



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 21-079*

For business meeting on: July 9, 2021

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**Title**

Trial Court Budget: Fiscal Year 2021–22  
Allocation of Court-Appointed Juvenile  
Dependency Counsel Funding

**Agenda Item Type**

Action Required

**Effective Date**

July 1, 2021

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

July 7, 2021

**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 \$166.7 million for fiscal year 2021–22 from the ongoing Trial Court Trust Fund to the trial courts for court-appointed juvenile dependency counsel. The allocation may change based on final appropriations included in the signed 2021 Budget Act.

### Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective July 1, 2021:

1. Allocate \$166.7 million to the trial courts for court-appointed juvenile dependency counsel costs. The *2021–22 Allocation of Dependency Counsel Funding* was prepared using the methodology specified by the Judicial Council.

The *2021–22 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). This act 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 (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.<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.<sup>2</sup>

Based on discussions at the April and June 2016 Judicial Council meetings, 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 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 the small courts with caseloads under 400, and (3) slightly reduce the funding allocations of the larger courts receiving increases related to the reallocation to compensate for these increases to the small court budget.<sup>3</sup> The Judicial Council

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<sup>1</sup> Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Court-Appointed–Counsel Funding Reallocation* (Apr. 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., Advisory Com. Rep., *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>.

<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>.

adopted the modified funding methodology for small courts in May 2017 for fiscal years (FY) 2017–18 and 2018–19, and as ongoing effective July 1, 2019.<sup>4</sup> Based on current workload and filing information, 31 courts remain in the small court category; however, some shifting has resulted in only 23 courts meeting the “smallest” court criteria.

## **Analysis/Rationale**

The amount of \$166.7 million is allocated in the annual budget for court-appointed juvenile dependency counsel.<sup>5</sup> The FY 2021–22 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 filings;
- A three-year rolling average of number of children in foster care<sup>6</sup>; 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 23 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.

## **Policy implications**

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

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<sup>4</sup> Judicial Council of Cal., Advisory Com. Rep., *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>.

<sup>5</sup> The Budget Act of 2021 augmented the annual court-appointed juvenile dependency counsel \$156.7 million budget to include \$10 million in additional funding for Court-Appointed Counsel to address COVID-19 pandemic-related operational and caseload increase costs in the amount of \$10 million, bringing the Court-Appointed Counsel allocation to \$166.7 million. The allocation may change based on final appropriations included in the signed 2021 Budget Act. Senate Bill 129 (Skinner) *Budget Act of 2021* [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=20210220SB129](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20210220SB129).

<sup>6</sup> 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. Three courts, Alpine, Mono, 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, 2020.

**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 2021–22 budget. Hence, no additional costs or impacts are anticipated.

**Attachments**

1. Attachment A: *2021–22 Allocation of Dependency Counsel Funding*

**2021-22 Allocation of Dependency Counsel Funding**

Court	Caseload Funding Model Estimated Funding Need Prior Year 20-21	Caseload Funding Model Estimated Funding Need Current Year 21-22	2015-16 Allocation	2016-17 Allocation	2017-18 Allocation	2018-19 Allocation	2019-20 Allocation	2020-21 Allocation	2021-22 Allocation \$166.7M	Diff from Prior Year
	A	B	C	D	E	F	G	H	I	J
Alameda	\$4,350,836	\$4,075,144	\$4,037,391	\$3,618,313	\$3,565,629	\$3,399,620	\$3,629,342	\$3,422,591	\$3,348,652	(\$73,940)
Alpine	\$10,204	\$15,513	\$0	\$399	\$1,799	\$2,628	\$7,226	\$11,439	\$19,616	\$8,177
Amador	\$157,354	\$151,319	\$115,233	\$115,233	\$143,696	\$144,678	\$145,653	\$126,205	\$128,301	\$2,095
Butte	\$1,133,089	\$1,061,873	\$664,923	\$627,554	\$794,546	\$799,814	\$926,951	\$891,346	\$872,569	(\$18,777)
Calaveras	\$214,466	\$191,018	\$123,940	\$142,758	\$220,822	\$191,355	\$203,567	\$202,088	\$189,010	(\$13,079)
Colusa	\$110,942	\$100,499	\$38,471	\$40,667	\$43,948	\$72,637	\$103,517	\$117,871	\$112,668	(\$5,202)
Contra Costa	\$3,268,377	\$3,248,232	\$3,030,406	\$2,600,337	\$2,363,610	\$2,294,410	\$2,617,772	\$2,571,073	\$2,651,024	\$79,950
Del Norte	\$154,518	\$189,259	\$214,730	\$214,730	\$214,730	\$214,730	\$214,730	\$203,096	\$214,730	\$11,634
El Dorado	\$712,976	\$704,974	\$788,644	\$655,569	\$548,764	\$505,148	\$582,746	\$560,863	\$579,296	\$18,432
Fresno	\$4,235,518	\$4,576,938	\$2,900,594	\$2,670,600	\$3,015,746	\$2,800,979	\$3,209,875	\$3,302,907	\$3,735,438	\$432,532
Glenn	\$130,323	\$136,523	\$90,417	\$90,417	\$111,158	\$122,690	\$140,011	\$154,825	\$164,905	\$10,080
Humboldt	\$853,913	\$876,594	\$543,896	\$462,558	\$522,682	\$657,658	\$615,068	\$665,891	\$715,427	\$49,536
Imperial	\$889,611	\$814,882	\$591,128	\$518,512	\$576,150	\$562,114	\$645,919	\$693,729	\$669,610	(\$24,119)
Inyo	\$32,070	\$32,686	\$72,277	\$72,277	\$45,459	\$51,626	\$48,006	\$39,570	\$41,562	\$1,991
Kern	\$3,458,600	\$3,367,432	\$2,347,548	\$2,277,753	\$2,664,810	\$2,627,276	\$2,864,207	\$2,720,713	\$2,748,308	\$27,595
Kings	\$838,507	\$846,627	\$354,779	\$443,478	\$700,757	\$713,352	\$696,307	\$659,612	\$690,969	\$31,357
Lake	\$220,513	\$210,846	\$296,119	\$296,119	\$272,201	\$276,158	\$285,153	\$288,934	\$280,183	(\$8,752)
Lassen	\$130,789	\$128,016	\$106,891	\$106,891	\$106,891	\$108,967	\$128,825	\$130,683	\$135,339	\$4,656
Los Angeles	\$97,215,159	\$101,358,111	\$40,230,156	\$45,149,389	\$60,560,884	\$62,434,046	\$73,864,405	\$75,809,513	\$82,722,770	\$6,913,257
Madera	\$762,978	\$731,363	\$225,443	\$293,833	\$535,074	\$589,946	\$674,047	\$631,797	\$643,573	\$11,776
Marin	\$287,842	\$288,497	\$388,488	\$388,488	\$311,538	\$304,984	\$270,557	\$287,842	\$288,497	\$655
Mariposa	\$54,999	\$65,070	\$38,070	\$38,070	\$38,070	\$41,897	\$54,019	\$48,793	\$60,059	\$11,266
Mendocino	\$521,712	\$506,668	\$711,060	\$566,908	\$440,581	\$458,911	\$527,624	\$510,212	\$529,357	\$19,146
Merced	\$1,077,780	\$1,095,655	\$738,248	\$751,397	\$844,260	\$775,718	\$825,284	\$840,466	\$894,211	\$53,746
Modoc	\$42,601	\$36,516	\$16,090	\$17,128	\$24,065	\$37,161	\$49,493	\$59,313	\$52,855	(\$6,458)
Mono	\$20,958	\$20,508	\$13,956	\$13,956	\$13,956	\$14,615	\$14,550	\$18,114	\$18,392	\$278
Monterey	\$1,013,414	\$898,182	\$434,541	\$494,823	\$682,574	\$715,702	\$829,349	\$797,204	\$738,059	(\$59,144)
Napa	\$530,232	\$529,636	\$212,285	\$232,362	\$315,051	\$311,403	\$384,039	\$417,108	\$435,215	\$18,108
Nevada	\$178,805	\$185,041	\$226,123	\$226,123	\$202,832	\$174,058	\$178,215	\$178,805	\$185,041	\$6,235
Orange	\$8,868,304	\$9,325,618	\$6,418,278	\$5,648,065	\$5,366,139	\$5,355,390	\$6,553,748	\$6,915,607	\$7,611,043	\$695,436
Placer	\$763,480	\$757,007	\$518,087	\$687,985	\$895,552	\$747,111	\$710,846	\$600,593	\$622,053	\$21,460
Plumas	\$114,569	\$116,804	\$154,059	\$154,059	\$151,555	\$154,059	\$154,059	\$154,059	\$154,059	\$0
Riverside	\$8,742,617	\$9,094,598	\$6,080,322	\$6,411,055	\$8,806,009	\$8,173,324	\$7,999,219	\$6,877,392	\$7,422,498	\$545,106
Sacramento	\$6,377,922	\$5,987,569	\$5,205,426	\$4,832,997	\$5,609,080	\$5,161,591	\$5,586,032	\$5,017,201	\$4,920,141	(\$97,060)
San Benito	\$138,965	\$120,828	\$89,163	\$89,163	\$112,410	\$104,920	\$107,040	\$109,317	\$99,288	(\$10,029)
San Bernardino	\$15,961,184	\$15,984,841	\$4,963,161	\$5,731,210	\$8,514,703	\$9,751,976	\$11,957,781	\$12,446,717	\$13,045,926	\$599,208
San Diego	\$6,535,686	\$6,522,796	\$9,408,199	\$7,711,177	\$6,132,621	\$5,339,513	\$5,525,422	\$5,141,307	\$5,323,538	\$182,231
San Francisco	\$3,430,051	\$3,251,547	\$3,761,098	\$3,296,146	\$3,060,973	\$2,754,101	\$2,926,579	\$2,698,254	\$2,671,880	(\$26,374)
San Joaquin	\$3,469,677	\$3,293,435	\$2,982,578	\$2,601,178	\$2,480,278	\$2,399,805	\$2,739,513	\$2,729,427	\$2,706,301	(\$23,126)
San Luis Obispo	\$1,030,388	\$971,029	\$699,248	\$647,980	\$703,001	\$672,046	\$795,812	\$803,509	\$797,919	(\$5,589)
San Mateo	\$1,065,037	\$1,009,098	\$554,582	\$668,643	\$960,903	\$934,702	\$984,479	\$837,813	\$829,202	(\$8,610)
Santa Barbara	\$1,140,239	\$1,241,134	\$1,557,379	\$1,267,448	\$979,287	\$826,760	\$865,438	\$889,172	\$1,012,943	\$123,771
Santa Clara	\$4,183,439	\$4,171,607	\$4,508,063	\$3,780,956	\$3,223,912	\$2,947,634	\$3,290,686	\$3,262,294	\$3,404,630	\$142,336
Santa Cruz	\$708,207	\$640,179	\$863,289	\$713,676	\$598,314	\$544,197	\$619,253	\$557,112	\$526,052	(\$31,061)
Shasta	\$842,628	\$821,962	\$681,818	\$621,700	\$680,076	\$614,678	\$690,857	\$662,855	\$670,839	\$7,985
Sierra	\$0	\$0	\$13,759	\$13,759	\$9,848	\$8,323	\$5,045	\$10,829	\$13,759	\$2,930
Siskiyou	\$176,681	\$177,189	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$0
Solano	\$1,103,744	\$1,172,880	\$875,639	\$801,057	\$883,349	\$805,489	\$880,251	\$868,262	\$957,238	\$88,977
Sonoma	\$1,802,734	\$1,810,820	\$1,137,764	\$990,021	\$918,101	\$945,770	\$1,262,354	\$1,405,793	\$1,477,889	\$72,096
Stanislaus	\$1,857,984	\$1,779,104	\$1,107,189	\$1,004,470	\$1,092,505	\$1,091,719	\$1,424,350	\$1,448,878	\$1,452,004	\$3,127
Sutter	\$471,054	\$433,392	\$143,904	\$146,804	\$220,511	\$260,937	\$353,444	\$374,781	\$363,107	(\$11,675)
Tehama	\$342,189	\$281,284	\$163,859	\$177,634	\$319,793	\$362,975	\$392,840	\$340,323	\$293,399	(\$46,924)
Trinity	\$73,899	\$77,181	\$93,829	\$93,829	\$96,021	\$93,829	\$93,829	\$93,829	\$93,829	\$0
Tulare	\$2,764,749	\$2,806,090	\$954,553	\$1,032,410	\$1,591,232	\$1,714,221	\$2,067,711	\$2,155,983	\$2,290,172	\$134,189
Tuolumne	\$269,381	\$337,668	\$110,593	\$110,593	\$159,147	\$168,548	\$187,463	\$257,399	\$338,350	\$80,951
Ventura	\$2,291,317	\$2,119,160	\$1,151,975	\$1,284,628	\$1,835,753	\$1,833,055	\$2,017,019	\$1,802,468	\$1,741,369	(\$61,099)
Yolo	\$1,496,553	\$1,558,884	\$404,107	\$430,429	\$596,503	\$712,428	\$1,021,991	\$1,167,029	\$1,272,273	\$105,244
Yuba	\$439,889	\$436,672	\$200,855	\$278,909	\$474,768	\$471,244	\$410,105	\$363,820	\$377,291	\$13,471
Reserve	\$0	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$0
<b>Total</b>	<b>\$199,071,652</b>	<b>\$202,743,998</b>	<b>\$114,700,000</b>	<b>\$114,700,000</b>	<b>\$136,700,000</b>	<b>\$136,700,000</b>	<b>\$156,700,000</b>	<b>\$156,700,000</b>	<b>\$166,700,000</b>	<b>\$10,000,000</b>

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