

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

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Report

TO: Members of the Judicial Council

FROM: Policy Coordination and Liaison Committee
Hon. Marvin R. Baxter, Chair
Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli, Co-chair
Hon. Susan D. Huguenor, Co-chair
Ms. Leah Wilson, Supervising Analyst
Ms. Stephanie Leonard, CASA Grants Manager
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DATE: November 22, 2004

SUBJECT: Court Appointed Special Advocates (CASA): Funding Awards (Welf. & Inst. Code, § 100) (Action Required)

Issue Statement

Maximum Judicial Council Court Appointed Special Advocates (CASA) grant funding awards are currently determined by county population size as mandated by Welfare and Institutions Code section 100. Each program begins the funding cycle on an annual basis with an award totaling the maximum available based on county population size. Individual programs then submit requests for funding proposals, which have historically been reviewed by a subgroup of the Family and Juvenile Law Advisory Committee. Adjustments to preset funding levels are typically made based on a review of each grant application. This process for determining Judicial Council CASA grant funding, which is based primarily on county population size and secondarily on an assessment of the quality of a narrative request for funding, has been called arbitrary and unfair by CASA program staff and juvenile court judicial officers. Some CASA program directors and juvenile court judicial officers have expressed concern that the annual funding award process benefits programs employing professional grant writers, instead of addressing actual financial needs or awarding programs that have improved their performance. In addition, because the current formula is based on county population size, the funding process benefits large counties irrespective of the number of children served.

Recommendation

The Policy Coordination and Liaison Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council sponsor legislation amending Welfare and Institutions Code section 100 to modify the funding allocation methodology for California CASA programs so that program awards are no longer linked to county size and are based instead upon outcome- and performance-based criteria. These criteria will be developed by the Judicial Council in consultation with the California CASA Association and in collaboration with the executive directors of the California CASA programs.

The text of the proposed legislation to amend Welfare and Institutions Code section 100 is attached at page 5.

Rationale for Recommendation

The Policy Coordination and Liaison Committee and the Family and Juvenile Law Advisory Committee are recommending that the Judicial Council sponsor legislation to change the process for awarding CASA grants in order to align program funding with performance and resource needs and enhance the perception among the programs that the allocations are fair and appropriate.

Administrative Office of the Courts (AOC) staff initially responded to the CASA programs' concerns by eliminating the requirement that grant proposals be submitted and instead requiring only that a standard set of documents be provided to the AOC as a precursor to a funding award. At the same time, staff has worked with the programs to (1) identify program outcomes to be used in assessing program performance; (2) implement a new protocol for the site visit component of program evaluation that affords immediate feedback on operational areas needing improvement; and (3) develop a new, deliverables-based contract and quarterly report format designed to capture uniform information about all California CASA program operations and performance. The combination of these efforts enables a comprehensive assessment of individual CASA program functioning, including an evaluation of each program's financial need, performance, and compliance with required mandates.

The current proposal would modify Welfare and Institutions Code section 100 to require the Judicial Council, in conjunction with the California CASA Association and in collaboration with California CASA executive directors, to develop performance criteria upon which CASA program funding levels would be based. This would allow for an alignment of CASA program funding methodology with the transition to outcome- and performance-based program evaluation. In addition, the statutory modification would provide a mechanism for addressing true funding needs in the allocation decision-making process.

The Judicial Council, in consultation with CASA program directors and the California CASA Association, shall establish performance criteria upon which program allocation levels will be based by September 1, 2005.

Alternative Actions Considered

Maintaining the status quo was considered. Maintenance of the status quo will result in a continued inability to align funding with program performance and actual fiscal need.

Comments From Interested Parties

Staff from the Judicial Council met with the California CASA Association's Board of Directors' Resource Development Committee, an entity comprised of program directors representing eight CASA programs statewide, for a preliminary discussion regarding appropriate performance criteria for performance-based funding implementation. Issues discussed included the following:

- General consensus was reached about the need to tie funding to performance;
- Ability to link funding to performance will be based upon the development of agreed-upon and consistent program performance standards;
- CASA program directors should be involved in developing those performance standards;
- Possible performance standards may include the number of children served and the proportion of the dependency population served by each program; and
- Programs that are underperforming need to be provided with resources and support for a reasonable time period before any relative funding reduction decisions are made.

Subsequent to the discussion with AOC staff, the Resource Development Committee submitted to AOC staff proposed guiding principles for the development of performance criteria for California CASA program funding. Excerpts from that document are provided below.

The Resource Development Committee (a working committee of the California CASA Board of Directors) believes that there are two principles that should be incorporated into funding formulas used by the Judicial Council to fund California's CASA programs: equity and minimum standards. . . .

Therefore, we recommend that funding formulas embody the following:

1. Funding eligibility should be strictly contingent upon compliance with the *Standards for National CASA Association Programs*.
2. The level of grant funding should be determined by a formula that takes into account the following factors:

- a. *Employee compensation parity* (accounting for differences in cost of living), so that all programs reach a similar level of ability to attract and retain high-quality staff members;
- b. *Percentage of the county dependency population served*, so that the grant encourages program growth where it is most needed;
- c. *Number of children served*, so that programs are fairly supported for the children and youth they serve;
- d. *Intensity of service provided* (ratio of volunteers to children, or volunteer hours per child), to reflect the investment made into each child;
- e. *Program status* (based on age or stage of development), so that expectations are properly calibrated;
- f. *Technological proficiency* (hardware, software, staff capacity), to put everyone on a similar level of technology support.

AOC and California CASA Association staff will meet with all CASA program directors, including those who are members of the Resource Development Committee, to finalize the list of grant funding factors and performance criteria on January 29, 2005, at the California CASA Executive Directors' meeting.

Implementation Requirements and Costs

None

Attachment

Welfare and Institutions Code section 100 would be amended to read:

1 **§ 100**

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3 The Judicial Council shall establish a planning and advisory group consisting of
4 appropriate professional and program specialists to recommend on the development of
5 program guidelines and funding procedures consistent with this chapter. At a
6 minimum, the council shall adopt program guidelines consistent with the guidelines
7 established by the National Court Appointed Special Advocate Association, and with
8 California law; but the council may require additional or more stringent standards.
9 State funding shall be contingent on a program adopting and adhering to the program
10 guidelines adopted by the council.

11

12 The program guidelines adopted by the council shall be adopted and incorporated into
13 local rules of court by each participating superior court as a prerequisite to funding
14 pursuant to this chapter.

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16 The council shall adopt program guidelines and criteria for funding which encourage
17 multicounty CASA programs where appropriate, and shall in no case provide for
18 funding more than one program per county.

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20 The council shall establish in a timely fashion a request-for-proposal process to
21 establish, maintain, or expand local CASA programs and require local matching funds
22 or in-kind funds equal to the proposal request. ~~The maximum state grant per county
23 program per year shall not exceed seventy thousand dollars (\$70,000) in counties in
24 which the population is less than 700,000 and shall not exceed one hundred thousand
25 dollars (\$100,000) in counties in which the population is 700,000 or more, according to
26 the annual population report provided by the Department of Finance. The council, in
27 consultation with the California Court Appointed Special Advocate Association shall
28 establish funding guidelines based on performance criteria, including, but not limited
29 to, the number and proportion of dependent children served by the program.~~