



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

Title	Agenda Item Type
Trial Courts: Distribution Request Process for Children's Waiting Rooms and Distribution Request from a Court	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 12, 2014
Recommended by	Date of Report
Trial Court Budget Advisory Committee Hon. Laurie M. Earl, Cochair Zlatko Theodorovic, Cochair	November 26, 2014
	Contact
	Steven Chang, Manager Finance, Judicial Council 415-865-7195 steven.chang@jud.ca.gov

Executive Summary

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the Superior Court of San Francisco County's request for an increase in the court's children's waiting room distribution amount, effective January 1, 2015, as well as amendments to the process for courts to request children's waiting room distributions or distribution adjustments.

Recommendation

With input provided by an internal workgroup, whose members included Judge Laurie Earl, Superior Court of Sacramento County; Presiding Judge Elizabeth Johnson, Superior Court of Trinity County; as well as Court Executive Officers Kimberly Flener, Superior Court of Butte County; Brian Taylor, Superior Court of Solano County; and David Yamasaki, Superior Court of Santa Clara County, the Trial Court Budget Advisory Committee recommends that the Judicial Council take the following actions, effective December 12, 2014:

1. Approve the Superior Court of San Francisco County's request to increase its children's waiting room (CWR) distribution from \$4 to \$5 per filing effective January 1, 2015.
2. Amend the process for courts to request CWR distributions to specify that courts applying for new CWR distributions can request that distributions begin no more than one year in advance of the planned opening date of the CWR, unless there are extenuating circumstances. If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).
3. Further amend the process for courts to request CWR distributions to specify that once any court's request to decrease its existing CWR distribution is approved by the Judicial Council, the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

Previous Council Action

At its June 27, 2014 business meeting the Judicial Council requested the Trial Court Budget Advisory Committee (TCBAC) to make a recommendation on how far in advance a court can request a CWR distribution. In addition, pursuant to Government Code section 70640 (see Attachment 3), the council adopted a process for courts to request CWR distributions, as follows.

- A court's presiding judge or executive officer must submit a request to the director of the Judicial Council Finance office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
 - Date of the council meeting at which the court is requesting consideration.
 - Requested effective date of the distribution (July 1 or January 1).
 - The scheduled opening date of the CWR(s).
 - Description of the CWR(s).
 - The date when the court intends to make expenditures related to operating its CWR(s).
 - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance office to provide an estimate of annual distributions.
 - The amount of unspent distributions (*for reapplications only*).
- Require the TCBAC to make a recommendation to the council on each court's request since a CWR distribution reduces the funding that supports all courts' base allocations.

Further, the Judicial Council required courts to reapply for a distribution if they fall into one of two categories:

- Courts that are currently receiving a distribution but have not operated a CWR since June 27, 2014.
- Courts that received a distribution effective July 1, 2014 or after but have not operated a CWR six months after their planned opening date of the CWR.

Finally, for courts that reapply and whose application is denied by the council, the council reserved the option of directing the courts to return any unspent CWR distributions to the Trial Court Trust Fund (TCTF).

Recommendation 1: Approval of Superior Court of San Francisco County's Request

1. Approve the Superior Court of San Francisco County's request to increase its CWR distribution from \$4 to \$5 per filing effective January 1, 2015.

Rationale for recommendation 1

The court's request for an increased CWR distribution meets the information requirements of the council's process (see Attachment 1) and the increased distribution will be used to offset the court's cost of operating at least one CWR. Approval of the court's request would result in an increase of approximately \$32,125 to the court's annual CWR distribution and reduce the funding that supports all courts' base allocations by the same amount.

Recommendation 2: Requests for Distributions Up to an Year in Advance Do Not Require Explanation

2. Amend the process for courts to request CWR distributions to specify that courts applying for new CWR distributions can request that distributions begin no more than one year in advance of the planned opening date of the CWR, unless there are extenuating circumstances. If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).

Rationale for recommendation 2

In general, the accumulation of up to one year's worth of CWR distributions should be sufficient to cover allowable costs (e.g., furnishings, toys, and books) that need to be purchased prior to the operating of a CWR. It is, however, possible that a court might need to accumulate more than a year's worth of CWR distributions. In these special situations, a court that is requesting a CWR distribution more than a year in advance of the opening and operating of a CWR should be required to explain its circumstance in its request to the council.

Recommendation 3: Preapproval of Requests for Decreased Distributions

3. Further amend the process for courts to request CWR distributions to specify that once any court's request to decrease its existing CWR distribution is approved by the Judicial Council, the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

Rationale for recommendation 3

Decreased distribution amounts remain in the TCTF and can be redirected to support all courts' base allocations. Pursuant to Government Code section 70640, new distributions and adjustments subsequent to July 1, 2006 shall be effective either January 1 or July 1. On July 14,

2014, the Superior Court of El Dorado County requested by e-mail that its CWR distributions be stopped effective July 1, 2014, and on October 15, 2014, the Superior Court of Stanislaus County requested that its distribution amount be reduced to \$2 from \$5 effective July 1, 2014 (see Attachment 2).

Comments, Alternatives Considered, and Policy Implications

This item was not circulated for public comment. No comments concerning the TCBAC's recommendation were received. The TCBAC did not consider any alternatives to these recommendations.

Implementation Requirements, Costs, and Operational Impacts

If any of the distribution adjustments are approved by the council, the Judicial Council system (Uniform Civil Fee System) that computes courts' CWR distributions from civil first-paper filing fees will need to be updated for courts whose distribution adjustment is approved.

Attachments

1. Attachment 1: Superior Court of San Francisco County's CWR distribution adjustment request, dated October 3, 2014
2. Attachment 2: Superior Court of Stanislaus County's CWR distribution adjustment request, dated October 15, 2014
3. Attachment 3: Government Code section 70640

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

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T. MICHAEL YUEN
COURT EXECUTIVE OFFICER

October 3, 2014

Zlatko Theodorovic
Finance Director, Judicial Council
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Children's Waiting Room Distribution Increase

Dear Mr. Theodorovic:

The Court respectfully requests an increase of the filing fee for the Children's Waiting Room (CWR) pursuant to Government Code Section 70640(e) for consideration at the December 11, 2014 Judicial Council meeting. Listed below is additional information pertaining to our request.

- Requested effective date of increase to the filing fee: January 1, 2015.
- The current filing fee is \$4 and the Court requests an increase to \$5 per filing.
- It is estimated that the requested distribution may be around \$32,125 annually.
- The CWR is located at the San Francisco Hall of Justice and Civic Center Courthouses and has been operational since 1991 and 1998, respectively.

This distribution increase, if approved, will provide the Court with additional revenue to support the CWR and enable us to maintain our current level of services.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Michael Yuen", is written over a faint, circular stamp or watermark.

T. Michael Yuen
Court Executive Officer

Cc: Sue Wong, Chief Financial Officer



SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

Rebecca J. Fleming
*Executive Officer
Jury Commissioner*

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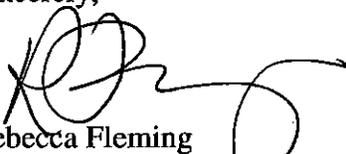
October 15, 2014

Zlatko Theodorovic
Director and Chief Financial Officer
Finance/Administrative Division
Judicial Council of California
2850 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-4353

Re: Children's Waiting Room GC 70640

The Superior Court of California, County of Stanislaus hereby requests a reduction to our current Children's Waiting Room distribution. Please reduce the distribution (currently \$5) to the lowest possible distribution rate (\$2) effective immediately. In addition, please adjust year-to-date payments for Fiscal Year 2014/2015 to the reduced rate; thus making the effective date of the reduction July 1, 2014.

Sincerely,



Rebecca Fleming
Court Executive Officer

Government Code Section 70640

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, monthly allocations for children's waiting rooms shall be added to the monthly apportionment under subdivision (a) of Section 68085 for each court where a children's waiting room has been established or where the court has elected to establish that service.

(b) The amount allocated to each court under this section shall be equal to the following: for each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670, and each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658, the same amount as was required to be collected as of December 31, 2005, to the Children's Waiting Room Fund under former Section 26826.3 in the county in which the court is located when a fee was collected for the filing of a first paper in a civil action under former Section 26820.4.

(c) Notwithstanding any other provision of law, the court may make expenditures from these allocations in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(d) If, as of January 1, 2006, there is a Children's Waiting Room Fund in the county treasury established under former Section 26826.3, the county immediately shall transfer the moneys in that fund to the court's operations fund as a restricted fund. By February 15, 2006, the county shall provide an accounting of the fund to the Administrative Office of the Courts.

(e) After January 1, 2006, the court may apply to the Judicial Council for an adjustment of the amount distributed to the fund for each uniform filing fee. A court that wishes to establish a children's waiting room, and does not yet have a distribution under this section, may apply to the Judicial Council for a distribution. Applications under this subdivision shall be made according to trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206. Adjustments and new distributions shall be effective January 1 or July 1 of any year beginning January 1, 2006.

(f) The distribution to a court under this section per each filing fee shall be not less than two dollars (\$2) and not more than five dollars (\$5).

(Amended by Stats. 2007, Ch. 130, Sec. 135. Effective January 1, 2008.)