



# JUDICIAL COUNCIL of CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel. 415-865-4200  
Fax 415-865-4205  
www.courts.ca.gov

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**MS. MILLICENT TIDWELL**  
*Acting Administrative Director*  
*Judicial Council*

April 1, 2023

Hon. Nancy Skinner  
Chair, Senate Committee on Budget and Fiscal Review  
Chair, Joint Legislative Budget Committee  
Legislative Office Building  
1020 N Street, Suite 502  
Sacramento, California 95814

Hon. Philip Y. Ting  
Chair, Assembly Committee on Budget  
Vice-Chair, Joint Legislative Budget Committee  
1021 O Street, Suite 8230  
Sacramento, California 95814

*Re: Report on Allocation of Funding in 2022–23 for Federally Funded  
Dependency Representation Program Shortfall*

Dear Senator Skinner and Assembly Member Ting:

Pursuant to item 0250-102-0932, provision 2, of the Budget Act of 2022, the Judicial Council is submitting *Report on Allocation of Funding in 2022–23 for Federally Funded Dependency Representation Program Shortfall*.

In 2019, the federal Department of Health and Human Services made court-appointed counsel in dependency proceedings eligible for federal matching funds. In California, an estimated maximum of \$66 million is available in federal match dollars to courts and court-appointed counsel providers. This funding process is administered by the Judicial Council through the Federally Funded Dependency Representation Program (FFDRP).

The \$66 million estimate is based on the amount that the 2022 Budget Act provided in state General Fund for court-appointed dependency counsel. Billings in the first years of operations did not reach the maximum for two reasons: the federal funding has a narrower scope of services eligible for reimbursement than the state General Fund, and not all providers are currently capable of providing the type of documentation required for federal

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Hon. Philip Y. Ting  
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reimbursement. For those reasons, the 2022 Budget Act included a provision that up to \$30 million of General Fund be made available to the Judicial Council to reimburse courts and providers for any gap existing between the \$66 million estimate and what the state is able to recover in federal funds.

As required by the 2022 Budget Act, this report identifies (a) the total federal reimbursements invoiced statewide in the first two quarters of the current fiscal year; (b) projected shortfalls in year-end federal reimbursements; and (c) a proposed allocation and distribution of any portion of the \$30 million necessary to address projected shortfalls.

**(a) The total federal reimbursements invoiced statewide in the first two quarters of the current fiscal year.**

The Judicial Council has received approximately 190 of the 360 expected invoices statewide for the first two quarters of the current fiscal year for a total of \$12.4 million in federal reimbursements.

**(b) Any projected shortfalls through the end of the current fiscal year as compared to the \$66 million in expected federal reimbursements.**

Based on the data presently available, Judicial Council staff project a shortfall in federal reimbursements of approximately \$15 million to \$26 million in fiscal year 2022–23.

**(c) A proposed allocation and distribution of any portion of the \$30 million necessary to address projected shortfalls.**

By June 30, 2023, the Judicial Council will issue contracts to fund approximately 60 to 84 providers that entered into an FFDRP contract and have submitted invoices for every month under contract or documented extenuating circumstances preventing them from invoicing. It is expected that participating providers will have submitted all fiscal year 2022–23 FFDRP invoices to the Judicial Council by July 26, 2023, so that the final shortfall amount in federal reimbursements can be determined. By August 14, 2023, providers will invoice the council for the federal reimbursement shortfall amount so that all quarterly payments can be issued before September 30, 2023.

If you have any questions related to this report, please contact Ms. Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts, at 415-865-7706.

Sincerely,



Millicent Tidwell  
Acting Administrative Director  
Judicial Council

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Hon. Philip Y. Ting

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MT/AF

cc: Cara L. Jenkins, Legislative Counsel

Erika Contreras, Secretary of the Senate

Eric Dang, Counsel, Office of Senate President pro Tempore Toni G. Atkins

Alf Brandt, General Counsel, Office of Assembly Speaker Anthony Rendon

Shaun Naidu, Policy Consultant, Office of Assembly Speaker Anthony Rendon

Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office

Gabriel Petek, Legislative Analyst, Legislative Analyst's Office

Mark Jimenez, Budget Analyst, Department of Finance

Margie Estrada, Chief Counsel, Senate Judiciary Committee

Mary Kennedy, Chief Counsel, Senate Public Safety Committee

Matthew Fleming, Consultant, Senate Appropriations Committee

Hans Hemann, Principal Consultant, Joint Legislative Budget Committee

Eric Csizmar, Consultant, Senate Republican Policy Office

Matt Osterli, Consultant, Senate Republican Fiscal Office

Morgan Branch, Consultant, Senate Republican Policy Office

Alison Merrilees, Chief Counsel, Assembly Judiciary Committee

Sandy Uribe, Chief Counsel, Assembly Public Safety Committee

Nora Brackbill, Consultant, Senate Budget and Fiscal Review Committee

Jennifer Kim, Consultant, Assembly Budget Committee

Jay Dickenson, Chief Consultant, Assembly Appropriations Committee

Kimberly Horiuchi, Principal Consultant, Assembly Appropriations Committee

Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget

Gary Olson, Consultant, Assembly Republican Office of Policy & Budget

Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget

Amy Leach, Minute Clerk, Office of Assembly Chief Clerk

Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council

Zlatko Theodorovic, Director, Budget Services, Judicial Council

Fran Mueller, Deputy Director, Budget Services, Judicial Council

Jennifer Herman, Administrative Coordinator, Governmental Affairs, Judicial Council