



JUDICIAL COUNCIL OF CALIFORNIA

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

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-168

For business meeting on September 25, 2020

Title

Allocations and Reimbursements to Trial Courts: Continued Distribution of Children's Waiting Room Funds During Temporary Closure

Agenda Item Type

Action Required

Effective Date

September 25, 2020

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

September 2, 2020

Recommended by

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

Contact

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

Executive Summary

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve requests from the Superior Courts of San Bernardino and Riverside Counties to continue receiving children's waiting room funds during the unforeseen temporary closure of their children's waiting rooms in response to the COVID-19 pandemic. By continuing to receive funding, these courts will have sufficient resources to help defray costs when resuming operations.

Recommendation

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council, effective September 25, 2020, approve the continued distribution of children's waiting room funds to the Superior Courts of San Bernardino and Riverside Counties to allow each court to receive funding to defray costs and support operation of children's waiting rooms upon reopening.

Relevant Previous Council Action

The Judicial Council first adopted a policy and procedure on court requests for children's waiting room (CWR) distributions under Government Code section 70640 at its business meeting on June 27, 2014.¹ The council has since adopted various revisions to the policy, including clarification on when distributions may be requested in advance of a CWR planned opening and when distributions will end for temporary or permanent closures.²

The Judicial Council's Children's Waiting Room Distribution and Fund Balance Policy was last revised by the council at its business meeting on July 24, 2020,³ allowing the Fiscal Planning Subcommittee to make a recommendation directly to the council upon a court's request.

Analysis/Rationale

Government Code 70640 states, "It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court." Further, the statute states that after January 1, 2006, a court may apply to the Judicial Council for a CWR distribution between \$2 and \$5, inclusive, from each applicable filing fee (see Attachment A). CWR distributions to trial courts from first paper filing fee revenues deposited into the Trial Court Trust Fund can be spent only on costs associated with operating a CWR.

Standard 10.24 of the California Rules of Court also states that "[e]ach court should endeavor to provide a children's waiting room located in the courthouse for the use of minors under the age of 16 who are present on court premises as participants or who accompany persons who are participants in court proceedings"; that "[t]he waiting room should be supervised and open during normal court hours"; and "if a court does not have sufficient space in the courthouse for a children's waiting room, the court should create the necessary space when court facilities are reorganized or remodeled or when new facilities are constructed."

The approval of these requests is consistent with Government Code section 70640 and standard 10.64 and would allow the Superior Courts of San Bernardino and Riverside Counties to accumulate sufficient funding to reopen and operate their CWRs full time.

¹ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Allocations: Children's Waiting Room Distribution* (June 27, 2014), www.courts.ca.gov/documents/jc-20140627-itemK.pdf; Judicial Council of Cal., mins. (June 26–27, 2014), pp. 10–11, www.courts.ca.gov/documents/jc-20140627-minutes.pdf.

² Judicial Council of Cal., Advisory Com. Rep., *Trial Courts: Distribution Request Process for Children's Waiting Rooms and Distribution Request from a Court* (Nov. 26, 2014), www.courts.ca.gov/documents/jc-20141212-itemD.pdf; Judicial Council of Cal., mins. (Dec. 11–12, 2014), pp. 15–16, www.courts.ca.gov/documents/jc-20141212-minutes.pdf.

³ Judicial Council of Cal., Advisory Com. Rep., *Trial Courts: Update to the Children's Waiting Room Distribution and Fund Balance Policy* (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8643506&GUID=BF60227F-157A-4BBE-8BD5-A0B5F4804971>.

The San Bernardino and Riverside courts' requests for a continued CWR distribution are provided in Attachments B and C, respectively.

Attachment D provides the total distributions for 2016–17, 2017–18, 2018–19, and 2019–20 for the 18 courts that currently have a CWR distribution.

Attachments E and F provide the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (Government Code section 70611) for the San Bernardino and Riverside courts, respectively. There is no change in the distribution for these requests because the two courts are already receiving a CWR distribution.

Policy implications

None.

Comments

This item was not circulated for public comment.

Alternatives considered

None.

Fiscal and Operational Impacts

Approving requests from the San Bernardino and Riverside courts for a continued CWR distribution would reduce by approximately \$489,000 the total amount of uniform, first paper civil filing fee revenues that would otherwise support all courts' Trial Court Trust Fund base allocations for court operations.

Attachments and Links

1. Attachment A: Government Code Section 70640
2. Attachment B: Superior Court of San Bernardino County's CWR continued distribution request
3. Attachment C: Superior Court of Riverside County's CWR continued distribution request
4. Attachment D: Children's Waiting Room Distribution Amount and Total Distribution
5. Attachment E: Distribution from First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) in San Bernardino County
6. Attachment F: Distribution from First Paper General Civil Unlimited Uniform Filing Fee (GC 70611) in Riverside County

Government Code Section 70640

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, monthly allocations for children's waiting rooms shall be added to the monthly apportionment under subdivision (a) of Section 68085 for each court where a children's waiting room has been established or where the court has elected to establish that service.

(b) The amount allocated to each court under this section shall be equal to the following: for each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670, and each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658, the same amount as was required to be collected as of December 31, 2005, to the Children's Waiting Room Fund under former Section 26826.3 in the county in which the court is located when a fee was collected for the filing of a first paper in a civil action under former Section 26820.4.

(c) Notwithstanding any other provision of law, the court may make expenditures from these allocations in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(d) If, as of January 1, 2006, there is a Children's Waiting Room Fund in the county treasury established under former Section 26826.3, the county immediately shall transfer the moneys in that fund to the court's operations fund as a restricted fund. By February 15, 2006, the county shall provide an accounting of the fund to the Administrative Office of the Courts.

(e) After January 1, 2006, the court may apply to the Judicial Council for an adjustment of the amount distributed to the fund for each uniform filing fee. A court that wishes to establish a children's waiting room, and does not yet have a distribution under this section, may apply to the Judicial Council for a distribution. Applications under this subdivision shall be made according to trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206. Adjustments and new distributions shall be effective January 1 or July 1 of any year beginning January 1, 2006.

(f) The distribution to a court under this section per each filing fee shall be not less than two dollars (\$2) and not more than five dollars (\$5).

(Amended by Stats. 2007, Ch. 130, Sec. 135. Effective January 1, 2008.)



**Superior Court of California
County of San Bernardino**

NANCY CS EBERHARDT
Court Executive Officer and Clerk
Jury Commissioner

**247 West Third Street, Eleventh Floor
San Bernardino, CA 92415-0302**

(909) 708-8747

May 19, 2020

Judicial Council of California
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-3509

Notice of Temporary Closure of Children's Waiting Rooms

To: Director of Budget Services

The Superior Court of San Bernardino (Court) is writing to provide official notice as required per the Children's Waiting Room Policy that all of the Court's waiting rooms temporarily closed effective March 17, 2020, in response to the COVID-19 pandemic.

The Court received Chief Justice Tani Cantil-Sakauye's approval of its emergency order to close with the exception of limited emergency matters on March 17, 2020, and another extension of this order was approved on April 28, 2020.

At the time of this notice, due to continued health and safety concerns, the Court does not plan to reopen its children's waiting room locations until it is deemed safe, which may be later in the summer. During the temporary closure, the Court respectfully requests to continue to receive distributions and will follow all required accounting measures for the safe-keeping of these funds.

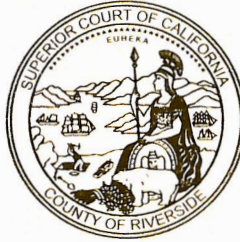
Please also note the Court requested clarification of this policy on April 1, 2020, and received an official response requiring notice on May 7, 2020.

Thank you for consideration of this request.

Sincerely,


Nancy CS Eberhardt
Court Executive Officer

NE:sb



W. SAMUEL HAMRICK, JR.
Court Executive Officer

Superior Court of California
County of Riverside

4050 Main Street
Riverside, CA 92501
951-777-3163 Phone
951-777-3164 Fax

July 27, 2020

John Wordlaw
Chief Administrative Officer
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

RE: Request to Receive Children's Waiting Room (CWR) Distribution During
Temporary Closure

Dear Mr. Wordlaw, *John*

Due to the COVID-19 coronavirus pandemic and its impact on court operations, the court temporarily closed its CWRs at the Riverside Family Law and Hemet Courthouses beginning March 20, 2020. The court also temporarily closed its CWRs at the Larson Justice Center, Southwest Justice Center, Southwest Juvenile Courthouse, and Riverside Juvenile Courthouse beginning April 1, 2020.

The court is requesting that the Judicial Council consider its request to continue receiving CWR distributions during the temporary closure of these CWRs.

The court has since re-opened the CWRs at the Larson Justice Center, Southwest Justice Center, Southwest Juvenile Courthouse, and Riverside Juvenile Courthouse on June 15, 2020.

The court continues to closely monitor the evolving COVID-19 coronavirus situation and hopes to re-open the CWRs at the Riverside Family Law and Hemet Courthouses by the end of calendar year 2020.

The court is committed to providing a safe, healthy, and supportive environment for children while their parents attend to court business. Continuity in the court's CWR distributions is critical to defraying costs for the services.

If you or your staff have any questions regarding this request, please contact David Gutknecht, Deputy Executive Officer for Administration, at David.Gutknecht@riverside.courts.ca.gov or (951) 777-3133.

Sincerely,

Sam Hamrick
W. Samuel Hamrick, Jr.
Court Executive Officer

Children's Waiting Room
Distribution Amount and Total Distribution

Attachment D

	Court	Distribution Amount	2016-17 Total Distribution	2017-18 Total Distribution	2018-19 Total Distribution	2019-20 Total Distribution
	A	B	C	D	E	F
1	Alameda	\$5	\$ 188,819	\$ 169,579	\$ 174,451	\$ 141,111
2	Butte	\$5	\$ 27,096	\$ 11,227	\$ -	\$ -
3	Contra Costa	\$5	\$ 129,349	\$ 116,444	\$ 126,445	\$ 103,152
4	Fresno	\$5	\$ 121,401	\$ 110,504	\$ 117,334	\$ 93,562
5	Los Angeles	\$5	\$ 1,295,100	\$ 1,480,168	\$ 1,603,832	\$ 1,416,027
6	Monterey	\$5	\$ 40,826	\$ 20,230	\$ -	\$ -
7	Orange	\$5	\$ 466,843	\$ 421,645	\$ 447,379	\$ 346,706
8	Riverside	\$5	\$ 317,869	\$ 287,070	\$ 328,848	\$ 252,627
9	Sacramento	\$5	\$ 373,901	\$ 348,234	\$ 314,540	\$ 180,747
10	San Bernardino	\$5	\$ 297,239	\$ 288,108	\$ 299,668	\$ 236,116
11	San Diego	\$5	\$ 430,649	\$ 380,780	\$ 407,575	\$ 317,707
12	San Francisco	\$5	\$ 140,230	\$ 124,923	\$ 130,501	\$ 100,649
13	San Joaquin	\$5	\$ -	\$ 91,233	\$ 94,255	\$ 76,281
14	San Luis Obispo	\$5	\$ 29,250	\$ 25,681	\$ 28,232	\$ 24,475
15	San Mateo	\$5	\$ 81,204	\$ 71,715	\$ 76,285	\$ 63,445
16	Santa Barbara	\$5	\$ 48,354	\$ 43,675	\$ 45,150	\$ 39,227
17	Santa Clara	\$5	\$ 174,867	\$ 162,279	\$ 172,182	\$ 149,686
18	Solano	\$5	\$ 56,083	\$ 54,379	\$ 59,359	\$ 49,203
19	Sonoma	\$5	\$ 55,979	\$ 49,926	\$ 54,341	\$ 44,085
20	Stanislaus	\$2	\$ 24,371	\$ -	\$ -	\$ -
21	Ventura	\$5	\$ 103,657	\$ 92,008	\$ 97,711	\$ 75,919
	Total		\$ 4,403,087	\$ 4,349,806	\$ 4,578,087	\$ 3,710,723

Distribution from First Paper General Civil Unlimited
Uniform Filing Fee (GC 70611) in San Bernardino County

Attachment E

Distribution	State vs. Local	Current
Trial Court Trust Fund Base Allocation	State	\$317.70
Children's Waiting Room	State	\$5.00
Automated Recored-Keeping and Micrographics	State	\$3.00
Judges' Retirement Fund	State	\$2.50
State Court Facilities Construction Fund	State	\$0.00
Immediate & Critical Needs Account	State	\$30.00
Local Courthouse Construction Surcharges		\$35.00
Equal Access Fund	Local	\$4.80
Dispute Resolution	Local	\$8.00
Law Library	Local	\$29.00
Fee Amount		\$435.00

Distribution from First Paper General Civil Unlimited
Uniform Filing Fee (GC 70611) in Riverside County

Attachment F

Distribution	State vs. Local	Current
Trial Court Trust Fund Base Allocation	State	\$316.70
Children's Waiting Room	State	\$5.00
Automated Recored-Keeping and Micrographics	State	\$1.00
Judges' Retirement Fund	State	\$2.50
State Court Facilities Construction Fund	State	\$0.00
Immediate & Critical Needs Account	State	\$30.00
Local Courthouse Construction Surcharges		\$50.00
Equal Access Fund	Local	\$4.80
Dispute Resolution	Local	\$8.00
Law Library	Local	\$32.00
Fee Amount		\$450.00