

**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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SUBJECT: Child Support Commissioner and Family Law Facilitator Program:
Midyear Funding Reallocation for Fiscal Year 2007–2008
(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, this year, the Department of Child Support Services and the Administrative Office of the Courts have provided 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.

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 2007–2008 set forth in Attachment A, subject to finalization of contract

amendments between AOC and DCSS for approval of a procedure for drawing down federal funds.

2. Approve the reallocation for funding of family law facilitators for fiscal year 2007–2008 set forth in Attachment B, subject to finalization of contract amendment between AOC and DCSS for approval of a procedure for drawing down federal funds.

The attachments are enclosed 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. This year, an additional procedure will be put in place to provide for procedures 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. Requests by courts for adjustments to fund ongoing expenses, such as salary and benefit increases, additional positions, and operating expenses, are addressed through a separate process at the beginning of each fiscal year.

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 gather information on each court’s historical spending patterns and calculate 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.

In addition, this year, the Department of Child Support Services and the Administrative Office of the Courts have developed a process by which the courts can maintain existing levels of program services and recover two-thirds of contributions to the program spent from local trial court funds beyond the current contract maximum. This process allows the courts to use such contributions in lieu of the one-third state match to draw down the two-thirds federal coverage of allowable and approved program costs to the extent that funds are available. The midyear reallocation process will give the courts an opportunity to request participation in this process and indicate the amount of the “in lieu state-share” the courts are willing to contribute. Contracts between each court and the Administrative

Office of the Courts will be amended to indicate the total amount of funds that will be allowed to be reimbursed from federal funds under this process. The processing of these requests will utilize the existing invoicing procedures between the Administrative Office of the Courts and the courts.

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 \$125,000.00 from all child support program grant sources was available for reallocation to the child support commissioner component of the program. An additional amount of \$6,229,755 was available through the federal draw down procedure with \$4,111,651.50 as the federal share and \$2,118,123.50 as the court share.

A total of \$4132.08 from all child support program grant sources was available for reallocation to the family law facilitator component of the program. An additional amount of \$2,103,578 was available through the federal draw down procedure with \$1,388,361.48 as the federal share and \$715,216.52 as the court share. A contract amendment between AOC and DCSS is in the process of finalization to provide for a procedure to use local trial court funds to draw down a two-thirds federal reimbursement of existing program costs spent beyond the current contract maximum.

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, no action would not have allowed courts 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

Commissioner Program						
County Name	Base Allocation FY 07-08	Recommended MidYear Change to Base Allocation FY 07-08	Federal Drawdown Allocation	Federal Draw Match	Local Trial Court Match	Total Recommended Allocation FY 07-08
Alameda	1,201,672.00		216,483.96	142,879	73,605	1,418,155.96
Amador	162,225.00		-	-	-	162,225.00
Butte	414,000.00		-	-	-	414,000.00
Calaveras	152,000.00		-	-	-	152,000.00
Colusa	52,350.00		-	-	-	52,350.00
Contra Costa	1,154,364.00		-	-	-	1,154,364.00
Del Norte	55,000.00		-	-	-	55,000.00
El Dorado/Alpine	235,000.00		91,564.04	60,432	31,132	326,564.04
Fresno	1,773,040.00		309,743.10	204,430	105,313	2,082,783.10
Glenn	135,000.00		-	-	-	135,000.00
Humboldt	140,000.00		-	-	-	140,000.00
Imperial	186,401.00		32,072.95	21,168	10,905	218,473.95
Inyo	83,000.00	45,000.00	-	-	-	128,000.00
Kern	734,908.00		96,277.84	63,543	32,734	831,185.84
Kings	334,852.00		65,867.43	43,473	22,395	400,719.43
Lake	179,432.00		3,093.84	2,042	1,052	182,525.84
Lassen	108,000.00		4,387.18	2,896	1,492	112,387.18
Los Angeles	5,798,149.00		1,464,559.62	966,609	497,950	7,262,708.62
Madera	245,000.00		77,214.44	50,962	26,253	322,214.44
Marin	171,048.00		-	-	-	171,048.00
Mariposa	87,000.00		-	-	-	87,000.00
Mendocino	196,946.00		13,836.30	9,132	4,704	210,782.30
Merced	624,295.00		182,853.40	120,683	62,170	807,148.40
Mono	50,870.00	25,000.00	-	-	-	75,870.00
Monterey	422,619.00		95,844.18	63,257	32,587	518,463.18
Napa	204,865.00		85,294.96	56,295	29,000	290,159.96
Nevada	378,920.00		43,871.84	28,955	14,916	422,791.84
Orange	2,585,850.00		329,633.71	217,558	112,075	2,915,483.71

County Name	Base Allocation FY 07-08	Recommended MidYear Change to Base Allocation FY 07-08	Federal Drawdown Allocation	Federal Draw Match	Local Trial Court Match	Total Recommended Allocation FY 07-08
Placer	417,943.00		13,380.91	8,831	4,550	431,323.91
Plumas	106,700.00		-	-	-	106,700.00
Riverside	1,101,932.00	(75,000.00)	245,682.31	162,150	83,532	1,272,614.31
Sacramento	1,174,766.00		435,326.24	287,315	148,011	1,610,092.24
San Benito	155,111.00		-	-	-	155,111.00
San Bernardino	2,896,751.00		564,915.76	372,844	192,071	3,461,666.76
San Diego	2,015,061.00		733,873.24	484,356	249,517	2,748,934.24
San Francisco	1,015,000.00		176,650.23	116,589	60,061	1,191,650.23
San Joaquin	784,818.00	55,000.00	41,306.22	27,262	14,044	881,124.22
San Luis Obispo	257,000.00		-	-	-	257,000.00
San Mateo	450,718.00		197,654.08	130,452	67,202	648,372.08
Santa Barbara	524,674.00		114,944.22	75,863	39,081	639,618.22
Santa Clara	1,944,087.00		193,859.14	127,947	65,912	2,137,946.14
Santa Cruz	209,661.00		-	-	-	209,661.00
Shasta & Trinity	481,960.00		74,582.13	49,224	25,358	556,542.13
Siskiyou	265,538.00		30,710.29	20,269	10,441	296,248.29
Solano	596,635.00		-	-	-	596,635.00
Sonoma	555,687.00		109,237.37	72,097	37,141	664,924.37
Stanislaus	754,205.00		-	-	-	754,205.00
Sutter	222,353.00		-	-	-	222,353.00
Tehama	105,000.00		-	-	-	105,000.00
Tulare	584,088.00		-	-	-	584,088.00
Tuolumne	183,410.00		52,646.21	34,746	17,900	236,056.21
Ventura	641,254.00		101,697.56	67,120	34,577	742,951.56
Yolo	219,991.00		30,710.29	20,269	10,441	250,701.29
Yuba	226,320.00			-	-	226,320.00
						-
Total	35,757,469.00	50,000.00	6,229,775.00	4,111,651.50	2,118,123.50	42,037,244.00
Total Amount to be allocated						6,229,775.00

Family Law Facilitator Program						
County Name	Base Allocation FY 07-08	Recommended MidYear Change to Base Allocation FY 07-08	Federal Drawdown Allocation	Federal Draw Match	Local Trial Court Match	Total Recommended Allocation for FY 07-08
Alameda	416,096.00		43,645.75	28,806.19	14,839.55	459,741.75
Butte	116,867.00		-	-	-	116,867.00
Calaveras & Amador	134,620.00		-	-	-	134,620.00
Colusa	59,000.00		-	-	-	59,000.00
Contra Costa	342,770.00		-	-	-	342,770.00
Del Norte	56,065.00		-	-	-	56,065.00
El Dorado & Alpine	118,897.00		10,980.03	7,246.82	3,733.21	129,877.03
Fresno	440,347.00		21,778.35	14,373.71	7,404.64	462,125.35
Glenn	85,000.00		10,193.01	6,727.39	3,465.62	95,193.01
Humboldt	100,000.00		11,800.86	7,788.57	4,012.29	111,800.86
Imperial	59,000.00		-	-	-	59,000.00
Inyo	64,120.00		-	-	-	64,120.00
Kern	396,356.00		58,074.81	38,329.38	19,745.44	454,430.81
Kings	65,400.00		1,133.31	747.99	385.33	66,533.31
Lake	66,120.00		899.92	593.95	305.97	67,019.92
Lassen	125,500.00		16,523.90	10,905.78	5,618.13	142,023.90
Los Angeles	2,109,379.00		572,626.05	377,933.19	194,692.86	2,682,005.05
Madera	92,530.00		-	-	-	92,530.00
Marin	156,867.00		-	-	-	156,867.00
Mariposa	52,130.00		-	-	-	52,130.00
Mendocino	69,120.00		26,808.54	17,693.63	9,114.90	95,928.54
Merced	113,000.00		18,707.46	12,346.92	6,360.53	131,707.46
Modoc	81,330.00	(4,132.08)	-	-	-	77,197.92
Mono	54,000.00		-	-	-	54,000.00
Monterey	134,937.00		-	-	-	134,937.00
Napa	69,120.00		61,796.15	40,785.46	21,010.69	130,916.15
Nevada & Sierra	133,240.00		45,056.42	29,737.23	15,319.18	178,296.42
Orange	602,355.00		43,283.35	28,567.01	14,716.34	645,638.35
Placer	100,494.00		-	-	-	100,494.00
Plumas	64,120.00		-	-	-	64,120.00
Riverside	742,668.00	4,132.08	150,000.00	99,000.00	51,000.00	896,800.08
Sacramento	345,528.00		144,385.82	95,294.64	49,091.18	489,913.82
San Benito	69,120.00		-	-	-	69,120.00
San Bernardino	512,650.00		87,044.10	57,449.11	29,595.00	599,694.10
San Diego	591,516.00		463,413.10	305,852.64	157,560.45	1,054,929.10
San Francisco	275,000.00		10,495.03	6,926.72	3,568.31	285,495.03
San Joaquin	245,519.00		5,405.19	3,567.43	1,837.77	250,924.19
San Luis Obispo	75,000.00		-	-	-	75,000.00
San Mateo	145,633.00		7,156.11	4,723.03	2,433.08	152,789.11
Santa Barbara	190,515.00		26,059.72	17,199.42	8,860.31	216,574.72
Santa Clara	497,252.00		42,294.03	27,914.06	14,379.97	539,546.03
Santa Cruz	82,960.00		1,784.97	1,178.08	606.89	84,744.97

County Name	Base Allocation FY 07-08	Recommended MidYear Change to Base Allocation FY 07-08	Federal Drawdown Allocation	Federal Draw Match	Local Trial Court Match	Total Recommended Allocation for FY 07-08
Shasta	180,600.00		11,522.96	7,605.15	3,917.81	192,122.96
Siskiyou	85,494.00		15,715.39	10,372.16	5,343.23	101,209.39
Solano	148,241.00		49,887.73	32,925.90	16,961.83	198,128.73
Sonoma	154,615.00		39,187.31	25,863.63	13,323.69	193,802.31
Stanislaus	251,599.00		29,111.06	19,213.30	9,897.76	280,710.06
Sutter	74,120.00		-	-	-	74,120.00
Tehama	31,348.00		-	-	-	31,348.00
Trinity	28,000.00		15,351.43	10,131.94	5,219.48	43,351.43
Tulare	351,966.00		21,734.11	14,344.51	7,389.60	373,700.11
Tuolumne	74,120.00		17,456.56	11,521.33	5,935.23	91,576.56
Ventura	282,855.00		18,957.16	12,511.73	6,445.43	301,812.16
Yolo	85,494.00		3,308.30	2,183.48	1,124.82	88,802.30
Yuba	73,500.00		-	-	-	73,500.00
Total	12,074,093.00	-	2,103,578.00	1,388,361.48	715,216.52	14,177,671.00
Total amount to be allocated						\$ 2,103,578.00