



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-048

For business meeting on May 21, 2021

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

May 21, 2021

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

March 29, 2021

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 a request from the San Francisco Superior Court to continue receiving children's waiting room funds during the unforeseen temporary closure of its children's waiting rooms in response to the state of emergency related to the COVID-19 pandemic. By continuing to receive funding, the court would have sufficient resources to provide safe and healthy children's waiting room settings for children when they can safely reopen.

Recommendation

Based on the action taken at its meeting on March 9, 2021, the Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve the continued distribution of children's waiting room funds to the San Francisco Superior Court to allow the court to receive funding to support operation of its 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 section 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 of 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 (Attachment A). CWR distributions to trial courts from first paper filing fee revenues deposited into the Trial Court Trust Fund (TCTF) can be spent only on costs associated with operating a CWR.

Standard 10.24 of the California Rules of Court 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 that "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 this request is consistent with Government Code section 70640 and standard 10.24 and would allow the San Francisco Superior Court to retain sufficient funding to reopen and operate its CWRs when it is deemed safe to do so.

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 request by the San Francisco Superior Court for a continued CWR distribution is provided in Attachment B.

Attachment C provides the total distributions for 2016–17, 2017–18, 2018–19, and 2019–20 for the 18 courts that received CWR distributions as of 2019–20.

Attachment D provides the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (Government Code section 70611) in San Francisco County. There is no change in the distribution for this request because the court is 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 request from the San Francisco Superior Court for a continued CWR distribution would reduce by approximately \$101,000 the total amount of uniform, first paper civil filing fee revenues that would otherwise support all courts' TCTF base allocations for court operations. It would also enable the continued operation of the court's CWRs when safe to reopen.

Attachments and Links

1. Attachment A: Government Code Section 70640
2. Attachment B: San Francisco Superior Court's CWR Continued Distribution Request
3. Attachment C: CWR Distribution Amount and Total Distribution
4. Attachment D: Distribution from First Paper General Civil Unlimited Uniform Filing Fee (Government Code section 70611) in San Francisco 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 FRANCISCO

400 McAllister Street, Room 205

San Francisco, CA 94102-4512

Phone: 415-551-5737

FAX: 415-551-5701



T. MICHAEL YUEN
COURT EXECUTIVE OFFICER

February 2, 2021

Mr. John Wordlaw
Chief Administrative Officer
Judicial Council of California
2850 Gateway Oaks, Suite 300
Sacramento, California 95833

Attention: Director of Budget Services

RE: Notification of Temporary Closures of Children's Waiting Rooms

Dear Mr. Wordlaw:

The Superior Court of California, County of San Francisco (Court) is providing formal notification of the temporary closure of its children's waiting rooms (CWR) in response to the COVID-19 pandemic that began March 17, 2020. Prior to the pandemic, the Court operated two children's waiting rooms in San Francisco that remain funded through the filing fee distribution. The Court is evaluating options and looking at opportunities to enable the reopening of the CWR locations as soon as it is safe to do so.

Consequently, we respectfully request a continuation of the filing fee distribution. This will ensure the Court is able to provide settings for children that are safe and healthy as soon as the waiting rooms can be reopened.

If you have any questions on this matter, please contact Loral Ayala at layala@sftc.org. Thank you in advance for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Michael Yuen".

T. Michael Yuen
Court Executive Officer

Cc: Sue Wong, Chief Financial Officer
Loral Ayala, Administrative Analyst

	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 (Government Code section 70611)
in San Francisco County

Attachment D

Distribution	State vs. Local	Current
Trial Court Trust Fund Base Allocation	State	\$304.70
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		\$50.00
Equal Access Fund	Local	\$4.80
Dispute Resolution	Local	\$8.00
Law Library	Local	\$0.00
Law Library (3rd Party)	Local	\$42.00
Fee Amount		\$450.00