



# Judicial Council of California

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## Subject Details (With Text)

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Date	Ver.	Action By	Action	Result
4/15/2016	1	Judicial Council	approved as amended	Pass

### Title

### Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology (Action Required)

### Summary

The joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee reviewed a workload model approved by the Judicial Council in the *DRAFT Pilot Program and Court-Appointed Counsel* report of 2007 for possible updates and revisions. After extensive review and public comment, the subcommittee recommended several adjustments to the workload model.

### Recommendation

The subcommittee was charged with reviewing the workload model for court-appointed dependency counsel and including eight specific issues in its review. In addition the subcommittee determined that to update the workload model, one additional issue needed to be reviewed.

### Issues in Judicial Council Charge

1. *Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries. (7.a. in Judicial Council report of April 17, 2015).*

### Recommendation:

That attorney salaries used in workload model estimates be based on two factors: (1) the median salary for the first-tier range for county counsel in all counties; and (2) the Bureau of Labor Statistics (BLS) Category 92 index that is used in the Workload Allocation Funding Model (WAFM).

2. *Whether the attorney salaries used in the model should be updated (7.b.).*

### Recommendation:

That attorney salaries used in the model be updated for each county using the statewide median county counsel salary and the BLS Category 92 index.

3. *Whether the calculation for benefits costs in the model is accurate or if it should be changed (7.c.).*

### Recommendation:

That benefits costs not be calculated directly by any formula, but that the costs be estimated as 15 percent of total costs or 33 percent of salary costs.

4. *Whether the calculation for overhead costs in the model is accurate or if it should be changed (7.d.).*

Recommendation:

That the calculation for overhead costs be revised as follows:

- a) Salaries for line attorneys are calculated using the sources described in recommendations 1 and 2 and comprise 45 percent of the total cost.
  - b) All nonsalary costs (benefits and overhead) comprise 55 percent of the total cost and be estimated on a statewide level as follows:
    - i. Social worker/investigator/paralegal staff, 10 percent
    - ii. Other salaried workers, 15 percent
    - iii. Benefits, 15 percent
    - iv. Operating costs, 15 percent.
5. *Whether the state child welfare data reported through the University of California, Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data be used (7.e.).*

Recommendation:

That annual child caseload will be determined for each court using a weighted metric derived from a court's percentage of total original dependency filings and the court's percentage total of child welfare caseload; that the child caseload metric be weighted by 30 percent of court filings and 70 percent of child welfare caseload; and that the caseload metric use a rolling average composed of the previous three years.

6. *Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed (7.f.).*

Recommendation:

That the ratio used to estimate parent clients continue to be estimated using the multiplier of 0.8 parent case per 1.0 child case.

7. *Whether a modified methodology be used for funding small courts (7.g.).*

Recommendation:

That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases.

8. *Whether dependency counsel funding should be a court or county obligation (7.h.).*

Recommendation:

That dependency counsel funding is established in statute as a court function.

#### Additional Workload Model Issues

9. *The subcommittee determined that to review and update the workload model, it needed to consider the caseload standard of 188 cases per attorney when the attorney is supported by a 0.5 full-time equivalent investigator or social worker.*

Recommendation:

That the caseload standard be set at the alternate standard that is included in the 2007 workload model: 141 cases per attorney without considering investigator or social worker support.

10. *The subcommittee determined that the current workload model is based on data on attorney workload from 2002 and that many of its assumptions are outdated and not supported by current data.*

Recommendation:

That the Family and Juvenile Law Advisory Committee consider a comprehensive update of the attorney workload data and time standards in the current workload model. Since any updates to the workload data and time standards will uniformly impact all trial courts, this pending work should not slow or delay the remaining three-year phase-in period previously approved by the Judicial Council for implementing the new dependency counsel funding methodology. Rather, this recommendation recognizes that a comprehensive update could not

be completed within the time frame set by the Judicial Council for final report from the joint committees.

**Speakers**

Hon. Mark A. Cope, Cochair, Joint Subcommittee on Court-Appointed Dependency Counsel Workload and Funding Methodology, Trial Court Budget Advisory Committee

Hon. Jerilyn L. Borack, Cochair, Joint Subcommittee on Court-Appointed Dependency Counsel Workload and Funding Methodology, Family and Juvenile Law Advisory Committee

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

Ms. Sherri Carter, Court Executive Officer, Superior Court of Los Angeles County