



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-089

For business meeting on July 24, 2020

Title

Trial Court Budget: Fiscal Year 2020–21
Allocation of Court-Appointed Juvenile
Dependency Counsel Funding

Agenda Item Type

Action Required

Effective Date

July 1, 2020

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

July 7, 2020

Recommended by

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

Contact

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Executive Summary

The Trial Court Budget Advisory Committee recommends allocation of \$156.7 million for fiscal year 2020–21 from the ongoing Trial Court Trust Fund to the trial courts for court-appointed juvenile dependency counsel.

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, 2020. The *FY 2020–21 Court-Appointed Juvenile Dependency Counsel Allocation* was prepared using the methodology specified by the Judicial Council.

The *2020–21 Allocation of Dependency Counsel Funding* is available as Attachment A of this report.

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 (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.¹

Another recommendation approved by the Judicial Council at that time was to form a joint subcommittee of the TCBAC and the Family and Juvenile Law Advisory Committee to review the workload model for possible updates and revisions. After a year of research and analysis, the methodology recommended by the joint subcommittee was approved by the Judicial Council.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.

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 fiscal years (FYs) 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

¹ Judicial Council of Cal., *Juvenile Dependency: Court-Appointed–Counsel Funding Reallocation* (Apr. 8, 2015), www.courts.ca.gov/documents/jc-20150417-item1.pdf.

² Judicial Council of Cal., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (Apr. 1, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4382676&GUID=E8BCCA8A-5DED-48C3-B946-6E21EBB0BEAF>.

budget.³ Implementation of adjusted funding enabled small courts to continue funding qualified dependency counsel and provide adequate representation services.

At its meeting on January 19, 2019, 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, 31 courts are in the small court category; however, some shifting has resulted in only 21 courts meeting the “smallest” court criteria.

Analysis/Rationale

The amount of \$156.7 million is allocated in the annual budget for court-appointed juvenile dependency counsel. The FY 2020–21 allocations to trial courts in Attachment A were derived by using the methodology designated in the Judicial Council reports listed above. The key factors used in this allocation are (for each court):

- A three-year rolling average of original dependency filings⁵;
- A three-year rolling average of number of children in foster care⁶; and
- The Bureau of Labor Statistics (BLS) governmental salary index average, as modified for other Judicial Council budget allocations.

Additionally, the allocation was adjusted to reduce the impact of the funding methodology on small courts. Two adjustments are made in accordance with the 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 upward to 1.0.

³ Judicial Council of Cal., *Juvenile Dependency: Small Court Dependency Workload Working Group Final Recommendations* (May 5, 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* (Dec. 20, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6913216&GUID=4DEB6A82-B007-46D8-9885-8D11D907DBF5>.

⁵ An interim solution was applied to estimate missing and unvalidated data for the Superior Courts of Plumas and Santa Clara Counties, which did not complete certification onto the upgraded Judicial Branch Statistical Information System (JBSIS) 3.0 platform in time for FY 2018–19 filings data. This approach will be used only for the FY 2020–21 workload formula and will not be used in the *Court Statistics Report* or entered into the JBSIS data warehouse.

⁶ On February 27, 2020, the California Child Welfare Indicators Project site was updated to improve navigation and offer new features. With these changes, some previously available views of the data were removed. Cases opened and not identified to a specific court are assigned to the service component “Missing.” Statewide, these cases total 199 and are not reported as service component data on the site.

To comply with CDSS data de-identification guidelines, “masking” is performed to protect the privacy of individuals served by CDSS. In reporting the number of children served, any service component with a value between 1 and 10 are masked. Two courts, Alpine and Sierra, had total values between 1 and 10; therefore, the number of children served were masked and identified with (M). With the aim of maintaining confidentiality and allocating funds to each of these courts, each were allotted a value of 10 as of reporting period July 1, 2019.

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 because 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 FY 2020–21 budget. Hence, no additional costs or impacts are anticipated.

Attachments

1. Attachment A: *2020–21 Allocation Dependency Counsel Funding*

2020-21 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	2020-21 Allocation	Diff from Prior Year
	A	B	C	D	E	F	G	H
Alameda	\$4,350,836	\$4,037,391	\$3,618,313	\$3,565,629	\$3,399,620	\$3,629,342	\$3,422,591	(\$206,751)
Alpine	\$10,204	\$0	\$399	\$1,799	\$2,628	\$7,226	\$11,439	\$4,214
Amador	\$157,354	\$115,233	\$115,233	\$143,696	\$144,678	\$145,653	\$126,205	(\$19,447)
Butte	\$1,133,089	\$664,923	\$627,554	\$794,546	\$799,814	\$926,951	\$891,346	(\$35,605)
Calaveras	\$214,466	\$123,940	\$142,758	\$220,822	\$191,355	\$203,567	\$202,088	(\$1,479)
Colusa	\$110,942	\$38,471	\$40,667	\$43,948	\$72,637	\$103,517	\$117,871	\$14,354
Contra Costa	\$3,268,377	\$3,030,406	\$2,600,337	\$2,363,610	\$2,294,410	\$2,617,772	\$2,571,073	(\$46,699)
Del Norte	\$154,518	\$214,730	\$214,730	\$214,730	\$214,730	\$214,730	\$203,096	(\$11,634)
El Dorado	\$712,976	\$788,644	\$655,569	\$548,764	\$505,148	\$582,746	\$560,863	(\$21,883)
Fresno	\$4,235,518	\$2,900,594	\$2,670,600	\$3,015,746	\$2,800,979	\$3,209,875	\$3,302,907	\$93,031
Glenn	\$130,323	\$90,417	\$90,417	\$111,158	\$122,690	\$140,011	\$154,825	\$14,814
Humboldt	\$853,913	\$543,896	\$462,558	\$522,682	\$657,658	\$615,068	\$665,891	\$50,823
Imperial	\$889,611	\$591,128	\$518,512	\$576,150	\$562,114	\$645,919	\$693,729	\$47,810
Inyo	\$32,070	\$72,277	\$72,277	\$45,459	\$51,626	\$48,006	\$39,570	(\$8,436)
Kern	\$3,458,600	\$2,347,548	\$2,277,753	\$2,664,810	\$2,627,276	\$2,864,207	\$2,720,713	(\$143,494)
Kings	\$838,507	\$354,779	\$443,478	\$700,757	\$713,352	\$696,307	\$659,612	(\$36,695)
Lake	\$220,513	\$296,119	\$296,119	\$272,201	\$276,158	\$285,153	\$288,934	\$3,782
Lassen	\$130,789	\$106,891	\$106,891	\$106,891	\$108,967	\$128,825	\$130,683	\$1,858
Los Angeles	\$97,215,159	\$40,230,156	\$45,149,389	\$60,560,884	\$62,434,046	\$73,864,405	\$75,809,513	\$1,945,108
Madera	\$762,978	\$225,443	\$293,833	\$535,074	\$589,946	\$674,047	\$631,797	(\$42,250)
Marin	\$287,842	\$388,488	\$388,488	\$311,538	\$304,984	\$270,557	\$287,842	\$17,285
Mariposa	\$54,999	\$38,070	\$38,070	\$38,070	\$41,897	\$54,019	\$48,793	(\$5,226)
Mendocino	\$521,712	\$711,060	\$566,908	\$440,581	\$458,911	\$527,624	\$510,212	(\$17,412)
Merced	\$1,077,780	\$738,248	\$751,397	\$844,260	\$775,718	\$825,284	\$840,466	\$15,182
Modoc	\$42,601	\$16,090	\$17,128	\$24,065	\$37,161	\$49,493	\$59,313	\$9,820
Mono	\$20,958	\$13,956	\$13,956	\$13,956	\$14,615	\$14,550	\$18,114	\$3,564
Monterey	\$1,013,414	\$434,541	\$494,823	\$682,574	\$715,702	\$829,349	\$797,204	(\$32,146)
Napa	\$530,232	\$212,285	\$232,362	\$315,051	\$311,403	\$384,039	\$417,108	\$33,068
Nevada	\$178,805	\$226,123	\$226,123	\$202,832	\$174,058	\$173,215	\$178,805	\$5,590
Orange	\$8,868,304	\$6,418,278	\$5,648,065	\$5,366,139	\$5,355,390	\$6,553,748	\$6,915,607	\$361,858
Placer	\$763,480	\$518,087	\$687,985	\$895,552	\$747,111	\$710,846	\$600,593	(\$110,253)
Plumas	\$114,569	\$154,059	\$154,059	\$151,555	\$154,059	\$154,059	\$154,059	\$0
Riverside	\$8,742,617	\$6,080,322	\$6,411,055	\$8,806,009	\$8,173,324	\$7,999,219	\$6,877,392	(\$1,121,827)
Sacramento	\$6,377,922	\$5,205,426	\$4,832,997	\$5,609,080	\$5,161,591	\$5,586,032	\$5,017,201	(\$568,831)
San Benito	\$138,965	\$89,163	\$89,163	\$112,410	\$104,920	\$107,040	\$109,317	\$2,277
San Bernardino	\$15,961,184	\$4,963,161	\$5,731,210	\$8,514,703	\$9,751,976	\$11,957,781	\$12,446,717	\$488,936
San Diego	\$6,535,686	\$9,408,199	\$7,711,177	\$6,132,621	\$5,339,513	\$5,525,422	\$5,141,307	(\$384,115)
San Francisco	\$3,430,051	\$3,761,098	\$3,296,146	\$3,060,973	\$2,754,101	\$2,926,579	\$2,698,254	(\$228,324)
San Joaquin	\$3,469,677	\$2,982,578	\$2,601,178	\$2,480,278	\$2,399,805	\$2,739,513	\$2,729,427	(\$10,087)
San Luis Obispo	\$1,030,388	\$699,248	\$647,980	\$703,001	\$672,046	\$795,812	\$803,509	\$7,697
San Mateo	\$1,065,037	\$554,582	\$668,643	\$960,903	\$934,702	\$984,479	\$837,813	(\$146,667)
Santa Barbara	\$1,140,239	\$1,557,379	\$1,267,448	\$979,287	\$826,760	\$865,438	\$889,192	\$23,734
Santa Clara	\$4,183,439	\$4,508,063	\$3,780,956	\$3,223,912	\$2,947,634	\$3,290,686	\$3,262,294	(\$28,391)
Santa Cruz	\$708,207	\$863,289	\$713,676	\$598,314	\$544,197	\$619,253	\$557,112	(\$62,141)
Shasta	\$842,628	\$681,818	\$621,700	\$680,076	\$614,678	\$690,857	\$662,855	(\$28,002)
Sierra	\$0	\$13,759	\$13,759	\$9,848	\$8,323	\$5,045	\$10,829	\$5,783
Siskiyou	\$176,681	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$0
Solano	\$1,103,744	\$875,639	\$801,057	\$883,349	\$805,489	\$880,251	\$868,262	(\$11,989)
Sonoma	\$1,802,734	\$1,137,764	\$990,021	\$918,101	\$945,770	\$1,262,354	\$1,405,793	\$143,439
Stanislaus	\$1,857,984	\$1,107,189	\$1,004,470	\$1,092,505	\$1,091,719	\$1,424,350	\$1,448,878	\$24,527
Sutter	\$471,054	\$143,904	\$146,804	\$220,511	\$260,937	\$353,444	\$374,781	\$21,337
Tehama	\$342,189	\$163,859	\$177,634	\$319,793	\$362,975	\$392,840	\$340,323	(\$52,517)
Trinity	\$73,899	\$93,829	\$93,829	\$96,021	\$93,829	\$93,829	\$93,829	\$0
Tulare	\$2,764,749	\$954,553	\$1,032,410	\$1,591,232	\$1,714,221	\$2,067,711	\$2,155,983	\$88,272
Tuolumne	\$269,381	\$110,593	\$110,593	\$159,147	\$168,548	\$187,463	\$257,399	\$69,936
Ventura	\$2,291,317	\$1,151,975	\$1,284,628	\$1,835,753	\$1,833,055	\$2,017,019	\$1,802,468	(\$214,551)
Yolo	\$1,496,553	\$404,107	\$430,429	\$596,503	\$712,428	\$1,021,991	\$1,167,029	\$145,039
Yuba	\$439,889	\$200,855	\$278,909	\$474,768	\$471,244	\$410,105	\$363,820	(\$46,285)
Reserve	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$0
Total	\$199,071,652	\$114,700,000	\$114,700,000	\$136,700,000	\$136,700,000	\$156,700,000	\$156,700,000	\$0

Note: Allocations are based on filings data obtained from the Office of Court Research as of March 16, 2020 and caseload data obtained from the California Child Welfare Indicators Project (CCWIP) as of July 1, 2019.