



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 20, 2018

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Title	Agenda Item Type
Trial Court Budget: Fiscal Year 2018–19 Allocation of Court-Appointed Juvenile Dependency Counsel Funding	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	July 1, 2018
Recommended by	Date of Report
Trial Court Budget Advisory Committee Hon. Jonathan B. Conklin, Chair	June 27, 2018
	Contact
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### **Executive Summary**

The Trial Court Budget Advisory Committee (TCBAC) recommends allocation of \$136.7 million for fiscal year (FY) 2018–19, from the ongoing Trial Court Trust Fund to the trial courts for court-appointed juvenile dependency counsel. The proposed allocation for FY 2018–19 was reviewed and approved by TCBAC at its May 31, 2018 meeting. The recommended allocation for FY 2018–19 represents the final year of a four-year reallocation process approved by the Judicial Council in April 2015.

### **Recommendation**

The Trial Court Budget Advisory Committee recommends that the Judicial Council allocate \$136.7 million to the trial courts for court-appointed juvenile dependency counsel costs, effective July 1, 2018. The FY 2018–19 allocation was prepared using the methodology specified by the Judicial Council and applied in Attachment A.

### **Relevant Previous Council Action**

Court-appointed dependency counsel became a state fiscal responsibility in 1989 through the Brown-Presley Trial Court Funding Act (Sen. Bill 612/Assem. Bill 1197; Stats. 1988, ch. 945),

which added section 77003 to the Government Code, defined “court operations” in that section as including court-appointed dependency counsel, and made an appropriation to fund trial court operations. In 1997, the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850) provided the funding for, and delineated the parameters of, the transition to state trial court funding that had been outlined in the earlier legislation.

In 2015, the Judicial Council approved recommendations of the TCBAC to reallocate funding for court-appointed dependency counsel among the trial courts based on the caseload funding model. The purpose was to provide a more equitable allocation of funding among the courts. Rather than using historical funding levels dating back to the adoption of state trial court funding, the new funding methodology is based on the caseload-based calculation of funding for each court provided by the workload model approved by the Judicial Council through the DRAFT Pilot Program and Court-Appointed Counsel report (*Juvenile Dependency: Court-Appointed–Counsel Funding Reallocation*; April 17, 2015).<sup>1</sup>

Another recommendation approved by the Judicial Council at this time was that a joint subcommittee of the TCBAC and the Family and Juvenile Law Advisory Committee be formed to review that workload model for possible updates and revisions. After a year of research and analysis, the methodology recommended by this joint subcommittee was approved by the Judicial Council (*Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology*; April 15, 2016).<sup>2</sup>

Discussion at the April and June 2016 Judicial Council meetings indicated that the issues related to workload and funding for small courts required immediate attention. In July 2016, the Judicial Council directed the Executive and Planning Committee to form a working group to consider changes to the court-appointed juvenile dependency counsel funding methodology as it relates to small courts.

The working group determined that changes were justified in light of the unique costs faced by small courts. It recommended that the funding methodology be modified for FY 2017–18 and 2018–19 to suspend reallocation-related budget reductions for the 23 smallest courts, adjust the local economic index for all 30 small courts, and adjust the funding allocations of those larger courts receiving increases related to the reallocation to compensate for these increases to the

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<sup>1</sup> Judicial Council of Cal., *Juvenile Dependency: Court-Appointed-Counsel Funding Reallocation* (April 17, 2015), [www.courts.ca.gov/documents/jc-20150417-item1.pdf](http://www.courts.ca.gov/documents/jc-20150417-item1.pdf).

<sup>2</sup> Judicial Council of Cal., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4382676&GUID=E8BCCA8A-5DED-48C3-B946-6E21EBB0BEAF>.

small court budget (*Juvenile Dependency: Small Court Dependency Workload Working Group Final Recommendations*; May 19, 2017).<sup>3</sup>

## **Analysis/Rationale**

There is \$136.7 million allocated in the annual budget for court-appointed juvenile dependency counsel. The FY 2018–19 allocations to trial courts in Attachment A were derived by using the methodology designated in the Judicial Council reports listed above. Fiscal year 2018–19 is the final year of the four-year reallocation process approved in April 2015. In this process, court allocations were based on a percentage of the historical baseline share of funding prior to 2015–16, and a percentage of the new caseload-based funding model approved by the Judicial Council. In 2018–19, court allocations are based on 100 percent of the caseload-based funding model. The key factors used in this allocation are (for each court):

- A three-year rolling average of original dependency filings;
- A three-year rolling average of number of children in foster care; and
- The Bureau of Labor Statistics (BLS) governmental salary index average, as modified for other Judicial Council budget allocations.

In addition, in 2018–19 as in 2017–18, the allocation was adjusted to reduce the impact of the new funding methodology on small courts. Two adjustments are made in accordance with Judicial Council action of May 2017. Small courts with a BLS average index of under 1.0 are adjusted upwards to 1.0, and small courts whose final funding allocation is less than their 2015–16 funding allocation are adjusted to either the 2015–16 allocation or their total need calculation, whichever is less.

## **Policy implications**

There are no policy implications to consider for the recommended allocation.

## **Comments**

Circulation for public comment was not required for this report.

## **Alternatives considered**

No alternatives were considered as the recommended allocation was determined using the methodology approved by the council at the April 2015, April 2016, and May 2017 meetings.

## **Fiscal and Operational Impacts**

This recommendation is for the allocation of funds that are included in the FY 2018–19 budget. Hence, no additional costs or impacts are anticipated.

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<sup>3</sup> Judicial Council of Cal., *Juvenile Dependency: Small Court Dependency Workload Working Group Final Recommendations* (May 19, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5150554&GUID=7D8E5F4F-6D83-4C73-A246-4F11E877A411>.

## **Attachments and Links**

1. Attachment A: 2018–19 Allocation of Dependency Counsel Funding

## 2018-19 Allocation of Dependency Counsel Funding

Court	Caseload Funding Model Estimated Funding Need	2015-16 Allocation	2016-17 Allocation	2017-18 Allocation	2018-19 Allocation	Diff from Prior Year
	A	B	C	D	E	F
Alameda	\$5,151,397	\$4,037,391	\$3,618,313	\$3,565,629	\$3,399,620	(\$166,010)
Alpine	\$3,303	\$0	\$399	\$1,799	\$2,628	\$829
Amador	\$217,828	\$115,233	\$115,233	\$143,696	\$144,678	\$982
Butte	\$1,228,458	\$664,923	\$627,554	\$794,546	\$799,814	\$5,268
Calaveras	\$251,831	\$123,940	\$142,758	\$220,822	\$191,355	(\$29,467)
Colusa	\$81,588	\$38,471	\$40,667	\$43,948	\$72,637	\$28,689
Contra Costa	\$3,476,688	\$3,030,406	\$2,600,337	\$2,363,610	\$2,294,410	(\$69,200)
Del Norte	\$193,047	\$214,730	\$214,730	\$214,730	\$214,730	\$0
El Dorado	\$765,443	\$788,644	\$655,569	\$548,764	\$505,148	(\$43,616)
Fresno	\$4,244,285	\$2,900,594	\$2,670,600	\$3,015,746	\$2,800,979	(\$214,766)
Glenn	\$121,233	\$90,417	\$90,417	\$111,158	\$122,690	\$11,532
Humboldt	\$753,198	\$543,896	\$462,558	\$522,682	\$657,658	\$134,977
Imperial	\$851,764	\$591,128	\$518,512	\$576,150	\$562,114	(\$14,036)
Inyo	\$43,187	\$72,277	\$72,277	\$45,459	\$51,626	\$6,167
Kern	\$3,981,075	\$2,347,548	\$2,277,753	\$2,664,810	\$2,627,276	(\$37,533)
Kings	\$1,095,658	\$354,779	\$443,478	\$700,757	\$713,352	\$12,595
Lake	\$210,345	\$296,119	\$296,119	\$272,201	\$276,158	\$3,958
Lassen	\$128,659	\$106,891	\$106,891	\$106,891	\$108,967	\$2,076
Los Angeles	\$95,894,288	\$40,230,156	\$45,149,389	\$60,560,884	\$62,434,046	\$1,873,161
Madera	\$836,263	\$225,443	\$293,833	\$535,074	\$589,946	\$54,872
Marin	\$304,984	\$388,488	\$388,488	\$311,538	\$304,984	(\$6,554)
Mariposa	\$53,773	\$38,070	\$38,070	\$38,070	\$41,897	\$3,827
Mendocino	\$568,332	\$711,060	\$566,908	\$440,581	\$458,911	\$18,330
Merced	\$1,175,434	\$738,248	\$751,397	\$844,260	\$775,718	(\$68,543)
Modoc	\$30,458	\$16,090	\$17,128	\$24,065	\$37,161	\$13,095
Mono	\$20,995	\$13,956	\$13,956	\$13,956	\$14,615	\$659
Monterey	\$1,099,267	\$434,541	\$494,823	\$682,574	\$715,702	\$33,127
Napa	\$471,864	\$212,285	\$232,362	\$315,051	\$311,403	(\$3,649)
Nevada	\$174,058	\$226,123	\$226,123	\$202,832	\$174,058	(\$28,774)
Orange	\$8,225,502	\$6,418,278	\$5,648,065	\$5,366,139	\$5,355,390	(\$10,748)
Placer	\$1,132,087	\$518,087	\$687,985	\$895,552	\$747,111	(\$148,441)
Plumas	\$115,682	\$154,059	\$154,059	\$151,555	\$154,059	\$2,504
Riverside	\$12,384,925	\$6,080,322	\$6,411,055	\$8,806,009	\$8,173,324	(\$632,685)
Sacramento	\$7,821,288	\$5,205,426	\$4,832,997	\$5,609,080	\$5,161,591	(\$447,489)

Court	Caseload Funding Model Estimated Funding Need	2015-16 Allocation	2016-17 Allocation	2017-18 Allocation	2018-19 Allocation	Diff from Prior Year
	A	B	C	D	E	F
San Benito	\$154,564	\$89,163	\$89,163	\$112,410	\$104,920	(\$7,490)
San Bernardino	\$14,978,347	\$4,963,161	\$5,731,210	\$8,514,703	\$9,751,976	\$1,237,273
San Diego	\$8,090,890	\$9,408,199	\$7,711,177	\$6,132,621	\$5,339,513	(\$793,108)
San Francisco	\$4,173,251	\$3,761,098	\$3,296,146	\$3,060,973	\$2,754,101	(\$306,872)
San Joaquin	\$3,636,391	\$2,982,578	\$2,601,178	\$2,480,278	\$2,399,805	(\$80,473)
San Luis Obispo	\$1,018,341	\$699,248	\$647,980	\$703,001	\$672,046	(\$30,955)
San Mateo	\$1,416,341	\$554,582	\$668,643	\$960,903	\$934,702	(\$26,201)
Santa Barbara	\$1,252,778	\$1,557,379	\$1,267,448	\$979,287	\$826,760	(\$152,527)
Santa Clara	\$4,466,510	\$4,508,063	\$3,780,956	\$3,223,912	\$2,947,634	(\$276,278)
Santa Cruz	\$824,614	\$863,289	\$713,676	\$598,314	\$544,197	(\$54,117)
Shasta	\$931,413	\$681,818	\$621,700	\$680,076	\$614,678	(\$65,398)
Sierra	\$5,177	\$13,759	\$13,759	\$9,848	\$8,323	(\$1,524)
Siskiyou	\$202,253	\$245,373	\$245,373	\$245,373	\$245,373	\$0
Solano	\$1,220,546	\$875,639	\$801,057	\$883,349	\$805,489	(\$77,860)
Sonoma	\$1,452,636	\$1,137,764	\$990,021	\$918,101	\$945,770	\$27,669
Stanislaus	\$1,676,803	\$1,107,189	\$1,004,470	\$1,092,505	\$1,091,719	(\$786)
Sutter	\$386,638	\$143,904	\$146,804	\$220,511	\$260,937	\$40,426
Tehama	\$434,300	\$163,859	\$177,634	\$319,793	\$362,975	\$43,182
Trinity	\$92,144	\$93,829	\$93,829	\$96,021	\$93,829	(\$2,192)
Tulare	\$2,632,922	\$954,553	\$1,032,410	\$1,591,232	\$1,714,221	\$122,989
Tuolumne	\$223,997	\$110,593	\$110,593	\$159,147	\$168,548	\$9,401
Ventura	\$2,815,443	\$1,151,975	\$1,284,628	\$1,835,753	\$1,833,055	(\$2,698)
Yolo	\$1,079,532	\$404,107	\$430,429	\$596,503	\$712,428	\$115,925
Yuba	\$714,069	\$200,855	\$278,909	\$474,768	\$471,244	(\$3,524)
Reserve	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$0
<b>Total</b>	<b>\$206,988,090</b>	<b>\$114,700,000</b>	<b>\$114,700,000</b>	<b>\$136,700,000</b>	<b>\$136,700,000</b>	<b>\$0</b>