



Judicial Council of California

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Subject Text

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File #: 22-031, Version: 1

Title

Trial Court Budget | Funding Allocation Methodology for General Fund Supplement to Address Federally Funded Dependency Representation Program Shortfall (Action Required)

Summary

The Trial Court Budget Advisory Committee recommends that up to \$30 million provided for court-appointed counsel in dependency cases appropriated in the 2021-22 Budget Act be allocated and distributed according to a methodology that will ensure that any shortfall in federal foster care funding because of federal guidance limiting eligible activities for reimbursement can be addressed consistent with the intent of the Legislature in appropriating the funds.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective January 21, 2022, adopt the recommendations of the Trial Court Budget Advisory Committee on the allocation and distribution of funds for the shortfall in federal funding for court-appointed counsel as follows:

1. Approve the allocation and distribution methodology for 2021-22 that funds all providers with Federally Funded Dependency Representation Program contracts for the full amount of the shortfall between their contract and total billing in one lump sum payment, provided that they submit invoices for each month of the contract or demonstrate extenuating circumstances preventing them from invoicing;
2. Revise this approach for future years to make the payments on a quarterly basis;
3. Approve a proportional allocation approach with each provider receiving their share of the \$30 million based on their contract share of total Federally Funded Dependency Representation Program funding up to their full contract amount if the shortfall exceeds \$30 million; and
4. Direct Judicial Council staff to monitor Federally Funded Dependency Representation Program invoicing to ensure that this allocation methodology is maximizing the drawdown of federal title IV-E funds.

This recommendation was presented to the Judicial Branch Budget Committee on November 4, 2021 and approved for consideration by the Judicial Council.