

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
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DATE: February 10, 2009

SUBJECT: Child Support Commissioner and Family Law Facilitator Program:
Midyear Funding Reallocation for Fiscal Year 2008–2009
(Action Required)

Issue Statement

The Judicial Council is required annually to allocate non-trial court funding to local courts for the child support commissioner and family law facilitator program. A cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council provides the funds for this program. Two-thirds of these funds are federal, and the remaining one-third is from the state General Fund (non-trial court funding). Any funds left unspent during the fiscal year revert to the state General Fund and cannot be used in subsequent years. Under an established procedure described in the standard agreement with each superior court, the Judicial Council at midyear redistributes to courts that have a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants. In addition, last year, the Department of Child Support Services and the Administrative Office of the Courts continue to provide a mechanism for the courts to recover two-thirds of additional program costs beyond the contract maximum covered by use of local trial court funds. This federal drawdown option continues to be available for fiscal year 2008–2009.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective immediately:

1. Approve the reallocation for funding of child support commissioners for fiscal year 2008–2009, subject to the state budget act.
2. Approve the reallocation for funding of family law facilitators for fiscal year 2008–2009, subject to the state budget act.

Attachments A and B, which provide the detailed breakdowns of these reallocations, are included at pages 4–7.

Rationale for Recommendation

The midyear reallocation process is a review of each court's program funding, conducted once each fiscal year to determine if any adjustment is warranted. Midyear reallocation is primarily designed to meet one-time, nonrecurring special needs, such as equipment purchases and temporary help to clear work backlogs. However, due to the limited amount of funds available for reallocation this year, priority has been given to reallocating to courts that need additional funds to maintain current service levels due to increased costs of doing business. Last year, an additional procedure was put in place to assist in covering the cost of maintaining current program service levels through the use of local trial court funds spent beyond the current contract maximum to the extent of available funding. Funds allocated at the beginning of this fiscal year under this procedure have also been reallocated during this midyear reallocation process.

Under an established procedure described in the standard agreement with each superior court, questionnaires are sent to each court requesting the information needed to evaluate appropriate funding levels. In addition to the questionnaire responses, staff gathers information on each court's historical spending patterns and calculates projected spending based on invoices received to date for the current fiscal year. Review workgroups and the Family and Juvenile Law Advisory Committee then recommend proposed funding changes. The criteria for consideration of court requests are based on need, the amount of funds available for redistribution, historical spending patterns, workload, and staffing levels. Funds taken from courts with a historical pattern of underspending, funds voluntarily returned, and any funds held in reserve are redistributed to courts with documented needs.

This midyear reallocation process ensures that the highest proportion of total funds allocated to the courts is spent where funding is needed. This process also minimizes the amount of unspent funds that revert to the state General Fund.

A total of \$1,005,105.00 from all child support program grant sources was available for reallocation to the child support commissioner component of the program. A total of 25 courts requested no change to their base allocation and 6 courts offered to return funds.

A total of \$293,817.00 from all child support program grant sources was available for reallocation to the family law facilitator component of the program. A total of 22 courts requested no change to their base allocation and 3 courts offered to return funds.

Alternative Actions Considered

The committee considered taking no action but rejected this option since it would result in the reversion of unspent funds to the General Fund, which is not in accordance with Judicial Council goals. In addition, taking no action would have deprived courts of the option of using federal financial participation to cover two-thirds of some of the existing court contributions to the program.

Comments From Interested Parties

Not applicable.

Implementation Requirements and Costs

Any request to draw down federal funds under the provisions that federal financial participation requires payment of a state share of one-third of total expenditures would require the courts to individually provide the one-third share of their court's total cost to draw down two-thirds of total expenditures from federal participation.

Attachments

Child Support Commissioner Program										
County Name	A Beg. Base Funding Allocation FY 2008- 2009	B Beg. Federal Option Drawdown FY 2008-2009 (C + D)	C Federal Draw Match (B x 66%)	D Local Trial Court Match (B x 34%)	E Beg. Total Base Allocation (A + B)	F Mid- Year Change to Base	G Recommended Change to Federal Drawdown Option (H + I)	H Change to Federal Draw Match (G x 66%)	I Change to Local Trial Court Match (G x 34%)	J Total Recommended Allocation (E + F + G)
Alameda	1,093,643	411,104	271,328	139,775	1,504,747	-	72,376	47,768	24,608	1,577,123
Amador	147,641	55,499	36,629	18,870	203,140	-	-	-	-	203,140
Butte	376,782	37,218	24,564	12,654	414,000	-	-	-	-	414,000
Calaveras	138,335	15,564	10,272	5,292	153,899	-	3,201	2,112	1,088	157,100
Colusa	47,644	-	-	-	47,644	-	-	-	-	47,644
Contra Costa	1,050,588	394,919	260,647	134,272	1,445,507	-	-	-	-	1,445,507
Del Norte	50,056	18,816	12,419	6,397	68,872	-	-	-	-	68,872
El Dorado/Alpine	213,874	80,396	53,061	27,335	294,270	-	14,154	9,342	4,812	308,423
Fresno	1,613,646	606,574	400,339	206,235	2,220,220	-	106,789	70,481	36,308	2,327,009
Glenn	122,864	46,185	30,482	15,703	169,048	-	8,131	5,366	2,765	177,179
Humboldt	127,414	47,895	31,611	16,284	175,310	-	-	-	-	175,310
Imperial	169,644	54,309	35,844	18,465	223,953	-	-	-	-	223,953
Inyo	75,538	10,046	6,630	3,416	85,584	-	(6,984)	(4,609)	(2,375)	78,600
Kern	668,841	251,419	165,937	85,482	920,260	-	44,263	29,214	15,049	964,523
Kings	304,749	114,556	75,607	38,949	419,305	-	20,168	13,311	6,857	439,473
Lake	163,301	16,341	10,785	5,556	179,642	-	-	-	-	179,642
Lassen	98,291	36,948	24,386	12,562	135,239	-	-	-	-	135,239
Los Angeles	5,276,902	1,983,602	1,309,178	674,425	7,260,505	-	185,225	122,249	62,977	7,445,730
Madera	222,975	83,817	55,319	28,498	306,792	-	14,756	9,739	5,017	321,548
Marin	155,671	58,517	38,621	19,896	214,188	-	(37,165)	(24,529)	(12,636)	177,023
Mariposa	79,179	5,350	3,531	1,819	84,529	-	-	-	-	84,529
Mendocino	179,241	67,377	44,469	22,908	246,618	-	-	-	-	246,618
Merced	568,172	213,577	140,961	72,616	781,749	-	37,601	24,817	12,784	819,350
Modoc	-	-	-	-	-	-	-	-	-	-
Mono	46,297	3,245	2,142	1,103	49,542	-	-	-	-	49,542
Monterey	384,626	144,582	95,424	49,158	529,208	-	-	-	-	529,208
Napa	186,448	70,086	46,257	23,829	256,534	-	12,339	8,144	4,195	268,873
Nevada	344,856	129,632	85,557	44,075	474,488	-	-	-	-	474,488
Orange	2,353,385	884,644	583,865	300,779	3,238,029	-	(94,545)	(62,400)	(32,145)	3,143,484
Placer	380,370	142,982	94,368	48,614	523,353	-	25,173	16,614	8,559	548,525

Child Support Commissioner Program										
County Name	A Beg. Base Funding Allocation FY 2008- 2009	B Beg. Federal Option Drawdown FY 2008-2009 (C + D)	C Federal Draw Match (B x 66%)	D Local Trial Court Match (B x 34%)	E Beg. Total Base Allocation (A + B)	F Mid- Year Change to Base	G Recommended Change to Federal Drawdown Option (H + I)	H Change to Federal Draw Match (G x 66%)	I Change to Local Trial Court Match (G x 34%)	J Total Recommended Allocation (E + F + G)
Plumas	97,108	9,592	6,331	3,261	106,700	-	-	-	-	106,700
Riverside	1,002,870	376,982	248,808	128,174	1,379,851	-	-	-	-	1,379,851
Sacramento	1,069,156	401,899	265,253	136,646	1,471,055	-	70,756	46,699	24,057	1,541,810
San Benito	141,167	53,065	35,023	18,042	194,232	-	-	-	-	194,232
San Bernardino	2,636,337	991,006	654,064	336,942	3,627,343	-	-	-	-	3,627,343
San Diego	1,833,909	689,372	454,985	234,386	2,523,281	-	121,366	80,102	41,265	2,644,647
San Francisco	923,753	347,241	229,179	118,062	1,270,994	-	61,133	40,348	20,785	1,332,127
San Joaquin	714,264	268,494	177,206	91,288	982,758	-	47,269	31,198	16,072	1,030,027
San Luis Obispo	233,896	87,922	58,029	29,894	321,818	-	-	-	-	321,818
San Mateo	410,199	154,195	101,769	52,426	564,394	-	27,147	17,917	9,230	591,540
Santa Barbara	477,506	179,496	118,467	61,029	657,002	-	31,601	20,857	10,744	688,603
Santa Clara	1,769,316	443,901	292,975	150,926	2,213,217	-	-	-	-	2,213,217
Santa Cruz	190,813	71,727	47,340	24,387	262,540	-	(71,727)	(47,340)	(24,387)	190,813
Shasta & Trinity	438,632	164,883	108,823	56,060	603,516	-	-	-	-	603,516
Siskiyou	241,666	90,843	59,956	30,887	332,510	-	15,993	10,556	5,438	348,503
Solano	542,998	204,115	134,716	69,399	747,113	-	35,935	23,717	12,218	783,048
Sonoma	505,731	190,106	125,470	64,636	695,837	-	25,050	16,533	8,517	720,887
Stanislaus	686,403	258,021	170,294	87,727	944,424	-	(83,827)	(55,326)	(28,501)	860,597
Sutter	202,364	76,069	50,206	25,863	278,433	-	(12,747)	(8,413)	(4,334)	265,686
Tehama	95,561	35,922	23,708	12,213	131,482	-	-	-	-	131,482
Trinity	-	-	-	-	-	-	-	-	-	-
Tulare	531,579	20,001	13,201	6,800	551,580	-	-	-	-	551,580
Tuolumne	166,922	62,746	41,413	21,334	229,668	-	11,047	7,291	3,756	240,715
Ventura	583,606	219,379	144,790	74,589	802,985	-	-	-	-	802,985
Yolo	200,214	75,261	49,672	25,589	275,475	-	-	-	-	275,475
Yuba	205,974	77,426	51,101	26,325	283,400	-	13,632	8,997	4,635	297,033
Total	32,542,915	11,534,863	7,613,010	3,921,853	44,077,778	-	698,110	460,753	237,357	44,775,888

Original Amount Available	698,110
Returned Funds	306,995
Total Available for Reallocation	<u>1,005,105</u>

Attachment B

Family Law Facilitator Program										
County Name	A Beg. Base Funding Allocation FY 2008- 2009	B Beg. Federal Option Drawdown FY 2008- 2009 (G + D)	C Federal Draw Match (B x 66%)	D Local Trial Court Match (B x 34%)	E Beg. Total Base Allocation (A + B)	F Mid-Year Change to Base	G Recommende d Change to Federal Drawdown Option (H + I)	H Change to Federal Draw Match (G x 66%)	I Change to Local Trial Court Match (G x 34%)	J Total Recommended Allocation (E + F + G)
Alameda	378,689	142,350	93,951	48,399	521,040		15,148	9,997	5,150	536,187
Amador			-	-	-		-	-	-	-
Butte	106,361	24,506	16,174	8,332	130,867		-	-	-	130,867
Calaveras	122,518	5,075	3,350	1,726	127,593		-	-	-	127,593
Colusa	53,696	-	-	-	53,696		-	-	-	53,696
Contra Costa	311,955	117,265	77,395	39,870	429,220		-	-	-	429,220
Del Norte	51,025	3,836	2,532	1,304	54,861		-	-	-	54,861
El Dorado/Alpine	108,208	40,676	26,846	13,830	148,884		4,328	2,857	1,472	153,212
Fresno	400,760	150,647	99,427	51,220	551,407		16,030	10,580	5,450	567,438
Glenn	77,359	29,079	19,192	9,887	106,438		3,094	2,042	1,052	109,532
Humboldt	91,010	34,211	22,579	11,632	125,221		-	-	-	125,221
Imperial	53,696	10,529	6,949	3,580	64,225		2,148	1,418	730	66,373
Inyo	58,356	21,936	14,478	7,458	80,292		2,334	1,541	794	82,626
Kern	360,724	135,597	89,494	46,103	496,321		14,429	9,523	4,906	510,750
Kings	59,521	22,374	14,767	7,607	81,895		2,381	1,571	809	84,275
Lake	60,176	22,620	14,929	7,691	82,796		-	-	-	82,796
Lassen	114,218	42,935	28,337	14,598	157,152		-	-	-	157,152
Los Angeles	1,919,748	721,639	476,282	245,357	2,641,387		59,020	38,953	20,067	2,700,407
Madera	84,212	31,655	20,893	10,763	115,867		-	-	-	115,867
Marin	142,765	53,666	35,419	18,246	196,431	(3,864)	(53,666)	(35,420)	(18,246)	138,901
Mariposa	47,444	4,686	3,093	1,593	52,130		-	-	-	52,130
Mendocino	62,906	23,647	15,607	8,040	86,553		2,516	1,661	856	89,069
Merced	102,841	38,658	25,515	13,144	141,500		4,114	2,715	1,399	145,613
Modoc	74,019	-	-	-	74,019		-	-	-	74,019
Mono	49,145	-	-	-	49,145	(14,795)	-	-	-	34,350
Monterey	122,806	46,163	30,468	15,696	168,970		(34,930)	(23,054)	(11,876)	134,040
Napa	62,906	23,647	15,607	8,040	86,553		2,516	1,661	856	89,069
Nevada	121,262	45,583	30,085	15,498	166,845		4,850	3,201	1,649	171,695
Orange	548,204	206,071	136,007	70,064	754,275		-	-	-	754,275

Family Law Facilitator Program										
County Name	A Beg. Base Funding Allocation FY 2008- 2009	B Beg. Federal Option Drawdown FY 2008- 2009 (G + D)	C Federal Draw Match (B x 66%)	D Local Trial Court Match (B x 34%)	E Beg. Total Base Allocation (A + B)	F Mid-Year Change to Base	G Recommende d Change to Federal Drawdown Option (H + I)	H Change to Federal Draw Match (G x 66%)	I Change to Local Trial Court Match (G x 34%)	J Total Recommended Allocation (E + F + G)
Placer	91,460	34,380	22,691	11,689	125,840		-	-	-	125,840
Plumas	58,356	5,764	3,804	1,960	64,120		-	-	-	64,120
Riverside	675,903	254,074	167,689	86,385	929,977		27,036	17,844	9,192	957,013
Sacramento	314,465	118,208	78,018	40,191	432,674		12,579	8,302	4,277	445,253
San Benito	62,906	23,647	15,607	8,040	86,553		-	-	-	86,553
San Bernardino	466,563	175,382	115,752	59,630	641,946		18,663	12,317	6,345	660,608
San Diego	538,339	202,363	133,560	68,804	740,703	18,659	2,875	1,897	977	762,237
San Francisco	250,278	94,080	62,093	31,987	344,358		10,011	6,607	3,404	354,369
San Joaquin	223,447	83,994	55,436	28,558	307,442		8,938	5,899	3,039	316,379
San Luis Obispo	68,258	25,658	16,934	8,724	93,916		-	-	-	93,916
San Mateo	132,541	49,822	32,883	16,940	182,363		3,581	2,363	1,217	185,944
Santa Barbara	173,388	65,177	43,017	22,160	238,565		6,936	4,577	2,358	245,500
Santa Clara	452,550	170,115	112,276	57,839	622,664		18,102	11,947	6,155	640,766
Santa Cruz	75,502	28,381	18,732	9,650	103,883		-	-	-	103,883
Shasta & Trinity	164,364	61,785	40,778	21,007	226,149		-	-	-	226,149
Siskiyou	77,808	29,248	19,304	9,944	107,057		-	-	-	107,057
Solano	134,914	50,715	33,472	17,243	185,629		5,397	3,562	1,835	191,026
Sonoma	140,715	52,895	34,911	17,984	193,611		5,629	3,715	1,914	199,239
Stanislaus	228,981	86,074	56,809	29,265	315,055		9,159	6,045	3,114	324,214
Sutter	67,457	25,357	16,736	8,621	92,814		2,698	1,781	917	95,512
Tehama	28,530	1,418	936	482	29,948		1,141	753	388	31,089
Trinity	25,483	9,579	6,322	3,257	35,062		1,019	673	347	36,081
Tulare	320,325	120,411	79,471	40,940	440,736		-	-	-	440,736
Tuolumne	67,457	25,357	16,736	8,621	92,814		2,698	1,781	917	95,512
Ventura	257,427	96,767	63,866	32,901	354,194		-	-	-	354,194
Yolo	77,808	29,248	19,304	9,944	107,057		3,112	2,054	1,058	110,169
Yuba	66,892	25,145	16,596	8,549	92,037		2,676	1,766	910	94,713
Total	10,988,647	3,944,101	2,603,106	1,340,994	14,932,748	0	186,562	123,131	63,431	15,119,310

Original Amount Available	186,562
Returned Funds	107,255
Total Available for Reallocation	<u>293,817</u>