



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-138

For business meeting on October 1, 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

October 1, 2021

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

September 3, 2021

Recommended by

Trial Court Budget Advisory Committee
Fiscal Planning Subcommittee
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 approving requests from the Ventura and Alameda Superior Courts to continue receiving children's waiting room funds during the unforeseen temporary closure of the courts' children's waiting rooms in response to the state of emergency related to the COVID-19 pandemic. By continuing to receive funding, these courts would have sufficient resources to provide safe and healthy waiting room settings for children when courts can safely reopen.

Recommendation

Based on the actions taken at its meetings on August 5, 2021 and September 2, 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 Ventura and Alameda Superior Courts to support the operation of their 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 authorizing the Fiscal Planning Subcommittee to make recommendations directly to the council on courts’ requests.

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 of 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 can be spent only on costs associated with operating a CWR.

Standard 10.24 of the California Standards of Judicial Administration 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 “[i]f 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 10.24 and would allow the Ventura and Alameda Superior Courts to retain sufficient funding to reopen and operate their 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 requests by the Ventura and Alameda Superior Courts for a continued CWR distribution are provided in Attachments B and C, respectively.

Attachment D provides the total distributions for 2017–18, 2018–19, 2019–20, and 2020–21 for the 18 courts that received CWR distributions as of 2020–21.

Attachments E and F provide the distribution from the First Paper General Civil Unlimited Uniform Filing Fee (Government Code, section 70611) in Ventura and Alameda counties, 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 Ventura and Alameda Superior Courts for a continued CWR distribution would reduce 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 by approximately \$243,000.

Attachments and Links

1. Attachment A: Government Code Section 70640
2. Attachment B: Ventura Superior Court's June 30, 2021, CWR Continued Distribution Request
3. Attachment C: Alameda Superior Court's August 11, 2021, CWR Continued Distribution Request
4. Attachment D: CWR Distribution Amount and Total Distribution
5. Attachment E: Distribution from First Paper General Civil Unlimited Uniform Filing Fee (Government Code section 70611) in Ventura County
6. Attachment F: Distribution from First Paper General Civil Unlimited Uniform Filing Fee (Government Code section 70611) in Alameda 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 Ventura***

Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009

Brenda L. McCormick
*Executive Officer/Clerk
and Jury Commissioner*

June 30, 2021

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

***Re: Notification of Temporary Closure of Children's Waiting Room and
Request for Continuation of Funding***

Dear Mr. Wordlaw,

The Superior Court of California, County of Ventura (Court) is providing formal notification of the temporary closure of its Children's Waiting Room (CWR) in response to the COVID-19 pandemic. Prior to the pandemic the Court operated two Children's Waiting Rooms that are funded pursuant to Government Code (GC) Section 70640. The Court is evaluating options to enable the reopening of the CWR's based on guidance provided by public health agencies.

The Court requests the continuation of the filing fee distribution pursuant to GC 70640 that will allow us to reopen and continue to provide the Children's Waiting Room service to the public when it is safe to do so.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. McCormick".

06/30/2021

Brenda L. McCormick
Court Executive Officer

Cc: Robert Sherman, Assistant Executive Officer
Zlatco Theodorovic, Deputy Director



SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Executive Office

René C. Davidson Courthouse • 1225 Fallon Street, Oakland, CA 94612
(510) 891-6012

TARA M. DESAUTELS
Presiding Judge

CHAD FINKE
Executive Officer

ELIZABETH ERICKSON
Assistant Executive Officer

August 11, 2021

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

SENT VIA EMAIL

Re: Notification of Temporary Closure of Children's Waiting Room and Request for Continuation of Funding

Dear Mr. Wordlaw,

The Superior Court of California, County of Alameda (Court) is providing formal notification of the temporary closure of its Children Waiting Room (CWR) resulting from the COVID-19 pandemic. Prior to the pandemic the Court operated one Children's Waiting Room that is funded pursuant to Government Code (GC) Section 70640. The Court is evaluating options to enable the reopening of the CWR based on guidance provided by state and local public health agencies.

The Court requests the continuation of the filing fee distribution pursuant to GC 70640 that will allow us to reopen and continue to provide the Children's Waiting Room service to the public when it is safe to do so.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chad Finke", with a long, sweeping horizontal line extending to the right.

Chad Finke,
Court Executive Officer

CF/ML/ml

Mr. John Wordlaw

August 11, 2021

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cc: Elizabeth Erickson, Assistant Executive Officer, Superior Court of Alameda County
Melanie Lewis, Finance & Facilities Director, Superior Court of Alameda County
Zlatko Theodorovic, Deputy Director, Judicial Council

	Court	Distribution Amount	2017-18 Total Distribution	2018-19 Total Distribution	2019-20 Total Distribution	2020-21 Total Distribution
	A	B	C	D	E	F
1	Alameda	\$5	\$ 169,579	\$ 174,451	\$ 141,111	\$ 148,922
2	Butte	\$5	\$ 11,227	\$ -	\$ -	\$ -
3	Contra Costa	\$5	\$ 116,444	\$ 126,445	\$ 103,152	\$ 95,273
4	Fresno	\$5	\$ 110,504	\$ 117,334	\$ 93,562	\$ 7,224
5	Los Angeles	\$5	\$ 1,480,168	\$ 1,603,832	\$ 1,416,027	\$ 1,418,004
6	Monterey	\$5	\$ 20,230	\$ -	\$ -	\$ -
7	Orange	\$5	\$ 421,645	\$ 447,379	\$ 346,706	\$ 418,580
8	Riverside	\$5	\$ 287,070	\$ 328,848	\$ 252,627	\$ 279,863
9	Sacramento	\$5	\$ 348,234	\$ 314,540	\$ 180,747	\$ 184,598
10	San Bernardino	\$5	\$ 288,108	\$ 299,668	\$ 236,116	\$ 264,183
11	San Diego	\$5	\$ 380,780	\$ 407,575	\$ 317,707	\$ 371,907
12	San Francisco	\$5	\$ 124,923	\$ 130,501	\$ 100,649	\$ 99,733
13	San Joaquin	\$5	\$ 91,233	\$ 94,255	\$ 76,281	\$ 80,693
14	San Luis Obispo	\$5	\$ 25,681	\$ 28,232	\$ 24,475	\$ 25,602
15	San Mateo	\$5	\$ 71,715	\$ 76,285	\$ 63,445	\$ 69,768
16	Santa Barbara	\$5	\$ 43,675	\$ 45,150	\$ 39,227	\$ 38,340
17	Santa Clara	\$5	\$ 162,279	\$ 172,182	\$ 149,686	\$ 149,064
18	Solano	\$5	\$ 54,379	\$ 59,359	\$ 49,203	\$ 46,719
19	Sonoma	\$5	\$ 49,926	\$ 54,341	\$ 44,085	\$ 48,535
20	Ventura	\$5	\$ 92,008	\$ 97,711	\$ 75,919	\$ 94,128
	Total		\$ 4,349,806	\$ 4,578,087	\$ 3,710,723	\$ 3,841,133

Distribution from First Paper General Civil Unlimited
Uniform Filing Fee (Government Code section 70611)
in Ventura County

Attachment E

Distribution	State vs. Local	Current
Trial Court Trust Fund Base Allocation	State	\$314.70
Children's Waiting Room	State	\$5.00
Automated Recordkeeping and Micrographics	State	\$3.00
Judges' Retirement Fund	State	\$2.50
State Court Facilities Construction Fund	State	\$35.00
Immediate & Critical Needs Account	State	\$30.00
Local Courthouse Construction Surcharges		\$0.00
Equal Access Fund	Local	\$4.80
Dispute Resolution (to County)	Local	\$8.00
Dispute Resolution (to Court)	Local	\$0.00
Law Library	Local	\$32.00
Law Library (3rd Party)	Local	\$0.00
Fee Amount		\$435.00

Distribution from First Paper General Civil Unlimited
Uniform Filing Fee (Government Code section 70611)
in Alameda County

Attachment F

Distribution	State vs. Local	Current
Trial Court Trust Fund Base Allocation	State	\$309.70
Children's Waiting Room	State	\$5.00
Automated Recordkeeping and Micrographics	State	\$3.00
Judges' Retirement Fund	State	\$2.50
State Court Facilities Construction Fund	State	\$35.00
Immediate & Critical Needs Account	State	\$30.00
Local Courthouse Construction Surcharges		\$0.00
Equal Access Fund	Local	\$4.80
Dispute Resolution (to County)	Local	\$8.00
Dispute Resolution (to Court)	Local	\$0.00
Law Library	Local	\$37.00
Law Library (3rd Party)	Local	\$0.00
Fee Amount		\$435.00