



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-19-02

Title

Trial Court Budget: Fiscal Year 2019–20
Correction to Allocation of Court-Appointed
Juvenile Dependency Counsel Funding

Rules, Forms, Standards, or Statutes Affected

None

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair

Action Requested

VOTING MEMBERS ONLY: Vote and
return by e-mail.

Please Respond By

5:00 p.m., September 23, 2019

Date of Report

September 16, 2019

Contact

Audrey Fancy, 415-865-7706
audrey.fancy@jud.ca.gov

Executive Summary

The Judicial Council at its July 19, 2019, meeting approved the court-appointed dependency counsel allocations to the trial courts recommended in *Trial Court Budget: Fiscal Year 2019–20 Allocation of Court-Appointed Juvenile Dependency Counsel Funding* (Attachment B). Judicial Council staff identified an error in the calculations related to using an incorrect Bureau of Labor Statistics index. Staff has recalculated the allocations and the Trial Court Budget Advisory Committee recommends its approval (Attachment A).

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the revised allocation of \$156.7 million to the trial courts for court-appointed juvenile dependency counsel costs, effective July 1, 2019. The 2019–20 allocation was prepared using the methodology specified by the Judicial Council.

Relevant Previous Council Action

The Judicial Council approved the allocation of \$2.5 billion in support of trial court operations on July 19, 2019. Of that amount, \$156.7 million was allocated to the trial courts for court-appointed juvenile dependency counsel costs, effective July 1, 2019. Relevant council action related to the recommendation is described in Attachment C.

Analysis/Rationale

After the court-appointed juvenile dependency counsel allocations were approved by the Judicial Council on July 19, 2019, trial court staff contacted Judicial Council staff and requested that they review the accuracy of those allocations. The allocation methodology incorporates the same Bureau of Labor Statistics index used for the judicial branch Workload Formula: *3 Year Average (2015–2017) Bureau of Labor Statistics Factor (50% Workforce Threshold)*. Judicial Council staff incorrectly employed a different index from the same data set: *3 Year Average (2015–2017) Bureau of Labor Statistics (State and Local 92)*.

The use of the incorrect index resulted in incorrect allocation calculations for 52 of 58 courts (Attachment B).

Other Analysis/Rationale related to the recommendation is described in Attachment C.

Policy implications

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

Comments

Circulation for public comment was not required for this report.

Alternatives considered

No alternatives were considered.

Fiscal and Operational Impacts

With this revision, 39 courts will receive lower allocations than the allocations approved on July 19, 2019. The median reduction is 3.3 percent and the reductions range from 0.8 percent to 15.8 percent. 19 courts will receive no change or an increased allocation. The median increase is 6.9 percent and increases range from 1.5 percent to 17.5 percent.

One offsetting factor is that the overall dependency counsel funding was augmented by \$20 million in the 2019 Budget Act. Because of this, most courts (34 of 39) experiencing a reduced allocation through this revision are still receiving an allocation greater than in 2018–19.

Courts may have begun or completed their contract and contract revision process with local court-appointed counsel providers based on the original allocations and will experience increased workload and other operational impacts from the need to revise or renegotiate those agreements.

Attachments and Links

1. Voting instructions, at page 4
2. Voting and signature pages, at pages 5-6
3. Attachment A: 2019–20 Revised Allocation of Dependency Counsel Funding
4. Attachment B: FY 2019-20 Court-Appointed Dependency Counsel Allocations: Revision
5. Attachment C: *Trial Court Budget: Fiscal Year 2019–20 Allocation of Court-Appointed Juvenile Dependency Counsel Funding* (June 28, 2019)

Instructions for Review and Action by Circulating Order

Voting members

- Please reply to the email message with “I approve,” “I disapprove,” or “I abstain,” by **5:00 p.m., September 23, 2019**
- If you are unable to reply by September 23, 2019, please do so as soon as possible thereafter.

Advisory members

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.

CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the revised allocation of \$156.7 million to the trial courts for court-appointed juvenile dependency counsel costs, effective July 1, 2019. The 2019-20 allocation was prepared using the methodology specified by the Judicial Council.

My vote is as follows:

☐ Approve

☐ Disapprove

☐ Abstain

Tani G. Cantil-Sakauye, Chair

Marla O. Anderson

Richard Bloom

C. Todd Bottke

Stacy Boulware Eurie

Kyle S. Brodie

Ming W. Chin

Jonathan B. Conklin

Samuel K. Feng

Brad R. Hill

Rachel W. Hill

Harold W. Hopp

Harry E. Hull, Jr.

Hannah-Beth Jackson

My vote is as follows:

☐ Approve

☐ Disapprove

☐ Abstain

Patrick M. Kelly

Dalila Corral Lyons

Gretchen Nelson

Maxwell V. Pritt

David M. Rubin

Marsha G. Slough

Date: _____

Attest:

Administrative Director and
Secretary of the Judicial Council

2019-20 Allocation of Dependency Counsel Funding

Court	Original Caseload Funding Model Estimated Funding Need	Updated Caseload Funding Model Estimated Funding Need	2015-16 Allocation	2016-17 Allocation	2017-18 Allocation	2018-19 Allocation	2019-20 Allocation	Diff from Prior Year
	A	B	C	D	E	F	G	
Alameda	\$4,723,737	\$4,723,737	\$4,037,391	\$3,618,313	\$3,565,629	\$3,399,620	\$3,629,342	\$229,723
Alpine	\$7,124	\$7,124	\$0	\$399	\$1,799	\$2,628	\$7,226	\$4,598
Amador	\$186,176	\$186,176	\$115,233	\$115,233	\$143,696	\$144,678	\$145,653	\$975
Butte	\$1,245,579	\$1,206,465	\$664,923	\$627,554	\$794,546	\$799,814	\$926,951	\$127,137
Calaveras	\$240,712	\$221,949	\$123,940	\$142,758	\$220,822	\$191,355	\$203,567	\$12,212
Colusa	\$120,329	\$98,883	\$38,471	\$40,667	\$43,948	\$72,637	\$103,517	\$30,880
Contra Costa	\$3,407,138	\$3,407,138	\$3,030,406	\$2,600,337	\$2,363,610	\$2,294,410	\$2,617,772	\$323,362
Del Norte	\$164,514	\$164,514	\$214,730	\$214,730	\$214,730	\$214,730	\$214,730	\$0
El Dorado	\$785,548	\$753,181	\$788,644	\$655,569	\$548,764	\$505,148	\$582,746	\$77,598
Fresno	\$4,177,784	\$4,177,784	\$2,900,594	\$2,670,600	\$3,015,746	\$2,800,979	\$3,209,875	\$408,896
Glenn	\$158,922	\$117,005	\$90,417	\$90,417	\$111,158	\$122,690	\$140,011	\$17,321
Humboldt	\$794,957	\$794,957	\$543,896	\$462,558	\$522,682	\$657,658	\$615,068	(\$42,590)
Imperial	\$889,166	\$840,690	\$591,128	\$518,512	\$576,150	\$562,114	\$645,919	\$83,805
Inyo	\$42,132	\$39,521	\$72,277	\$72,277	\$45,459	\$51,626	\$48,006	(\$3,619)
Kern	\$3,645,548	\$3,727,882	\$2,347,548	\$2,277,753	\$2,664,810	\$2,627,276	\$2,864,207	\$236,930
Kings	\$899,956	\$899,956	\$354,779	\$443,478	\$700,757	\$713,352	\$696,307	(\$17,044)
Lake	\$254,125	\$217,934	\$296,119	\$296,119	\$272,201	\$276,158	\$285,153	\$8,994
Lassen	\$129,764	\$129,764	\$106,891	\$106,891	\$106,891	\$108,967	\$128,825	\$19,858
Los Angeles	\$91,164,464	\$96,137,542	\$40,230,156	\$45,149,389	\$60,560,884	\$62,434,046	\$73,864,405	\$11,430,359
Madera	\$821,381	\$821,381	\$225,443	\$293,833	\$535,074	\$589,946	\$674,047	\$84,101
Marin	\$244,710	\$270,557	\$388,488	\$388,488	\$311,538	\$304,984	\$270,557	(\$34,427)
Mariposa	\$65,374	\$60,472	\$38,070	\$38,070	\$38,070	\$41,897	\$54,019	\$12,122
Mendocino	\$570,685	\$551,550	\$711,060	\$566,908	\$440,581	\$458,911	\$527,624	\$68,713
Merced	\$1,074,141	\$1,074,141	\$738,248	\$751,397	\$844,260	\$775,718	\$825,284	\$49,566
Modoc	\$51,824	\$35,026	\$16,090	\$17,128	\$24,065	\$37,161	\$49,493	\$12,333
Mono	\$15,773	\$17,145	\$13,956	\$13,956	\$13,956	\$14,615	\$14,550	(\$65)
Monterey	\$952,326	\$1,079,432	\$434,541	\$494,823	\$682,574	\$715,702	\$829,349	\$113,648
Napa	\$463,936	\$496,359	\$212,285	\$232,362	\$315,051	\$311,403	\$384,039	\$72,636
Nevada	\$133,092	\$173,215	\$226,123	\$226,123	\$202,832	\$174,058	\$173,215	(\$843)
Orange	\$8,116,529	\$8,529,971	\$6,418,278	\$5,648,065	\$5,366,139	\$5,355,390	\$6,553,748	\$1,198,358
Placer	\$826,994	\$918,747	\$518,087	\$687,985	\$895,552	\$747,111	\$710,846	(\$36,265)
Plumas	\$124,521	\$113,942	\$154,059	\$154,059	\$151,555	\$154,059	\$154,059	\$0
Riverside	\$9,566,510	\$10,338,747	\$6,080,322	\$6,411,055	\$8,806,009	\$8,173,324	\$7,999,219	(\$174,105)
Sacramento	\$7,270,449	\$7,270,449	\$5,205,426	\$4,832,997	\$5,609,080	\$5,161,591	\$5,586,032	\$424,441
San Benito	\$119,833	\$137,535	\$89,163	\$89,163	\$112,410	\$104,920	\$107,040	\$2,119
San Bernardino	\$15,928,459	\$15,563,540	\$4,963,161	\$5,731,210	\$8,514,703	\$9,751,976	\$11,957,781	\$2,205,805
San Diego	\$7,200,660	\$7,191,562	\$9,408,199	\$7,711,177	\$6,132,621	\$5,339,513	\$5,525,422	\$185,908
San Francisco	\$3,627,923	\$3,809,062	\$3,761,098	\$3,296,146	\$3,060,973	\$2,754,101	\$2,926,579	\$172,478
San Joaquin	\$3,500,355	\$3,565,589	\$2,982,578	\$2,601,178	\$2,480,278	\$2,399,805	\$2,739,513	\$339,709
San Luis Obispo	\$1,034,627	\$1,035,782	\$699,248	\$647,980	\$703,001	\$672,046	\$795,812	\$123,766
San Mateo	\$1,048,661	\$1,281,340	\$554,582	\$668,643	\$960,903	\$934,702	\$984,479	\$49,777
Santa Barbara	\$1,013,313	\$1,126,403	\$1,557,379	\$1,267,448	\$979,287	\$826,760	\$865,438	\$38,678
Santa Clara	\$4,282,962	\$4,282,962	\$4,508,063	\$3,780,956	\$3,223,912	\$2,947,634	\$3,290,686	\$343,051
Santa Cruz	\$657,016	\$800,365	\$863,289	\$713,676	\$598,314	\$544,197	\$619,253	\$75,056
Shasta	\$987,610	\$899,179	\$681,818	\$621,700	\$680,076	\$614,678	\$690,857	\$76,179
Sierra	\$0	\$0	\$13,759	\$13,759	\$9,848	\$8,323	\$5,045	(\$3,278)
Siskiyou	\$209,226	\$182,533	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$0
Solano	\$1,007,781	\$1,145,683	\$875,639	\$801,057	\$883,349	\$805,489	\$880,251	\$74,762
Sonoma	\$1,643,005	\$1,643,005	\$1,137,764	\$990,021	\$918,101	\$945,770	\$1,262,354	\$316,584
Stanislaus	\$1,853,850	\$1,853,850	\$1,107,189	\$1,004,470	\$1,092,505	\$1,091,719	\$1,424,350	\$332,632
Sutter	\$449,762	\$449,762	\$143,904	\$146,804	\$220,511	\$260,937	\$353,444	\$92,507
Tehama	\$506,837	\$399,797	\$163,859	\$177,634	\$319,793	\$362,975	\$392,840	\$29,865
Trinity	\$101,746	\$80,413	\$93,829	\$93,829	\$96,021	\$93,829	\$93,829	\$0
Tulare	\$2,639,897	\$2,691,211	\$954,553	\$1,032,410	\$1,591,232	\$1,714,221	\$2,067,711	\$353,491
Tuolumne	\$198,551	\$198,551	\$110,593	\$110,593	\$159,147	\$168,548	\$187,463	\$18,915
Ventura	\$2,625,232	\$2,625,232	\$1,151,975	\$1,284,628	\$1,835,753	\$1,833,055	\$2,017,019	\$183,964
Yolo	\$1,526,875	\$1,330,163	\$404,107	\$430,429	\$596,503	\$712,428	\$1,021,991	\$309,563
Yuba	\$503,871	\$503,871	\$200,855	\$278,909	\$474,768	\$471,244	\$410,105	(\$61,139)
Reserve	\$0	\$0	\$100,000	\$200,000	\$100,000	\$100,000	\$100,000	\$0
Total	\$196,003,969	\$202,400,723	\$114,700,000	\$114,800,000	\$136,700,000	\$136,700,000	\$156,700,000	\$20,000,000

Note 1: Allocations are based on filings data obtained from the Office of Court Research as of March 22, 2019 and caseload data obtained from the California Child Welfare Indicators Project (CCWIP) as of July 1, 2018.

Note 2: Augst 2019 allocations revised based on corrected BLS data

FY 2019-20 Court-Appointed Dependency Counsel Allocations: Revision

	19-20 Allocation Approved July 2019	19-20 Allocation Revised	Change in Allocation	PCT change from prior allocation
Alameda	\$3,753,115	\$ 3,629,342	\$ (123,773)	-3.3%
Alpine	\$7,470	\$ 7,226	\$ (244)	-3.3%
Amador	\$150,570	\$ 145,653	\$ (4,917)	-3.3%
Butte	\$989,640	\$ 926,951	\$ (62,689)	-6.3%
Calaveras	\$210,440	\$ 203,567	\$ (6,873)	-3.3%
Colusa	\$107,012	\$ 103,517	\$ (3,495)	-3.3%
Contra Costa	\$2,707,047	\$ 2,617,772	\$ (89,275)	-3.3%
Del Norte	\$214,730	\$ 214,730	\$ -	0.0%
El Dorado	\$627,624	\$ 582,746	\$ (44,878)	-7.2%
Fresno	\$3,319,343	\$ 3,209,875	\$ (109,467)	-3.3%
Glenn	\$144,738	\$ 140,011	\$ (4,727)	-3.3%
Humboldt	\$635,141	\$ 615,068	\$ (20,073)	-3.2%
Imperial	\$706,462	\$ 645,919	\$ (60,543)	-8.6%
Inyo	\$48,006	\$ 48,006	\$ -	0.0%
Kern	\$2,896,470	\$ 2,864,207	\$ (32,263)	-1.1%
Kings	\$715,035	\$ 696,307	\$ (18,728)	-2.6%
Lake	\$285,153	\$ 285,153	\$ -	0.0%
Lassen	\$133,174	\$ 128,825	\$ (4,349)	-3.3%
Los Angeles	\$72,432,204	\$ 73,864,405	\$ 1,432,201	2.0%
Madera	\$696,803	\$ 674,047	\$ (22,756)	-3.3%
Marin	\$244,710	\$ 270,557	\$ 25,847	10.6%
Mariposa	\$55,843	\$ 54,019	\$ (1,824)	-3.3%
Mendocino	\$545,437	\$ 527,624	\$ (17,813)	-3.3%
Merced	\$853,429	\$ 825,284	\$ (28,145)	-3.3%
Modoc	\$51,164	\$ 49,493	\$ (1,671)	-3.3%
Mono	\$15,041	\$ 14,550	\$ (491)	-3.3%
Monterey	\$756,644	\$ 829,349	\$ 72,705	9.6%
Napa	\$370,668	\$ 384,039	\$ 13,371	3.6%
Nevada	\$167,712	\$ 173,215	\$ 5,503	3.3%
Orange	\$6,448,764	\$ 6,553,748	\$ 104,985	1.6%
Placer	\$660,738	\$ 710,846	\$ 50,108	7.6%
Plumas	\$154,059	\$ 154,059	\$ -	0.0%
Riverside	\$7,643,291	\$ 7,999,219	\$ 355,928	4.7%
Sacramento	\$5,776,534	\$ 5,586,032	\$ (190,502)	-3.3%
San Benito	\$110,653	\$ 107,040	\$ (3,614)	-3.3%
San Bernardino	\$12,655,517	\$ 11,957,781	\$ (697,736)	-5.5%
San Diego	\$5,721,086	\$ 5,525,422	\$ (195,664)	-3.4%
San Francisco	\$2,882,466	\$ 2,926,579	\$ 44,112	1.5%
San Joaquin	\$2,781,110	\$ 2,739,513	\$ (41,597)	-1.5%
San Luis Obispo	\$822,034	\$ 795,812	\$ (26,222)	-3.2%
San Mateo	\$837,842	\$ 984,479	\$ 146,638	17.5%
Santa Barbara	\$809,600	\$ 865,438	\$ 55,838	6.9%
Santa Clara	\$3,402,909	\$ 3,290,686	\$ (112,223)	-3.3%
Santa Cruz	\$553,714	\$ 619,253	\$ 65,539	11.8%

FY 2019-20 Court-Appointed Dependency Counsel Allocations: Revision

	19-20 Allocation Approved July 2019	19-20 Allocation Revised	Change in Allocation	PCT change from prior allocation
Shasta	\$784,678	\$ 690,857	\$ (93,821)	-12.0%
Sierra	\$5,045	\$ 5,045	\$ -	0.0%
Siskiyou	\$245,373	\$ 245,373	\$ -	0.0%
Solano	\$805,180	\$ 880,251	\$ 75,071	9.3%
Sonoma	\$1,305,404	\$ 1,262,354	\$ (43,050)	-3.3%
Stanislaus	\$1,472,925	\$ 1,424,350	\$ (48,575)	-3.3%
Sutter	\$365,377	\$ 353,444	\$ (11,932)	-3.3%
Tehama	\$406,103	\$ 392,840	\$ (13,262)	-3.3%
Trinity	\$94,631	\$ 93,829	\$ (802)	-0.8%
Tulare	\$2,097,457	\$ 2,067,711	\$ (29,746)	-1.4%
Tuolumne	\$193,792	\$ 187,463	\$ (6,329)	-3.3%
Ventura	\$2,085,806	\$ 2,017,019	\$ (68,787)	-3.3%
Yolo	\$1,213,137	\$ 1,021,991	\$ (191,146)	-15.8%
Yuba	\$423,950	\$ 410,105	\$ (13,845)	-3.3%
<i>Reserve</i>	\$100,000	\$ 100,000	\$ -	
Total	\$156,700,000	\$ 156,700,000	\$ -	



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 18–19, 2019

Title

Trial Court Budget: Fiscal Year 2019–20
Allocation of Court-Appointed Juvenile
Dependency Counsel Funding

Agenda Item Type

Action Required

Effective Date

July 1, 2019

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

June 28, 2019

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair

Contact

Penelope Davis, 415-865-8815
penny.davis@jud.ca.gov

Executive Summary

The Trial Court Budget Advisory Committee (TCBAC) recommends allocation of \$156.7 million for fiscal year (FY) 2019–20, from the ongoing Trial Court Trust Fund to the trial courts for court-appointed juvenile dependency counsel. The proposed allocation for FY 2019–20 was reviewed and approved by TCBAC at its May 2, 2019, meeting. The Judicial Council at its March 15, 2019, meeting—on the recommendation of the Trial Court Budget Advisory Committee—approved FY 2018–19 midyear reallocations and directed staff to further survey eligible courts to determine their ability to use funding during the remainder of the fiscal year. Staff was further directed to report the final allocation at the July 2019 council meeting.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council:

1. Allocate \$156.7 million to the trial courts for court-appointed juvenile dependency counsel costs, effective July 1, 2019. The *FY 2019–20 Court-Appointed Juvenile Dependency Counsel Allocation* was prepared using the methodology specified by the Judicial Council.

2. Approve the submission by staff of the final report of *Juvenile Dependency: FY 2018–19 Court-Appointed Counsel Funding Reallocation*.

These reports are available as Attachments A and B, respectively, of this report.

Relevant Previous Council Action

1. FY 2019–20 Court-Appointed Juvenile Dependency Allocation

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 (1) added section 77003 to the Government Code, (2) defined “court operations” in that section as including court-appointed dependency counsel, and (3) 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 Trial Court Budget Advisory Committee (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 Dependency, Representation, Administration, Funding, and Training (DRAFT) Pilot Program and court-appointed counsel report. (Judicial Council of Cal., *Juvenile Dependency: Court-Appointed–Counsel Funding Reallocation* (Apr. 17, 2015).)¹

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. (Judicial Council of Cal., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (Apr. 15, 2016).)²

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.

¹ Judicial Council of Cal., *Juvenile Dependency: Court-Appointed–Counsel Funding Reallocation* (Apr. 17, 2015), www.courts.ca.gov/documents/jc-20150417-itemI.pdf.

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

The working group determined that changes were justified in light of the unique costs faced by small courts. In May 2017, it recommended that the funding methodology be modified for 2017–18 and 2018–19 to (1) suspend reallocation-related budget reductions for the smallest courts with caseloads under 200, (2) adjust the local economic index for all those small courts with caseloads under 400, and (3) adjust the funding allocations of those larger courts receiving increases related to the reallocation to compensate for the increases to the small court budget. (Judicial Council of Cal., *Juvenile Dependency: Small Court Dependency Workload Working Group Final Recommendations* (May 19, 2017).)³ Implementation of adjusted funding enabled small courts to continue funding qualified dependency counsel and provide adequate representation services.

At its January 19, 2019 meeting, the Judicial Council adopted the modified funding methodology for small courts approved in May 2017 for fiscal years 2017–18 and 2018–19, as ongoing effective July 1, 2019.⁴ Based on current workload and filing information, 28 courts remain in the small court category; however, some shifting has resulted in only 21 courts meeting the “smallest” court criteria.

At its April 2019 meeting, the Trial Court Budget Advisory Committee (TCBAC) approved two CAC allocations, \$136.7 million and \$156.7 million, and a directive to staff to submit the court-appointed counsel allocation to the Judicial Council at its July meeting based on the actual funding level in the final 2019 Budget Act. The Governor’s final 2019–20 budget included the additional funding for court-appointed counsel in the amount of \$20 million, bringing the total General Fund Court-Appointed Counsel allocation to \$156.7 million.

2. Juvenile Dependency: FY 2018–19 Court-Appointed Counsel Funding Reallocation

At its April 17, 2015 business meeting, the Judicial Council approved a methodology for reallocating funds unspent by courts for court-appointed counsel in dependency cases.⁵

At its March 15, 2019 meeting, the Judicial Council directed staff to further survey courts regarding their ability to utilize funds during the remainder of the fiscal year and reallocate unspent funds to those courts demonstrating an ability to expend funds by the end of the fiscal year. Staff was further directed to report the final allocation at the July 2019 council meeting. Attachment B is the final report of FY 2018–19 juvenile dependency court-appointed counsel reallocations.

³ 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>.

⁴ Judicial Council of Cal., *Juvenile Law: Court-Appointed Juvenile Dependency Counsel Funding Methodology for Small Courts* (Jan. 15, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=6913216&GUID=4DEB6A82-B007-46D8-9885-8D11D907DBF5>.

⁵ Judicial Council of Cal., *Juvenile Dependency: Court-Appointed Counsel Funding Reallocation* (Apr. 17, 2015), <http://www.courts.ca.gov/documents/jc-20150417-item1.pdf>.

Analysis/Rationale

1. FY 2019–20 Court-Appointed Juvenile Dependency Counsel Allocation

The amount of \$156.7 million is allocated in the annual budget for court-appointed juvenile dependency counsel. The 2019–20 allocations to trial courts in Attachment A were derived by using the methodology designated in the Judicial Council reports listed above; 2018–19 was the final year of the four-year reallocation process approved in April 2015. In this process, court allocations were based on a percentage of historical baseline share of funding prior to 2015–16 and a percentage of the new caseload-based funding model approved by the Judicial Council. Starting in 2018–19, court allocations are based on 100 percent of the workload-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.

Additionally, in 2019–20 as in 2018–19 and 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. The 21 smallest courts with caseloads under 200 continue to be exempt from reallocation-related budget reductions. Small courts with a BLS average index of under 1.0 are adjusted upwards to 1.0.

2. Juvenile Dependency: FY 2018–19 Court-Appointed Counsel Funding Reallocation

The reallocation process was established to support courts in need of additional dependency counsel funds, when available. Under the reallocation methodology adopted at the April 17, 2015 Judicial Council meeting, funds are reallocated proportionally by workload to courts that both did not remit unspent funds and had unmet need. Trial courts whose spending patterns at midyear indicated they may not spend their full 2018–19 allocations were identified and contacted. Of those courts, six confirmed that they would not spend the full allocation and provided an estimate of unspent funding.

At its March 15, 2019 meeting,⁶ the Judicial Council directed staff to further survey courts regarding their ability to utilize funds during the remainder of the fiscal year and reallocate unspent funds to those courts demonstrating an ability to expend funds by the end of the fiscal year. Of all the courts eligible for reallocated funds, nine declined the funding, and two courts returned additional anticipated unspent funds. Attachment B is the final report of FY 2018–19 juvenile dependency court-appointed counsel reallocations.

⁶ Judicial Council of Cal., *Juvenile Law: 2018–19 Allocations for Juvenile Dependency Counsel Collections Program and Court-Appointed Counsel Expected Unspent Funding* (Mar. 15, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7058002&GUID=C6FD44EF-F1D6-4B55-BE1E-9C97E0353097>.

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, May 2017, and January 2019 meetings.

Fiscal and Operational Impacts

This recommendation is for the allocation of funds that are included in the 2019–20 budget. Hence, no additional costs or impacts are anticipated.

Attachments

1. Attachment A: *FY 2019–20 Court-Appointed Juvenile Dependency Counsel Allocation*
2. Attachment B: *Juvenile Dependency: FY 2018–19 Court-Appointed Counsel Funding Reallocation*

2019-20 Allocation of Dependency Counsel Funding

Court	Caseload Funding Model Estimated Funding Need	2015-16 Allocation	2016-17 Allocation	2017-18 Allocation	2018-19 Allocation	2019-20 Allocation	Diff from Prior Year
	A	B	C	D	E		F
Alameda	\$4,723,737	\$4,037,391	\$3,618,313	\$3,565,629	\$3,399,620	\$3,753,115	\$353,495
Alpine	\$7,124	\$0	\$399	\$1,799	\$2,628	\$7,470	\$4,842
Amador	\$186,176	\$115,233	\$115,233	\$143,696	\$144,678	\$150,570	\$5,892
Butte	\$1,245,579	\$664,923	\$627,554	\$794,546	\$799,814	\$989,640	\$189,826
Calaveras	\$240,712	\$123,940	\$142,758	\$220,822	\$191,355	\$210,440	\$19,085
Colusa	\$120,329	\$38,471	\$40,667	\$43,948	\$72,637	\$107,012	\$34,375
Contra Costa	\$3,407,138	\$3,030,406	\$2,600,337	\$2,363,610	\$2,294,410	\$2,707,047	\$412,637
Del Norte	\$164,514	\$214,730	\$214,730	\$214,730	\$214,730	\$214,730	\$0
El Dorado	\$785,548	\$788,644	\$655,569	\$548,764	\$505,148	\$627,624	\$122,476
Fresno	\$4,177,784	\$2,900,594	\$2,670,600	\$3,015,746	\$2,800,979	\$3,319,343	\$518,363
Glenn	\$158,922	\$90,417	\$90,417	\$111,158	\$122,690	\$144,738	\$22,048
Humboldt	\$794,957	\$543,896	\$462,558	\$522,682	\$657,658	\$635,141	(\$22,517)
Imperial	\$889,166	\$591,128	\$518,512	\$576,150	\$562,114	\$706,462	\$144,348
Inyo	\$42,132	\$72,277	\$72,277	\$45,459	\$51,626	\$48,006	(\$3,619)
Kern	\$3,645,548	\$2,347,548	\$2,277,753	\$2,664,810	\$2,627,276	\$2,896,470	\$269,193
Kings	\$899,956	\$354,779	\$443,478	\$700,757	\$713,352	\$715,035	\$1,683
Lake	\$254,125	\$296,119	\$296,119	\$272,201	\$276,158	\$285,153	\$8,994
Lassen	\$129,764	\$106,891	\$106,891	\$106,891	\$108,967	\$133,174	\$24,207
Los Angeles	\$91,164,464	\$40,230,156	\$45,149,389	\$60,560,884	\$62,434,046	\$72,432,204	\$9,998,158
Madera	\$821,381	\$225,443	\$293,833	\$535,074	\$589,946	\$696,803	\$106,857
Marin	\$244,710	\$388,488	\$388,488	\$311,538	\$304,984	\$244,710	(\$60,274)
Mariposa	\$65,374	\$38,070	\$38,070	\$38,070	\$41,897	\$55,843	\$13,946
Mendocino	\$570,685	\$711,060	\$566,908	\$440,581	\$458,911	\$545,437	\$86,526
Merced	\$1,074,141	\$738,248	\$751,397	\$844,260	\$775,718	\$853,429	\$77,711
Modoc	\$51,824	\$16,090	\$17,128	\$24,065	\$37,161	\$51,164	\$14,004
Mono	\$15,773	\$13,956	\$13,956	\$13,956	\$14,615	\$15,041	\$426
Monterey	\$952,326	\$434,541	\$494,823	\$682,574	\$715,702	\$756,644	\$40,942
Napa	\$463,936	\$212,285	\$232,362	\$315,051	\$311,403	\$370,668	\$59,265
Nevada	\$133,092	\$226,123	\$226,123	\$202,832	\$174,058	\$167,712	(\$6,346)
Orange	\$8,116,529	\$6,418,278	\$5,648,065	\$5,366,139	\$5,355,390	\$6,448,764	\$1,093,373
Placer	\$826,994	\$518,087	\$687,985	\$895,552	\$747,111	\$660,738	(\$86,373)
Plumas	\$124,521	\$154,059	\$154,059	\$151,555	\$154,059	\$154,059	\$0
Riverside	\$9,566,510	\$6,080,322	\$6,411,055	\$8,806,009	\$8,173,324	\$7,643,291	(\$530,033)
Sacramento	\$7,270,449	\$5,205,426	\$4,832,997	\$5,609,080	\$5,161,591	\$5,776,534	\$614,943
San Benito	\$119,833	\$89,163	\$89,163	\$112,410	\$104,920	\$110,653	\$5,733
San Bernardino	\$15,928,459	\$4,963,161	\$5,731,210	\$8,514,703	\$9,751,976	\$12,655,517	\$2,903,541
San Diego	\$7,200,660	\$9,408,199	\$7,711,177	\$6,132,621	\$5,339,513	\$5,721,086	\$381,572
San Francisco	\$3,627,923	\$3,761,098	\$3,296,146	\$3,060,973	\$2,754,101	\$2,882,466	\$128,365
San Joaquin	\$3,500,355	\$2,982,578	\$2,601,178	\$2,480,278	\$2,399,805	\$2,781,110	\$381,305
San Luis Obispo	\$1,034,627	\$699,248	\$647,980	\$703,001	\$672,046	\$822,034	\$149,988
San Mateo	\$1,048,661	\$554,582	\$668,643	\$960,903	\$934,702	\$837,842	(\$96,860)
Santa Barbara	\$1,013,313	\$1,557,379	\$1,267,448	\$979,287	\$826,760	\$809,600	(\$17,160)
Santa Clara	\$4,282,962	\$4,508,063	\$3,780,956	\$3,223,912	\$2,947,634	\$3,402,909	\$455,275
Santa Cruz	\$657,016	\$863,289	\$713,676	\$598,314	\$544,197	\$553,714	\$9,517
Shasta	\$987,610	\$681,818	\$621,700	\$680,076	\$614,678	\$784,678	\$170,000
Sierra	\$0	\$13,759	\$13,759	\$9,848	\$8,323	\$5,045	(\$3,278)
Siskiyou	\$209,226	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$0
Solano	\$1,007,781	\$875,639	\$801,057	\$883,349	\$805,489	\$805,180	(\$309)
Sonoma	\$1,643,005	\$1,137,764	\$990,021	\$918,101	\$945,770	\$1,305,404	\$359,634
Stanislaus	\$1,853,850	\$1,107,189	\$1,004,470	\$1,092,505	\$1,091,719	\$1,472,925	\$381,207
Sutter	\$449,762	\$143,904	\$146,804	\$220,511	\$260,937	\$365,377	\$104,440
Tehama	\$506,837	\$163,859	\$177,634	\$319,793	\$362,975	\$406,103	\$43,127
Trinity	\$101,746	\$93,829	\$93,829	\$96,021	\$93,829	\$94,631	\$802
Tulare	\$2,639,897	\$954,553	\$1,032,410	\$1,591,232	\$1,714,221	\$2,097,457	\$383,236
Tuolumne	\$198,551	\$110,593	\$110,593	\$159,147	\$168,548	\$193,792	\$25,244
Ventura	\$2,625,232	\$1,151,975	\$1,284,628	\$1,835,753	\$1,833,055	\$2,085,806	\$252,751
Yolo	\$1,526,875	\$404,107	\$430,429	\$596,503	\$712,428	\$1,213,137	\$500,709
Yuba	\$503,871	\$200,855	\$278,909	\$474,768	\$471,244	\$423,950	(\$47,294)
Reserve	\$0	\$100,000	\$200,000	\$100,000	\$100,000	\$100,000	\$0
Total	\$196,003,969	\$114,700,000	\$114,800,000	\$136,700,000	\$136,700,000	\$156,700,000	\$20,000,000

Note: Allocations are based on filings data obtained from the Office of Court Research as of March 22, 2019 and caseload data obtained from the California Child Welfare Indicators Project (CCWIP) as of July 1, 2018.

Court	Estimated Funding Need (JC Report - July 2018) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of Court Appointed Counsel (CAC) Base Funding in 2018-19 Col. C	Allocation as a Percentage of Total CAC Base Funding in 2018-19 (Col. C Total) Col. D	Est. Unspent Funding 2018-19 Col. E	Eligible for Reallocated Funding ¹ Col. F	Funding Need of Eligible Courts (Col. A when Col. F equals "Y") Col. G	Need as a % of Total Need of Eligible Courts (Col. G Total) Col. H	Final 2018-19 Reallocation (Col. H x \$787,532) Col. I
Alameda	\$5,151,396.77	2.49%	\$3,399,619.75	2.49%	0	Y	5,151,396.77	2.77%	21,751.94
Alpine*	3,303.26	0.00%	2,627.69	0.00%	0	Y	3,303.26	0.00%	13.95
Amador	217,828.04	0.11%	144,677.98	0.11%	0	Y	217,828.04	0.12%	919.79
Butte	1,228,458.39	0.59%	799,814.35	0.59%	15,814	N	-	0.00%	-
Calaveras	251,831.42	0.12%	191,355.32	0.14%	4,800	N	-	0.00%	-
Colusa†	81,587.95	0.04%	72,637.25	0.05%	0	Y	81,587.95	0.04%	344.51
Contra Costa	3,476,688.20	1.68%	2,294,410.31	1.68%	0	N	-	0.00%	-
Del Norte	193,047.01	0.09%	214,730.47	0.16%	0	N	-	0.00%	-
El Dorado	765,443.35	0.37%	505,147.72	0.37%	0	Y	765,443.35	0.41%	3,232.11
Fresno	4,244,285.46	2.05%	2,800,979.49	2.05%	0	Y	4,244,285.46	2.28%	17,921.63
Glenn	121,233.03	0.06%	122,690.02	0.09%	0	N	-	0.00%	-
Humboldt	753,198.48	0.36%	657,658.45	0.48%	22,930	N	-	0.00%	-
Imperial	851,763.74	0.41%	562,114.12	0.41%	0	Y	851,763.74	0.46%	3,596.60
Inyo	43,187.47	0.02%	51,625.77	0.04%	0	N	-	0.00%	-
Kern	3,981,075.43	1.92%	2,627,276.30	1.92%	250,000	N	-	0.00%	-
Kings	1,095,657.83	0.53%	713,351.68	0.52%	125,000	N	-	0.00%	-
Lake	210,345.45	0.10%	276,158.33	0.20%	0	N	-	0.00%	-
Lassen	128,658.79	0.06%	108,966.70	0.08%	0	Y	128,658.79	0.07%	543.27
Los Angeles	95,894,287.76	46.33%	62,434,045.75	45.67%	0	Y	95,894,287.76	51.52%	404,916.74
Madera	836,263.17	0.40%	589,945.83	0.43%	0	Y	836,263.17	0.45%	3,531.15
Marin	304,984.43	0.15%	304,984.43	0.22%	0	N	-	0.00%	-
Mariposa	53,773.28	0.03%	41,896.84	0.03%	0	N	-	0.00%	-
Mendocino	568,332.17	0.27%	458,910.77	0.34%	0	Y	568,332.17	0.31%	2,399.80
Merced	1,175,434.02	0.57%	775,717.52	0.57%	0	N	-	0.00%	1,558.00
Modoc	30,457.87	0.01%	37,160.50	0.03%	0	N	-	0.00%	-
Mono	20,994.66	0.01%	14,615.18	0.01%	0	Y	20,994.66	0.01%	88.65
Monterey	1,099,267.14	0.53%	715,701.60	0.52%	176,000	N	-	0.00%	-
Napa	471,864.45	0.23%	311,402.86	0.23%	70,000	N	-	0.00%	-
Nevada	174,057.77	0.08%	174,057.77	0.13%	0	N	-	0.00%	-
Orange	8,225,501.68	3.97%	5,355,390.40	3.92%	0	Y	8,225,501.68	4.42%	34,732.45
Placer	1,132,087.04	0.55%	747,111.05	0.55%	0	N	-	0.00%	-
Plumas	115,681.63	0.06%	154,059.11	0.11%	0	N	-	0.00%	-
Riverside	12,384,924.68	5.98%	8,173,323.94	5.98%	0	Y	12,384,924.68	6.65%	52,295.75
Sacramento	7,821,287.79	3.78%	5,161,591.24	3.78%	0	Y	7,821,287.79	4.20%	33,025.64
San Benito	154,563.71	0.07%	104,920.19	0.08%	0	N	-	0.00%	-
San Bernardino	14,978,346.99	7.24%	9,751,976.09	7.13%	0	Y	14,978,346.99	8.05%	63,246.56
San Diego	8,090,890.49	3.91%	5,339,513.21	3.91%	0	Y	8,090,890.49	4.35%	34,164.05
San Francisco	4,173,251.32	2.02%	2,754,101.12	2.01%	0	Y	4,173,251.32	2.24%	17,621.69
San Joaquin	3,636,390.65	1.76%	2,399,804.56	1.76%	0	Y	3,636,390.65	1.95%	15,354.78
San Luis Obispo	1,018,341.46	0.49%	672,045.64	0.49%	0	Y	1,018,341.46	0.55%	4,299.98
San Mateo	1,416,340.88	0.68%	934,701.91	0.68%	0	N	-	0.00%	-
Santa Barbara	1,252,777.92	0.61%	826,759.95	0.60%	0	Y	1,252,777.92	0.67%	5,289.90
Santa Clara	4,466,509.51	2.16%	2,947,634.32	2.16%	0	Y	4,466,509.51	2.40%	18,859.98
Santa Cruz	824,613.73	0.40%	544,196.70	0.40%	0	Y	824,613.73	0.44%	3,481.96
Shasta	931,413.40	0.45%	614,678.22	0.45%	0	Y	931,413.40	0.50%	3,932.92
Sierra	5,176.70	0.00%	8,323.21	0.01%	0	N	-	0.00%	-
Siskiyou	202,252.79	0.10%	245,373.43	0.18%	0	N	-	0.00%	-
Solano	1,220,545.94	0.59%	805,488.74	0.59%	0	Y	1,220,545.94	0.66%	5,153.79
Sonoma	1,452,636.04	0.70%	945,770.04	0.69%	0	Y	1,452,636.04	0.78%	6,133.80
Stanislaus	1,676,803.14	0.81%	1,091,718.88	0.80%	0	Y	1,676,803.14	0.90%	7,080.36
Sutter	386,638.40	0.19%	260,937.07	0.19%	0	Y	386,638.40	0.21%	1,632.59
Tehama	434,299.64	0.21%	362,975.46	0.27%	0	N	-	0.00%	-
Trinity	92,143.70	0.04%	93,829.12	0.07%	0	N	-	0.00%	-
Tulare	2,632,922.36	1.27%	1,714,220.93	1.25%	122,988	N	-	0.00%	-
Tuolumne	223,997.10	0.11%	168,547.98	0.12%	0	Y	223,997.10	0.12%	945.84
Ventura	2,815,443.23	1.36%	1,833,055.08	1.34%	0	Y	2,815,443.23	1.51%	11,888.30
Yolo	1,079,532.01	0.52%	712,427.81	0.52%	0	Y	1,079,532.01	0.58%	4,558.36
Yuba	714,069.26	0.34%	471,243.83	0.34%	0	Y	714,069.26	0.38%	3,015.18
Unallocated	\$0.00		100,000.00				-		-
Total	\$206,988,089.98		\$136,700,000.00		\$787,532.00		\$186,138,059.86	100.00%	\$787,532.00
Total Returned									\$787,532.00