\$40,131	\$38,236	\$36,711	\$47,834	\$44,562	\$43,880
Contra Costa	\$3,504,467	1.79%	\$2,716,648	1.98%	\$3,030,406	\$2,705,491	\$2,436,815	\$2,271,175	\$2,625,761	\$2,112,811	\$2,050,954	\$2,625,761	\$2,615,743	\$2,451,442
Del Norte	\$181,773	0.09%	\$168,567	0.12%	\$214,730	\$185,671	\$146,926	\$140,925	\$173,165	\$121,912	\$106,381	\$173,165	\$143,546	\$127,154
El Dorado	\$790,649	0.40%	\$614,079	0.45%	\$788,644	\$680,652	\$536,662	\$513,383	\$662,309	\$499,977	\$462,719	\$662,309	\$605,023	\$553,074
Fresno	\$4,076,599	2.08%	\$2,937,651	2.14%	\$2,900,594	\$2,671,693	\$2,582,888	\$2,457,888	\$2,618,295	\$2,566,566	\$2,385,788	\$2,649,295	\$2,956,541	\$2,851,659
Glenn	\$152,719	0.07%	\$135,061	0.1%	\$10,417	\$1,771	\$13,792	\$138,830	\$78,071	\$86,523	\$89,377	\$103,516	\$103,618	\$106,830
Humboldt	\$502,996	0.25%	\$458,874	0.33%	\$51,896	\$78,788	\$39,630	\$383,060	\$446,059	\$326,313	\$294,373	\$446,059	\$390,164	\$351,855
Imperial	\$659,699	0.32%	\$545,000	0.4%	\$1,128	\$51,500	\$48,632	\$455,659	\$506,369	\$401,754	\$386,082	\$506,369	\$494,973	\$461,472
Inyo	\$34,022	0.01%	\$34,000	0.0%	\$72,277	\$56,700	\$3,000	\$28,441	\$53,677	\$29,907	\$19,911	\$53,677	\$29,907	\$23,799
Kern	\$4,070,558	2.0%	\$3,108,400	2.2%	\$2,47,548	\$2,460,310	\$2,598,665	\$2,598,728	\$2,366,367	\$2,401,678	\$2,382,253	\$2,947,286	\$2,832,676	\$2,847,434
Kings	\$869,768	0.42%	\$686,005	0.5%	\$4,779	\$441,101	\$54,209	\$573,949	\$385,091	\$472,851	\$509,023	\$550,306	\$575,357	\$608,420
Lake	\$205,243	0.1%	\$205,289	0.1%	\$2,119	\$257,769	\$20,635	\$200,051	\$228,829	\$148,755	\$120,116	\$228,829	\$148,755	\$143,571
Lassen	\$141,608	0.07%	\$115,953	0.0%	\$10,391	\$100,507	\$10,367	\$96,939	\$95,415	\$90,126	\$82,875	\$95,415	\$103,422	\$99,057
Los Angeles	\$88,587,098	45.24%	\$57,151,312	41.69%	\$40,230,156	\$43,403,228	\$47,101,574	\$47,779,709	\$45,666,444	\$50,316,322	\$51,844,705	\$60,297,079	\$60,199,968	\$61,968,384
Madera	\$806,333	0.41%	\$586,978	0.43%	\$225,443	\$328,474	\$447,823	\$490,726	\$288,615	\$415,486	\$471,898	\$465,093	\$516,424	\$564,045
Marin	\$310,818	0.16%	\$247,454	0.18%	\$388,488	\$321,407	\$231,966	\$206,877	\$312,366	\$213,883	\$181,903	\$312,366	\$248,914	\$217,423
Mariposa	\$60,583	0.03%	\$51,592	0.04%	\$38,070	\$40,276	\$42,855	\$43,132	\$36,317	\$36,112	\$35,455	\$44,589	\$42,432	\$42,379
Mendocino	\$550,914	0.28%	\$518,940	0.38%	\$711,060	\$604,932	\$463,428	\$433,845	\$564,591	\$382,745	\$322,417	\$564,591	\$443,520	\$385,375
Merced	\$1,414,831	0.72%	\$1,064,522	0.78%	\$738,248	\$801,513	\$875,208	\$889,963	\$765,736	\$815,780	\$828,016	\$986,997	\$970,489	\$989,702
Modoc	\$24,769	0.01%	\$20,432	0.01%	\$16,090	\$17,313	\$17,390	\$17,082	\$14,944	\$15,264	\$14,496	\$14,944	\$17,718	\$17,327
Mono	\$22,521	0.01%	\$17,875	0.01%	\$13,956	\$14,433	\$14,994	\$14,944	\$13,678	\$13,484	\$13,180	\$16,693	\$15,818	\$15,754
Monterey	\$919,337	0.47%	\$667,373	0.49%	\$434,541	\$484,815	\$543,274	\$557,938	\$468,406	\$520,328	\$538,033	\$622,118	\$623,375	\$643,094
Napa	\$418,719	0.21%	\$294,547	0.21%	\$212,285	\$226,782	\$243,699	\$246,247	\$226,970	\$241,548	\$245,051	\$292,333	\$287,303	\$292,902
Nevada	\$255,211	0.13%	\$202,963	0.15%	\$226,123	\$201,942	\$182,017	\$169,681	\$194,585	\$154,986	\$149,359	\$194,585	\$191,206	\$178,525
Orange	\$8,425,788	4.30%	\$6,056,115	4.42%	\$6,418,278	\$5,806,386	\$5,385,097	\$5,063,041	\$5,758,620	\$5,385,933	\$4,931,107	\$5,758,620	\$6,170,993	\$5,894,001
Placer	\$1,468,855	0.75%	\$743,664	0.54%	\$518,087	\$561,400	\$611,862	\$621,719	\$692,392	\$812,614	\$859,633	\$957,070	\$982,092	\$1,027,493
Plumas	\$88,798	0.05%	\$82,240	0.06%	\$154,059	\$123,449	\$82,637	\$68,754	\$117,372	\$70,482	\$51,968	\$117,372	\$70,482	\$62,116
Riverside	\$12,908,827	6.59%	\$10,235,491	7.47%	\$6,080,322	\$7,070,579	\$8,220,348	\$8,557,088	\$6,341,117	\$7,227,222	\$7,554,761	\$8,579,894	\$8,694,529	\$9,029,973
Sacramento	\$7,046,273	3.60%	\$4,443,854	3.24%	\$5,205,426	\$4,591,158	\$3,772,133	\$3,715,157	\$4,739,090	\$4,482,108	\$4,123,760	\$4,739,090	\$5,144,318	\$4,929,004
San Benito	\$239,365	0.12%	\$209,882	0.15%	\$89,163	\$122,794	\$161,762	\$175,466	\$94,035	\$126,136	\$140,086	\$143,575	\$155,378	\$167,440
San Bernardino	\$11,083,836	5.66%	\$7,983,596	5.82%	\$4,963,161	\$5,652,799	\$6,454,021	\$6,674,455	\$5,447,333	\$6,206,371	\$6,486,703	\$7,368,684	\$7,466,004	\$7,753,357
San Diego	\$9,407,548	4.80%	\$7,678,775	5.60%	\$9,408,199	\$8,208,950	\$6,609,951	\$6,419,618	\$7,878,062	\$5,948,175	\$5,505,672	\$7,878,062	\$7,198,360	\$6,580,761
San Francisco	\$4,581,064	2.34%	\$2,951,118	2.15%	\$3,761,098	\$3,251,759	\$2,572,641	\$2,467,197	\$3,329,173	\$2,727,468	\$2,681,021	\$3,329,173	\$3,397,340	\$3,204,543
San Joaquin	\$3,371,936	1.72%	\$2,542,228	1.85%	\$2,982,578	\$2,629,612	\$2,158,990	\$2,125,357	\$2,574,594	\$2,048,954	\$1,973,391	\$2,574,594	\$2,527,067	\$2,358,734
San Luis Obispo	\$1,098,105	0.56%	\$781,869	0.57%	\$699,248	\$663,376	\$677,133	\$653,659	\$659,393	\$675,784	\$642,655	\$659,393	\$784,851	\$768,146
San Mateo	\$1,458,275	0.74%	\$1,050,916	0.77%	\$554,582	\$682,409	\$830,670	\$878,588	\$639,567	\$790,757	\$853,440	\$918,645	\$963,147	\$1,020,091
Santa Barbara	\$1,524,319	0.78%	\$1,318,162	0.96%	\$1,557,379	\$1,370,733	\$1,121,871	\$1,102,011	\$1,294,733	\$969,871	\$892,092	\$1,294,733	\$1,170,243	\$1,066,290

Court	Funding Need under:				Allocation of \$114.7 Million under Current Workload Model				Allocation of \$114.7 Million under Recommended Workload Model			Allocation of \$137 Million under Recommended Workload Model		
	New Workload Model	% of Total	Current Workload Model	% of Total	2015-16	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
	A	A1	B	B1	C	D	E	F	G	H	I	J	K	L
Santa Clara	\$4,326,278	2.21%	\$3,340,629	2.44%	\$4,508,063	\$3,847,982	\$2,967,875	\$2,792,837	\$3,753,516	\$2,778,941	\$2,531,910	\$3,753,516	\$3,338,134	\$3,026,315
Santa Cruz	\$932,583	0.48%	\$703,197	0.51%	\$863,289	\$752,893	\$605,699	\$587,887	\$737,650	\$575,213	\$545,785	\$737,650	\$704,363	\$652,360
Shasta	\$1,084,793	0.55%	\$940,396	0.69%	\$681,818	\$726,581	\$778,832	\$786,191	\$646,185	\$645,244	\$634,864	\$795,696	\$758,760	\$758,833
Sierra	\$5,894	0.00%	\$3,576	0.00%	\$13,759	\$10,074	\$5,162	\$2,989	\$10,241	\$5,495	\$3,449	\$10,241	\$5,495	\$4,123
Siskiyou	\$194,013	0.10%	\$173,164	0.13%	\$245,373	\$207,259	\$156,441	\$144,768	\$195,955	\$133,832	\$113,544	\$195,955	\$155,581	\$135,716
Solano	\$1,193,081	0.61%	\$847,816	0.62%	\$875,639	\$797,604	\$750,677	\$708,792	\$793,783	\$756,434	\$698,238	\$793,783	\$869,200	\$834,583
Sonoma	\$1,515,189	0.77%	\$1,274,378	0.93%	\$1,137,764	\$1,079,946	\$1,103,395	\$1,065,407	\$1,015,264	\$962,715	\$886,749	\$1,015,264	\$1,105,395	\$1,059,904
Stanislaus	\$1,490,691	0.76%	\$1,100,152	0.80%	\$1,107,189	\$1,015,618	\$970,034	\$919,751	\$998,479	\$947,044	\$872,412	\$998,479	\$1,087,444	\$1,042,767
Sutter	\$328,137	0.17%	\$272,155	0.20%	\$143,904	\$176,901	\$215,172	\$227,527	\$149,815	\$179,908	\$192,039	\$210,601	\$218,189	\$229,538
Tehama	\$399,836	0.20%	\$313,635	0.23%	\$163,859	\$202,627	\$247,589	\$262,206	\$178,125	\$217,738	\$234,000	\$253,701	\$264,766	\$279,693
Trinity	\$116,623	0.06%	\$119,529	0.09%	\$93,829	\$96,830	\$100,365	\$99,929	\$74,930	\$73,177	\$68,252	\$74,930	\$84,397	\$81,580
Tulare	\$2,018,463	1.03%	\$1,598,826	1.17%	\$954,553	\$1,107,441	\$1,284,967	\$1,336,652	\$994,914	\$1,131,207	\$1,181,285	\$1,343,817	\$1,360,346	\$1,411,954
Tuolumne	\$238,008	0.12%	\$210,459	0.15%	\$110,593	\$136,368	\$166,262	\$175,948	\$110,215	\$131,011	\$139,291	\$153,777	\$158,644	\$166,491
Ventura	\$2,873,057	1.47%	\$2,010,744	1.47%	\$1,151,975	\$1,362,453	\$1,606,739	\$1,681,025	\$1,321,650	\$1,578,535	\$1,681,428	\$1,850,488	\$1,912,852	\$2,009,759
Yolo	\$797,156	0.41%	\$565,644	0.41%	\$404,107	\$433,284	\$467,315	\$472,890	\$430,832	\$459,431	\$466,527	\$555,703	\$546,650	\$557,626
Yuba	\$425,452	0.22%	\$264,659	0.19%	\$200,855	\$220,810	\$224,191	\$221,261	\$241,216	\$248,976	\$248,991	\$304,018	\$294,552	\$297,612
Reserve					\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Total	\$195,817,132	100%	\$137,077,862	100%	\$114,700,000	\$114,700,000	\$114,700,000	\$114,700,000	\$114,700,000	\$114,700,000	\$114,700,000	\$137,077,862	\$137,077,862	\$137,077,862