



JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.6(a))

Tuesday, July 28, 2015 • 10:00 a.m.–11:25 a.m.

This meeting is being conducted by telephone only. The meeting will be audiocast for public access at [CHECK FOR UPDATED LINK](#), beginning 15 minutes before the meeting opens.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support at [CHECK FOR UPDATED LINK](#).

TUESDAY, JULY 28, 2015 AGENDA

OPEN SESSION (RULE 10.6(a))—MEETING AGENDA

10:00–10:05 a.m. Approval of Minutes

Approve minutes of the June 25-26, 2015, Judicial Council meetings.

10:05–10:15 a.m. Chief Justice's Report

Chief Justice Tani G. Cantil-Sakauye will report.

10:15–10:25 a.m. Administrative Director's Report

Mr. Martin Hoshino, Administrative Director, will report.

Public Comment

Public comment will be taken on specific discussion agenda items only. Please refer to our [public comment procedures](#) for general information.

- 1) Submit advance requests to speak by **4:00 p.m., Friday, July 24, 2015**.
- 2) Submit written comments for this meeting by **1:00 p.m. on Monday, July 27, 2015**.

Contact information for advance requests to speak, written comments, and questions:

E-mail: judicialcouncil@jud.ca.gov

NOTE: Time is estimated. Actual start and end times may vary.

Postal mail or delivery in person:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

CONSENT AGENDA (ITEMS A1–A2 THROUGH G)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.

ITEMS A1–A2 RULES AND FORMS

Civil and Small Claims

Item A1 Civil Practice and Procedure: Adjustment of Maximum Amount of Imputed Liability of Parent or Guardian for Tort of a Minor (Action Required)

Judicial Council staff recommends that the Judicial Council amend Appendix B of the California Rules of Court to reflect the biannual adjustments to the dollar amounts of the maximum amount of liability of parents or guardians to be imputed for the torts of a minor under Civil Code section 1714.1 and direct that staff publish the adjusted amounts.

Probate and Mental Health

Item A2 Probate: Court Fee Waivers in Decedents' Estates, Guardianships, and Conservatorships and for Wards and Conservatees Participating in Civil Actions (Action Required)

In response to legislation effective January 1, 2015, the advisory committee is proposing a new rule of court concerning court fee waivers in guardianships and conservatorship proceedings, and new versions of Judicial Council court fee waiver forms for use by probate guardians and conservators and by petitioners for their appointment. The proposed rule would also cover court fee waivers in decedents' estate proceedings, which are not affected by the legislation but have never been addressed in the rules of court despite presenting unique circumstances that warrant specific attention in the rules.

Item B Child Support: Revise Base Funding Allocation for Fiscal Year 2015–2016 for the Family Law Facilitator Program (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise the fiscal year (FY) 2015–2016 allocation for the Family Law Facilitator Program that it approved on April 17, 2015. The revision adds an allocation to support facilitator services for the Superior Court of Trinity County and corrects minor technical errors. Revised allocations were calculated using the same council-approved funding methodology applied to

calculate the allocations approved by the Judicial Council on April 17. Some courts opted to maintain the same allocation they had in FY 2014–2015. Other courts requested an increase, and some requested a reduction. The revised allocations only affect the courts that requested additional funds for FY 2015–2016.

Item C Collaborative Justice: Funding for Parolee Reentry Court Programs through the California Department of Corrections and Rehabilitation (Action Required)

The Collaborative Justice Courts Advisory Committee (CJCAC) recommends that the Judicial Council enter into an interagency agreement with the California Department of Corrections and Rehabilitation (CDCR) to continue the California Parolee Reentry Court Project and direct the CJCAC to determine maximum allocations and execute a funding model, based on a noncompetitive funding formula, for which all courts that meet program criteria may apply. The interagency agreement will transfer \$4.4 million in funding from CDCR to the Judicial Council to expand and enhance the reentry court program with the goal of reducing recidivism among the parolee population.

Item D Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of San Bernardino*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

Item E Judicial Branch Administration: Final Report on Directive 125 (Action Required)

This is the Final Report on Directive 125, which charged the Administrative Director to return to the Judicial Council with an analysis defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval. The Administrative Director submitted an interim report to the council for its meeting on July 29, 2014 (see Link A). The Court Security Advisory Committee, in this report to the council, defines those necessary emergency response and security functions. With regard to the organization of the office, the Administrative Director recently implemented a reorganization of the office, and the Committee defers to the Administrative Director's decisions and is not proposing additional recommendations.

Item F Report to the Legislature: Findings from Senate Bill 678 (California Community Corrections Performance Incentives Act of 2009) Program (Action Required)

The Criminal Justice Services office recommends that the Judicial Council receive the Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2015) and direct the Administrative Director to submit this report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the act—including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration—no later than 18 months after the initial receipt of funding under the act and annually thereafter. The report was developed in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California.

Item G **Judicial Branch: Summit Report to Promote Diversity in the California Judiciary (Action Required)**

In September, 2011, the Judicial Council and State Bar convened a summit on judicial diversity, at the conclusion of which, participants developed recommendations to further the goal of a more diverse bench. The Judicial Council reviewed those recommendations and, at its October 25, 2012, meeting, directed the Access and Fairness Advisory Committee (now, Advisory Committee on Providing Access and Fairness (PAF)) to initiate the review and approval process for those recommendations that merit council action. On June 4, 2015, TCPJAC and CEAC chairs provided a joint statement indicating their committees' support for the recommendations in PAF's report. In accordance with the Judicial Council's instructions, PAF now brings the recommendations back to the Judicial Council for approval. The recommendations support "Access, Fairness and Diversity" which are identified as Goal I of the Strategic Plan for California's Judicial Branch.

DISCUSSION AGENDA (ITEMS H–I)

Item H 10:25–10:45 a.m.

Budget: Fiscal Year 2016–2017 Budget Request for the Trial Courts (Action Required)

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a proposed FY 2016–2017 budget request for court-provided security. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, the BCPs are to be submitted to the state Department of Finance by September 2, 2015.

Speakers: Hon. Laurie M. Earl, Co-Chair, Trial Court Budget Advisory Committee
Mary Beth Todd, Executive Officer, Superior Court of California,
County of Sutter
Mr. Zlatko Theodorovic, Finance

Item I 10:45–11:25 a.m.

Trial Court Allocations: Funding for General Court Operations and Specific Costs in Fiscal Year 2015–2016 (Action Required)

For FY 2015–2016, the Trial Court Budget Advisory Committee recommends the Judicial Council allocate \$1.784 billion to the trial courts from the Trial Court Trust Fund (TCTF) and General Fund for general court operations and specific costs. The recommended allocations include an allocation of \$1.683 billion in 2015–2016 beginning base funding for general court operations, each court’s share of \$24.2 million in new funding for non-interpreter employee benefits, a statewide net allocation of \$67.9 million for general court operations using the Workload-based Allocation and Funding Methodology (WAFM), a net zero allocation for the WAFM funding floor adjustment, each court’s contribution toward a 2 percent reserve of \$37.7 million, a preliminary one-time allocation reduction related to the 1 percent cap on trial court fund balances, and one-time allocations of \$9.2 million for criminal justice realignment costs, \$11 million in new funding for reimbursement of court-appointed dependency counsel costs, and \$26.9 million in new funding for Proposition 47-related workload costs. Assuming approval of the allocations and given current revenue projections and estimated savings from appropriations, the TCTF will end 2015–2016 with a fund balance of \$17.7 million, of which approximately \$3.4 million will be unrestricted.

Speakers: Hon. Laurie M. Earl, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Finance

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks’ Office Hours (Gov. Code, § 68106—Report No. 32)

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks’ offices or reducing clerks’ regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 32nd report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, one superior court—Fresno County—has issued a new notice.

Circulating Orders since the last business meeting.

There were no Appointment Orders since the last business meeting.



Judicial Council of California · Administrative Office of the Courts

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

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

Title	Agenda Item Type
Civil Practice and Procedure: Adjustment of Maximum Amount of Imputed Liability of Parent or Guardian for Tort of a Minor	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, Appendix B	July 1, 2015
Recommended by	Date of Report
Deborah Brown, Chief Counsel	July 13, 2015
Anne M. Ronan, Senior Attorney	Contact
Legal Services Office	Anne M. Ronan, 415-865-8933 anne.ronan@jud.ca.gov

Executive Summary

Judicial Council staff recommends that the Judicial Council amend Appendix B of the California Rules of Court to reflect the biannual adjustments to the dollar amounts of the maximum amount of liability of parents or guardians to be imputed for the torts of a minor under Civil Code section 1714.1 and direct that staff publish the adjusted amounts.

Recommendation

Judicial Council staff recommends that the Judicial Council, effective July 1, 2015, amend Appendix B of California Rules of Court to adjust the maximum liability of the parent or guardian having custody and control of a minor for the willful misconduct of the minor, under Civil Code section 1714.1(a) or (b), from \$39,300 to \$40,600.

The text of amended Appendix B is attached at page 4.

Previous Council Action

Since January 1, 1997, Civil Code section 1714.1(c) has required that the council compute an adjustment to the dollar amounts stated in subdivisions (a) and (b) of that code section every two years, based on the change in the California Consumer Price Index. By Circulating Order CO-97-07, the council authorized the Administrative Director to make those adjustments on an ongoing basis and to report that action to the council. The Administrative Director did so every odd-numbered year since that time until 2013, at which time the council itself approved the adjustment. The revised Appendix B has been published with the California Rules of Court each time.

Rationale for Recommendation

Civil Code section 1714.1(a) and (b)¹ imputes liability for any act of willful misconduct of a minor that results in injury or death to another person, injury to the property of another, or the defacement of the property of another by paint, to the parent or guardian having custody and control of the minor. Both subdivisions state that the maximum liability of the parent or guardian shall not exceed \$25,000 for each tort of the minor, but note that the maximum amount is subject to subdivision (c). Subdivision (c) requires the Judicial Council to compute an adjustment to the maximum amount every two years to reflect increases in the cost of living, as indicated by the annual average of the California Consumer Price Index (CCPI), and to publish the adjusted maximum amounts of liability on or before July 1 of each odd-numbered year².

The formula³ for determining each adjustment is published in Appendix B to the California Rules of Court, which gives the adjustments and calculations a permanent place for reference. Applying that formula and the annual average of the 2014 California Consumer Price Index of 246.055,⁴ the adjusted liability limit as of July 1, 2015, should be \$40,600, as shown in the attached amended Appendix B.

This amendment to Appendix B will be published—as required by section 1714.1(c)—in the *California Official Reports*, as are all amendments to the California Rules of Court, and also published on the judicial branch website.

¹ All further statutory references are to the Civil Code, unless otherwise indicated.

² This recommendation was inadvertently left off the agenda of a prior council meeting. By statute the change in liability amount is effective July 1. See Code Civ. Proc. § 1714.1(c).

³ A copy of the letter from the Department of Finance setting out the formula for the original adjustment, which has been followed since 1997, is attached at page 5.

⁴ The California Consumer Price Index is published each year by the California Department of Industrial Relations. A copy of the most recent chart is at page 6.

Comments, Alternatives Considered, and Policy Implications

The proposed amendment of Appendix B is a technical amendment made in response to a statutory mandate, which has not been circulated for comment. See Cal. Rules of Court, rule 10.22(d)(2).

Implementation Requirements, Costs, and Operational Impacts

There are no court costs or operational impacts associated with this amendment of Appendix B.

Attachments

1. Proposed amended Appendix B, at page 4
2. Attachment A: April 21, 1997 letter from Department of Finance, at page 5
3. Attachment B: Consumer Price Index–California, 2013-2014, at page 6

Appendix B of the California Rules of Court is amended effective July 1, 2015, as follows:

Appendix B

Liability Limits of a Parent or Guardian Having Custody and Control of a Minor for the Torts of a Minor (Civ. Code, § 1714.1)

Formula

Pursuant to Civil Code section 1714.1, the joint and several liability limit of a parent or guardian having custody and control of a minor under subdivisions (a) and (b) for each tort of the minor shall be computed and adjusted as follows:

$$\text{Adjusted limit} = \left[\frac{\text{Current CCPI} - \text{January 1, 1995, CCPI}}{\text{January 1, 1995, CCPI}} + 1 \right] \times \text{January 1, 1995, limit}$$

Definition

“CCPI” means the California Consumer Price Index, as established by the California Department of Industrial Relations.

July 1, 2013~~5~~, calculation and adjustment

The joint and several liability of a parent or guardian having custody and control of a minor under Civil Code section 1714.1, subdivision (a) or (b), effective July 1, 2013~~5~~, shall not exceed ~~\$39,300~~ \$40,600 for each tort.

The calculation is as follows:

$$\text{\$39,299.50} - \text{\$40,603.14} = \left[\frac{238.155 - 246.055 - 151.5}{151.5} \right] + 1 \times \$25,000$$

Under section 1714.1, subdivision (c), the adjusted limit is rounded to the nearest hundred dollars, so the dollar amount of the adjusted limit is rounded ~~down~~ to ~~\$39,300~~ \$40,600.



April 21, 1997

Ms. Cara Vonk
Judicial Council of California
Administrative Office of the Courts
303 Second Street, South Tower
San Francisco, CA 94107

Dear Ms. Vonk,

The updated number calculated in accordance with Civil Code section 1714.1 subdivision c is \$25,900.00. Proper escalation procedure divides the difference of the end-of-period number and the beginning-of-period number by the beginning-of-period number. Next add one and multiply by the original number in this case \$25,000.00.

The California Consumer Price Index (CCPI) formula is established by the Department of Industrial Relations (DIR). The Department of Finance, using the DIR formula for the CCPI, calculates the January 1, 1995 CCPI as 151.5, for January 1, 1996 (154.0), and for January 1, 1997 (157.1). The calculation rests on the assumption that the figure of \$25,000.00 originates January 1, 1995 as you stated in our conversation this morning.

$$25,925.00 = \left[\frac{(157.1 - 151.5)}{151.5} + 1 \right] \times 25,000.00$$

Subdivision c requires the number to be rounded to the nearest one hundred dollars producing \$25,900.00. My phone number is (916) 322-2263 x2423; where I can be reached to answer to any questions. I have included CCPI data tables for purposes of documentation.

Sincerely

A handwritten signature in cursive script that reads "Jason Barnhart".

Jason Barnhart

<http://www.dir.ca.gov/OPRL>

CONSUMER PRICE INDEX - CALIFORNIA

Los Angeles-Riverside-Orange Co., San Francisco-Oakland-San Jose, San Diego
United States City Average, 2013-2014

All Items
1982 - 1984 = 100

Year & Month	All Urban Consumers					Urban Wage Earners and Clerical Workers				
	California ^a	Los Angeles ^b Riverside Orange Co.	San Francisco ^b Oakland San Jose	San Diego ^b	U.S. City ^b Average	California ^a	Los Angeles ^b Riverside Orange Co.	San Francisco ^b Oakland San Jose	San Diego ^b	U.S. City ^b Average
2013 January	-	238.015	b		230.280	-	230.651	b		226.520
February	241.242	239.753	242.677		232.166	234.887	232.983	240.262		228.677
March	-	239.995	b		232.773	-	233.200	b		229.323
April	241.399	239.043	244.675		232.531	234.695	232.030	241.764		228.949
May	-	239.346	b		232.945	-	232.387	b		229.399
June	241.926	239.223	245.935	258.955	233.504	235.333	232.378	243.052	245.140	230.002
July	-	238.920	b		233.596	-	232.190	b		230.084
August	241.967	239.219	246.072		233.877	235.196	232.245	242.903		230.359
September	-	239.611	b		234.149	-	232.817	b		230.537
October	242.633	239.940	246.617		233.546	235.783	232.735	243.711		229.735
November	-	238.677	b		233.069		231.598	b		229.133
December	241.526	238.742	245.711	261.679	233.049	234.654	231.594	242.602	247.236	229.174
Annual Average	241.623	239.207	245.023	260.317	232.957	234.947	232.234	242.125	246.188	229.324
2014 January	-	239.857	b		233.916	-	232.578	b		230.040
February	244.037	241.059	248.615		234.781	237.021	233.886	245.148		230.871
March	-	242.491	b		236.293	-	235.500	b		232.560
April	245.900	242.437	251.495		237.072	239.144	235.717	247.932		233.443
May	-	243.362	b		237.900	-	236.647	b		234.216
June	247.228	243.528	253.317	265.251	238.343	240.612	236.880	250.085	250.188	234.702
July	-	243.727	b		238.250	-	236.936	b		234.525
August	247.259	243.556	253.354		237.852	240.289	236.504	249.877		234.030
September	-	243.623	b		238.031	-	236.451	b		234.170
October	247.481	243.341	254.503		237.433	240.082	235.921	250.508		233.229
November	-	241.753	b		236.151	-	233.896	b		231.551
December	244.812	240.475	252.273		234.812	236.733	232.330	247.680		229.909
Annual Average	246.055	242.434	251.985		236.736	238.960	235.273	248.326		232.771

^a Weighted average of the consumer price indexes for Los Angeles-Anaheim-Riverside and San Francisco-Oakland-San Jose. A conversion factor has been included for comparability of 1987 data with 1986 and prior years. Computed by the Department of Industrial Relations, Office of the Director - Research Unit from indexes issued by the U.S. Department of Labor.

^b Source: U.S. Department of Labor, Bureau of Labor Statistics. Beginning with January 1998 data, indices for San Francisco-Oakland-San Jose will be published bi-monthly on even months only (February, April, June, etc.). Beginning with the January 2007 data, indices published by the Bureau of Labor Statistics will be rounded to three decimal places (see <http://www.bls.gov/cpi/cpithreedec.htm>). The California indices conform to this change.



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

Title

Probate: Court Fee Waivers in Decedents' Estates, Guardianships, and Conservatorships and for Wards and Conservatees Participating in Civil Actions

Agenda Item Type

Action Required

Effective Date

September 1, 2015

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO

Date of Report

July 6, 2015

Contact

Douglas C. Miller

818-558-4178

douglas.c.miller@jud.ca.gov

Recommended by

Probate and Mental Health Advisory

Committee

Hon. John H. Sugiyama, Chair

Douglas C. Miller

Senior Attorney

Judicial Council Legal Services

Executive Summary

In response to legislation effective January 1, 2015, the advisory committee is proposing a new rule of court concerning court fee waivers in guardianships and conservatorship proceedings, and new versions of Judicial Council court fee waiver forms for use by probate guardians and

conservators and by petitioners for their appointment. The proposed rule would also cover court fee waivers in decedents' estate proceedings, which are not affected by the legislation but have never been addressed in the rules of court despite presenting unique circumstances that warrant specific attention in the rules.

Recommendation

The Probate and Mental Health Advisory Committee recommends that, effective September 1, 2015, the Judicial Council:

1. Adopt rule 7.5 of the California Rules of Court to address court fee waivers in guardianships, conservatorships, or civil actions involving guardians or conservators as parties, and in decedents' estates.
2. Adopt *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC), *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC), *Order on Court Fee Waiver (Superior Court)(Ward or Conservatee)* (form FW-003-GC), *Notice: Waiver of Court Fees (Superior Court)(Ward or Conservatee)* (form FW-005-GC), *Request for Hearing About Court Fee Waiver Order (Superior Court)(Ward or Conservatee)* (form FW-006-GC), *Notice on Hearing About Court Fees (Ward or Conservatee)* (form FW-007-GC), *Order on Court Fee Waiver After Hearing (Superior Court)(Ward or Conservatee)* (form FW-008-GC), *Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee)* (form FW-010-GC), *Notice to Appear for Reconsideration of Fee Waiver (Ward or Conservatee)* (form FW-011-GC), *Order on Court Fee Waiver (Superior Court)(Ward or Conservatee)* (form FW-012-GC), and *Order on Court Fee Waiver (Court of Appeal or Supreme Court)(Ward or Conservatee)* (form APP-016-GC/FW-016-GC) to create a distinct set of forms for use by guardians and conservators to request and support court fee waivers, made necessary by 2014 legislation;
3. Amend rules 3.50–3.53, and 8.26 of the California Rules of Court to refer to the new rule of court and forms identified above;
4. Revise *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO) and *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO) to refer to the new forms identified above;

The text of the new and amended rules of court and the new and revised forms are attached at pages 17–56.

Previous Council Action

The Judicial Council adopted, effective on January 1, 1981, California Rules of Court, rule 985 to implement a directive in former Government Code section 68511.3(a) concerning court fee waivers in civil litigation. Effective on January 1, 2007, this rule was revised and renumbered as rules 3.50–3.63.

In 2008, the Judicial Council sponsored legislation to replace section 68511.3, effective July 1, 2009.¹ In addition to repealing that section, the legislation enacted Government Code sections 68630–68641. To implement this legislation, the council also completely revised, restated, or replaced the fee waiver rules of court, also effective on July 1, 2009. The council also adopted or revised thirteen Judicial Council court fee waiver forms, collected in a new Fee Waiver (FW) form group, including the application for an initial fee waiver, form FW-001.

The legislation, the new and revised rules of court, and the Judicial Council forms clarified the court fee waiver application procedure and the remedies available to courts to end waivers and recover previously-waived court costs upon improvements in the applicants' financial condition during the pendency of the litigation or on its successful conclusion. The legislation, the rules of court, and the forms did not explicitly address court fee waivers in decedent estate, conservatorship, or guardianship proceedings.

Most recently, at its meeting on February 28, 2015 (Agenda item A-2), the Judicial Council amended rules 3.52, 3.55, 3.56, and 8.818 and revised civil court fee waiver forms FW-001, FW-002, FW-003, FW-005, FW-008, FW-012, FW-001-INFO, and APP-015/FW-015-INFO to reflect the 2015 increase to the federal poverty guidelines and other legislative changes and to make other clarifying changes to the rules and forms. The effective date of the revision of form FW-001 was March 1, 2015; the changes in the rules of court and the rest of the forms were effective on July 1, 2015.

Rationale for Recommendation

In 2014, legislation was enacted that changed the law concerning court fee waivers in cases involving guardians, conservators, and petitioners for their appointment.² The changes are as follows:

- For purposes of the fee waiver provisions, the (proposed) ward or conservatee is the “applicant,” and the guardian, conservator, or person seeking to establish the guardianship or conservatorship is the “petitioner.” The applicant is the person whose financial condition is to be evaluated to determine eligibility for the waiver. But the

¹ Assem. Bill 2448; Stats 2008, ch. 462. Except as otherwise stated, all code references are to the Government Code.

² Assem. Bill 2747, Stats 2014, ch. 913, sections 23–25, 27.5, and 30.5.

petitioner is responsible for completing all forms and providing all information required under those provisions (Gov. Code, § 68631.5, added by § 24 of AB 2747).

- These definitions are not limited in their application to fee waivers in guardianship or conservatorship proceedings. They apply to other civil actions or proceedings in which guardians and conservators appear on behalf of their wards and conservatees as parties and request fee waivers in that litigation; and
- An applicant, as defined above, who qualifies under any of the three ways listed in section 68632(a), (b), or (c)³ is eligible for the waiver even though the petitioner actually makes, supports, and defends the application. In effect, a petitioner for appointment of a fiduciary in a guardianship or conservatorship or an appointed guardian or conservator who files pleadings in that proceeding or in a civil action on behalf of the ward or conservatee, will qualify for the waiver if the ward or conservatee qualifies for it, an effect explicitly recognized in Government Code section 68632(d), added by AB 2747, § 25.⁴
- Assessments for court investigations in guardianships and conservatorships under Probate Code sections 1513.1 and 1851.5 are made subject to the fee waiver provisions in the Government Code (Gov. Code, § 68631; and Prob. Code, §§ 1513.1 and 1851.5)⁵; and
- Upon establishment of the guardianship or conservatorship, the court may collect all or part of any fees waived under sections 68631 and 68632 from the estate of the ward or conservatee if the court finds that the estate has the ability to pay all or a portion of the fees immediately, over a period of time, or under some other equitable agreement, without using moneys that normally would pay for the common necessities of life for the applicant and the applicant's family (Gov. Code, § 68631).

New Rule 7.5

To implement the 2014 legislation, the committee proposes the adoption of new rule 7.5 to govern initial fee waivers (as defined in existing rule 3.50(b)) requested by petitioners for the appointment of fiduciaries in conservatorships and guardianships, by these fiduciaries for filings in these proceedings after their appointment, by conservators and guardians in other civil actions

³ A person who (a) receives listed public benefits, (b) has income equal to or less than 125 percent of the current version of federal poverty guidelines, or (c) is determined by the court to be unable to pay court fees without using funds that normally would be used for the common necessities of life for the person and his or her family.

⁴ Section 68632(d) adds a fourth category of persons who qualify for fee waivers under section 68632: petitioners for appointment of a fiduciary in a guardianship or conservatorship or appointed fiduciaries of wards or conservatees who file pleadings in that capacity, when the financial condition of the ward or conservatee meets the standards for a fee waiver under subdivisions (a), (b), or (c).

⁵ The Probate Code sections cited above that authorize courts to decline to order payment of all or any portion of an investigation assessment if payment would impose a hardship on the ward or conservatee or his or her estate remain in the law, giving courts opportunities to continue to eliminate or reduce guardianship or conservatorship investigation assessments independent of the Government Code fee waiver provisions.

or proceedings in which they are parties, and in decedent's estates.⁶ The main elements of the proposed rule are summarized below.

Conservatorships and guardianships

- A court fee waiver requested by a petitioner for the appointment of a conservator or guardian would be based on the financial condition of the proposed conservatee or ward, not that of the petitioner (rule 7.5(b)).
- The financial condition of the (proposed) ward or (proposed) conservatee would include the financial condition of any person with a duty to support him or her, including the parents of a ward and the spouse or registered domestic partner of a conservatee (rule 7.5(e)(1)).⁷
- But support from a ward's parents and a conservatee's divorced spouse or registered domestic partner would be a factor in his or her financial condition for fee waiver purposes only if the support was ordered by a court and only to the extent of the amount of support ordered, and would be subject to the court's duty to consider the likelihood of payment under section 68637(e) (rule 7.5(e)(1)(A)).
- The financial condition of a (proposed) conservatee would include his or her interest in community property that is outside the conservatorship estate and under the management or control of his or her spouse or registered domestic partner, and the right to receive support, income, or other distributions from a trust or under a contract. (See Prob. Code, § 3051(b)) (rule 7.5(e)(1)(B) and (C)).
- Upon establishment of a guardianship of conservatorship of the estate or the person and estate of the ward or conservatee, the court would be permitted to collect all or a portion of court fees previously waived from the estate if the court finds that the estate has the ability to pay the fees, or a portion of them, immediately, over a period of time, or under some other equitable agreement, without using money that would normally be used to pay for the common necessities of life for the ward or conservatee and his or her family. The court would be required to comply with the notice and hearing requirements of the second paragraph of Government Code section 68634(e)(5) (rule 7.5(h)(1)).

⁶ In 2011, a prior version of rule 7.5 addressing fee waivers in these proceedings was circulated for comment by the committee (proposal SPR11-57). However, that version of the rule was ultimately neither presented to nor adopted by the Judicial Council. The rule proposed here is significantly changed in its treatment of fee waivers in guardianship and conservatorship proceedings from the prior rule, reflecting the 2014 legislation.

⁷ Parents have a duty to support their minor children whether or not they currently have custody or live in the child's household. If a guardian of the person is appointed, a parent who had custody when the case was filed will lose it but will still have a support obligation. Even if there is an estate and a guardian of the estate, the ward's living parents still have a support obligation; the guardian of the estate would be required to get court permission to support the ward from the estate, based on a showing that the parents cannot be found or cannot meet their obligation (See Fam. Code, §§ 3900-3901 [parental duty of support], Prob. Code, § 2422; California Guardianship Practice (Cont.Ed.Bar Annual, 2015), §§ 12.18, 12.33.)

- “Final disposition of the case,” for purposes of determining the expiration date of an initial fee waiver in a guardianship or conservatorship proceeding under section 68639, would be the later of termination of the proceeding by order of court or under operation of law in guardianships and conservatorships of the person, and discharge of guardians and conservators of the estate (rule 7.5(k)(1) and (2)).
- The provisions of section 68633(g) concerning agreements between applicants for initial court fee waivers and their counsel for counsel to advance court fees would apply to the proceedings governed by the proposed rule. Conservators, guardians, and petitioners for their appointment applying for initial fee waivers under the rule would be required to complete items 2a and 2b of proposed new forms FW-001-GC and FW-002-GC, which would be used to request these waivers (rule 7.5(j)).⁸

Civil actions involving a guardian or conservator In a civil action in which a guardian or conservator is a party appearing on behalf of the ward or conservatee, for purposes of sections 68631.5, 68636, and 68637, the guardian or conservator, not the ward or conservatee, would be the person with a duty to notify the court of a change of the ward’s or conservatee’s financial condition under section 68636(a) and would also be the person the court may require to appear at a court hearing under sections 68636(b) and (c) (rule 7.5(i)).

Decedents’ estates Decedents’ estates are neither covered by the new legislation nor addressed in the existing fee waiver rules. But the committee believes that a rule is needed to address fee waivers in these cases at this time, especially to identify and apply the differences in treatment of fee waivers in estates and in guardianships and conservatorships that now exists in the law. Proposed rule 7.5 therefore includes provisions addressing fee waivers in these proceedings. The estate provisions in the new rule are consistent with current law governing fee waivers in regular civil actions, which are not affected by the 2014 legislation.

- A court fee waiver requested by a petitioner for the appointment of a personal representative of a decedent’s estate would be based on the financial condition of the petitioner (rule 7.5(c)).
- If a petitioner who has obtained a fee waiver is appointed as personal representative, the appointment may be considered a change of financial condition for fee waiver purposes under section 68636 and the petitioner’s continued eligibility for the waiver would be based on his or her financial condition, combined with that of the estate (rule 7.5(d)(1)(A)).

⁸ Form FW-002-GC is a request for a waiver of “additional fees,” defined by rule 3.56 to include jury fees and expenses, court-appointed interpreter’s fees for witnesses, certain reporter’s fees, and witness fees of court-appointed experts. These fees are within the scope of initial court fee waivers under rule 3.50(b) and thus also within the scope of proposed rule 7.5.

- Upon collection of the estate after appointment and qualification, the personal representative must notify the court of a possible change in financial circumstances under section 68636(a) (rule 7.5(d)(1)(B)).
- The court may make a preliminary determination, based on the initial estimates of estate value and annual income from real and personal property in the *Petition for Probate*, that the petitioner’s appointment as personal representative is a change of financial condition that makes him or her no longer eligible for a fee waiver. If the court does so, it must give the notice and conduct the hearing required by section 68636(b) (rule 7.5(d)(1)(C)).
- If a petitioner who has obtained a fee waiver is not appointed as personal representative of the decedent’s estate—because the petition sought another’s appointment or was not the successful petition, his or her fee waiver would continue for any additional filings in the proceeding as an individual (e.g., as an heir or beneficiary). In that event, the appointed personal representative may apply for a fee waiver if he or she and the estate, taken together, qualify (rule 7.5(d)(2)).
- If collection of the estate of a decedent is a change of financial condition of a successful fee waiver applicant that results in withdrawal of a previously granted initial waiver, the estate would be required to pay the previously waived costs and fees as an allowable expense of administration (rule 7.5(g)).
- “Final disposition of the case” for purposes of determining the expiration date of an initial fee waiver in a decedent’s estate under section 68639 is the discharge of the personal representative (rule 7.5(k)(2)).

Additional discretionary factors The court would have discretion in decedents’ estates, conservatorships, and guardianships to consider additional estate management factors in making a determination of the estate’s financial condition for fee waiver purposes. These factors include the estate’s liquidity; whether estate property or income is necessary for the support of a person entitled to a family allowance in a decedent’s estate, the conservatee or a person entitled to support from the conservatee, or the ward; and whether property in a decedent’s estate is specifically devised (rule 7.5 (f)(1)).

If the court eliminates property from consideration in its discretion under this provision, it may determine that the estate could make payments over time or partial payments, or establish a lien against distribution of the property under an equitable arrangement within the meaning of sections 68632(c) and 68634(e)(5) (rule 7.5(f)(2)).

Rules 3.50–3.53 and 8.26

The committee is also recommending amendments to existing rules 3.50–3.53 and 8.26, concerning, respectively, trial court and appellate court fee waivers. These proposed amendments would add references to new rule 7.5 and to the proposed new Judicial Council forms, described below, for fee waivers in guardianship and conservatorship proceedings.

The New and Revised Forms

The committee is recommending the adoption of eleven new forms for fee waivers in guardianship and conservatorship proceedings and the revision of existing two information sheets regarding fee waivers.

New forms for fee waiver applications, notices, and orders. The committee is recommending adoption of new versions of all current mandatory forms used for initial fee waiver applications, notices, and orders. These new forms are modeled on and contain much of the same content as the current fee waiver forms,⁹ but they have been modified to reflect the unique aspects of fee waivers in guardianship and conservatorship proceedings. The new versions of forms are identified by “(Ward or Conservatee)” in the title and the suffix “-GC” in the form designator, but otherwise have form designators and titles identical to those of the current forms. The introductory paragraph of the proposed new *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC) describes the intended application of that form and all of the other new forms:

This form must be used by a guardian or conservator, or by a petitioner for the appointment of a guardian or conservator, to request a waiver of court fees in the guardianship or conservatorship court proceeding or in any other civil action in which the guardian or conservator represents the interests of the ward or conservatee as a plaintiff or defendant.

New forms are recommended rather than revisions of the current fee waiver forms because the committee concluded that adding the necessary information to the current forms would make these forms too long and complex. To address waivers involving conservators or guardians, the name, address, and other personal information about the ward or conservatee—and his or her attorney, if any—in addition to the same information about the guardian or conservator or the petitioner for the fiduciary’s appointment, are necessary in all of the new forms. In addition, the forms must refer to the financial condition of the (proposed) ward or conservatee, not that of the petitioner or the appointed fiduciary who is asking for the waiver, although the latter is responsible for applying for the waiver, replying to requests from the court about it, and defending the waiver application in response to court action concerning it. Attempting to add requests for this information to the current forms—which request financial information of only the applicant, refer to the fees subject to the waiver as “your” (the applicant’s) fees, and impose all responsibilities on the applicant—would increase the number of checkbox selections that would be required, create forms that contain instructions and material applicable only to a relatively small percentage of fee waiver applicants (guardians and conservators and those seeking their appointment).

⁹ Forms FW-001, FW-002, FW-003, FW-005, FW-006, FW-007, FW-008, FW-010, FW-011, FW-012, and APP-016/FW-016.

Form FW-001-GC, Request to Waive Court Fees (Ward or Conservatee)

This form, the basic application for a fee waiver, is discussed in detail here because it is the form that implements the standards for fee waivers in the Government Code and proposed rule 7.5.

Items 8a, 8b, and 8c of this form ask for facts to establish the three grounds for obtaining a fee waiver under Government Code sections 68632(a), (b), and (c): (1) the receipt of certain public benefits; (2) the gross monthly household income is less than 125% of the federal poverty guideline; and (3) the inability to pay the household's basic needs and the court fees. The equivalents to these items in existing form FW-001 are items 5a, 5b, and 5c.

Item 5a of form FW-001 asks whether the regular fee waiver applicant receives one or more of the listed public benefits that would qualify him or her for the waiver. Item 8a of form FW-001-GC expands this inquiry to include, in addition to the ward or conservatee, receipt of public benefits by one or both of the ward's parents or the spouse or registered domestic partner of the conservatee; the same persons whose financial circumstances are a part of the financial condition of the ward or conservatee for fee waiver purposes under proposed rule 7.5(e)(1)(A).

Item 8b asks whether the ward's or conservatee's household has income (before deductions for taxes) less than the schedule of incomes included in the item, based on "family size" and "family income." This item is substantially identical to item 5b of form FW-001, which refers to "my" (the applicant's) household.¹⁰ The seemingly interchangeable use of "family" and "household" in the federal guidelines and in item 5b, and the identical charts of "family income" used in the existing and new forms led the advisory committee to conclude that "household" in item 5b of form FW-001 and item 8b in form FW-001-GC properly refers to family members living at the same location, and "household income" is the income of all family members in the household.

Item 8c concerns the ground for a fee waiver under Government Code section 68632(c): the applicant cannot pay court fees without using money that would otherwise be used to pay for the "common necessities of life," a phrase to be interpreted consistent with the way it was used in Code of Civil Procedure section 706.51(c)(1) as that paragraph read before January 1, 2012.¹¹

¹⁰ The schedules of family sizes and incomes included in item 8b of form FW-001-GC and item 5b of form FW-001 are modified copies of the schedule for the 48 contiguous states contained in the latest annual update of the poverty guidelines of the federal Department of Health and Human Services (80 Fed. Reg. 3236 (January 16, 2015)), required to be used by Government Code section 68632(b). The modifications are: (1) the forms refer to "family size" but the guidelines refer to "persons in family/household," an undefined term, accompanied by a statement that definitions of such terms used in the guidelines are left to the agencies using them. Space limitations in both forms would prevent the use of "persons in family/household" in item 8b unless at least one and possibly two extra lines for text were added to the caption boxes, a difficult task at best, given the already crowded nature of the forms; (2) the guidelines show annual incomes but the schedules in the forms are of monthly incomes, and (3) the monthly incomes in the forms are 125% of the monthly incomes that are aggregated in the annual incomes shown in the guidelines, reflecting the percentage of the incomes required by section 68632(b).

¹¹ See Appendix E to the California Rules of Court, which contains guidelines for determining eligibility for public payment of the cost of counsel appointed for (proposed) wards and conservatees in their guardianship or conservatorship proceedings. The guidelines include a reference to "common necessities of life" as formerly used in

Section 68632(c) refers to the common necessities of life “for the applicant and the applicant’s family.” Section 68631.5, as noted above, indicates that the (proposed) ward or conservatee is the “applicant” for purposes of section 68632(c). Item 8c of form FW-001-GC follows item 5c of form FW-001 in referring to the applicant’s household’s “basic needs” rather than the applicant’s family’s “common necessities of life.” The committee believes, in light of the interchangeability of “household” and “family” in the federal poverty guidelines mandated by section 68632(b) and in items 5b and 8b, that “household” as used in these forms means the applicant’s family members living with the applicant in form FW-001 or with the ward or conservatee in form FW-001-GC, and “basic needs” is the equivalent of “common necessities of life.”¹²

Items 8b and 8c contain new material that is not present in items 5b and 5c of form FW-001. The following instruction appears below item 8c, linked by an asterisk to the end of the text of item 8b above the family size and income chart. The instruction applies to both items:

(Do not include income of guardian or conservator living in the household in 8b. or 8c. or count him or her in family size in 8b. unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.)

Items 9–13 on proposed form FW-001-GC do not appear on the current general fee waiver application form. Items 9 and 10 would apply to guardians; items 11–13 would apply to conservators. These items seek information concerning the ward’s or conservatee’s estate, the ward’s parents, the conservatee’s spouse or registered domestic partner, and the conservatee’s connections with trusts. These items are based on the provisions of proposed rule 7.5 concerning these topics. (See rule 7.5(e)(1)(A)–(C).)

Information forms FW-001-INFO and APP-015/FW-015-INFO. The committee recommends that these existing information forms be revised to advise guardians, conservators, and petitioners for appointment of guardians and conservators that they must complete and file the new proposed FW-001-GC or FW-002-GC to request fee waivers in their cases.

section 706.51(c) and predecessors to that section. An Advisory Committee Comment to Appendix E contains a discussion of that phrase, placed there to preserve appellate courts’ interpretations of the phrase after its 2012 elimination from section 706.51(c). Two examples of this interpretation are *Ratzlaff v. Portillo* (1971) 14 Cal.App.3d 1013, 1015: “. . . [T]he phrase ‘necessaries of life’ is preceded by the word ‘common’ and this in turn connotes such things as are ordinarily required for the sustenance of all men”; and *Los Angeles Finance Co. v. Flores* (1952) 110 Cal. App.2d Supp 850, 856: “[C]ommon necessities of life’ . . . mean those things that are commonly required by persons for their sustenance regardless of their employment or status.”

¹² Commentator Bet Tzedek Legal Services urges substitution of “common necessities of life for “basic needs” in item 8c. The committee responds to this comment by noting that “basic needs” is also used in existing form FW-001. The committee believes that the two forms should be consistent in their use of these terms, and that there is no real or intended difference between “basis needs” and “common necessities of life.” See comment chart at page 77.

Comments, Alternatives Considered, and Policy Implications

Public comments

This proposal was circulated for public comment in a shortened special cycle, designed to permit submission of the proposal to the Judicial Council in July rather than in October, and to permit an effective date of September 1, 2015 instead of January 1, 2016. This expedited schedule was proposed to ensure the earliest possible introduction of the new Judicial Council forms for use by (proposed) guardians and conservators following the change of law affecting them effective on January 1, 2015 and the adoption of amended rules of court and revised civil action fee waiver forms effective on March 1 or July 1, 2015.¹³

Twelve comments were received. All commentators approved the proposal or declined to indicate either approval or disapproval. However, seven of the eight approving comments also recommended modifications. The most extensive substantive comments were made by three public counsel organizations, Bet Tzedek Legal Services and Public Counsel, from Los Angeles; and the San Diego Volunteer Lawyer Program (commentators 1, 7, and 8). A number of changes were made in the rule of court and the basic fee waiver application, form FW-001-GC, in response to these comments. Other recommendations for changes were declined by the committee. The committee has responded in detail to all the comments in the attached comment chart. The main substantive comments and the committee's responses are summarized below.

Rule 7.5(e)(1)(A) and Form FW-001-GC—Imputation of Parental/Spousal Financial Condition to Ward or Conservatee

As circulated for public comment, proposed rule 7.5(e)(1)(A) defined the financial condition of the conservatee or ward as including the financial condition of any person against whom the conservatee or ward had a claim for support, including a spouse, registered domestic partner, or parent. Proposed form FW-001-GC, as circulated for public comment, reflected this definition by requesting information about those against whom the conservatee or ward might have such a claim, including the parents' residence address, employment, and whether there is a support order outstanding.

Several commentators objected to both this definition in the rule and the collection of this information on the form. These commentators contended that no portion of a parent's financial condition should be considered part of the financial condition of the ward.

The committee made several changes to the proposal in response to these comments. The most significant change was the modification of rule 7.5(e)(1)(A) and the application form to provide that support from a parent of a (proposed) ward or a divorced spouse or registered domestic partner of a (proposed) conservatee could be considered as part of the ward's or conservatee's financial condition for fee waiver purposes only to the extent of a court order for support. This change means that the support order establishes the maximum extent to which the financial

¹³ See page 3 above.

condition of the parents or the divorced spouse or partner is to be attributed to the ward or conservatee for fee waiver purposes. It also brings Government Code section 68637(e) into play. That section, concerning child or spousal support orders in family law cases in which one party has received a fee waiver, requires the court to consider the likelihood of payment of the support ordered by the court when it determines whether the order represents a change of financial condition affecting the waiver previously granted. Rule 7.5(e)(1)(A) explicitly requires the court to consider likelihood of payment here, thereby making the treatment of support orders for fee waiver purposes under the rule the same as their treatment for those purposes in family law cases.

In addition, the committee:

- Modified item 8a on the form, which as circulated for public comment, asked if family members living with the ward or conservatee or who support him or her receive the listed public benefits. The recommended form asks only if one or both of the ward's parents, or the conservatee's spouse or registered domestic partner, receive such benefits.
- Modified item 10 by deleting the request for the parents' employment information.

The committee believes these are appropriate changes, particularly in guardianships, where there would ordinarily be a loss of parental custody or confirmation of a prior informal loss of custody if a guardian of the ward's person is appointed. Support from either parent without support orders or informal support from other relatives in the ward's pre-guardianship household is likely to be negatively affected by appointment of the guardian, at least in the short term and especially if the appointment means that the ward's place of residence will change, and thus should not be relied upon for fee waiver purposes.

Two commentators—Bet Tzedek Legal Services and the Superior Court of Riverside County—also expressed concern that item 8b's reference to income from the ward's or conservatee's household might include income of an appointed resident guardian or conservator, who is not personally obligated to financially support the ward or conservatee (see Prob. Code, §§ 2420, 2422). The committee agreed that this reference was problematic if the guardian or conservator is not otherwise obligated to support the ward or conservatee. The effect when applied to item 8b would not be to require support from the guardian or conservator, but including his or her income might cause the fee waiver to be denied because the total household income is thereby increased over the ceiling figure for the family/household shown in the item. Similarly, including personal income of a resident guardian or conservator in household income might cause the ward or conservatee not to qualify under item 8c, lack of sufficient income to pay for both common necessities of life and court fees.

To address these concerns, the committee modified the form to add the following parenthetical instruction:

(Do not include income of guardian or conservator living in the household in 8b. or 8c. or count him or her in family size in 8b. unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.)

This instruction also reflects the committee's conclusion that if income from a resident guardian or conservator is not included under item 8b, he or she should also not be counted in family size under that item. Note that this instruction does not apply to a guardian or conservator who is a parent of the ward or the spouse or registered domestic partner of the conservatee, since such individuals are otherwise obligated to support the ward or conservatee.¹⁴

There are other detailed comments concerning rule 7.5 and the remaining items in form FW-001-GC, particularly from public-interest law firms. Virtually all of these comments are based on the principle that no one's finances other than the ward's or conservatee's are to be considered, regardless of what effect those finances might have on the actual financial condition of the ward or conservatee and without regard to the social and legal relationship of the other person to the ward or conservatee. The committee believes the legal basis of the commentators' position on this issue is neither sound nor required by the 2014 legislation and therefore has not modified the proposal in response to these comments.

Form FW-001-GC, Item 3—Requirement for Separate Waiver Applications for Each Minor in Multi-Ward Cases

Two of the public counsel organizations also requested that item 3 of form FW-001-GC be modified to permit a single fee waiver application for more than one ward in a multi-ward case, based on the assumption that all such cases involve full or half-siblings and therefore, much of the information involving family relationships of the wards is the same. The instruction currently directs that separate applications must be made for each minor.

The committee recommends against this change. The fee waiver application is on behalf of each ward. There may be multi-ward cases in which some will qualify while others will not. Separate applications are necessary.

Moreover, common information for wards in multi-ward cases may be less common than the commentators suggest. Probate Code section 2106 authorizes multi-ward cases when the same guardian is proposed for appointment for two or more minors. The code section does not require

¹⁴ Subject to the limited exception provided in Probate Code section 2105(f) (custodial parent with a terminal illness eligible to be appointed as co-guardian of the person of his or her child), a parent cannot be appointed as the guardian of his or her child's person (Prob. Code, § 1514). However, a parent can be appointed as guardian of his or her child's estate.

the wards to be siblings or related in any other way, although some local rules specify at least a half-sibling relationship. The court has clear discretion under the statute to appoint a guardian for two or more unrelated minors notwithstanding a local rule. Judicial officers, including one from a county with a half-sibling local rule for multi-ward cases, report that in addition to half-siblings, many of these cases involve cousins, who have entirely different parents, although at least one common grandparent.

When there is repetitive information on two or more applications in the same case, the increased use and availability of electronic forms, including the fee waiver forms on the judicial branch's public Website available at no cost to the public, insertion of repetitive information on the forms is much easier than in the past.

Other comments regarding rule 7.5 and form FW-001-GC

Rule 7.5(h) as circulated for comment was a single-paragraph provision authorizing the court, upon the establishment of a guardianship or conservatorship of the estate, to collect previously waived fees from the estate under certain conditions, a provision similar to rule 7.5(f)(2), concerning decedents' estates. Commentator Bet Tzedek Legal Services requested the addition of a provision expressly directing a guardian or conservator of the person in which an initial fee waiver has been granted to appear and participate at any court hearings required by Government Code section 68636 for a reconsideration of the waiver.¹⁵

In response to this request, the committee has rewritten subdivision (h) of the rule by placing the original text in a paragraph (1) and adding the following as paragraph (2):

Conservatorships and guardianships of the person

In a conservatorship or guardianship of the person, if the court seeks to reconsider or modify a court fee waiver previously granted based on collection, application, or consideration of support, assets, or income described in (e), it must proceed as provided in Government Code section 68636 and comply with the notice and hearing requirements of the second paragraph of Government Code section 68634(e)(5), including notice to the conservator or guardian, any support obligor, and any person in possession of the assets or income. The conservator or guardian must appear at the hearing on behalf of the conservatee or ward, and the court may also appoint counsel for the conservatee or ward under Probate Code section 1470.

¹⁵ This request was made in the hope of having the provision replace rule 7.5(e)(2), which clarifies that the appointed fiduciary is the person who must perform all the duties required of the "person who received the initial fee waiver" under Government Code section 68636(a) even if he or she was not the person who applied for the waiver. Although the committee has added the provision requested by Bet Tzedek, it has decided to retain rule 7.5(e)(2).

Item 13 of FW-001-GC requests information about trusts in which a conservatee has an interest. The Superior Courts of Monterey and Riverside Counties recommended that special needs trusts of which the conservatee is a beneficiary should be exempt from consideration as part of the conservatee's financial condition for fee waiver purposes. The Riverside court's comment was also directed to spendthrift trusts. The committee does not believe that such trusts would generally be barred by trust provisions or law from paying court costs in the conservatorship proceeding or in litigation in which the conservator is involved, and such payments would not jeopardize distributions for the benefit of the conservatee but a court could certainly so determine in a case-by-case basis upon review of specific trust provisions and legal analysis of the effect of those provisions.

Alternatives

The 2014 legislation discussed above eliminated the alternative of doing nothing to change the current fee waiver forms to address conservatorships and guardianships, and civil actions involving conservators and guardians. As noted above, the committee considered the option of amending the existing fee waiver forms to include the elements required to comply with the legislation, but concluded that this would make the general fee waiver forms too long and complex.

Implementation Requirements, Costs, and Operational Impacts

All superior courts and court staff that commented on this proposal estimated increased costs for training and implementation of this proposal. But the Superior Court of Los Angeles County expressed the view that the proposed rule and Judicial Council forms should lessen difficulties created by the 2014 fee waiver legislation by providing forms that have been customized to better address the special factors that come into play in protective probate proceedings (guardianships and conservatorships). Another court commentator advised that the new legislation would substantially decrease the investigation assessments collected by the courts in guardianships and conservatorships, but was careful to note that this effect is caused by the legislation, not this proposal. All court commentators approved of the proposed September 1, 2015 effective date of the rule of court and new Judicial Council forms, and none requested longer than a three-month period between the Judicial Council meeting considering the proposal and its effective date. One commentator actually expressed a preference for the September 2015 date over a January 1, 2016 effective date because the earlier date would be further from the annual federal poverty guidelines readjustment date in March, 2016 (Comment of Ana Hinajosa, Probate Division Supervisor, Superior Court of Kern County).

Attachments and Links

1. Cal. Rules of Court, rules 3.50–3.53, 7.5, and 8.26, at pages 17–25
2. Judicial Council forms, FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, APP-016-GC/FW-016-GC, FW-001-INFO, and APP-015/FW-015-INFO, at pages 26–56
3. Chart of comments, at pages 57–103
4. Attachment A:
AB 2747 (Stats. 2014, ch. 913),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2747&search_keywords=

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Rule Proposal

Rules 3.50, 3.51, 3.52, 3.53, and 8.26 of the California Rules of Court would be amended and rule 7.5 adopted, effective September 1, 2015, to read:

TITLE 3 Civil Rules

Division 2 Waiver of Fees and Costs

3.50. Application of rules

(a)–(b) * * *

(c) Probate fee waivers

Initial fee waivers in decedents’ estate, probate conservatorship, and probate guardianship proceedings or involving guardians or conservators as parties on behalf of their wards or conservatees are governed by rule 7.5.

3.51. Method of application

(a) * * *

(b) Applications involving (proposed) wards and conservatees

An application for initial fee waiver under rules 3.55 and 7.5 by a probate guardian or probate conservator or a petitioner for the appointment of a probate guardian or probate conservator for the benefit of a (proposed) ward or conservatee, in the guardianship or conservatorship proceeding or in a civil action or proceeding in which the guardian or conservator is a party on behalf of the ward or conservatee, must be made on *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). An application for initial fee waiver under rule 3.56 by a guardian or conservator or a petitioner for the appointment of a guardian or conservator for the benefit of a (proposed) ward or conservatee must be made on *Request to Waive Additional Court Fees (Superior Court)(Ward or Conservatee)* (form FW-002-GC).

1 **3.52. Procedure for determining application**

2
3 The procedure for determining an application is as follows:

- 4
5 (1) * * *
- 6
7 (2) An order determining an application for an initial fee waiver must be made
8 on Order on Court Fee Waiver (Superior Court) (form FW-003) or, if the
9 application is made for the benefit of a (proposed) ward or conservatee, on
10 Order on Court Fee Waiver (Superior Court)(Ward or Conservatee) (form
11 FW-003-GC), except as provided in (6) below.
- 12
13 (3) An order determining an application for an initial fee waiver after a hearing
14 in the trial court must be made on Order on Court Fee Waiver After Hearing
15 (Superior Court) (form FW-008) or, if the application is made for the benefit
16 of a (proposed) ward or conservatee, on Order on Court Fee Waiver After
17 Hearing (Superior Court) (Ward or Conservatee) (form FW-008-GC).
- 18
19 (4) Any order granting a fee waiver must be accompanied by a blank Notice of
20 Improved Financial Situation or Settlement (form FW-010) or, if the
21 application is made for the benefit of a (proposed) ward or conservatee, a
22 Notice to Court of Improved Financial Situation or Settlement (Ward or
23 Conservatee)(form FW-010(GC).
- 24
25 (5) Any order denying an application without a hearing on the ground that the
26 information on the application conclusively establishes that the applicant is
27 not eligible for a waiver must be accompanied by a blank Request for
28 Hearing About Fee Waiver Order (Superior Court) (form FW-006) or, if the
29 application is made for the benefit of a (proposed) ward or conservatee, a
30 Request for Hearing About Court Fee Waiver Order (Superior Court)(Ward
31 or Conservatee) (form FW-006-GC).
- 32
33 (6) * * *

34
35 **3.53. Application granted unless acted on by the court**

36
37 The application for initial fee waiver is deemed granted unless the court gives
38 notice of action on the application within five court days after it is filed. If the
39 application is deemed granted under this provision, the clerk must prepare and
40 serve a Notice: Waiver of Court Fees (Superior Court) (form FW-005) or, if the
41 application is made for the benefit of a (proposed) ward or conservatee, a Notice:
42 Waiver of Court Fees (Superior Court) (Ward or Conservatee) (form FW-005-
43 GC), five court days after the application is filed.

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TITLE 7
Probate Rules

Chapter 1
General Provisions

7.5. Waivers of court fees in decedents' estates, conservatorships, and guardianships

(a) Scope of rule

This rule governs initial fee waivers, as defined in rule 3.50(b), that are requested by petitioners for the appointment of fiduciaries, or by fiduciaries after their appointment, in decedents' estates, conservatorships, and guardianships under the Probate Code. The rule also governs initial fee waivers in other civil actions or proceedings in which conservators or guardians are parties representing the interests of their conservatees or wards.

(b) Court fee waiver requested by a petitioner for the appointment of a conservator or guardian of the person, estate, or person and estate of a conservatee or ward

A petitioner for the appointment of a conservator or guardian of the person, estate, or person and estate of a conservatee or ward must base an application for an initial fee waiver on the personal financial condition of the proposed conservatee or ward.

(c) Court fee waiver requested by a petitioner for the appointment of a personal representative of a decedent's estate

A petitioner for the appointment of a personal representative of a decedent's estate must base an application for an initial fee waiver on the petitioner's personal financial condition.

1 **(d) Effect of appointment of a personal representative of a decedent's estate**
2 **on a court fee waiver**
3

4 The appointment of a personal representative of a decedent's estate may be a
5 change of financial condition for fee waiver purposes under Government
6 Code section 68636 in accordance with the following:
7

8 (1) If the successful petitioner is an appointed personal representative:
9

10 (A) The petitioner's continued eligibility for an initial fee waiver must
11 be based on the combined financial condition of the petitioner and
12 the decedent's estate.
13

14 (B) Upon marshaling or collecting assets of the decedent's estate
15 following the petitioner's appointment and qualification as
16 personal representative, the petitioner must notify the court of a
17 change in financial condition under Government Code section
18 68636(a) that may affect his or her ability to pay all or a portion
19 of the waived court fees and costs.
20

21 (C) The court may make a preliminary determination under
22 Government Code section 68636(b) that the petitioner's
23 appointment as fiduciary is a change of financial condition that
24 makes the petitioner no longer eligible for an initial fee waiver
25 based, in whole or in part, on the estimates of estate value and
26 income contained in the petitioner's *Petition for Probate*. In that
27 event, the court must give notice and conduct the hearing required
28 by section 68636(b).
29

30 (2) If the successful petitioner is not an appointed personal representative:
31

32 (A) An initial fee waiver for that petitioner continues in effect
33 according to its terms for subsequent fees incurred by that
34 petitioner in the proceeding solely in his or her individual
35 capacity.
36

37 (B) The appointed personal representative may apply for an initial fee
38 waiver. The application must be based on the combined financial
39 condition of the personal representative and the decedent's estate.

1 **(e) Financial condition of the conservatee or ward**
2

3 (1) The financial condition of the conservatee or ward for purposes of this
4 rule includes:
5

6 (A) The financial condition—to the extent of the information known
7 or reasonably available to the conservator or guardian, or the
8 petitioner for the conservator’s or guardian’s appointment, upon
9 reasonable inquiry—of any person who has a duty to support the
10 conservatee or ward, including a spouse, registered domestic
11 partner, or parent. A divorced spouse’s or divorced registered
12 domestic partner’s duty to support a conservatee and a parent’s
13 duty to support a ward under this subparagraph is limited to the
14 amount of support ordered by a court. Consideration of a support
15 order as an element of the conservatee’s or ward’s financial
16 condition under this rule is subject to the provisions of
17 Government Code sections 68637(d) and (e), concerning the
18 likelihood that the obligated person will pay all or any portion of
19 the support ordered by the court;
20

21 (B) A conservatee’s interest in community property that is outside the
22 conservatorship estate and under the management or control of
23 the conservatee’s spouse or registered domestic partner; and
24

25 (C) The right to receive support, income, or other distributions from a
26 trust or under a contract.
27

28 (2) Following the appointment of a conservator or guardian and the grant of
29 an initial fee waiver based on the financial condition of the conservatee
30 or ward, the conservator or guardian is the “person who received the
31 initial fee waiver” for purposes of Government Code section 68636(a),
32 whether or not he or she was the successful applicant for the initial
33 waiver. The conservator or guardian must report to the court any
34 changes in the financial condition of the conservatee or ward that affects
35 his or her ability to pay all or a portion of the court fees and costs that
36 were initially waived, including any changes in the financial condition
37 of the persons or property mentioned in subparagraphs (1)(A) and
38 (1)(B) of this subdivision of which the conservator or guardian becomes
39 aware after reasonable investigation.

1 **(f) Additional discretionary factors in the financial condition or**
2 **circumstances of a decedent's, conservatee's, or ward's estate**
3

4 (1) The financial condition of the decedent's, conservatee's, or ward's
5 estate for purposes of this rule may, in the court's discretion, include
6 consideration of:
7

8 (A) The estate's liquidity;
9

10 (B) Whether estate property or income is necessary for the support of
11 a person entitled to a family allowance from the estate of a
12 decedent, the conservatee or a person entitled to support from the
13 conservatee, or the ward; or
14

15 (C) Whether property in a decedent's estate is specifically devised.
16

17 (2) If property of the estate is eliminated from consideration for initial
18 court fee waiver purposes because of one or more of the factors listed
19 in (1), the court may determine that the estate can pay a portion of court
20 fees, can pay court fees over time, or can pay court fees at a later time,
21 under an equitable arrangement within the meaning of Government
22 Code sections 68632(c) and 68634(e)(5). An equitable arrangement
23 under this paragraph may include establishment of a lien for initially
24 waived court fees against property distributable from a decedent's
25 estate or payable to the conservatee or ward or other successor in
26 interest at the termination of a conservatorship or guardianship.
27

28 **(g) Payment of previously waived court fees by a decedent's estate**
29

30 If the financial condition of a decedent's estate is a change of financial
31 condition of a fee waiver applicant under this rule that results in withdrawal
32 of a previously granted initial waiver of fees in favor of a petitioner for the
33 appointment of a personal representative, the estate must pay to the court, as
34 an allowable expense of administration, the fees and costs previously
35 waived.
36

37 **(h) Termination or modification of previously granted initial fee waivers**
38

39 (1) Conservatorships and guardianships of the estate or person and estate
40 Upon establishment of a conservatorship or guardianship of the estate
41 or person and estate, the court may collect all or a portion of court fees
42 previously waived from the estate of the conservatee or ward if the
43 court finds that the estate has the ability to pay the fees, or a portion

1 thereof, immediately, over a period of time, or under some other
2 equitable agreement, without using moneys that normally would pay
3 for the common necessities of life for the conservatee or ward and his
4 or her family. The court must comply with the notice and hearing
5 requirements of the second paragraph of Government Code section
6 68634(e)(5) to make the findings authorized in this paragraph.

7
8 (2) *Conservatorships and guardianships of the person*

9 In a conservatorship or guardianship of the person, if the court seeks to
10 reconsider or modify a court fee waiver previously granted based on
11 collection, application, or consideration of support, assets, or income
12 described in (e), it must proceed as provided in Government Code
13 section 68636 and comply with the notice and hearing requirements of
14 the second paragraph of Government Code section 68634(e)(5),
15 including notice to the conservator or guardian, any support obligor,
16 and any person in possession of the assets or income. The conservator
17 or guardian must appear at the hearing on behalf of the conservatee or
18 ward, and the court may also appoint counsel for the conservatee or
19 ward under Probate Code section 1470.

20
21 (i) **Civil actions in which a conservator or guardian is a party representing**
22 **the interests of a conservatee or ward**

23
24 In a civil action in which a conservator or guardian is a party representing the
25 interests of a conservatee or ward against another party or parties, for
26 purposes of Government Code sections 68631.5, 68636, and 68637:

27
28 (1) The conservator or guardian is the person with a duty to notify the
29 court of a change of financial condition under section 68636(a) and the
30 person the court may require to appear at a court hearing under sections
31 68636(b) and (c);

32
33 (2) The conservatee or ward and the persons identified in subparagraphs
34 (1)(A) and (B) of subdivision (e) of this rule is the person or persons
35 whose change of financial condition or circumstances of which the
36 court is to be notified under section 68636(a); and

37
38 (3) The conservatee or ward is the person or party whose initial fees and
39 costs were initially waived under sections 68636(c) and 68637.

1 **(j) Advances of court fees and costs by legal counsel**
2

3 (1) Government Code section 68633(g)—concerning agreements between
4 applicants for initial court fee waivers and their legal counsel for
5 counsel to advance court fees and costs and court hearings to determine
6 the effect of the presence or absence of such agreements on the
7 applications—applies to proceedings described in this rule.
8

9 (2) Conservators, guardians, and petitioners for their appointment applying
10 for initial fee waivers under this rule represented by legal counsel, and
11 their counsel, must complete the *Request to Waive Court Fees (Ward*
12 *or Conservatee)* (form FW-001-GC), including items 2a and 2b, and, if
13 a request to waive additional court fees is made, the *Request to Waive*
14 *Additional Court Fees (Superior Court) (Ward or Conservatee)* (form
15 FW-002-GC), including items 2a and 2b. The reference to “legal-aid
16 type services” in these forms refers to legal services provided to an
17 applicant by counsel for or affiliated with a qualified legal services
18 project defined in Business and Professions Code section 6213.
19

20 **(k) Expiration of initial court fee waivers in decedents’ estates,**
21 **conservatorships, and guardianships**
22

23 “Final disposition of the case” in decedent’s estate, conservatorship, and
24 guardianship proceedings for purposes of determining the expiration of fee
25 waivers under Government Code section 68639 occurs on the later of the
26 following events:
27

28 (1) Termination of the proceedings by order of court or under operation of
29 law in conservatorships and guardianships of the person; or
30

31 (2) Discharge of personal representatives of decedents’ estates and
32 discharge of conservators or guardians of estates.
33

34 **TITLE 8**
35

36 **Appellate Rules**
37

38 **Division 1**

39 **Rules Relating to the Supreme Court**
40 **and Courts of Appeal**
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Chapter 1
General Provisions

Article 2
Service, Filing, Filing Fees,
Form, and Number of Documents

Rule 8.26. Waiver of fees and costs

(a) Application form

An application for initial waiver of court fees and costs in the Supreme Court or Court of Appeal must be made on *Request to Waive Court Fees* (form FW-001) or, if the application is made for the benefit of a (proposed) ward or conservatee, on *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). The clerk must provide *Request to Waive Court Fees* (form FW-001) or *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC) and the *Information Sheet on Waiver of Fees and Costs (Supreme Court, Court of Appeal, or Appellate Division)* (form APP-015/FW-015-INFO) without charge to any person who requests any fee waiver application or states that he or she is unable to pay any court fee or cost.

(b) * * *

(c) Procedure for determining application

The application must be considered and determined as required by Government Code section 68634.5. An order from the Supreme Court or Court of Appeal determining the application for initial fee waiver or setting a hearing on the application in the Supreme Court or Court of Appeal may be made on *Order on Court Fee Waiver (Court of Appeal or Supreme Court)* (form APP-016/FW-016) or, if the application is made for the benefit of a (proposed) ward or conservatee, on *Order on Court Fee Waiver (Court of Appeal or Supreme Court) (Ward or Conservatee)* (form APP-016-GC/FW-016-GC).

(d)–(g) * * *

Clerk stamps date here when form is filed.

DRAFT

**NOT APPROVED BY
THE JUDICIAL COUNCIL**

This form must be used by a guardian or conservator, or by a petitioner for the appointment of a guardian or conservator, to request a waiver of court fees in the guardianship or conservatorship court proceeding or in any other civil action in which the guardian or conservator represents the interests of the ward or conservatee as a plaintiff or defendant.

If the ward or conservatee (including a proposed ward or conservatee if a petition for appointment of a guardian or conservator has been filed but has not yet been decided by the court) directly receives public benefits or is supported by public benefits received by another for his or her support, is a low-income person, or does not have enough income to pay for his or her household's basic needs and the court fees, you may use this form to ask the court to waive the court fees. The court may order you to answer questions about the finances of the ward or conservatee. If the court waives the fees, the ward or conservatee, his or her estate, or someone with a duty to support the ward or conservatee, may still have to pay later if:

- You cannot give the court proof of the ward's or conservatee's eligibility,
- The ward's or conservatee's financial situation improves during this case, or
- You settle the civil case on behalf of the ward or conservatee for **\$10,000** or more. The trial court that waives fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge the ward or conservatee, or his or her estate, any collection costs.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (*guardian or conservator, or person asking the court to appoint a guardian or conservator*):
 Name: _____ Phone number: _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____

2 Your Lawyer (*if you have one*): Name: _____
 Firm or Affiliation: _____ State Bar No.: _____
 Address: _____ Telephone: _____
 City: _____ State: _____ Zip: _____ E-mail: _____

- a. The lawyer has agreed to advance all or a portion of court fees or costs (*check one*): Yes No
- b. (*If yes, your lawyer must sign here.*) Lawyer's signature: _____
If your lawyer is not providing legal-aid type services based on your or the ward's or conservatee's low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Ward's or Conservatee's Information (*file a separate Request for each ward in a multi-ward case*):
 Name: _____ Age and date of birth (*ward only*): _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____
 Phone number: _____

4 Ward's or Conservatee's Lawyer, if any: Name: _____
 Firm or Affiliation: _____ State Bar No.: _____
 Address: _____ Telephone: _____
 City: _____ State: _____ Zip: _____ E-mail: _____

5 Ward or Conservatee's Job (*job title; if not employed, so state*): _____
 Name of employer: _____
 Employer's address: _____ State: _____ Zip: _____



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

6 What court's fees or costs are you asking to be waived?

- Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO).)

7 Check here if you asked the court to waive court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here):

8 Why are you asking the court to waive the ward's or conservatee's court fees?

- a. The ward or one or both of the ward's parents, or the conservatee or the conservatee's spouse or registered domestic partner, receive (check all that apply):
- Supplemental Security Income (SSI) State Supplemental Payment (SSP) SNAP (Food Stamps)
 - IHSS (In-Home Supportive Services) CalWORKS or Tribal TANF Medi-Cal
 - County Relief/General Assistance CAPI (Cash Assistance Program for Aged, Blind, and Disabled)
- (Names and relationships to ward or conservatee of persons who receive the public benefits listed above): _____

b. The gross monthly income of the ward's or conservatee's household (before deductions for taxes) is less than the amount listed below. (If you check 8b, you **must** fill out items 14, 15, and 16, on page 4 of this form.)*

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,226.05	3	\$2,092.71	5	\$2,959.38
2	\$1,659.38	4	\$2,526.05	6	\$3,392.71

If more than 6 people at home, add \$433.34 for each extra person.

- c. The ward's or conservatee's household does not have enough income to pay for its basic needs and the court fees. I ask the court to (check one, and you **must** fill out items 14, 15, 16, 17, and 18 on page 4):*
- (i) Waive all court fees and costs.
 - (ii) Waive some court fees and costs.
 - (iii) Let the (proposed) guardian or conservator, on behalf of the (proposed) ward or conservatee, make payments over time.

*(Do not include income of guardian or conservator living in the household in 8b. or 8c. or count him or her in family size in 8b. unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.)

Guardians or petitioners for their appointment must complete items 9 and 10.

9 Ward's Estate: Person only, no estate. Inventory or petition estimated value:

Source (e.g., gift, inheritance, settlement, judgment, insurance): _____ Est. collection date: _____

10 Ward's Parents' Information:

- a. Name of ward's father: _____ Deceased (date of death): _____
 Street or mailing address: _____
 City: _____ State: ___ Zip: _____
 Phone number: _____
- b. Name of ward's mother: _____ Deceased (date of death): _____
 Street or mailing address: _____
 City: _____ State: ___ Zip: _____
 Phone number: _____
- c. Ward's parents are (check all that apply): married living together separated divorced
 Support order for ward? No Yes Payable to (name): _____
 Payor (name): _____
 Court: _____ Case Number: _____
 Date of order (if multiple, date of latest): _____ Monthly amount: _____



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

Conservators or petitioners for their appointment must complete items 11–13.

11 Conservatee’s Estate: Person only, no estate.

Inventory or petition estimated value: _____

Est. collection date: _____

12 Conservatee’s Spouse’s or Registered Domestic Partner’s Information:

Name of conservatee’s spouse or registered domestic partner: _____ Spouse Partner

Date of marriage or partnership: _____ Deceased (*date of death*): _____

Street or mailing address: _____ Phone number: _____

City: _____ State: ___ Zip: _____

Name of employer (*if none, so state*): _____

Employer’s address: _____ State: ___ Zip: _____

The conservatee’s spouse or partner is is not managing or, following appointment of a conservator is planning to manage, some or all of the couple’s community property outside the conservatorship estate.

If you selected “is” above: The income, money, and property shown on page 4 includes does not include the income and property managed, or expected to be managed, by the spouse/partner outside the estate.

Divorced (*date of final judgment or decree*): _____

Court: _____

Case Number: _____ Support order for conservatee? No Yes

Date of support order (*if multiple, date of latest*): _____ Monthly amount: _____

13 The Conservatee and Trusts:

The conservatee:

a. Is Is not a trustor or settlor of a trust.

b. Is Is not a beneficiary of a trust.

If you selected “Is” to complete any of the above statements, identify and provide, in an attachment to this *Request*, the current address and telephone number of the current trustee(s) of each trust, describe the general terms of and value of each trust and the nature and value of the conservatee’s interest in each trust, and the amount(s) and frequency of any distributions to or for the benefit of the conservatee prior to your appointment as conservator of which you are aware. (*You may use Judicial Council form MC-025 for this purpose.*)

All applicants who checked item 8b or item 8c on page 2 must continue to and follow the instructions for completion of items 14–16 or items 14-18 at the top of page 4, before signing below.

The information I have provided on this form and all attachments about the (proposed) ward or conservatee is true and correct to the best of my information and belief. The information I have provided on this form and all attachments concerning myself is true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Print your name here

Sign here



Name of (Proposed) Ward or Conservatee:

Case Number:

If you checked 8a on page 2, do not fill out below. If you checked 8b, you must answer questions 14-16. If you checked 8c, you must answer questions 14-18. If you need more space, attach form MC-025 or attach a sheet of paper, and write "Financial Information" and the ward's or conservatee's name and case number at the top.

14 Check here if the ward's or conservatee's income changes a lot from month to month. If it does, complete the form based on his or her average income for the past 12 months.

15 Ward's or Conservatee's Gross Monthly Income

a. List the source and amount of any income the ward or conservatee gets each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

- (1) \$
(2) \$
(3) \$
(4) \$
(5) \$

b. Total monthly income: \$

16 Ward's or Conservatee's Household's Income

a. List the income of all other persons living in the ward's or conservatee's home who depend in whole or in part on him or her for support, or on whom he or she depends in whole or in part for support.

Table with columns: Name, Age, Relationship, Gross Monthly Income. Rows 1-10.

b. Total monthly income of persons above: \$

Total monthly income and household income (15b plus 16b): \$

To list any other facts you want the court to know, such as the (proposed) ward's or conservatee's unusual medical expenses, etc, attach form MC-025 or attach a sheet of paper and write "Financial Information" and the (proposed) ward's or conservatee's name and case number at the top. Check here if you attach another page. Important! If the ward's or conservatee's financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010-GC.

Do not include income of guardian or conservator living in the household in item 16, his or her money and property in item 17, or his or her deductions and expenses in item 18 unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.

17 Ward's or Conservatee's Household's Money and Property

a. Cash \$

b. All financial accounts (list bank name and amount):

- (1) \$
(2) \$
(3) \$

c. Cars, boats, and other vehicles

Table with columns: Make / Year, Fair Market Value, How Much You Still Owe. Rows 1-3.

d. Real estate

Table with columns: Address, Fair Market Value, How Much You Still Owe. Rows 1-2.

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Table with columns: Describe, Fair Market Value, How Much You Still Owe. Rows 1-2.

18 Ward's or Conservatee's Household's Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

- (1) \$
(2) \$
(3) \$
(4) \$

b. Rent or house payment and maintenance \$

c. Food and household supplies \$

d. Utilities and telephone \$

e. Clothing \$

f. Laundry and cleaning \$

g. Medical and dental expenses \$

h. Insurance (life, health, accident, etc.) \$

i. School, child care \$

j. Child, spousal support (another marriage) \$

k. Transportation, gas, auto repair and insurance \$

l. Installment payments (list each below):

Table with columns: Paid to, (1) \$, (2) \$, (3) \$

m. Wages/earnings withheld by court order \$

n. Any other monthly expenses (list each below): \$

Table with columns: Paid to, How Much?, (1) \$, (2) \$, (3) \$

Total monthly expenses (add 18a-18n above): \$

Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)

CONFIDENTIAL

Clerk stamps date here when form is filed.

DRAFT

Not approved by the Judicial Council

This form must be used by a guardian or conservator, or a petitioner for the appointment of a guardian or conservator, in the guardianship or conservatorship proceeding or in any other civil action in which the guardian or conservator represents the interest of the ward or conservatee as a plaintiff or defendant, to ask the court to waive *additional* court fees that are not covered in a current order. If you have not already received an order that waived or reduced your court fees, you must complete and file a *Request to Waive Court Fees (Ward or Conservatee)*, form FW-001-GC, along with this form.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (*guardian or conservator, or person asking the court to appoint a guardian or conservator*):

Name: _____

Street or mailing address: _____

City: _____ State: ____ Zip: _____

Phone number: _____

2 Your Lawyer (*if you have one*): Name: _____

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Telephone: _____

City: _____ State: ____ Zip: _____ E-mail: _____

- a. The lawyer has agreed to advance all or a portion of your fees or costs (*check one*): Yes No
(If yes, your lawyer must sign here.) Lawyer's signature: _____
- b. *If your lawyer is not providing legal-aid type services based on the ward's or conservatee's low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.*

3 Ward's or Conservatee's Information (*file a separate Request for each ward in a multi-ward case*):

Name: _____ Age and date of birth (*ward only*): _____

Street or mailing address: _____

City: _____ State: ____ Zip: _____

Phone number: _____

4 Ward's or Conservatee's Lawyer, if any: Name: _____

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Telephone: _____

City: _____ State: ____ Zip: _____ E-mail: _____

5 Date ward's or conservatee's *last* court fee waiver order, if any, was granted: _____

6 Has the ward's or conservatee's financial situation improved since your last *Request to Waive Court Fees*?

No Yes
(If yes, you must fill out a new Request to Waive Court Fees, form FW-001-GC, and attach it to this form.)



Name of (Proposed) Ward or Conservatee:

Case Number:

7 What other fees do you want the court fee waiver order to cover? (Check all that apply):

- a. Jury fees and expenses
- b. Court-appointed interpreter fees for a witness
- c. Fees for a peace officer to testify in court
- d. Fees for court-appointed experts
- e. Other (specify):

8 Why does the ward or conservatee need these other services? (Explain):

Notice: The court may order you to answer questions about the finances of the ward or conservatee and later order you, as guardian or conservator of his or her estate, to pay back waived fees. The court may also direct you to make efforts to collect money to pay back waived fees from persons who owe a duty to support the ward or conservatee. If the fees are not paid back, the court may also charge collection fees.

If there is a change in the financial circumstances of the ward or conservatee during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC for this purpose.)

If this case is a civil action against another person on behalf of the ward or conservatee and you win it, the trial court may order the other side to pay the fees. If you settle the case against another person for **\$10,000** or more payable to the ward's or conservatee's estate, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

 Print your name here

 Sign here

Clerk stamps date here when form is filed.

DRAFT

**NOT APPROVED
BY
THE JUDICIAL COUNCIL**

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

5 A request to waive court fees was filed on (date): _____

The court made a previous fee waiver order in this case on (date): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may later order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to make efforts to collect money to pay back waived fees from persons who owe a duty to support the ward or conservatee. If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this case is an action against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay some or all of the waived fees. If you settle the matter for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.

6 After reviewing your: *Request to Waive Court Fees* *Request to Waive Additional Court Fees*
the court makes the following orders:

a. The court **grants** your request concerning the ward's or conservatee's court fees and costs, as follows:

(1) **Fee Waiver.** The court grants your request and waives the fees and costs listed below.
(*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
 - Giving notice and certificates
 - Making copies and certifying copies
 - Sending papers to another court department
 - Sheriff's fee to give notice
 - Court-appointed interpreter in small claims court
 - Court fee for phone hearing
- (*List continued on next page.*)



- 6 a. (1)
 - Reporter’s fee for attendance at hearing or trial, if reporter provided by the court
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 - Preparing, certifying, copying, and sending the clerk’s transcript on appeal
 - Holding in trust the deposit for a reporter’s transcript on appeal under rule 8.130 or 8.834
 - Making a transcript or copy of an official electronic recording under rule 8.835

(2) **Additional Fee Waiver.** The court grants your request and waives the additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- | | |
|-----------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Jury fees and expenses | <input type="checkbox"/> Fees for a peace officer to testify in court |
| <input type="checkbox"/> Fees for court-appointed experts | <input type="checkbox"/> Court-appointed interpreter fees for a witness |
| <input type="checkbox"/> Other(<i>specify</i>): | |

b. The court **denies** your fee waiver request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay the ward’s or conservatee’s fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

(2) The court **denies** your request because the information you provided on the request shows that the ward or conservatee is not eligible for the fee waiver you requested (*specify reasons*):

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Ward or Conservatee)(Superior Court)*, form FW-006-GC. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay the fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006-GC to request hearing.*)

c. The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*):

Bring the following proof to support your request if reasonably available:



Name of (Proposed) Ward or Conservatee:

Case Number:

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay the ward's or conservatee's fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

NOTE TO GUARDIAN or CONSERVATOR: If there are unpaid court fees after a denial of a request for a fee waiver, your case—including the guardianship or conservatorship proceeding if the waiver is requested in that matter—might not go forward. After a denial, you may choose to advance the court costs yourself to ensure that the case proceeds. If you or another person is appointed as guardian or conservator, you would have an opportunity to be reimbursed for such advances from the assets of the guardianship or conservatorship estate, if any, as allowable expenses of administration. You might also have the right to reimbursement for advanced court costs from persons with an obligation to support the ward or conservatee from assets not part of his or her estate, such as a parent of the ward, the spouse or registered domestic partner of the conservatee who is managing the couple's community property outside the conservatorship estate, or the trustee of a trust of which the conservatee is a beneficiary.

	Date: _____	Time: _____	_____
	Dept.: _____	Room: _____	_____
	_____	_____	_____
	_____	_____	_____

Name and address of court if different from above:

Date: _____

Signature of (check one):

Judicial Officer

Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one): A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ①, ②, and ④ at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ①, ②, and ④, from (city): _____, California on the date below.

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT

**Not Approved
by the
Judicial Council**

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

Fill in court name and street address:

Superior Court of California, County of

3 (Proposed) ward or conservatee:

Name: _____
Mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

Court fills in case number when form is filed.

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

Case Number:

Case Name:

5 Your Request to Waive Court Fees was filed on (date): _____

6 Your request is granted by operation of law because no court action was taken within five days after it was filed. A fee waiver is granted for the following court fees and costs (Cal. Rules of Court, rule 3.55):

- Filing papers
- Giving notice and certificates
- Sending papers to another court department
- Court fee for phone hearing
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court-appointed interpreter in small claims court
- Reporter's fee for attendance at hearing or trial, if reporter provided by the court
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rules 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835

Read Notice to (Proposed) Guardian or Conservator on page 2.

Date: _____ Clerk, by _____, Deputy



Name of (Proposed) Ward or Conservatee:

Case Number:

Notice to (Proposed) Guardian or Conservator: The court may order you to answer questions about the (proposed) ward's or conservatee's finances and order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also order you make efforts to collect money for the waived fees from those owing a duty of support of the ward or conservatee.

If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this case is a civil case against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay the fees. If you settle the civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*):

A certificate of mailing is attached.

I handed a copy of this notice to the party and attorney(s), if any, listed in ①, ②, and ④, at the court, on the date below.

This notice was mailed first class, postage paid, to the party and attorney(s), if any, at the addresses listed in ①, ②, and ④, from (*city*): _____, California on the date below.

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

DRAFT

**Not Approved
by the
Judicial Council**

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

Fill in court name and street address:

Superior Court of California, County of

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

Court fills in case number when form is filed.

Case Number:

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

Case Name:

5 Date of order denying your request to waive court fees for the (proposed) ward or conservatee (month/day/year): _____

(Check here if you have a copy of the order denying your request, and attach it to this form.)

6 I ask the court for a hearing on my fee waiver request so that I can bring more information about the (proposed) ward's or conservatee's financial situation.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before your hearing. Contact the clerk's office for *Request for Accommodation*, form MC-410.



Draft

**Not Approved by the
Judicial Council**

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:
Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:
Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

3 (Proposed) ward or conservatee:
Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

4 Lawyer for (proposed) ward or conservatee, if any:
Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

5 The court received your request for a hearing about the ward's or conservatee's court fees on (date): _____.

Read this form carefully. All checked boxes X are court orders.

6 The court grants your request for a hearing on the eligibility of the ward or conservatee for a fee waiver. **Go to your court hearing** on the date below. You may bring information about the ward or conservatee's financial situation to the hearing.

Fill in court name and street address:
Superior Court of California, County of

Court fills in case number when form is filed.
Case Number:

Case Name:

Name and address of court if different from above:



→ Date: _____ Time: _____
Dept.: _____ Room: _____



Request for Accommodations: Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8(f))



Clerk stamps date here when form is filed.

Draft

**Not Approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
E-mail: _____ Telephone: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
Telephone: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
E-mail: _____ Telephone: _____

5 A request to waive court fees was filed on (date): _____

6 There was a hearing on (date): _____
at (time): _____ **in (Department):** _____

The following people were at the hearing (check all that apply):

- Person in 1 Lawyer in 2 Person in 3 Lawyer in 4
- Others (names): _____

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to make efforts to collect money to pay back waived fees from persons who owe a duty to support the ward or conservatee. If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this case is an action against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay some or all of the waived fees. If you settle the matter for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.



7 After reviewing your (*check one*): *Request to Waive Court Fees* *Request to Waive Additional Court Fees*
the court makes the following order:

- a. The court **grants** your request and waives the ward's or conservatee's court fees and costs as follows:
- (1) **Fee Waiver.** The court **grants** your request and waives the court fees and costs listed below (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:
- Filing papers in superior court
 - Making copies and certifying copies
 - Sheriff's fee to give notice
 - Giving notice and certificates
 - Sending papers to another court department
 - Court-appointed interpreter in small claims court
 - Reporter's fee for attendance at hearing or trial, if reporter provided by the court
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 - Preparing and certifying the clerk's transcript on appeal
 - Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
 - Making a transcript or copy of an official electronic recorder under rule 8.835
 - Court fees for phone hearing
- (2) **Additional Fee Waiver.** The court **grants** your request and waives the additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.
- Jury fees and expenses Fees for a peace officer to testify in court
- Fees for court-appointed experts Court-appointed interpreter fees for a witness
- Other (*specify*): _____
-
- b. The court **denies** your request and **will not waive or reduce** the ward's or conservatee's fees and costs.
- (1) The reason for this denial is as follows:
- (a) Your request is incomplete, and you did not provide the information that the court requested (*specify items missing*): _____
- (b) You did not go to court on the hearing date to provide the information the court needed to make a decision.
- (c) The information you provide shows ineligibility for the fee waiver you requested because (*check all that apply*):
- i. The ward's or conservatee's income is too high.
- ii. Other (*explain*): _____
- (d) There is not enough evidence to support a fee waiver.
- (e) Other (*state reasons*): _____
-
- (2) You may pay the initial filing fee over time. You must make monthly payments of at least \$ _____ beginning (*date*): _____ and then payable on the 1st of each month after that, until the fees checked below are paid in full.
- Filing fees.
- Other (*describe*): _____
- You must pay all other court fees and costs as they are due.



Name of (Proposed) Ward or Conservatee:

Case Number:

- 7 c. The court **partially grants** your request so you can pay, from the estate of the ward or conservatee or from funds from persons or entities with a duty to support the ward or conservatee, court fees without using money needed to pay for the ward's or conservatee's household's basic needs. You are ordered to pay a portion of the ward's or conservatee's fees, **as checked in items c. (1) and (2) below.**

The court only partially grants the request because *(state reasons for denial)*:

- (1) You must pay _____ % of the ward's or conservatee's court fees.
 (2) The court waives some fees. The fees checked below are waived. You must pay all other court fees.

- Filing papers at superior court
- Sheriff's fee to give notice
- Court-appointed interpreter
- Reporter's fee for attendance at trial or hearing if reporter provided by the court.
- Jury fees and expenses
- Court-appointed experts' fees
- Making certified copies
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter fees for a witness
- Fees for a peace officer to testify in court
- Court fees for telephone hearings
- Other *(specify)*: _____

- (3) Other *(specify)*:

Warning! If item 7b or 7c above is checked: You have **10 days** after the clerk gives notice of this order (see date below) to pay your fees as ordered, unless there is a later date for beginning payments in item 7b(2). If you do not pay, your court papers will not be processed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: _____

Signature of Judicial Officer

Clerk's Certificate of Service

- I certify that I am not involved in this case and *(check one)*: A certificate of mailing is attached.
 I handed a copy of this order to the party and attorney(s), if any, listed in ①, ②, and ④, at the court, on the date below.
 This order was mailed first class, postage paid, to the party and attorney(s), if any, at the addresses listed in ①, ②, and ④, from *(city)*: _____, California on the date below.

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

Draft

Not Approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

- 1 **(Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:**
 Name: _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
- 2 **Lawyer, if person in 1 has one:**
 Name: _____ State Bar No: _____
 Firm or Affiliation: _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____
 E-mail: _____ Telephone: _____
- 3 **(Proposed) ward or conservatee:**
 Name: _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
- 4 **Lawyer for (proposed) ward or conservatee, if any:**
 Name: _____ State Bar No: _____
 Firm or Affiliation: _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____
 E-mail: _____ Telephone: _____
- 5 Date of the **last** court fee waiver order in this case (*date*): _____

Notice: The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may later order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to make efforts to collect money to pay back waived fees from persons who owe a duty to support the ward or conservatee. If there are additional changes in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use another copy of this form.)

If this case is an action against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay some or all of the waived fees. If you settle the matter for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.

- 6 The ward's or conservatee's financial situation has changed since the date of the last court fee waiver order in a way that improves my ability as guardian or conservator to pay court fees and costs. I ask the court to do one of the following:
 - a. **End** the ward's or conservatee's fee waiver because his or her financial situation has improved and I am able to pay court fees and costs that are due after (*date*): _____
 - b. **Review** the ward's or conservatee's updated financial information in the attached *Request to Waive Court Fees*. I believe the ward or conservatee is still eligible for a fee waiver. (*Complete form FW-001-GC and attach to this form.*)



Name of (Proposed) Ward or Conservatee:

Case Number:

- 7 The ward's or conservatee's case has settled for (*check one*) less than \$10,000
 \$10,000 or more (*if so, complete a, b, and c below.*)
- a. The conservator (*check one*): has has not received the proceeds of the settlement.
 - b. The name and address of the party who has agreed to pay the settlement:

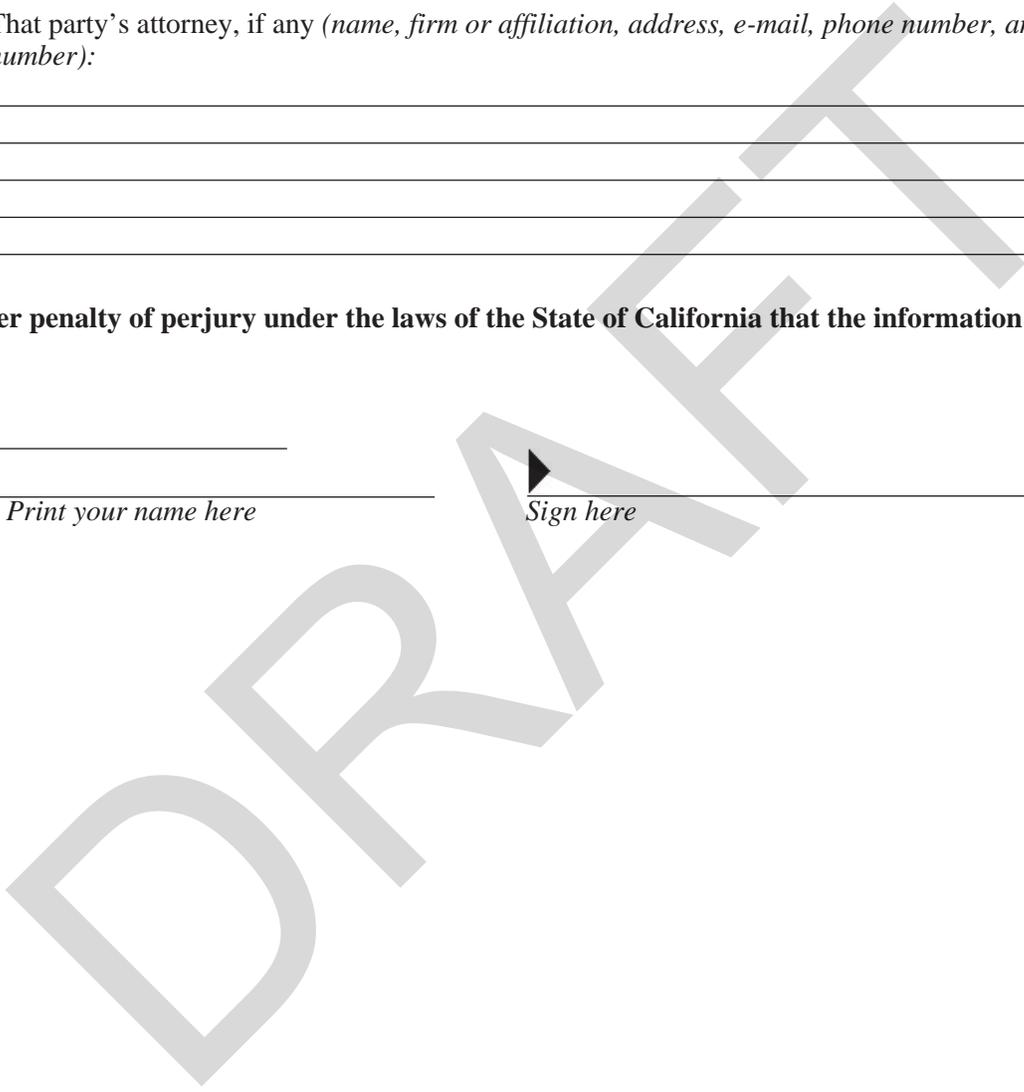
- c. That party's attorney, if any (*name, firm or affiliation, address, e-mail, phone number, and State Bar number*):

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Print your name here

Sign here



Notice to Appear for Reconsideration of Fee Waiver (Ward or Conservatee)

Clerk stamps date here when form is filed.

Draft

Not Approved by the Judicial Council

Warning: If you do not go to the hearing on the date and time below, the court may cancel the (proposed) ward's or conservatee's fee waiver.

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

5 The court has information that (check all that apply):

a. The ward's or conservatee's financial situation may have changed, or he or she may no longer be eligible for a fee waiver because (*explain*):

b. You may be increasing the costs of the ward's or conservatee's case unnecessarily. The fee waiver for the court services you are using may be limited because (*explain*):

c. The ward's or conservatee's case (or his or her guardianship or conservatorship proceeding) is coming to an end, and the court requires some information about his or her eligibility to have court fees waived.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

6 You must go to court on the date below:

Hearing Date	→ Date: _____	Time: _____	Name and address of court if different from that shown on page 1: _____ _____ _____ _____
	Dept.: _____	Rm.: _____	

Bring the following information if reasonably available: _____

Date: _____

Signature of (check one): Judicial Officer Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before your hearing. Contact the clerk's office for *Request for Accommodation*, form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one): A certificate of mailing is attached.

I handed a copy of this notice to the party and attorney(s), if any, listed in ①, ②, and ④, at the court, on the date below.

This notice was mailed first class, postage paid, to the party and attorney(s), if any, at the addresses listed in ①, ②, and ④, from (city): _____, California on the date below.

Date: _____

Clerk, by _____, Deputy

**Order on Court Fee Waiver After
Reconsideration Hearing
(Superior Court)(Ward or Conservatee)**

Clerk stamps date here when form is filed.

Draft

**Not Approved by
the Judicial Council**

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

Fill in court name and street address:

Superior Court of California, County of

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

Court fills in case number when form is filed.

Case Number:

Case Name:

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

5 The court made a previous fee waiver order in this case on (date): _____

6 The court sent you a notice to go to court about the fee waiver on (date): _____

Read this form carefully. All checked boxes are court orders.

7 There was a hearing on (date): _____
at (time): _____ in (Department): _____

The following people were at the hearing (check all that apply):

Person in 1 Lawyer in 2 Person in 3 Lawyer in 4

Others (names): _____

8 After considering the information provided at the hearing, the court makes the following order:

a. **No Change to Fee Waiver.** The *Order on Court Fee Waiver* issued by this court on (date): _____ remains in effect. No change is made at this time.

b. **Fee Waiver Is Ended as of** (date): _____. The court finds that beginning on that day the ward or conservatee was no longer eligible for a fee waiver because:



- 8 b. (1) You must pay all court fees in this case from the ward’s or conservatee’s estate, from the date of this order.
- (2) You must also pay the court \$ _____ from the estate of the ward or conservatee, for fees that were initially waived after the ward or conservatee was no longer eligible.
- (a) You must pay that amount within 10 days of this order.
- (b) You may pay that amount in monthly payments of \$ _____ beginning (date): _____ and payable on the 1st of each month after that until paid in full.
- c. **Fee Waiver Is Retroactively Withdrawn.** The court finds that the ward or conservatee was never entitled to a fee waiver in this case because: _____
- _____
- _____
- (1) You must pay all court fees in this case from the ward’s or conservatee’s estate, from the date of this order.
- (2) You must also pay the court \$ _____ from the ward’s or conservatee’s estate, for fees that the court initially waived.
- (a) You must pay that amount within 10 days of this order.
- (b) You may pay that amount in monthly payments of \$ _____ beginning (date): _____ and payable on the 1st of each month after that until paid in full.
- d. **Fee Waiver Is Modified.** The court finds that you obtained the initial fee waiver in bad faith, for an improper purpose, or to needlessly increase the costs of litigation. The court places the following limitations on the fee waiver that was granted to you:
- (1) You must pay all court fees in this case from the ward’s or conservatee’s estate, from the date of this order.
- (2) The court waives some fees. The fees checked below are waived. You must pay all other court fees.
- Filing papers at superior court
 - Sheriff’s fee to give notice
 - Court-appointed interpreter
 - Making certified copies
 - Giving notice and certificates
 - Sending papers to another court department
 - Court-appointed interpreter fees for a witness
 - Jury fees and expenses
 - Court-appointed expert’s fees
 - Fees for a peace officer to testify in court
 - Court fees for telephone hearings
 - Reporter’s fee for attendance at hearing or trial, if reporter provided by court
 - Other (specify): _____
- _____
- _____
- _____
- _____



APP-016-GC/FW-016-GC **Order on Court Fee Waiver**
(Court of Appeal or Supreme Court)
(Ward or Conservatee)

Clerk stamps date here when form is filed.

Draft

Not Approved by
the Judicial
Council

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:
Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:
Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____
E-mail: _____ Telephone: _____

Fill in court name and street address:

3 (Proposed) ward or conservatee:
Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

**Court of Appeal or Supreme Court
Case Number:**

4 Ward's or Conservatee's Lawyer, if any: Name: _____
Firm or Affiliation: _____ State Bar No.: _____
Address: _____ Telephone: _____
City: _____ State: _____ Zip: _____ E-mail: _____

5 On (date): _____, you filed a *Request to Waive Court Fees* (form FW-001-GC).

- 6** The court reviewed your request and makes the following order:
- a. The court **grants** your request and waives the (proposed) ward's or conservatee's court fees and costs listed below. You do not have to pay fees for the following:
 - Filing notice of appeal, petition for writ, or petition for review
 - Other (*specify*): _____

 - b. The court **denies** your request for the following reasons:
 - (1) Your request is incomplete. You have **10 days** from the date this notice was sent to:
 - Pay the (proposed) ward's or conservatee's fees and costs, or
 - File a new revised request that includes the items listed below (*specify incomplete items*): _____

Warning! If you miss the deadline for paying the (proposed) ward's or conservatee's fees and costs or providing the additional items required by the court and you are the appellant, your appeal may be dismissed.



- 6 b. (2) The information you provided on the request shows that the (proposed) ward or conservatee is not eligible for the fee waiver you requested for the following reasons (*specify*):

You have **10 days** from the date this notice was sent to:

- Pay the (proposed) ward's or conservatee's fees and costs, or
- File more information that shows that he or she is eligible for a fee waiver.

- (3) The court finds there is substantial question regarding the (proposed) ward's or conservatee's eligibility (*describe issue(s) regarding eligibility*):

You have **10 days** from the date this notice was sent to:

- Pay the (proposed) ward's or conservatee's fees and costs, or
- File the following additional documents to support your request:

- c. The court needs more information. **You must go to court** on the date below.

Hearing Date → Date: _____ Time: _____ Dept.: _____
 Name and address of court if different from page 1: _____

- Bring the following proof to support your request, if it is reasonably available:

Warning! If item 6 c. is checked and you do not go to court on the hearing date, the court will deny your request to waive court fees for the (proposed) ward or conservatee and you will have **10 days** to pay those fees. If you are the appellant and you do not pay the filing fees, your appeal may be dismissed.

Date: _____

Signature of (check one): Judicial Officer Clerk, Deputy

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, if you are filing or have received a family law petition, or if you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or his or her) household's basic needs *and* your court fees, you may ask the court to waive all or part of those fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001) or, if you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete the *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). If you qualify, the court will waive all or part of its fees for the following:
 - Filing papers in superior court (other than for an appeal in a case with a value of over \$25,000)
 - Making and certifying copies
 - Sheriff's fee to give notice
 - Court fee for telephone hearing
 - Reporter's fee for attendance at hearing or trial, if a reporter is provided by the court.
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851.
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal.
 - Holding in trust the deposit for a reporter's transcript on appeal under rule 8.833 or 8.834.
 - Making a transcript or copy of an official electronic recording under rule 8.835
 - Giving notice and certificates
 - Sending papers to another court department
 - Having a court-appointed interpreter in small claims court
2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002) or *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC). The court will consider waiving fees for items such as the following, or other court services you need for your case:
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Other necessary court fees
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness
3. If you want the Appellate Division of Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees, Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. Answer truthfully, accurately, and completely.**
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability, or the ability of your ward or conservatee, to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you or your ward or conservatee are granted may be ended if you do not go to court when asked. You or your ward's or conservatee's estate may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **Public benefits programs listed on the application form.** In item 5 on the *Request to Waive Court Fees* (item 8 of the *Request to Waive Court Fees (Ward or Conservatee)*), there is a list of programs from which you (or your ward or conservatee) may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a), and are also listed here:
 - Medi-Cal
 - Food Stamps—California Food Assistance Program, CalFresh Program, or SNAP
 - Supp. Sec. Inc.—Supplemental Security Income (not Social Security)
 - SSP—State Supplemental Payment
 - County Relief/General Assistance—County Relief, General Relief (GR) or General Assistance (GA)
 - IHSS—In-Home Supportive Services
 - CalWORKS—California Work Opportunity and Responsibility to Kids Act
 - Tribal TANF—Tribal Temporary Assistance for Needy Families
 - CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants

- **If you receive a fee waiver, you must tell the court if there is a change in your finances, or the finances of your ward or conservatee.** You must tell the court within five days if those finances improve or if you, or your ward or conservatee, become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) or *Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee)* (form FW-010-GC) with the court.) You may be ordered to repay any amounts that were waived after your eligibility, or the eligibility of your ward or conservatee, came to an end.
- **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
- **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases and in guardianships and conservatorships. (Government Code, section 68637(d), (e), and Cal. Rules of Court, rule 7.5.)
- **If you settle your civil case for \$10,000 or more:** Any trial court waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
- **The court can collect fees and costs due to the court.** If waived fees and costs are ordered paid to the trial court, or if you fail to make the payments over time, the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you or your ward or conservatee are not eligible for a fee waiver. If the case is a guardianship or conservatorship proceeding, see California Rules of Court, rule 7.5(k) for information on the final disposition of that matter.
- **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time. See Government Code section 68635.

INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES (SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION)

If you file an appeal, a petition for a writ, or a petition for review in a civil case, such as a family law case or a case in which you sued someone or someone sued you, you must generally pay a filing fee to the court. If you are a party other than the party who filed the appeal or the petition, you must also generally pay a fee when you file your first document in a case in the Court of Appeal or Supreme Court. You and the other parties in the case may also have to pay other court fees in these proceedings, such as fees to prepare or get a copy of a clerk's transcript in an appeal. However, if you cannot afford to pay these court fees and costs, you may ask the court to issue an order saying you do not have to pay these fees (this is called "waiving" these fees).

1. Who can get their court fees waived? The court will waive your court fees and costs if:

- **You are getting public assistance**, such as Medi-Cal, Food Stamps, Supplemental Security Income (not Social Security), State Supplemental Payment, County Relief/General Assistance, In-Home Supportive Services, CalWORKS, Tribal Temporary Assistance for Needy Families, or Cash Assistance Program for Aged, Blind, and Disabled.
- **You have a low income level**. Under the law you are considered a low-income person if the gross monthly income (before deductions for taxes) of your household is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,226.05	3	\$2,092.71	5	\$2,959.38
2	\$1,659.38	4	\$2,526.05	6	\$3,392.71

If more than 6 people at home, add \$433.34 for each extra person.

- **You do not have enough income to pay for your household's basic needs and your court fees .**

2. What fees and costs will the court waive? If you qualify for a fee waiver, the Supreme Court, Court of Appeal, or Appellate Division will waive the filing fee for the notice of appeal, a petition for a writ, a petition for review, or the first document filed by a party other than the party who filed the appeal or petition, and any court fee for participating in oral argument by telephone. The trial court will also waive costs related to the clerk's transcript on appeal, the fee for the court to hold in trust the deposit for a reporter's transcript on appeal under rule 8.130(b) or rule 8.834(b) of the California Rules of Court, and the fees for making a transcript or copy of an official electronic recording under rule 8.835. If you are the appellant (the person who is appealing the trial court decision), the fees waived include the deposit required under Government Code section 68926.1 and the costs for preparing and certifying the clerk's transcript and sending the original to the reviewing court and one copy to you. If you are the respondent (a party other than the appellant in a case that is being appealed), the fees waived include the costs for sending you a copy of the clerk's transcript. You can also ask the trial court to waive other necessary court fees and costs.

The court **cannot** waive the fees for preparing a reporter's transcript in a civil case. A special fund, called the Transcript Reimbursement Fund, may help pay for the transcript. (See <http://www.courtreportersboard.ca.gov/consumers/index.shtml#trf> and Business and Professions Code sections 8030.2 and following for more information about this fund.) If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared in other ways, by preparing an agreed statement or, in some circumstances, a statement on appeal or settled statement.

3. How do I ask the court to waive my fees?

- **Appeal in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less)**. In a limited civil case, if the trial court already issued an order waiving your court fees *and that fee waiver has not ended* (fee waivers automatically end 60 days after the judgment), the fees and costs identified in item 2 above are already waived; just give the court a copy of your current fee waiver. If you do not already have an order waiving your fees or you had a fee waiver but it has ended, you must complete and file a *Request to Waive Court Fees* (form FW-001). If you are the appellant (the party who is appealing), you should check both boxes in item 4 on FW-001 and file the completed form with your notice of appeal. If you are the respondent (a party other than the appellant in a case that is being appealed), the completed form should be filed in the court when the fees you are requesting to be waived, such as the fee for the clerk's transcript or telephonic oral argument, are due.

- **Writ Proceeding in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** If you want the Superior Court to waive the fees in a writ proceeding in a limited civil case, you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box. The completed form should be filed with your petition for a writ.
- **If You Are a Guardian or Conservator.** If you are a guardian or conservator or a petitioner for the appointment of a guardian or conservator, special rules apply to your request for a fee waiver on an appeal from an order in the guardianship or conservatorship proceeding or in a civil action in which you are a party acting on behalf of your ward or conservatee. Complete and submit a *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC) to request a fee waiver. See California Rules of Court, rule 7.5.
- **Appeal in Other Civil Cases.** If you want the court to waive fees and costs in an appeal in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box to ask the Court of Appeal to waive the fee for filing the notice of appeal or, if you are a respondent (a party other than the one who filed the appeal), the fee for the first document you file in the Court of Appeal. Check both boxes if you also want the trial court to waive your costs for the clerk's transcript (if the trial court already issued an order waiving your fees *and that fee waiver has not ended*, you do not need to check the first box; the fees and costs identified in item 2 above are already waived, just give the court a copy of your current fee waiver). If you are the appellant, the completed form should be submitted with your notice of appeal (if you check both boxes in item 4, the court may ask for two signed copies of this form). If you are the respondent, the completed form should be submitted at the time the fee you are asking the court to waive is due. For example, file the form in the trial court with your request for a copy of the clerk's transcript if you are asking the court to waive the transcript fee or file the form in the Court of Appeal with the first document you file in that court if you are asking the court to waive the fee for filing that document. To request waiver of a court fee for telephonic oral argument, you should file the completed form in the Court of Appeal when the fee for telephonic oral argument is due.
- **Writ Proceeding in Other Civil Cases.** If you want the Supreme Court or Court of Appeal to waive the fees and costs in a writ proceeding in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). If you are the petitioner (the party filing the petition), the completed form should be submitted with your petition for a writ in the Supreme Court or Court of Appeal clerk's office. If you are a party other than the petitioner, the completed form should be filed with first document you file in the Supreme Court or Court of Appeal.
- **Petition for Review.** If you want to request that the Supreme Court waive the fees in a petition for review proceeding, you must complete a *Request to Waive Court Fees* (form FW-001) or a *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). If you are the petitioner, you should submit the completed form with your petition for review. If you are a party other than the petitioner, the completed form should be filed with first document you file in the Supreme Court.

IMPORTANT INFORMATION!

- **Fill out your request completely and truthfully.** When you sign your request for a fee waiver, you are declaring under penalty of perjury that the information you have provided is true and correct.
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court immediately if your finances improve or if you become able to pay court fees or costs during this case (file form FW-010 with the court). You may be ordered to repay any amounts that were waived after your eligibility ended. If the trial court waived your fees and costs and you settle your case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or when the court finds that you are not eligible for a fee waiver.

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions
 (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1.	<p>Bet Tzedek Legal Services Erikson Albrecht Kinship Attorney Elissa Barrett Vice President & General Counsel</p> <p>On behalf of Bet Tzedek’s Family Caregiver, Elder Caregiver, and Kinship Care Project Teams Directing Attorney, Janet Morris Erikson Albrecht, Yolande Erickson, Katherine Chew, Bertha Sanchez-Hayden, Nicholas Levenhagen, Akiko Nishino, Joseph Pileri, Dominique Sanz-David</p> <p>Bet Tzedek Legal Services Katherine Chew Self-Help Conservatorship Clinic Coordinator Los Angeles</p>	AM	<p>Bet Tzedek must oppose the proposed rules and forms as written; however, we are confident that, with some revisions, the proposed rules and forms can better reflect the law.</p> <p>See comments on specific provisions below.</p> <p>Conclusion</p> <p>Bet Tzedek supported the passage of AB 2747 and similarly supports the adoption of Rules of Court and new forms to implement those amendments to the Government Code. The modifications discussed in the comments above, however, are necessary if the Proposed Rule and proposed forms are to achieve their purposes and comply with existing state law. If these suggested modifications are made, Bet Tzedek wholeheartedly supports the adoption of separate fee waiver forms for conservatorship and guardianship cases. The existing forms do not address the unique fee waiver rules in conservatorship and guardianship cases. The Proposed Forms would clarify for both litigants and the court that the law requires only the financial condition of the proposed conservatee or ward for consideration of a fee waiver. Therefore, Bet Tzedek opposes the adoption of the Proposed Rule and forms, as written.</p>	

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions
 (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
2.	Helen Cavanaugh Director Public Law Center Superior Court of Nevada County Nevada City	NI	<p>Thank you for the opportunity to comment on the fee waiver for guardianships.</p> <p>See comments on specific provisions below.</p> <p>If [waivers of court] fees are based on the proposed guardian’s income, I believe we will see these minors left in a legal limbo and not secured in a stable home, where they can receive regular care and the ability to stay in school.</p> <p>I strongly support clear direction that [court fee waivers] in a guardianship case be based on the proposed ward’s income.</p> <p>Again, thank you for the opportunity to comment.</p>	The new law and the new rule of court proposed here are intended to avoid the harm related by the commentator.
3.	Christine N. Donovan, JD, CFLS Senior Staff Research Attorney Family Law and Probate Divisions Superior Court of California, County of Solano	NI	See comments on specific provisions below.	
4.	Ana Hinojosa Court Supervisor- Probate Division Superior Court, County of Kern	NI	See comments on specific provisions below.	

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions
 (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
5.	Chris Jama Graton, California	AM	I have been dealing with probate courts in San Francisco, Sonoma, and San Joaquin Counties and believe that since most probate courts allow conservators, fiduciaries, etc., to charge large amounts of fees to their client's trusts, special needs trusts, etc., that only the ward/conservatee should be granted a fee waiver, or in the alternative, reduce every conservator, fiduciary, including fiduciary attorney fees, by 50% so to protect the integrity of those whom are unable to protect themselves from their conservators, fiduciaries, and their attorneys.	This proposal implements new state law that determines court fee waivers in conservatorships based upon the financial condition of the (proposed) conservatee, not on the financial condition of the fiduciary or the petitioner for the fiduciary’s appointment. The fee waivers involved in this proposal are filing fees and other court costs, not fees of conservators and their counsel, which must be determined as provided by different statutes and procedures than the ones under review here.
6.	Legal Aid Society of San Diego, Inc. Courtney Bolin Nash Staff Attorney	AM	The Legal Aid Society of San Diego, Inc. is a non-profit legal aid organization dedicated to providing equal access to justice. We serve mainly low-income San Diegans, but also educate the community on legal topics and assist with facilitator-like legal service clinics. We operate a Conservatorship Clinic and our clinic participants will be greatly impacted by the proposed changes in SP15-02. The purpose of these comments is not to influence the rulemaking process, but only to point out practical challenges and ambiguities in using the proposed forms. These comments are also	

SP15-02

Court fee waivers in decedents' estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			limited to conservatorship matters only. Thank you for the opportunity to comment. See comments on specific provisions below.	
7.	Public Counsel Ylianna Perez-Guerrero, Supervising Staff Attorney, Guardianship Clinic Los Angeles	AM	See comments on specific provisions below.	
8.	San Diego Volunteer Lawyer Program Leslie Mackay, Staff Attorney San Diego	AM	San Diego Volunteer Lawyer Program, Inc., (SDVLP) writes in support of the proposed rules and forms regarding SP15-02, if modified. SDVLP is a private, non-profit law firm that provides free legal services to low-income residents of San Diego County, including to those individuals requesting and/or objecting to probate guardianship of the minor. SDVLP prepares fee waiver applications on all these cases. It is not unusual for one guardianship case to include 5, 6, or even 7 children. Please note SDVLP's comments only apply as to guardianship of the minor matters. Our comments do not address the proposed changes as to proposed conservatees or for guardianship of the estate matters. Thank you for the opportunity to comment and for your consideration of these requests. See comments on specific provisions below.	
9.	Superior Court, County of Los	AM	After review of the Invitation to Comment	

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Court fee waivers in decedents' estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	Angeles		regarding the proposed addition of Rule 7.5 to the California Rules of Court and the new Judicial Council forms regarding fee waiver applications in probate proceedings, the Los Angeles Superior Court is pleased to provide the Council with the following response. See comments on specific provisions below.	
10.	Superior Court, County of Monterey Monica J. Mitchell, Research Attorney	A	The proposed changes are much appreciated. There has been confusion regarding how to implement the changes to law regarding the fee waivers in these cases. Separate forms are more helpful, because the modifications require significant content changes only appropriate for one segment of court cases. See comments on specific provisions below.	
11.	Superior Court, County of Riverside, Marita C. Ford Senior Management Analyst	NI	See comments on specific provisions below.	
12.	Superior Court of San Diego Michael Roddy, Executive Officer	AM	See comments on specific provisions below.	

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All comments are verbatim unless indicated by an asterisk (*).

Rule 7.5(e)(1)(A) and Form FW-001-GC, Item 8 - Imputation of Parental/Spousal Financial Condition to (Proposed) Ward or Conservatee		
Commentator	Comment	Committee Response
1. Bet Tzedek Legal Services	<p>• Item 8, subsections (a) and (b) Proposed Form FW-001-GC does not conform to Government Code Sections 68631, 68632, and 68631.5. Pursuant to Section 68631.5, a fee waiver shall be based on the financial condition of the proposed conservatee or ward (the applicant).</p> <p>However, subsections (a) and (b) of Item 8 of the Proposed Form improperly request financial information about the applicant’s family or household. Nothing in 68632(a) or (b), upon which Item 8 (a) and (b) are based, authorizes courts to inquire into the income of the ward’s or conservatee’s family members.</p> <p>Proposed Rule 7.5(e)(1) Bet Tzedek proposes deleting Proposed Rule 7.5(e)(1). By way of Proposed Rule 7.5 (e)(1), the Judicial Council seeks to specifically include financial information, assets, interests, and claims within the term “financial condition” as used throughout the Government Code sections regarding the waiver and recovery of court fees and costs. Bet Tzedek is concerned that such inclusion is generally unnecessary and, as to some, unauthorized under law.</p>	<p>Based on this and other comments, the committee has modified proposed rule 7.5(e)(1)(A) and revised form FW-001-GC from the versions circulated for comment to limit the circumstances when the financial condition of the ward’s parents is to be considered for fee waiver purposes to when there is support ordered by a court, and has added a similar limitation to consideration of the financial condition of a divorced spouse or registered domestic partner of a conservatee. Support orders are also subject to the court’s duty to make a determination of the likelihood of their payment, as is the case with support orders in family law litigation under the fee waiver law (Gov. Code, § 68637(e)). The obligor’s general financial condition would not be attributable to the ward’s or conservatee’s financial condition for fee waiver purposes and is not a direct subject of inquiry in form FW-001-GC.</p> <p>The committee has also modified item 8a of form FW-001-GC from the version circulated for comment to clarify that the recipients of listed public benefits that qualify the ward or conservatee for a fee waiver may be the ward or conservatee, one or both of the ward’s parents, and the spouse or registered domestic partner of the conservatee. This is appropriate because the persons other than the ward or conservatee are the same persons whose financial circumstances are part of their financial condition for fee waiver purposes.</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5(e)(1)(A) and Form FW-001-GC, Item 8 - Imputation of Parental/Spousal Financial Condition to (Proposed) Ward or Conservatee		
Commentator	Comment	Committee Response
	<p>There is no statutory support for the consideration of the finances of an individual against whom the applicant has a claim for support or even an order for support in the application of Government Code 68632.</p>	<p>The committee respectfully disagrees with the suggestion that proposed rule 7.7(e)(1) and Form FW-001-GC do not conform to Government Code Sections 68631, 68632, and 68631.5. The ultimate question is: What is the (proposed) ward’s or conservatee’s financial condition for fee waiver purposes? The amended Government Code provisions do not define the term.</p> <p>Unlike the regular civil fee waiver applicant, who is presumed to be a competent adult supporting him- or herself and possibly others as well and has voluntarily commenced the litigation or voluntarily decided to resist it as an individual, this rule and these forms deal with minors and (proposed) conservatees who are either legally incompetent or soon will be if a fiduciary is appointed. A candidate for conservatorship is also likely to be mentally incapacitated to some degree. Moreover, in the vast majority of cases, the proceedings are commenced by others.</p> <p>Wards, particularly young wards not close to eighteen years of age, are necessarily financially dependent upon their parents or others caring for them, and most conservatees are dependent on their spouses or domestic partners, particularly after establishment of the conservatorship.</p> <p>The committee has considered these factors and concluded that a ward’s financial condition for fee waiver purposes necessarily includes the financial condition of his parents,</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5(e)(1)(A) and Form FW-001-GC, Item 8 - Imputation of Parental/Spousal Financial Condition to (Proposed) Ward or Conservatee		
Commentator	Comment	Committee Response
	<p>Where an obligor is making payments to a proposed ward or proposed conservatee pursuant to an order, those payments would be included as income for purpose of Item 8(b) or entered as income under Items 15 or Item 16 when the Request to Waive Court Fees is based upon Item 8(c), pursuant to Government Code 68632(c).</p>	<p>whose duty of support is not terminated by the appointment of a guardian of the ward’s person or estate. Even if there is an estate and a guardian of the estate, the ward’s living parents still have a support obligation and the guardian of the estate would be required to get prior court permission to support the ward from the estate upon a showing that support from the parents is unavailable or insufficient (See Fam. Code, §§ 3900–3901 [parental duty of support], Prob. Code, § 2422; California Guardianship Practice (Cont. Ed.Bar Annual, 2015), §§ 12.18, 12.33.)</p> <p>Similarly, a conservatee’s financial condition includes support from his or her divorced spouse or registered domestic partner, and, in the case of a conservatee whose marriage or partnership is intact, from community property managed by a well spouse or partner outside the conservatorship estate See Probate Code section 3051 (well spouse’s/partner’s management of community property outside conservatorship estate of impaired spouse/partner), and §§ 3080–3092 (enforcement of support obligation in conservatorship proceeding).</p> <p>Child support payments would be reflected in items 8b and 8c only if the support obligee were in the ward’s household. In that case, the payments should be reflected in item 16, not item 15, as they don’t go to the ward. But even if so reflected, these facts are not grounds to bar further inquiries about them in item 10 of form FW-001-GC.</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

All comments are verbatim unless indicated by an asterisk (*).

Rule 7.5(e)(1)(A) and Form FW-001-GC, Item 8 - Imputation of Parental/Spousal Financial Condition to (Proposed) Ward or Conservatee		
Commentator	Comment	Committee Response
	<p>The assertion, in Proposed Rule 7.5 (e)(1)(A), that Government Code Sections 68637(d) and (e) enable the court to include the financial condition of the obligor of a family law judgment and/or order when considering the financial condition of a ward or conservatee is not supported by law. Not only does Government Code Section 68637(b)(3)(B) indicate that the recovery of fees subject to subdivisions (d) and (e) are for Family law matters, the legislative history of Government Code Section 68637 is unambiguous in detailing this specific means for recovering previously waived fees:</p> <p>“This bill requires the court, in a family law matter where an order to pay support is entered, to consider at the time of judgment whether a party whose fees were not waived has the ability to pay the fees of the party whose fees were waived. This bill requires the court, in a family law matter, to consider whether the financial circumstances of a party who obtained a fee waiver have changed such that it is appropriate to require that party to pay all or part of the waived fees. If a support order is the primary basis for the court’s finding of changed circumstances, the court shall order the support obligor to pay the previously waived fees.” (2007 Legis. Bill Hist. CA A.B. 2448, italics added)</p>	<p>Section 68637(e) explicitly authorizes courts in family law cases to consider support orders as improvements in the financial condition of the support obligees for fee waiver purposes. The support order provisions of Government Code section 68637(d) and (e) apply to the same persons to whom the support order provisions of amended rule 7.5(e)(1)(A) would apply: the child or former spouse/partner of the support obligor. The amended rule would treat support orders the same way they are treated in the Government Code sections for fee waivers purposes. The procedures described in sections 68637(d) and (e), which address support orders entered as part of the judgment in the same litigation in which the fee waiver is sought or was obtained, may differ from the procedures that will be involved in fee waiver practice in guardianships and conservatorships, but these procedural differences are immaterial.</p>
<p>8. San Diego Volunteer Lawyer Program Leslie Mackay, Staff Attorney San Diego</p>	<p>SDVLP requests the following modifications:</p> <p>1) Remove Proposed Rule 7.5(e)(1)(A) or amend so it does not apply to a proposed ward.</p>	<p>Please see the response to the comments of Bet Tzedek Legal Services above. As noted in that response, based on this and other comments, the committee has revised proposed rule 7.5(e)(1)(A) to provide that a ward’s parent’s financial condition will be considered only to the</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

All comments are verbatim unless indicated by an asterisk (*).

Rule 7.5(e)(1)(A) and Form FW-001-GC, Item 8 - Imputation of Parental/Spousal Financial Condition to (Proposed) Ward or Conservatee		
Commentator	Comment	Committee Response
	<p>Proposed Rule 7.5(b) indicates an application for an initial fee waiver in a proposed guardianship of a person must be based on the personal “financial condition” of the proposed ward. Proposed Rule 7.5(e)(1)(A), defines “financial condition” to include the financial condition of any person against whom the proposed ward has a claim for support including the parents of the proposed ward. It is unclear when a minor would have a claim of support against a parent. And it is unclear whether Proposed Rule 7.5(e)(1) intends to impute a parent’s income to the proposed ward. FW-001-GC number 10 requests information about the ward’s parents including employment information and whether the ward’s parents have a child support order which benefits the proposed ward, and it appears these requests support the notion that the Proposed Rule 7.5(e)(1)(A) intends to impute income and child support received by parents to the proposed ward.</p> <p>The financial condition of the proposed ward’s parent should not be taken into account when determining the proposed ward’s financial condition for the purpose of requesting a fee waiver, and FW-001-GC number 10 should be deleted. The financial condition of the proposed ward’s parent should only be taken into account if the parent resides with the ward and would therefore be included as monthly income in the ward’s household and reflected on FW-001-GC number 16.</p> <p>A child support order as between the ward’s parents should not be taken into account when determining the proposed ward’s financial condition for the purpose of requesting a fee waiver. The section referring to child support order in FW-</p>	<p>extent of court ordered support or, for financial-circumstances-improvement purposes, is later obtained. The term “claim” in rule 7.5(e)(1)(A) has been replaced with a reference to a duty of support from a parent to the ward. The request for information about the parents’ employment has been deleted from item 10.</p> <p>The committee disagrees with the comment that a child support order as between the ward’s parents should not be taken into account when determining the proposed ward’s financial condition. If there is an order for a parent to support the ward and the guardianship of the person is established, the guardian should be able to move in the family court for a modification to have the support paid to the guardian who will have custody of the ward. The facts that there is a support order, its amount, and the identity of its payee are therefore relevant. If there is a history of nonpayment, the application may so state so that the court could elect to give effect to the order only upon commencement of payments to the guardian, as an</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5(e)(1)(A) and Form FW-001-GC, Item 8 - Imputation of Parental/Spousal Financial Condition to (Proposed) Ward or Conservatee		
Commentator	Comment	Committee Response
	<p>001-GC number 10 should be deleted. Whether a parent of a proposed ward receives child support is only relevant if the parent receiving child support resides with the proposed ward and that information would be reflected on FW-001-GC number 16. Likewise, if a guardian is receiving child support for the proposed ward, this information would be relevant to household income information and would also be reflected on FW-001-GC number 16.</p> <p>In a typical guardianship case, the minor does not reside with a parent and the parents provide no financial support regardless of the parents’ income. A parent’s income should not be imputed to a proposed ward when the proposed ward has no way of legally requesting support from their mother or father.</p> <p>Proposed rule 7.5(e)(1)(A) further imposes a duty on the proposed guardian to make a reasonable inquiry into a claim of support of the proposed ward against the parents. It is unclear when this situation would arise in a guardianship of a person context. If there was such a situation, it would be burdensome for the proposed guardian to make a reasonable inquiry. If the intent of this rule is to require proposed guardians to look into the existence of a child support case, many child support cases are closed to the public.</p> <p>A direct inquiry to a parent could lead to an unsafe situation for the proposed ward. Proposed guardians asking a parent</p>	<p>improvement of financial circumstances under Gov. Code section 68636. In any case where there is no financial support of the ward at the beginning of the case, wholly apart from fee waiver practice, the guardian would need to explore the possibility of support for the ward from his or her parents.</p> <p>This is one reason why item 10 of form FW-001-GC asks about support orders. Moreover, many proposed guardians are related to one of the parents. They may already know a considerable amount about the details of the family law proceeding that led to a support order.</p> <p>The possibilities in a given case of an unsafe situation or a forced removal of the ward from the guardian’s home are</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5(e)(1)(A) and Form FW-001-GC, Item 8 - Imputation of Parental/Spousal Financial Condition to (Proposed) Ward or Conservatee		
Commentator	Comment	Committee Response
	<p>about child support orders could naturally lead the parent to believe the proposed guardian is seeking child support from the parent. This would likely lead to a parent removing the proposed ward from the safe home where the ward was living. Under the prior fee waiver rules, the parents’ ability to pay all or a portion of the fees was never part of the analysis for the fee waiver. These proposed rules go beyond the scope of the January 1, 2015 legislation, and the intent of the legislation, and impose a burdensome, unnecessary, and potentially harmful effect on families requesting fee waivers for guardianship cases. The proposed rule limits the proposed ward and the proposed guardian’s access to initiating a guardianship proceeding and limits their access to justice.</p>	<p>factors to be considered under the concept of “<i>reasonable inquiry</i>.” The parents must receive personal service of a copy of the guardianship petition and a notice of its hearing (Prob. Code, § 1511(b)(3)). The petition must list their addresses (Prob. Code, § 1510(c)(1)). Notification of the filing of a guardianship is much more likely to create the unsafe situation than inquiries about support orders.</p> <p>The support obligor is almost never the custodial parent. His or her concern about an inquiry about a support order is much less acute than the concern by the custodial parent that custody might be lost. Assuming that any payment is possible, the obligor may be more willing to make the payments to a guardian on behalf of his or her child than to the other parent.</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5 – Other Comments		
Commentator	Comment	Committee Response
Bet Tzedek Legal Services	<p>Proposed Rule 7.5 (e)(1)(B) inclusion of “interest in the community property that is outside of the conservatorship of the estate” in the conservatee’s financial condition is unnecessary because, where relevant for the assessment of a request for initial fee waiver, disclosure of such information is required by current law. Specifically, where an applicant is basing their request for waiver of fees upon Item 8(b) of the Proposed Form, pursuant to Government Code Section 68632(b), and the community property is producing income for conservatee and/or the conservatee’s spouse, information would be included in Item 15 of the Proposed Form. Where an applicant is basing their request for waiver of fees upon Item 8(c) of the Proposed Form, pursuant to Government Code Section 68632(c), the applicant is required to provide information regarding such interest pursuant to Government Code Section 68633(c)(2). Specifically, information should be disclosed in Item 15 of the Proposed Form if the property is producing income for the conservatee and/or the conservatee’s spouse, or, in the alternative, where such community property is not producing income but is a liability and/or expense, the information would be included in Items (17) and (18) of the Proposed Form .</p> <p>Finally, Proposed Rule 7.5 (e)(1)(C) is unnecessary because an applicant’s right “to receive support, income or other distributions from a trust or under a contract” is neither income nor an indication of likely, impending income. Consideration of such information is not authorized by law and is not relevant to an assessment of whether the proposed ward or conservatee is an applicant described in subsections</p>	<p>The committee disagrees with this analysis. This provision of the proposed rule acts in part as clarification to (proposed) conservators and their counsel that community property and its income outside the conservatorship estate are to be included in their fee waiver calculations. The committee considers this an appropriate function of a court rule. This clarification is carried over to item 12 of form FW-001-GC. If there is community property managed outside the conservatorship estate, the applicant is asked to state whether or not the income and property managed outside the estate is included in the income and property included on page 4 of the form (items 15 or 16, and 17). The clarification is important in the context of conservatorship practice. Conservators are responsible for the estate and tend to think largely in terms of the estate, insofar as their fiduciary duties are concerned. But a conservatee’s eligibility for a court fee waiver is not limited to consideration of the amount of assets and income that are part of the estate.</p> <p>The committee believes that a conservatee’s right to receive support, income, or distributions from a trust or under a contract, such as an annuity, are relevant to his or her eligibility for a fee waiver. No sources of income are automatically excluded from consideration of financial condition other than public benefits. Not all such rights will affect a fee waiver, usually dependent on their</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5 – Other Comments		
Commentator	Comment	Committee Response
	<p>(a), (b), or (c) of Government Code Sections 68632.</p> <p>Proposed Rule 7.5(e)(2) Bet Tzedek proposes modifying Proposed Rule 7.5(e)(2). First, this proposed rule does not find legal authority in Government Code section 68636(a), as claimed in the rule. The proposed rule defines the “person who received the initial fee waiver” as the conservator or guardian. This definition is not found in the Government Code section. If the ward or conservatee is deemed to be the “applicant” for the fee waiver, then logically the ward or conservatee would be the “person who received the initial fee waiver.” After appointment, the conservator or guardian is well suited to inform the court of changes in the financial condition of the conservatee or ward and participate in the court hearings regarding reconsideration of the waiver of fees and costs but this does not justify creating the legal fiction that newly appointed conservator or guardian “received the initial fee waiver.” Second, Government Code Section 68636 and Proposed Rule 7.5(e)(2) pertain, not to the initial assessment of whether an applicant may proceed with the judicial proceedings without paying court fees and costs, but rather to the court’s ability to reconsider the initial fee waiver, order the fee waiver</p>	<p>frequency and regularity, amounts, or whether the conservatee has a vested right not subject to discretion of the trustee or other contracting party. But the court has a right to inquire into these circumstances for fee waiver purposes if they appear, either on initial application or as part of a review to determine whether financial circumstances have sufficiently improved to justify termination or modification of the waiver.</p> <p>The purpose of proposed rule 7.5(e)(2) is simple and is not inconsistent with the statute even if the confusing statutory terminology is not applied in the rule. Its only purpose is to clarify that when the appointed guardian or conservator is not “the person who obtained the initial fee waiver,” such as when the fee waiver applicant was not the successful petitioner for appointment of a fiduciary or successfully petitioned for appointment of a person other than him- or herself as fiduciary, the appointee has the duty under Government Code section 68636(a) to notify the court of any change in the ward’s or conservatee’s financial circumstances that affects his or her ability to pay all or part of the court fees initial waived.</p> <p>The 2014 statute (Gov. Code, § 68631.5, added by section 24 of Stats 2014, ch.913 (AB 2747)) refers globally to the ward or conservatee as the “applicant” and the guardian or conservator or “persons seeking to establish the conservatorship or guardianship” as the “petitioner” and requires the “petitioner” to complete all forms and provide all information required under the fee waiver statute but</p>

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Rule 7.5 – Other Comments		
Commentator	Comment	Committee Response
	<p>withdrawn for future fees and costs, or deny the fee waiver retroactively. As such Bet Tzedek recommends removing 7.5(e)(2) from the Proposed Rules and modifying Proposed Rule 7.5(h) as follows:</p> <p>7.5 (h) Previously waived court fees in conservatorships or guardianships. Under circumstances set forth in Government Code, the court may reconsider the initial fee waiver, order the fee waiver withdrawn for future fees and costs, or deny the fee waiver retroactively</p> <p>(1) – insert language of current Proposed Rule 7.5(h) (2) Upon the establishment of a conservatorship or guardianship of the person only, where an initial fee waiver had been granted, the conservator or guardian shall appear at, and participate in any court hearings, authorized by Government Code section 68636, regarding the reconsideration of the initial fee waiver and provide evidence on behalf of the conservatee or ward.</p>	<p>the rest of the statutory provisions on fee waivers are not otherwise amended to use this terminology. In the limited context of section 68636(a), the rule rather than the reference in section 68631.5 is clearer. In this situation, the conservator or guardian may have never been either a petitioner or a fee waiver applicant as those terms are understood outside the context of section 68631.5. This provision conforms to the overall statutory purpose of absolving the conservatee or ward of any responsibility for informing the court and placing that burden on the conservator or guardian even though he or she is not, in the language of section 68636(a), the “person who received the initial fee waiver.”</p> <p>The committee appreciates Bet Tzedik Legal Services’ support of its proposed rule 7.5(h). The committee will revise subdivision (h) in response to this comment to read as follows:</p> <p>“(h) Termination or modification of previously granted initial fee waivers</p> <p>(1) <i>Conservatorships and guardianships of the estate or person and estate</i> Upon establishment of a conservatorship or guardianship of the estate or person and estate, the court may collect all or a portion of court fees previously waived from the estate of the conservatee or ward if the court finds that the estate has the ability to pay the fees, or a portion thereof, immediately, over a period of time, or</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5 – Other Comments		
Commentator	Comment	Committee Response
		<p>under some other equitable agreement, without using moneys that normally would pay for the common necessities of life for the conservatee or ward and his or her family. The court must comply with the notice and hearing requirements of the second paragraph of Government Code section 68634(e)(5) to make the findings authorized in this paragraph.</p> <p>(2) <i>Conservatorships and guardianships of the person</i> In a conservatorship or guardianship of the person, if the court seeks to reconsider or modify a court fee waiver previously granted based on collection, application, or consideration of support, assets, or income described in (e), it must proceed as provided in Government Code section 68636 and comply with the notice and hearing requirements of the second paragraph of Government Code section 68634(e)(5), including notice to the conservator or guardian, any support obligor, and any person in possession of the assets or income. The conservator or guardian must appear at the hearing on behalf of the conservatee or ward, and the court may also appoint counsel for the conservatee or ward under Probate Code section 1470.”</p>
Superior Court, County of Los Angeles	The text of the proposed Rule 7.5(e)(2) distinguishes in a conservatorship or guardianship proceeding between the initial “applicant” for the fee waiver and the “person who received the initial fee waiver.” The applicant is the person who completed and filed the application for a fee waiver; the “person who received the initial fee waiver” is deemed to be	The only purpose of this provision is to indicate that if a petitioner for appointment of a fiduciary applied for the waiver and is not the appointed fiduciary, the fiduciary who is appointed succeeds to the original petitioner’s responsibilities concerning the waiver although he or she is not the “person who received the initial fee waiver”

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5 – Other Comments		
Commentator	Comment	Committee Response
	<p>the individual (or entity) who is actually appointed as conservator or guardian. Sometimes the applicant and “person” will be the same, other times they will not. The determination of whether or not the fee waiver is granted by the Court is based upon the financial situation of the proposed conservatee or ward. There are situations in conservatorships and guardianships when the conservatee or ward (either acting alone, through private counsel or court-appointed counsel) may file a petition with the court. Should not the fee waiver previously granted to the applicant, and deemed applicable to the Conservator/Guardian, also be applicable to the conservatee or ward? Should the rule be expanded to make clear that the fee waiver order is also applicable to petitions filed by the protected person (ward or conservatee) himself or herself?</p> <p>In a slightly different scenario, when the office of guardian or conservator becomes vacant as a result of the resignation, removal or death of the fiduciary, will the party who files a petition to be appointed as successor fiduciary be required to file a new fee waiver application? Or could the initial order waiving fees and costs be applicable to any party who subsequently files a petition for appointment as conservator or guardian in the same case? If not, the Court staff will be required to expend additional time processing subsequent fee waiver applications when the issue of eligibility has been previously adjudicated.</p>	<p>under Government Code section 68636.</p> <p>In this situation, the successor guardian or conservator steps into the shoes of the predecessor, with the same responsibilities the latter had concerning the waiver. The waiver itself is the ward’s or conservatee’s, and therefore is still in effect.</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions
 (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5 – Other Comments		
Commentator	Comment	Committee Response
Superior Court, County of Monterey Monica J. Mitchell, Research Attorney	<p>(1) Court-Appointed Attorney. Rule 7.5(a) defines the scope of the rule as governing initial fee waivers requested by petitioners for the appointment of fiduciaries or by fiduciaries after their appointment. If the term “fiduciaries” includes court-appointed counsel, then a statement to that effect in Rule 7.5 would clarify the change in Government Code Section 68632(d).</p> <p>A court-appointed attorney may be filing a petition relating to the ward or Conservatee, such as a Petition for Substituted Judgment. Alternatively, the Petition might be seeking the recovery of attorney fees from the ward or conservatee’s estate. If the fee waiver eligibility is based upon the financial condition of the ward or Conservatee, then it makes sense that an attorney appointed to represent that person would also be able to submit a fee waiver application using that same financial condition. If there are some assets in the estate, then the fee waiver application may not be granted.</p> <p>(2) Court Investigator Fees. Rule 7.5 (and the forms) could also be expanded to reference the change to Government Code section 68631: “...An initial fee waiver excuses the applicant from paying fees for the first pleading or other paper, and other court fees and costs, including assessments for court investigations under Section 1513, 1826, or 1851 of the Probate Code, as specified in rules adopted by the Judicial Council, unless the court orders the applicant to make partial payments under subdivision (c) of Section 68632, subdivision (d) of Section 68636, or subdivision (e) of Section 68637. ... (Gov’t Code, § 68631)</p>	<p>(1) “Fiduciaries” in the context of this rule means and refers to guardians, conservators, and personal representatives of decedents’ estates, not court-appointed attorneys.</p> <p>(2) The committee does not believe the recommended change is necessary. Rules of court do not generally quote or even paraphrase large portions of applicable legislation. Paragraph 1 of the trial court fee waiver information form (form FW-001-INFO), as revised effective July 1, 2015, lists the court investigator assessments among the fees waivable on an initial court fee waiver.</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Rule 7.5 – Other Comments		
Commentator	Comment	Committee Response
	<p>It would be helpful if the rule and the forms referenced these Court Investigation fees, so there is no question about which is the proper fee waiver form to fill out. In many counties, a person seeking a waiver of fees usually fills out both the initial fee waiver application plus the request to waive additional fees.</p> <p>2. Comments on Changes to Rules</p> <p>Who is Responsible?</p> <p>One key issue touching all three case types is identification of who is actually responsible for paying the court fees.</p> <p>In an estate case, the proposed rule doesn’t make it clear who is responsible for paying the fee once there are assets. In subsection (d), it states that the appointment of a personal representative for a decedent’s estate may be a change of financial condition for fee waiver purposes, as continued eligibility for an initial fee waiver is based upon the combined financial condition of the petitioner and the decedent’s estate. Who is responsible for the fee? The petitioner personally or the estate? Legally, it is the estate which bears the costs and fees associated with administration of the estate. (See Prob. Code, § 11420)</p> <p>Subsection (c) might include a reference that the court fees are a debt of the estate, even though the fee waiver eligibility is initially determined upon the financial condition of the person</p>	<p>If the petitioner paid the fees after failing to get a waiver in a decedent’s estate, the estate would be able to reimburse him or her as an authorized expense of</p>

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Rule 7.5 – Other Comments		
Commentator	Comment	Committee Response
	<p>seeking appointment. Subsection (f)(2) references the possibility of a lien for initially waived court fees against property distributable from a decedent's estate. Is that because the court fees obligation follows the personal representative rather than the estate?</p> <p>Confusion over who is responsible for paying the fees also shows up in the forms.</p>	<p>administration, a very common event in non-waiver estate matters. If the petitioner received the waiver and collection of the estate was determined to be an improvement in financial circumstances that voids the waiver, the estate must reimburse the court for the previously waived fees. See rule 7.5(g).</p>

Form FW-001-GC, Item 3 – Requirement for Separate Waiver Applications for Each Minor in Multi-Ward Cases		
Commentator	Comment	Committee Response
<p>Public Counsel Ylianna Perez-Guerrero, Supervising Staff Attorney, Guardianship Clinic Los Angeles</p>	<p>Why ask for a separate request from each ward in a multi-ward case? Wards on a multi-ward case are siblings and almost always live together so household income is the same. This will be time consuming and repetitive.</p>	<p>There is no requirement in Probate Code section 2106 that multiple wards in a single guardianship case must be siblings, although allowance of multiple wards in the same case is in the discretion of the court and some local rules require the wards to be siblings or half-siblings.</p> <p>Many are in fact half-siblings or cousins, which means that their parental information on the forms differ and their living arrangements are more likely to also differ (e.g., living with their respective mothers after their common father's death or disappearance). Even full siblings may have different current living arrangements.</p> <p>Each ward is a separate candidate for a fee waiver, so separate forms must be filed for each even though much</p>

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Court fee waivers in decedents' estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Form FW-001-GC, Item 3 – Requirement for Separate Waiver Applications for Each Minor in Multi-Ward Cases		
Commentator	Comment	Committee Response
San Diego Volunteer Lawyer Program Leslie Mackay, Staff Attorney San Diego	That one FW-001-GC may be used per guardianship case, not one per proposed ward. Use one FW-001-GC per guardianship case, not one per proposed ward.	<p>of the information in the two forms may be the same.</p> <p>The committee does not support this comment and continues to recommend a requirement that a separate application for a fee waiver must be made for each ward in a multi-ward case. Many such cases involve half-siblings with one different parent, or cousins with entirely different parents and other collateral relatives, and different households. Probate Code section 2106's authority for multiple-ward cases is not limited to siblings or even half-siblings; although there are some local rules that do so limit these cases. The court clearly has discretion to appoint a guardian for two or more entirely unrelated wards in the same case. Electronic-preparation of forms should reduce the time and effort to provide duplicate entries of the same information in separate applications. Access to such preparation is given to all persons by the judicial branch public Website.</p> <p>Moreover, not all wards in the same case may qualify for a fee waiver, in which case some equitable contribution to court costs may be required or only a partial waiver may be given. (The committee acknowledges that these phenomena are likely to be rare.)</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

All comments are verbatim unless indicated by an asterisk (*).

Form FW-001-GC, Item 8 – Public Benefits and Income Information		
Commentator	Comment	Committee Response
Bet Tzedek Legal Services	<p>Moreover, subsection (b) of Item 8 is based on gross monthly income, but should be based on net monthly income. Payroll deductions are necessary expenses, especially with wards and conservatees who would not be taking voluntary deductions to lower their tax brackets.</p> <p>Additionally, subsection (b) of Item 8 should be modified to reflect the income guideline for a family of 1 (\$1,226.05), which is the only relevant family size when the court is to consider the financial condition of only the ward or conservatee. Thus, the income guidelines box should be deleted in its entirety.</p> <ul style="list-style-type: none"> Item 8, subsection (c) The language in Item 8 subsection (c) incorrectly references the applicant’s “household” whereas Government Code Section 	<p>Item 8b of form FW-001-GC, like existing item 5b of form FW-001, is based on gross income (gross of income tax withholding). Nothing in the fee waiver statute or the federal Department of Health and Human Services (HHS) poverty guidelines require use of income net of withholding. There are too many variables associated with withholding exemptions, including the facts that amounts to be withheld are determined by the taxpayer and some taxpayers do not withhold at all but pay taxes on quarterly estimates. The use of gross income places all persons on the same footing in the evaluation of their incomes.</p> <p>Item 5b of form FW-001, for regular fee waiver applicants, like item 8b in proposed form FW-001-GC, calls for household income, not just the individual applicant’s income. The poverty guidelines’ 2015 annual update shows annual incomes of various-sized “family/households” (without defining either “family” or “household,” leaving that task to the agencies that use the guidelines, but suggesting “family members [or relatives] who live in the same residence.”) (See 80 Fed. Reg. 3236 (Jan. 22, 2015).) Government Code section 68632’s explicit adoption of the poverty guidelines is, in effect, approval of this approach.</p> <ul style="list-style-type: none"> Item 5c of form FW-001 also refers to the applicant’s household. In light of the poverty guidelines’ references to family and household interchangeably,

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Form FW-001-GC, Item 8 – Public Benefits and Income Information		
Commentator	Comment	Committee Response
	<p>68632 (c) references an applicant who, as individually determined by the court, cannot pay court fees without using moneys that normally would pay for the common necessities of life for the applicant and the applicant's family.</p> <p>Therefore, the language of Item 8 of the Proposed Form should read as follows (suggested deletions indicated by strikethrough and suggested insertions indicated in bold):</p> <p>a. The ward or conservatee and his or her family members who live with or provide the ward or conservatee with financial support receives...</p> <p>b. The gross net monthly income of the ward's or conservatee's household (before deductions for taxes) is less than the amount listed below \$1, 226.05.</p> <p>c. The ward's or conservatee's household does not have enough income to pay for its basic needs and the court fees cannot pay court fees without using moneys that normally would pay for the common necessities of life for them and their family...</p>	<p>perhaps this is an equivalent to family. The committee is not inclined to recommend changes that make the new forms inconsistent with the existing regular forms, except as necessary to address intrinsic differences between “regular” fee waiver applicants and wards and conservatees.</p> <p>a. The committee has modified this item to include, in addition to the ward or conservatee, only the ward’s parents or the conservatee’s spouse or registered domestic partner. If any of these persons are receiving listed public benefits, the ward or conservatee receives a fee waiver under item 8a.</p> <p>b. See the discussion above on the use of gross vs. net income and the size of the family/household to be considered.</p> <p>c. “Basic needs” rather than “common necessities of life” is also used in item 5c of existing form FW-001. This suggests that the phrase “basic needs” as used in item 5c of form FW-001 and item 8c of form FW-001-GC is shorthand for “common necessities of life,” without a different meaning. The committee is reluctant to use different terminology than is used in the regular fee waiver forms unless compelled by differences between regular fee waiver applicants and wards and conservatees.</p>

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Form FW-001-GC, Item 8 – Public Benefits and Income Information		
Commentator	Comment	Committee Response
	<p>Additional Comment We would suggest that the advisory committee or task force review the use of the phrase "household income" on the Fee Waiver form with regard to the Conservatee. Unless further clarified, this possibly could be interpreted to include the income of the Conservator or anyone else living in the household rendering care to the Conservatee.</p>	<p>The committee has addressed the issue raised in this comment by adding an asterisk at the end of item 8b (before the family size and income chart), leading to the following instruction below item 8c, on page 2 of form FW-001-GC:</p> <p><i>*(Do not include income of guardian or conservator living in the household in 8b. or 8c., or count him or her in family size in 8b. unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.)</i></p>
<p>Legal Aid Society of San Diego, Inc. Courtney Bolin Nash Staff Attorney</p>	<p>FW-001-GC, Item 8a: It seems box “a” can be checked only if the conservatee AND family members who live with or provide the conservatee with support receive the listed benefits. What if only the conservatee receives the benefits? For example, if the conservatee lives in a group home and receives SSI, can this box be checked? What if some, but not all of the family members that live with the conservatee receive the benefits? Can this box be checked?</p>	<p>Item 8a has been modified to identify the qualifying recipients of public benefits as “the ward or one or both of the ward’s parents, or the conservatee or the conservatee’s spouse or registered domestic partner.” This is appropriate because the parents or spouse or partner are the only third persons whose support of the ward or conservatee may be considered for fee waiver purposes. See proposed rule 7.5(e)(1)(A). The equivalent item in regular form FW-001 asks about only the applicant’s receipt of benefits because the ordinary civil litigant is presumed to be responsible for his or her own finances, unlike a minor ward or a conservatee.</p>
<p>Public Counsel Ylianna Perez-Guerrero, Supervising Staff Attorney, Guardianship Clinic</p>	<p>Question 8 a. The question asks if the ward or conservatee and his family members who live or provide the ward or conservatee with financial support receive public benefits. It is very confusing to</p>	<p>Item 8 a. This item asks whether the ward or conservatee receives public benefits. Concerning benefits received by others, item 8a has been modified to identify the</p>

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Form FW-001-GC, Item 8 – Public Benefits and Income Information		
Commentator	Comment	Committee Response
Los Angeles	<p>group ward with family members. Ward probably doesn't live with family members. If ward does live with family members maybe only ward or a member of family receives public benefits, not both.</p> <p>b. It is not clear why we are asking for ward's household income.</p>	<p>qualifying recipients of public benefits other than the ward or conservatee as one or both of the ward's parents or the conservatee's spouse or registered domestic partner. This is appropriate because the parents or spouse or partner are the only third persons whose support of the ward or conservatee may be considered for fee waiver purposes. See proposed rule 7.5(e)(1). The equivalent item in regular form FW-001 asks about only the applicant's receipt of benefits because the ordinary civil litigant is presumed to be responsible for his or her own finances, unlike a ward or a conservatee.</p> <p>b. Household income is the subject of inquiry in item 5b of the regular form FW-001 for all fee waiver applicants on this ground of waiver (household income less than 125% of federal poverty guidelines). Household income is therefore appropriate here as well.</p>
San Diego Volunteer Lawyer Program Leslie Mackay, Staff Attorney	6) FW-001-GC page 2, number 8b should indicate that the person completing the form only needs to fill out items 14, 15, and 16	This comment is correct. The requested change has been made.
Superior Court, County of Riverside, Riverside Marita C. Ford Senior Management Analyst	Government Code § 68632(a) appears to indicate that receipt of enumerated public benefits entitle an applicant to a fee waiver regardless of any claim for support, interest in community property, or right to receive support, income or other distributions from a trust or under a contract. These factors are only relevant to a fee waiver based on 68632(b) or (c). This distinction does not appear to be clear in the present draft of the	The layout of items 8a, 8b, and 8c is the same as the layout of the similar items 5a, 5b, and 5c of existing form FW-001. There is a checkbox before each item, indicating that all three need not be completed.

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Form FW-001-GC, Item 8 – Public Benefits and Income Information		
Commentator	Comment	Committee Response
	<p>rule and forms. Rather, form FW-001-GC appears to require both the ward or conservatee and all other persons living in the ward or conservatee’s home who depend on him or her for support or on whom he or she depends for support to receive an enumerated public benefit, or for the collective income of all these individuals to be less than 125% of the poverty level. In guardianships, the ward often resides in the home of the proposed guardian(s). In conservatorships, developmentally-disabled conservatees often reside in the home of the proposed conservator(s). The proposed guardian(s) or proposed conservator(s) may be providing support to the proposed conservatee or ward by providing food and lodging for less than fair market value even though there may be no legal duty to do so. It appears the intent of Government Code § 68631, 68631.5, and 68632(d) are to exclude the financial condition of the proposed conservator or guardian. The form should only inquire about the public benefits of the ward or conservatee. Only when item 8(b) or (c) is checked should income, assets, and expenses of others be considered.</p> <p>In those situations, the income, assets, and expenses should be those of the ward or conservatee and those legally obligated to support him or her. The language about “depending” on a party for support is confusing because many wards and conservatees are financially dependent on their conservator(s) or guardian(s) even though there may be no duty to support.</p>	<p>The form has been modified to provide that the recipients of public benefits that may qualify a ward or conservatee for a fee waiver are, in addition to the ward or conservatee, one or both of the ward’s parents and the spouse or registered domestic partner of the conservatee.</p> <p>Revised FW-001-GC now includes, below item 8c on page 2, an instruction not to (1) include income of a guardian or conservator living in the household in items 8b and 8c, or (2) count him or her in family size in item 8b unless he or she is a parent of the ward or the spouse or partner of the conservatee.</p> <p>Public benefits are likely payable to a parent, not to the (proposed) ward.</p> <p>This has been accomplished in the changes in the form noted above.</p>

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Form FW-001-GC, Items 9 and 11 – Information regarding Ward or Conservatee’s Estate		
Commentator	Comment	Committee Response
Bet Tzedek Legal Services	<p>Items 9 and 11: Information regarding the ward’s or conservatee’s estate is not relevant to a determination of an initial fee waiver; therefore, we suggest two ways the Judicial Council can modify Items 9 and 11:</p> <ul style="list-style-type: none"> ○ Items 9 and 11, as they read now, are confusing; one option is to combine them and insert in their place, the following: Is this a petition for a guardianship/conservatorship of the estate or person and estate? (This information will not be used to determine your eligibility for an initial waiver of fees) <input type="checkbox"/> No, Petition seeks only guardianship/conservatorship over the person <input type="checkbox"/> Yes, Petition seeks guardianship/conservatorship over the estate Estimated value of the estate: Collection date: ○ Alternatively, Items 9 and 11 can be excluded 	<p>The committee does not support this assertion. In its view, the estate’s existence, source, anticipated collection date, and size, (the latter estimated in the appointment petition) is certainly relevant to a determination of an application for determination of an initial fee waiver. An estate may not be immediately available for payment of fees when the appointment petition is presented for filing, as it can be collected by the fiduciary only after his or her appointment, but its estimated size, nature, and collection date may alert the court to the need to schedule a hearing on reconsideration of a waiver initially granted under Government Code section 68636.</p> <p>The committee believes items 9–10 and 11–13 of form FW-001-GC, dealing respectively with guardianships and conservatorships, are better left as separate sets of questions, so (proposed) guardians and conservators need only respond to the set addressed to them.</p> <p>The committee cannot recommend adoption of unspecified collection procedures not authorized by the fee waiver</p>

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions
 (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Form FW-001-GC, Items 9 and 11 – Information regarding Ward or Conservatee’s Estate		
Commentator	Comment	Committee Response
	altogether and the court can adopt its own procedures for collecting all or part of the waived fees from the estate of the ward or conservatee after the guardianship or conservatorship has been established.	statutory provisions. Information in the initial fee waiver application about the anticipated estate to be collected by the fiduciary, in addition to the estimates of estate size and income in the appointment petition, will alert the court to the prospect of implementation of the “improvement of financial circumstances” procedure of Government Code section 68636 upon collection of the estate.
Superior Court, County of Monterey Monica J. Mitchell, Research Attorney	FW-001-GC: Page 2, item #9. •The first line is confusing because there is a check box for Person only, no estate. Then right next to it is “Inventory or petition estimated value.” Maybe if you start with the Inventory value and then follow it with “Not Applicable, Guardianship of the Person Only” it might be clearer. (Same thing for #11) •In the “Source (e.g. ...”, a very typical reason for a guardianship of the estate is an insurance policy. It might be helpful to include insurance policy as an example.	The committee has added a checkbox before “Inventory” in item 9 of form FW-001-GC. “Insurance” and “Judgment” have been added to the source examples.

Form FW-001-GC, Items 10 and 12 - Parental/Spousal Information		
Commentator	Comment	Committee Response
Bet Tzedek Legal Services	Item 10 Item 10 requests considerable information regarding the ward’s parents, none of which is relevant to assessing eligibility under Government Code Section 68632 (a) and (b). Moreover, where the parent’s information may be relevant	Item 10 Based on this and other comments, the committee has revised item 10 to delete the request for information about the parents’ employment. The remainder of the information requested is the basics of names, residence

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Form FW-001-GC, Items 10 and 12 - Parental/Spousal Information		
Commentator	Comment	Committee Response
	<p>under Government Code Section 68632(c), that information may be entered as income under Items 15 or Item 16. Therefore, Item 10 of the Proposed Form should be deleted in its entirety.</p>	<p>addresses, and telephone numbers of the parents, their current marital status and the details of any existing support order for the ward.</p> <p>The support order information may be immediately relevant to waiver applications under items 8b and 8c of form FW-001-GC (Gov. Code, §§ 68632(b) and (c)), and may lead to a later determination that the support payments, when actually marshaled by the guardian for the benefit of the ward, may be an improvement in financial circumstances that would support modification of the initial waiver. Moreover, a payment on a support order from a ward’s parent to the other parent will not appear as part of the <i>ward’s</i> income in item 15, and will not appear in item 16 if the obligee-parent is not part of the ward’s household when the appointment petition and the waiver application are filed. Payments of a support order will not be made to a proposed ward. At commencement of the guardianship proceeding they will have been made, if made at all, to the other parent. Only if the obligee-parent is in the ward’s household when the form FW-001-GC is prepared and filed would the payments be reflected in the ward’s household income under items 8b and 8c and item 16. They would not be reflected in item 15. Moreover, even if support payments were reflected in items 8b, 8c, or 16, that is not grounds for excluding specific inquiry about them elsewhere in form FW-001-GC.</p>
	<ul style="list-style-type: none"> • Item 12 	<ul style="list-style-type: none"> • Item 12

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Court fee waivers in decedents' estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Form FW-001-GC, Items 10 and 12 - Parental/Spousal Information		
Commentator	Comment	Committee Response
	<p>Item 12 requests considerable information regarding the conservatee's spouse, none of which is relevant to assessing eligibility under Government Code Section 68632 (a) and (b). Moreover, where the spouse's information may be relevant under Government Code Section 68632 (c), that information may be entered as income under Items 15 or Item 16. Therefore, Item 12 of the Proposed Form should be deleted in its entirety.</p>	<p>See discussion above under Item 10, although support payments from a divorced spouse or partner to the (proposed) conservatee would be reflected in item 15. Additionally, the information requested in item 12 applies to spouses and partners of conservatees who are not divorced and thus are immediately responsible for support of the conservatee beyond the amount of any order for support.</p>
<p>Public Counsel Ylianna Perez-Guerrero, Supervising Staff Attorney, Guardianship Clinic Los Angeles</p>	<p>Question 10 Why ask for the parents' information? In a vast majority of the cases we prepare the parents don't have a home, are in jail or their whereabouts are unknown.</p> <p>Also the question presupposes that parents have custody or that they are a part of the child's household.</p>	<p>Please see the response to the comments of Bet Tzedek Legal Services above. The basic information requested about the parents of a ward in Question 10 should still be required. Petitioners for the appointment of a guardian must serve the parents with notice of the hearing and a copy of the guardianship petition in any event, so at least this basic information should be known. If a parent is in jail, the petitioner should so state.</p> <p>There is no presupposition. The parents have a duty of support whether or not they currently have custody or live in the child's household. If a guardian of the person is appointed, the parents will lose custody but will still have a support obligation. Even if there is an estate and a guardian of the estate, the ward's living parents still have a support obligation and the guardian of the estate would have to get court permission to support the ward from the estate (See Fam. Code, §§ 3900-3901 [parental duty of support], Prob. Code, § 2422; California Guardianship Practice (Cont. Ed. Bar Annual, 2015), §§ 12.18, 12.33.)</p>

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Form FW-001-GC, Items 10 and 12 - Parental/Spousal Information		
Commentator	Comment	Committee Response
8. San Diego Volunteer Lawyer Program Leslie Mackay, Staff Attorney San Diego	2) Remove number 10 from JC Form FW-001-GC or indicate number 10 does not apply in guardianship of the person matters.	Please see the response to the comments of Bet Tzedek Legal Services above. The committee respectfully declines to recommend removal of item 10 or to make it inapplicable to a guardianship of the person. Even though reliance on parents for fee waiver purposes has been reduced to court-ordered support of the ward, the basic information about the parents in item 10 remains relevant. As noted above, the question in the draft circulated for comment about the parents' employment has been deleted from the proposed form.

Form FW-001-GC, Item 13 - Trusts		
Commentator	Comment	Committee Response
Bet Tzedek Legal Services	Item 13 Item 13 should be deleted because trusts do not become a part of a conservatee's estate and as such the details of the trust are outside the purview of the court for the purposes of considering an application to waive court fees.	The fact that a trust of which the conservatee is a beneficiary is not part of the conservatee's estate under conservatorship law is irrelevant to the question of whether the conservatee's right to payments from the trust to or for his or her benefit may be considered as part of the conservatee's financial condition for fee waiver purposes.
Public Counsel Ylianna Perez-Guerrero, Supervising Staff Attorney,	Statement after Question 13 It states if you check question 8b you must fill out 14–18 on next page. Only numbers 14–16 need to be filled out if 8b is	Statement after Question 13 This comment is correct. The item has been corrected as requested.

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions
 (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Form FW-001-GC, Item 13 - Trusts		
Commentator	Comment	Committee Response
Guardianship Clinic Los Angeles	checked.	
Superior Court, County of Los Angeles	At item 13(b), the form asks whether or not the proposed conservatee is now or was formerly the trustee of a trust. It is unclear why this fact is relevant to the determination of the value of the proposed conservatee’s estate. The funds in the possession of or managed by an individual in a fiduciary capacity are not considered available to the fiduciary for his or her personal use. Additionally, there might be confidentiality issues that would prevent the applicant from disclosing this information if the trust of which the proposed conservatee is now or was the trustee is a third-party trust (one not established by or for the sole benefit of the proposed conservatee). Perhaps this question is not necessary to the determination of eligibility for a waiver of court fees and costs and should be deleted.	The committee agrees with this comment and has deleted this inquiry.
Superior Court, County of Monterey Monica J. Mitchell, Research Attorney	Page 3, item #13 – does this include special needs trusts? A trustee of a special needs trust has recently argued that payment of Court Investigation fees, along with the payment of Public Guardian and County Counsel fees may be a violation of the special needs trust since these are “public benefits”. The proposal should clearly indicate whether the right to receive support, income, or distributions from a trust includes	The committee has not eliminated special needs trusts. Especially now that investigation assessments have been reclassified by the 2014 legislation as court costs, the committee does not believe that a special needs trust would be barred from contributing to litigation costs in a matter in which it or its beneficiary is involved. Therefore, the trust’s contribution to the court costs of a beneficiary who is a conservatee would also not be barred. The committee has decided not to exempt special needs and spendthrift trusts from the trust provisions of rule 7.5

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Court fee waivers in decedents' estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions
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Form FW-001-GC, Item 13 - Trusts

Commentator	Comment	Committee Response
	trust that gives the trustee discretion to make distributions not limited by an ascertainable standard, such as a special needs trust or other spendthrift trust.	and the applicable forms. Expenditure of trust proceeds for court fees incurred by conservatee-beneficiaries should not run afoul of special needs trust restrictions or the spendthrift provisions of most trusts.
Superior Court, County of Riverside, Riverside Marita C. Ford Senior Management Analyst	The reference to “trustor or settlor” in item 13 of FW-001-GC may be too technical. The questions concerning the conservatee’s trusteeship of a trust appear to be irrelevant. Status as a settlor or beneficiary is relevant to the financial condition of a conservatee. Trusteeship is not relevant. Serving as trustee would only be relevant if the conservatee was either a settlor or a beneficiary.	The committee has eliminated the conservatee’s status as a trustee from the list in item 13.

Form FW-001-GC - Comments on Other Items

Commentator	Comment	Committee Response
Public Counsel Ylianna Perez-Guerrero, Supervising Staff Attorney, Guardianship Clinic Los Angeles	Form FW-001-GC Question 1 These questions are referring to guardian, conservator or conservatee or ward. It may be ward acting as petitioner and same questions are asked of ward in #3 and #4. Question 3 Proposed ward or Proposed Conservatee’s Information (this may be the same person and information as requested in #1.) Perhaps write something like, "skip if you the ward are the petitioner."	Questions 1 and 3 If the proposed ward or conservatee is also the petitioner, there is no reason why item 3 of form FW-001-GC or the similar items in the other forms could not be completed merely by stating: “Ward/Conservatee is also the petitioner, See item 1 above.” The same technique would work for the identity of the attorney in items 2 and 4 of many of these forms.
San Diego Volunteer Lawyer	4) Add “Household’s” after “Ward’s or Conservatee’s” on	4) The committee agrees with this comment and has made

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Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Form FW-001-GC - Comments on Other Items		
Commentator	Comment	Committee Response
<p>Program Leslie Mackay, Staff Attorney</p>	<p>numbers 17 and 18 of Form FW-001-GC</p> <p>5) Add numbers (5) through (10) if there is going to be blank space below number 16 on FW-001-GC</p> <p>Add “Household’s” after “Ward’s or Conservatee’s” on numbers 17 and 18 of Form FW-001-GC</p> <p>Form FW-001-GC, numbers 17 and 18 are required to be completed only when the applicant indicates the household does not have enough income to pay for its basic needs and the court fees. It is our understanding that the purpose of numbers 17 and 18 is to reflect the household’s expenses so that the court has all information necessary to weigh expenses versus income. If the only information included on number 17 and 18 is the proposed ward’s expenses, then the court will always have to request the expenses of the other household members. In our experience, the proposed ward has no expenses, no money and no property. By requesting household expenses and assets in number 17 and 18, the court will be able to quickly weigh income versus expenses.</p> <p>Add numbers (5) through (10) if there is going to be blank space below number 16 on FW-001-GC.</p> <p>Many households include more than four people. If there is open space on this page, we request that additional lines be added to number 16. This will reduce the need to add unnecessary attachment pages.</p>	<p>this change.</p> <p>5) This has been done.</p> <p>As noted above, based on this and other comments, the committee has revised proposed rule 7.5(e)(1)(A) to provide that a ward’s parent’s financial condition will be considered only to the extent that a court order for support exists or, for financial-condition-improvement purposes, is later obtained.</p>

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Form FW-001-GC - Comments on Other Items		
Commentator	Comment	Committee Response
Superior Court, County of Monterey Monica J. Mitchell, Research Attorney	Page 3, attestation: Should it include some statement regarding checking “reasonably available” information to determine? [2nd Sentence is a typo, as it repeats substance of 1st sentence.]	The Committee does not believe the change to the attestation, which now reasons “to the best of my information and belief,” is necessary. The second sentence refers to information about the signing person and therefore is not to that person’s “best information and belief,” unlike the first sentence, which refers to information about the ward or conservatee. This was intentional.
Superior Court of San Diego Michael Roddy, Executive Officer	FW-001-GC to GC FW-11–GC: Our court would like clarification or identifying information as to who is printing and signing their name at the verifications for these forms.	A guardian or conservator of the person or the estate may complete the form. To the extent that the forms inquire about financial matters, perhaps the guardian or conservator of the estate is preferable.

Comments on Other Proposed Forms		
Commentator	Comment	Committee Response
Bet Tzedek Legal Services	Proposed Revisions to Existing FW-001-INFO Bet Tzedek proposes adopting a separate GC Information Sheet to accompany the proposed fee waiver forms, rather than revising the existing Information Sheet. The proposed revisions to the existing Information Sheet make the form quite complicated. Litigants, generally, and, in guardianship and conservatorship cases, in particular, would be better served with a separate Information Sheet that assist them more directly and more clearly according to the unique rules that	The committee will consider development of a separate Information Sheet for guardians and conservators, but will not be able to develop such a form as part of this proposal.

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Comments on Other Proposed Forms		
Commentator	Comment	Committee Response
	<p>apply to them. If the Judicial Council chooses to adopt a separate Information Sheet, the first paragraph of the existing Information Sheet should be revised to reflect this adoption and to direct litigants in guardianship or conservatorship cases to the applicable Information Sheet.</p> <p>Proposed Form FW-010-GC Bet Tzedek proposes modifying Item 6 of Proposed Form FW-010-GC. Item 6 currently reads, in part: “The ward’s or conservatee’s financial situation has changed since the date of the last court fee waiver order in a way that improves my ability as guardian or conservator to pay court fees and costs.” The form should make clear that this language would apply only in guardianships or conservatorships of the estate or of the person and estate. This is so because the only way that an improvement in the ward’s or conservatee’s financial situation would improve the ability of the guardian or conservator to pay court fees is if the guardian or conservator has access to the ward’s or conservatee’s estate. A guardian or conservatee would not be able to use money from the ward’s or conservatee’s estate to pay court fees if the guardianship or conservatorship is of the person only.</p>	<p>The committee does not support this modification. As noted above, the finances of a conservatee for fee waiver purposes are not limited to assets of his or her conservatorship estate. Moreover, even if the conservator’s collection of particular assets in some situations, such as distributions from a trust or payments by a spouse managing community property to the conservator rather than direct payments by the trustee or the spouse for the benefit of the conservatee, might require the appointment of a conservator of the estate, advice about that fact need not be included in form FW-010-GC. The phrase “my ability to pay court fees and costs” in this context may include arrangements between the conservator and the conservatee’s spouse or the trustee (who in fact very well might be the same person) for the spouse or trustee to make the payments.</p>
<p>Superior Court, County of Monterey Monica J. Mitchell, Research Attorney</p>	<p>FW-001-INFO: include Court Investigator Fees under Item 1. [And in the orders]</p> <p>•FW-003-GC, page 3, NOTE TO GUARDIAN OR CONSERVATOR: What happens if the fee waiver is denied and the fees are not paid? Who owes it? Ward/Conservatee or</p>	<p>FW-001-INFO: As noted above, this has been accomplished effective July 1, 2015 so is not part of this proposal.</p> <p>The purpose of the Notice is to suggest that the fiduciary consider advancing the fees. The court has a number of remedies if a fee waiver is denied and previously waived</p>

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Comments on Other Proposed Forms		
Commentator	Comment	Committee Response
	<p>Person filing Application? Example: denied based upon minor’s parent circumstances. So if parent won’t pay it, then if someone wants to be guardian, they will have to pay the fee. Assume there is a denial and no payment. The case will be dismissed by the court. In many counties, collection is attempted of the unpaid fees. Against minor/Conservatee or person filing application?</p> <ul style="list-style-type: none"> •FW-008-GC, page 2, item 7b(2): “You may pay the initial filing fee over time.” Who is “YOU”? Same issue. •FW-011-GC, Page 1, item 5b: “You may be increasing the costs...” If their behavior impacts the fee waiver, does that mean that the fee waiver is owed by that person? 	<p>fees or fees subsequently incurred are not paid, but dismissal of the guardianship or conservatorship, while clearly possible, is not recommended, in order that the ward or conservatee not be harmed. Equitable remedies such as imposition of a lien on the estate for payment when the ward turns 18 or after the conservatee’s death remain available. There is clearly no satisfactory resolution in cases like this. Many courts would likely renew the waiver in those circumstances.</p> <ul style="list-style-type: none"> • “You” refers to the fiduciary, in the sense of the physical act of payment. But the estate continues to have responsibility for the payment, although payment is made with an estate check written by the fiduciary. • This finding in the form is a ground for reducing a previously-granted fee waiver. The decedent estate, guardianship, or conservatorship remains responsible for the fees. Of course, if the misconduct of a fiduciary reduces the fee waiver, the estate, guardianship, or conservatorship would have a claim against the erring fiduciary for the fees it paid that would have been waived but for the conduct of the fiduciary.
<p>Superior Court of San Diego Michael Roddy, Executive Officer</p>	<p>FW-002-GC to GC FW-11–GC: Our court would like clarification or identifying information as to who is printing and signing their name at the verifications for these forms. These forms are to be completed by the guardian or conservator. Would only one conservator/guardian complete</p>	<p>A guardian or conservator of the person or the estate may complete the form. To the extent that the forms inquire about financial matters, perhaps the guardian or conservator of the estate is preferable.</p>

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Comments on Other Proposed Forms

Commentator	Comment	Committee Response
	<p>this form? On many occasions there are multiple conservators/guardians.</p> <p>FW-003GC Order on Court Fee Waiver: An option 6b(3) is needed that allows the court to either give payment plan options or allows the applicant to pay a portion/percentage of the fees. The FW-001 has a check-box for the applicant to make such a request but the FW-003 does not have provisions to grant the request. Instead these options are currently only available on the FW-008 GC Order after hearing. By only giving this option for the order after hearing, additional hearings that require judicial time and resources are being required.</p>	<p>FW-003-GC cannot have such provisions. Item 6c of existing form FW-003 and proposed new form FW-003-GC calls for the applicant to provide more information at a subsequent hearing. This looks like a hearing merely to provide additional information, but a subsequent hearing is required for an order authorizing partial payments or payments over time under Gov. Code sections 68632(c) and 68634(e)(5) second paragraph. Therefore, only the Order After Hearing (form FW-008-GC) may be used and a hearing is in fact required.</p>

Other Comments /Suggestions

Commentator	Comment	Committee Response
<p>Helen Cavanaugh Director Public Law Center Superior Court of Nevada County</p>	<p>In my small county, we assist approximately nine guardianships a month (more than nine children), more as school starts. Most of the “families” we work with here should be CPS [Welf. & Inst. Code] sec. 300 guardianships—processed at no cost to the guardians—and, there are usually multiple children involved, the filing fee can be prohibitive for the potential guardians.</p> <p>Our county does not combine multiple children in one case.</p> <p>A typical family comes into our center, usually stressed because CPS has sent them to us for assistance so the child</p>	<p>See response to comments below</p>

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Other Comments /Suggestions		
Commentator	Comment	Committee Response
	<p>will not be taken into foster care or they are worried that the birth parent will “reappear” and take the child away from the stable home. As a judicial system we request the proposed guardians to complete 17 forms per child plus two fee waiver forms. Our center offers to copy & collate for \$10.00 because our civil clerks dread a pro per walking in with the guardianship forms. We do not have a local attorney that we can refer to for assistance. We assist with all areas of law except divorce and [child] custody. Guardianship is the most bureaucratic and burdensome legal process that we encounter.</p> <p>We assisted two cases last week—one set of grandparents with modest income, who would not be granted a fee waiver, who have an emergency placement of three children aged 11, 15 and 17 years. They can afford one filing fee but three would be very burdensome. The other was a sister (mid-20’s) taking guardianship of her two younger brothers. One brother is over 12, again, she can pay for 1 filing fee but two would be really difficult.</p>	<p>This case should have been decided based on the new law, which became effective on January 1, 2015. The fee waiver should have been based on the wards’ financial condition.</p> <p>But there is no reason why the two petitioners in the described cases would be charged with more than one filing fee if a single petition requested the appointment of a guardian for all of the proposed wards in each case.</p>
Christine N. Donovan, JD, CFLS Senior Staff Research Attorney Family Law and Probate Divisions Superior Court of California, County of Solano	<p>California Rules of Court, rule 3.56 allows the court to waive “necessary court fees and costs” for “witness fees of court-appointed experts” and “other fees or expenses as itemized in the [FW-002] application.”</p> <p>Although a probate referee is a court-appointed expert, it is unclear whether fees charged by probate referees are within the types of fees waivable by the court upon the</p>	<p>Witness fees of court-appointed experts under Evidence Code section 730 are to be paid by counties if their boards of supervisors so provide, or otherwise by the parties in such portions as the court determines, to be taxed and allowed as other costs. It is these party-payable fees that are waivable under rule 3.56. But Probate Referees are paid from the estates as expenses of administration, payable before other debts of the estate. See Prob. Code §§ 2610(c), 8960, and 11420(a)(1).</p>

SP15-02

Court fee waivers in decedents' estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions
 (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

All comments are verbatim unless indicated by an asterisk (*).

Other Comments /Suggestions		
Commentator	Comment	Committee Response
	receipt of either a current FW-002 or the proposed FW-002-GC. Should the FW-002-GC and/or the CRCs explicitly address a probate referee's fees as part of the fee waiver regime?	
Superior Court, County of Monterey Monica J. Mitchell, Research Attorney	<p>1. Other Issues Related to New Law:</p> <p>In Monterey County, we have discussed two issues related to the change in law which are not addressed in the proposed rules:</p> <p>(1) application of the law to the court-appointed attorney for ward or Conservatee; and</p> <p>(2) procedures for waiving Court Investigator fees. We request that these issues be considered when approving the changes to the Rules.</p>	<p>(1)The new law does not apply to court-appointed counsel. However, similar provisions governing eligibility for county (not court) payment of the cost of appointed counsel may be found in Appendix E to the California Rules of Court.</p> <p>(2) The assessments for court investigations are court fees within the meaning of the Government Code provisions on court fee waivers (Gov. Code, § 68631). However, the provisions in Probate Code sections 1513.1 and 1851.5 for waiving these assessments if they would harm the ward or conservatee, or his or her estate, remain in place.</p>
Superior Court, County of Riverside, Riverside Marita C. Ford	The proposal treats proposed fiduciaries differently based on whether they are proposed guardians or conservators or proposed personal representatives. We question whether proposed personal representatives should be treated the same	The committee believes the fee waiver law would have to be changed to permit treatment of decedents' estates the same as the law now treats guardianships and conservatorships.

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Other Comments /Suggestions		
Commentator	Comment	Committee Response
Senior Management Analyst	as proposed guardians or conservators. The financial situation considered in decedent’s estates should be that of the estate and not the personal financial condition of the personal representative. Otherwise, a personal representative of an illiquid and insolvent estate may be required to advance funds for court costs that the estate may have no ability to reimburse. If the rules were the same in all three fiduciary situations, it would simplify the implementation of the new rule.	Estate illiquidity is a discretionary ground for granting a waiver under rule 7.5(f)(1)(A). In an insolvent estate, administration expenses, including court costs, have a higher priority for payment than most creditors. This priority should be sufficient to ensure payment of these costs in most cases of insolvency.

Responses to Requests for Specific Comments		
Commentator	Comment	Committee Response
Ana Hinojosa Court Supervisor- Probate Division Superior Court, County of Kern	Request for Specific Comments In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following: Does the proposal appropriately address the stated purpose? Yes. Would it be preferable to modify the existing forms instead of providing new forms to address applications for fee waivers by guardians, conservators, and petitioners for their appointment?	The committee thanks the commentator for responding so thoroughly to these specific requests for comment.

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Responses to Requests for Specific Comments		
Commentator	Comment	Committee Response
	<p>No, modifying the current forms would affect a larger group of people with the potential of unnecessary confusion.</p> <p>Would the proposal provide cost savings? If so, please quantify.</p> <p>No cost savings to the court appear evident at this time; instead additional time and money would be required to comply with the changes.</p> <p>What would the implementation requirements be for courts, including self-help centers sponsored by courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>As a supervisor of the Probate Division of the Kern County Superior Court, I see an immediate need to revise and/or create new processes to deal with the changes implemented for the case types affected, which would require at least eight hours. Then training would have to be provided to the clerks in my department, which could take approximately two hours. Another 8–16 hours would be required to create new docket, hearing, and reporting codes into the court’s case management system.</p> <p>Training would also be required for the 6 civil departments within our county, and the Self Help and Law Library staff which would multiply the training hours needed.</p>	

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Responses to Requests for Specific Comments		
Commentator	Comment	Committee Response
	<p>The members of the public will also need to understand the forms, and the differences; that will create additional work.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>It may, if no significant changes are made from the proposal.</p> <p>Would an effective date other than January 1 present additional difficulties?</p> <p>Any date right before or right after the publishing of the New Year poverty levels will create additional training and changes to pre-printed form packets.</p> <p>Would those problems be greater or lesser than the problems presented to courts dealing with fee waiver applications by conservators, guardians, or petitioners for their appointments without a rule of court and forms specifically designed for these proceedings, in light of the new law affecting fee waivers in these matters?</p> <p>Greater, if we’re not complying with the changes.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>Whether large or small, the impact will be proportional to the caseload; however communication and adequate training is</p>	

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Responses to Requests for Specific Comments		
Commentator	Comment	Committee Response
	necessary for any court to have a successful transition.	
Superior Court, County of Los Angeles	<p>Response of Los Angeles Superior Court to the “Requests for Specific Comments” included in the Invitation to Comment:</p> <p>1) Yes, the proposal appropriately addresses the stated purpose.</p> <p>2) No, it would not be preferable to modify the existing fee waivers forms for the reasons stated in the introduction to the Request for Comments. It is preferable to create separate forms for use by Guardians and Conservators due to the distinction between the person requesting the waiver and the persons whose assets and income are being considered in granting or denying the waiver.</p> <p>3) There does not appear to be any cost savings to the Court to be derived from the proposal.</p> <p>4) Additional training would be required for Court staff if the proposed forms are implemented. The employees who staff the filing windows will need to be familiarized with the new forms, and appropriately trained to consider only the financial information relative to the protected person and not the applicant him/herself. It would be anticipated that at least two training sessions would be required for a minimum of 10 employees, with follow up attention by supervisors/managers to ensure that the applications are being processed correctly. It is anticipated that the Court’s Case Management Software would need to be modified to enable the system to recognize the</p>	The committee thanks the court for responding to these specific requests for comment.

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Responses to Requests for Specific Comments		
Commentator	Comment	Committee Response
	<p>applicability of the order waiving fees to an individual (or individuals) other than the applicant. It is not currently possible to enter such information into the Los Angeles Superior Court’s current CMS. It is unknown at this time whether the system could be modified or how long that might take.</p> <p>5) A three month time window of time from the approval of the new forms and Rule to their implementation would not pose a problem for the training of employees, but it may not afford the Court’s IT staff sufficient time to address the potential modifications to the case management software.</p> <p>6) Any effective date, including a date other than January 1, would be acceptable.</p> <p>7) The Proposed CRC and JC forms should lessen any difficulties created by the new fee waiver legislation by providing forms that have been customized to better address the special factors that come into play in protective probate proceedings.</p> <p>8) It does not appear that the size of the court would have any effect upon the implementation of the proposal.</p>	
<p>Superior Court, County of Riverside, Riverside Marita C. Ford Senior Management Analyst</p>	<p>Response to Request for Specific Comments to SP15-02</p> <p>Q. Does the proposal appropriately address the stated purpose?</p> <p>A. Yes.</p>	<p>The committee thanks the court for responding to these specific comments.</p>

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Responses to Requests for Specific Comments		
Commentator	Comment	Committee Response
	<p>Q. Would it be preferable to modify the existing forms instead of providing new forms to address applications for fee waivers by guardians, conservators, and petitioners for their appointment?</p> <p>A. No.</p> <p>Q. Would the proposal provide cost savings? If so, please quantify.</p> <p>A. No. The legislation that mandates this proposal will result in a substantial decrease in investigation assessments collected by the court. However, these are caused by the legislation and not this proposal.</p> <p>Q. What would the implementation requirements be for courts, including self-help centers sponsored by courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>A. We will be required to draft a separate procedure for the new forms which would include creating new codes in the case management system. Once completed, we would be required to train all probate court staff (Court Services Assistants, Senior Court Services Assistants, and Court Services Supervisors) on the new procedure which we would estimate at 4 hours for each training session.</p>	

SP15-02

Court fee waivers in decedents’ estates, guardianships, and conservatorships, and for wards and conservatees participating in civil actions (Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO)

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Responses to Requests for Specific Comments		
Commentator	Comment	Committee Response
	<p>Q. Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>A. Yes, three months would be sufficient time.</p> <p>Q. Would an effective date other than January 1 present additional difficulties?</p> <p>A. Yes.</p> <p>Q. Would those problems be greater or lesser than the problems presented to courts dealing with fee waiver applications by conservators, guardians, or petitioners for their appointments without a rule of court and forms specifically designed for these proceedings, in light of the new law affecting fee waivers in these matters?</p> <p>A. Lesser.</p>	



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

Title

Child Support: Revise Base Funding Allocation for Fiscal Year 2015–2016 for the Family Law Facilitator Program

Agenda Item Type

Action Required

Effective Date

July 28, 2015

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

July 9, 2015

Recommended by

Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Contact

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise the fiscal year (FY) 2015–2016 allocation for the Family Law Facilitator Program that it approved on April 17, 2015. The revision adds an allocation to support facilitator services for the Superior Court of Trinity County and corrects minor technical errors.

Revised allocations were calculated using the same council-approved funding methodology applied to calculate the allocations approved by the Judicial Council on April 17. Some courts opted to maintain the same allocation they had in FY 2014–2015. Other courts requested an increase, and some requested a reduction. The revised allocations only affect the courts that requested additional funds for FY 2015–2016.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise

the allocation for the Family Law Facilitator Program for FY 2015–2016 to include an allocation to support facilitator services for the Superior Court of Trinity County, then use the same allocation methodology adopted by the council on April 17, 2015, to allocate remaining funding statewide.

Allocations revised to include Trinity funding are shown in Attachment A on page 5.

Previous Council Action

The Judicial Council is required annually to allocate Assembly Bill 1058 funding to the Family Law Facilitator Program, and has done so since 1997.¹ A cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council provides the funds for this program and requires the council to annually approve the funding allocation. Two-thirds of the funds are federal, and one-third comes from the state General Fund as part of the DCSS annual budget.

In addition, in FY 2007–2008, DCSS and the Judicial Council of California provided an optional mechanism for the courts to recover two-thirds of additional program costs beyond the contract maximum by participating in the federal drawdown funding. Courts that participate in the federal drawdown are required to provide a 34 percent match from local trial court funds. The contract amount does not include the local court’s share. This federal drawdown option continues to be available for FY 2015–2016.

On April 17, 2015, the Judicial Council allocated funds to the Family Law Facilitator Program for FY 2015–2016.

Rationale for Recommendation

The Judicial Council is responsible for the allocation of base program funding at the beginning of each fiscal year. Under an established procedure described in the standard agreement with each superior court, questionnaires are sent annually to each court requesting the information needed to evaluate appropriate funding levels. On April 17, 2015, the Judicial Council allocated base funding and federal drawdown for the Family Law Facilitator Program for FY 2015–2016. Unfortunately, the allocation for the Superior Court of Trinity County was inadvertently omitted. In addition, there were some minor mathematical errors in the allocation table. Affected courts were notified of the corrections by Judicial Council staff on April 28, 2015.

The committee recommends that the Judicial Council adopt a revised allocation to restore base funding and federal drawdown to support facilitator services for the Superior Court of Trinity

¹ AB 1058 added article 4 to chapter 2, of part 2, of division 9 of the Family Code, which at section 4252(b)(6) requires the Judicial Council to “[e]stablish procedures for the distribution of funding to the courts for child support commissioners, family law facilitators pursuant to [Fam. Code] Division 14 (commencing with Section 10000) and related allowable costs.”10000) and related allowable costs.”10000) and related allowable costs.”

County in the amount of \$24,833 in base funding and \$34,565 in federal drawdown, the same amount allocated for FY 2014–2015. Based on the terms of the intrabranch agreement between the Shasta and Trinity courts, the committee recommends that these funds be included in the allocation to the Superior Court of Shasta County.

The committee recommends that the Judicial Council allocate base funding and federal drawdown funding statewide consistent with the funding methodology used by the council when it made its allocation on April 17, 2015.² By applying the methodology, courts would be funded at the same level received for FY 2014–2015³, unless they requested to reduce their base funding or federal drawdown participation. Then, available base and federal drawdown funds would be allocated among all the courts that requested additional funds, proportionate to their share of the total base funding. Applying this methodology provides courts with funds consistent with the funding they received in the prior fiscal year. Courts that have requested additional funds will receive some additional funding, although slightly less than allocated by the council on April 17, 2015.

Only courts that requested to augment their funding are impacted by the allocation revision to include Trinity County. Some courts only requested an increase to base funding, some courts only requested an increase in federal drawdown participation, while some courts requested additional base funding and federal drawdown participation.

The committee recommends the Judicial Council adopt the allocations for the Family Law Facilitator Program shown in Attachment A on page 5. Attachment A includes an allocation for the Superior Court of Trinity County that was inadvertently not included in the recommendation to the Judicial Council in the council’s allocation on April 17, 2015.

Comments, Alternatives Considered, and Policy Implications

This proposal was not circulated for public comment; however, a detailed funding questionnaire was completed by the courts wherein they indicated their request to maintain current funding levels, request additional funding, or request to reduce funding. These questionnaires were used to develop the original allocation recommendations adopted by the Judicial Council at the April 17, 2015 meeting.

Alternatives considered for allocating base funding, FY 2015–2016

Under Family Code 10002, each superior court is required to maintain an office of the family

²Attachment D on page 8 reflects the corrections to the allocations of April 17, 2015, for the Family Law Facilitator Program for FY 2015–2016 due to some minor mathematical errors. Affected courts were notified of the corrections by Judicial Council staff on April 28, 2015.

³Attachment B on page 6 shows the Judicial Council’s FY 2014-2015 allocation for the Family Law Facilitator Program, which includes an allocation for the Superior Court of Trinity County.

law facilitator. The committee considered not acting on this request to reconsider FY 2015–2016 allocations but because that would require the court to support facilitator services from its operating budget, the committee decided that seeking a reallocation was most appropriate. The committee considered waiting until the midyear reallocation and then reallocating funding to support the Superior Court of Trinity County facilitator services based on money returned by courts that do not expect to spend their full allocation, rather than revising the allocation at the beginning of the fiscal year. However, it is uncertain whether any funds would be available at that time to reallocate. Finally, the committee considered bringing this recommendation to the Judicial Council’s August meeting but the committee recommends expediting this revised allocation so that contracts can be distributed to the courts as close to the beginning of the fiscal year as possible. Courts cannot be reimbursed for expenses incurred for the Family Law Facilitator Program until a contract has been executed by the council and the local court.

Implementation Requirements, Costs, and Operational Impacts

There are no additional costs originating from this report. With this reallocation—as with the April 17, 2015 original allocation of FY 2015–2016 funds—in order for courts to draw down federal funds, federal provisions require payment of a state share of one-third of total expenditures. Therefore, each participating court will need to provide the one-third share of the court’s total cost to draw down two-thirds of total expenditures from federal participation.

Attachments

1. Attachment A. Recommended Allocation (Trinity funding allocation added to Shasta/Trinity allocation per intrabranch agreement), at page 5
2. Attachment B. Family Law Facilitator Program Allocation Adopted by the Judicial Council for FY 2014–2015, at page 6
3. Attachment C. Family Law Facilitator Program Allocation Adopted by the Judicial Council on April 17, 2015 for FY 2015–2016, at page 7
4. Attachment D. Family Law Facilitator Program Allocations with April 28, 2015 Corrections, FY 2015–2016, at page 8

Attachment A. Recommended Allocation (Trinity funding allocation added to Shasta/Trinity allocation per intrabranch agreement)

FAMILY LAW FACILITATOR PROGRAM ALLOCATION, FY 2015-2016							
	A	B	C	D	E	F	
COURT	Recommended Base Funding Allocation	Recommended Federal Drawdown Option	Federal Share 66% (Column B x .66)	Court Share 34% (Column B x .34)	Total Allocation (Column A + B)	Contract Amount (Column A + C)	
1	Alameda	369,025	160,062	105,641	54,421	529,087	474,666
2	Alpine	See El Dorado					
3	Amador	See Calaveras					
4	Butte	103,647	44,095	29,103	14,992	147,742	132,750
5	Calaveras/Amador	119,392	10,925	7,211	3,715	130,317	126,603
6	Colusa	53,598	22,261	14,692	7,569	75,859	68,291
7	Contra Costa	351,312	2,848	1,880	968	354,161	353,192
8	Del Norte	50,932	5,551	3,664	1,887	56,483	54,596
9	El Dorado/Alpine	108,010	45,738	30,187	15,551	153,748	138,197
10	Fresno	400,028	169,391	111,798	57,593	569,419	511,826
11	Glenn	77,218	32,697	21,580	11,117	109,915	98,798
12	Humboldt	90,844	37,730	24,902	12,828	128,574	115,746
13	Imperial	53,598	22,696	14,979	7,716	76,294	68,577
14	Inyo	58,249	24,666	16,280	8,387	82,915	74,528
15	Kern	360,065	152,467	100,629	51,839	512,532	460,694
16	Kings	59,411	25,159	16,605	8,554	84,570	76,016
17	Lake	58,640	24,948	16,466	8,482	83,588	75,106
18	Lassen	79,131	47,352	31,252	16,100	126,483	110,383
19	Los Angeles	1,916,241	746,897	492,952	253,945	2,663,138	2,409,193
20	Madera	82,062	23,043	15,208	7,835	105,105	97,270
21	Marin	139,122	-	-	-	139,122	139,122
22	Mariposa	46,234	-	-	-	46,234	46,234
23	Mendocino	61,300	26,589	17,549	9,040	87,889	78,849
24	Merced	100,217	42,636	28,140	14,496	142,853	128,357
25	Modoc	72,130	1,247	823	424	73,377	72,953
26	Mono	49,055	1,255	828	427	50,310	49,884
27	Monterey	122,582	51,907	34,259	17,648	174,489	156,840
28	Napa	62,790	26,589	17,549	9,040	89,380	80,339
29	Nevada/Sierra	118,168	50,273	33,180	17,093	168,441	151,348
30	Orange	547,203	231,711	152,929	78,782	778,914	700,132
31	Placer	91,293	38,657	25,514	13,143	129,950	116,807
32	Plumas	56,866	7,254	4,788	2,466	64,120	61,654
33	Riverside	674,668	285,687	188,554	97,134	960,355	863,221
34	Sacramento	313,890	132,917	87,725	45,192	446,807	401,615
35	San Benito	61,300	26,080	17,213	8,867	87,380	78,513
36	San Bernardino	465,711	197,204	130,155	67,049	662,915	595,865
37	San Diego	617,210	230,230	151,952	78,278	847,440	769,162
38	San Francisco	249,820	105,787	69,819	35,967	355,607	319,639
39	San Joaquin	217,745	68,636	45,300	23,336	286,381	263,045
40	San Luis Obispo	68,133	28,850	19,041	9,809	96,984	87,175
41	San Mateo	129,159	56,021	36,974	19,047	185,180	166,133
42	Santa Barbara	173,072	71,882	47,442	24,440	244,954	220,514
43	Santa Clara	451,723	191,283	126,247	65,036	643,005	577,969
44	Santa Cruz	75,365	31,913	21,063	10,850	107,278	96,428
45	Shasta/Trinity	188,897	104,037	68,665	35,373	292,935	257,562
46	Sierra	See Nevada					
47	Siskiyou	75,822	32,258	21,290	10,968	108,080	97,112
48	Solano	131,471	36,916	24,365	12,551	168,387	155,836
49	Sonoma	140,457	59,478	39,255	20,222	199,935	179,712
50	Stanislaus	223,137	94,930	62,654	32,276	318,067	285,791
51	Sutter	67,333	28,513	18,819	9,694	95,846	86,152
52	Tehama	27,802	3,286	2,169	1,117	31,088	29,971
53	Trinity	See Shasta					
54	Tulare	312,151	120,095	79,263	40,832	432,246	391,414
55	Tuolumne	65,735	27,967	18,458	9,509	93,702	84,193
56	Ventura	256,956	108,807	71,813	36,995	365,764	328,769
57	Yolo	77,666	32,888	21,706	11,182	110,553	99,371
58	Yuba	66,769	28,274	18,661	9,613	95,043	85,430
Totals	10,990,357	4,180,585	2,759,186	1,421,399	15,170,942	13,749,543	

FLF Base Funds 10,990,357
 FLF Federal Drawdown 4,180,585
 Total Funding Available 15,170,942

Attachment B. Family Law Facilitator Program Allocation Adopted by the Judicial Council for FY 2014-2015

FAMILY LAW FACILITATOR PROGRAM ALLOCATION, FY 2014-2015						
	A	B	C	D	E	F
County	Recommended Base Funding Allocation	Recommended Federal Drawdown Option	Federal Share 66% (Column B x .66)	Court Share 34% (Column B x .34)	Total Allocation (Column A + B)	Contract Amount (Column A + C)
Alameda	369,025	156,997	103,618	53,379	526,022	472,643
Alpine	See El Dorado					
Amador	See Calaveras					
Butte	103,647	44,095	29,103	14,992	147,742	132,750
Calaveras/Amador	119,392	10,926	7,211	3,715	130,318	126,603
Colusa	52,326	22,261	14,692	7,569	74,587	67,018
Contra Costa	342,973		-	-	342,973	342,973
Del Norte	49,723	5,138	3,391	1,747	54,861	53,114
El Dorado/Alpine	105,446	44,862	29,609	15,253	150,308	135,055
Fresno	390,532	166,148	109,658	56,490	556,680	500,190
Glenn	75,385	32,071	21,167	10,904	107,456	96,552
Humboldt	88,688	37,730	24,902	12,828	126,418	113,590
Imperial	52,326	22,261	14,692	7,569	74,587	67,018
Inyo	56,866	24,194	15,968	8,226	81,060	72,834
Kern	351,518	149,548	98,702	50,846	501,066	450,220
Kings	58,001	24,677	16,287	8,390	82,678	74,288
Lake	58,640	24,948	16,466	8,482	83,588	75,106
Lassen	111,304	47,352	31,252	16,100	158,656	142,556
Los Angeles	1,870,754	746,897	492,952	253,945	2,617,651	2,363,706
Madera	82,062	34,914	23,043	11,871	116,976	105,105
Marin	139,122	59,186	39,063	20,123	198,308	178,185
Mariposa	46,234	-	-	-	46,234	46,234
Mendocino	61,300	26,080	17,213	8,867	87,380	78,513
Merced	100,217	42,636	28,140	14,496	142,853	128,357
Modoc	72,130	1,889	1,247	642	74,019	73,377
Mono	47,891	1,255	828	427	49,146	48,719
Monterey	119,672	50,914	33,603	17,311	170,586	153,275
Napa	61,300	26,080	17,213	8,867	87,380	78,513
Nevada/Sierra	118,168	50,273	33,180	17,093	168,441	151,348
Orange	534,214	227,274	150,001	77,273	761,488	684,215
Placer	89,126	37,917	25,025	12,892	127,043	114,151
Plumas	56,866	7,254	4,788	2,466	64,120	61,654
Riverside	658,653	280,217	184,943	95,274	938,870	843,596
Sacramento	306,439	130,373	86,046	44,327	436,812	392,485
San Benito	61,300	26,080	17,213	8,867	87,380	78,513
San Bernardino	454,656	193,427	127,662	65,765	648,083	582,318
San Diego	602,559	225,226	148,649	76,577	827,785	751,208
San Francisco	243,890	103,761	68,482	35,279	347,651	312,372
San Joaquin	217,745	68,636	45,300	23,336	286,381	263,045
San Luis Obispo	66,516	28,298	18,677	9,621	94,814	85,193
San Mateo	129,159	54,948	36,266	18,682	184,107	165,425
Santa Barbara	168,964	71,882	47,442	24,440	240,846	216,406
Santa Clara	441,000	187,620	123,829	63,791	628,620	564,829
Santa Cruz	73,576	31,302	20,659	10,643	104,878	94,235
Shasta	160,170	68,142	44,974	23,168	228,312	205,144
Siskiyou	75,822	32,258	21,290	10,968	108,080	97,112
Sierra	See Nevada					
Solano	131,471	55,933	36,916	19,017	187,404	168,387
Sonoma	137,123	58,339	38,504	19,835	195,462	175,627
Stanislaus	223,137	94,930	62,654	32,276	318,067	285,791
Sutter	65,735	27,967	18,458	9,509	93,702	84,193
Tehama	27,802	3,286	2,169	1,117	31,088	29,971
Trinity	24,833	34,565	22,813	11,752	59,398	47,646
Tulare	312,151	117,503	77,552	39,951	429,654	389,703
Tuolumne	65,735	27,967	18,458	9,509	93,702	84,193
Ventura	250,857	106,724	70,438	36,286	357,581	321,295
Yolo	75,822	32,258	21,290	10,968	108,080	97,112
Yuba	65,184	27,733	18,304	9,429	92,917	83,488
TOTALS	10,825,147	4,215,154	2,782,002	1,433,152	15,040,301	13,607,149

FLF Base Funds 10,825,147
 FLF Federal Drawdown 4,215,154
 Total Funding Available 15,040,301

Attachment C. Family Law Facilitator Program Allocation Adopted by the Judicial Council on April 17, 2015 for FY 2015-2016

FAMILY LAW FACILITATOR PROGRAM ALLOCATION, FY 2015-16						
	A	B	C	D	E	F
COURT	Recommended Base Funding Allocation	Recommended Federal Drawdown Option	Federal Share 66% (Column B x .66)	Court Share 34% (Column B x .34)	Total Allocation (Column A + B)	Contract Amount (Column A + C)
1	Alameda	369,025	161,948	107,336	55,294	476,361
2	Alpine	See El Dorado				
3	Amador	See Calaveras				
4	Butte	103,647	44,095	29,103	14,992	132,750
5	Calaveras/Amador	119,392	10,925	7,211	3,715	126,603
6	Colusa	53,758	22,261	14,692	7,569	68,611
7	Contra Costa	352,361	4,602	3,456	1,780	356,870
8	Del Norte	51,084	5,805	3,892	2,005	55,129
9	El Dorado/Alpine	108,332	46,277	30,671	15,800	139,328
10	Fresno	401,222	171,388	113,593	58,517	516,014
11	Glenn	77,449	33,082	21,926	11,295	99,606
12	Humboldt	91,116	37,730	24,902	12,828	116,290
13	Imperial	53,758	22,963	15,219	7,840	69,139
14	Inyo	58,423	24,957	16,541	8,521	75,138
15	Kern	361,140	154,265	102,244	52,671	464,463
16	Kings	59,589	25,455	16,871	8,691	76,638
17	Lake	58,640	24,948	16,466	8,482	75,106
18	Lassen	79,131	47,352	31,252	16,100	110,383
19	Los Angeles	1,921,963	746,897	492,952	253,945	2,420,660
20	Madera	82,062	23,043	15,208	7,835	97,270
21	Marin	139,122	-	-	-	139,122
22	Mariposa	46,234	-	-	-	46,234
23	Mendocino	61,300	26,903	17,830	9,185	79,130
24	Merced	100,217	42,636	28,140	14,496	128,357
25	Modoc	72,130	1,247	823	424	72,953
26	Mono	49,203	1,255	828	427	50,177
27	Monterey	122,948	52,519	34,808	17,932	158,124
28	Napa	62,978	26,904	17,830	9,185	80,997
29	Nevada/Sierra	118,168	50,273	33,180	17,093	151,348
30	Orange	548,837	234,442	155,384	80,046	705,861
31	Placer	91,566	39,113	25,923	13,354	117,763
32	Plumas	56,866	7,254	4,788	2,466	61,654
33	Riverside	676,683	289,055	184,943	95,274	843,596
34	Sacramento	314,827	134,484	89,133	45,917	404,902
35	San Benito	61,300	26,800	17,213	8,867	78,513
36	San Bernardino	467,102	199,528	132,244	68,125	600,741
37	San Diego	619,053	233,311	154,721	79,705	775,624
38	San Francisco	250,566	107,033	70,940	36,545	322,255
39	San Joaquin	217,745	68,636	45,300	23,336	263,045
40	San Luis Obispo	68,337	29,190	19,347	9,967	87,888
41	San Mateo	129,159	56,681	37,567	19,353	166,726
42	Santa Barbara	173,589	71,882	47,442	24,440	221,550
43	Santa Clara	453,072	193,537	128,273	66,080	582,699
44	Santa Cruz	75,590	32,289	21,401	11,025	97,217
45	Shasta/Trinity	164,554	70,291	44,974	23,168	205,144
46	Sierra	See Nevada				
47	Siskiyou	75,822	32,258	21,290	10,968	97,112
48	Solano	131,471	36,916	24,365	12,551	155,836
49	Sonoma	140,877	60,179	39,885	20,547	181,183
50	Stanislaus	223,137	94,930	62,654	32,276	285,791
51	Sutter	67,534	28,849	19,121	9,850	86,857
52	Tehama	27,802	3,286	2,169	1,117	29,971
53	Trinity	See Shasta				
54	Tulare	312,151	121,691	80,697	41,571	392,848
55	Tuolumne	65,735	27,967	18,458	9,509	84,193
56	Ventura	257,724	110,090	72,965	37,588	331,460
57	Yolo	77,898	33,275	22,054	11,361	100,185
58	Yuba	66,968	28,608	18,961	9,768	86,129
Totals	10,990,357	4,180,585	2,759,186	1,421,399	15,170,942	13,749,543

FLF Base Funds 10,990,357
 FLF Federal Drawdown 4,180,585
 Total Funding Available 15,170,942

Attachment D. Family Law Facilitator Program Allocations with April 28, 2015 Corrections, FY 2015-2016

FAMILY LAW FACILITATOR PROGRAM ALLOCATION, FY 2015-16						
	A	B	C	D	E	F
COURT	Recommended Base Funding Allocation	Recommended Federal Drawdown Option	Federal Share 66% (Column B x .66)	Court Share 34% (Column B x .34)	Total Allocation (Column A + B)	Contract Amount (Column A + C)*
1	Alameda	369,025	161,948	106,886	55,062	475,911
2	Alpine	See El Dorado				
3	Amador	See Calaveras				
4	Butte	103,647	44,095	29,103	14,992	132,750
5	Calaveras/Amador	119,392	10,925	7,211	3,715	126,603
6	Colusa	53,758	22,261	14,692	7,569	68,450
7	Contra Costa	352,361	4,602	3,037	1,565	355,398
8	Del Norte	51,084	5,805	3,831	1,974	54,915
9	El Dorado/Alpine	108,332	46,277	30,543	15,734	138,875
10	Fresno	401,222	171,388	113,116	58,272	514,338
11	Glenn	77,449	33,082	21,834	11,248	99,283
12	Humboldt	91,116	37,730	24,902	12,828	116,018
13	Imperial	53,758	22,963	15,156	7,807	68,914
14	Inyo	58,423	24,957	16,472	8,485	74,895
15	Kern	361,140	154,265	101,815	52,450	462,955
16	Kings	59,589	25,455	16,800	8,655	76,389
17	Lake	58,640	24,948	16,466	8,482	75,106
18	Lassen	79,131	47,352	31,252	16,100	110,383
19	Los Angeles	1,921,963	746,897	492,952	253,945	2,414,915
20	Madera	82,062	23,043	15,208	7,835	97,270
21	Marin	139,122	-	-	-	139,122
22	Mariposa	46,234	-	-	-	46,234
23	Mendocino	61,300	26,903	17,756	9,147	79,056
24	Merced	100,217	42,636	28,140	14,496	128,357
25	Modoc	72,130	1,247	823	424	72,953
26	Mono	49,203	1,255	828	427	50,031
27	Monterey	122,948	52,519	34,663	17,856	157,611
28	Napa	62,978	26,904	17,757	9,147	80,735
29	Nevada/Sierra	118,168	50,273	33,180	17,093	151,348
30	Orange	548,837	234,442	154,732	79,710	703,569
31	Placer	91,566	39,113	25,815	13,298	117,381
32	Plumas	56,866	7,254	4,788	2,466	61,654
33	Riverside	676,683	289,055	190,776	98,279	867,459
34	Sacramento	314,827	134,484	88,759	45,725	403,586
35	San Benito	61,300	26,080	17,213	8,867	78,513
36	San Bernardino	467,102	199,528	131,688	67,840	598,790
37	San Diego	619,053	233,311	153,985	79,326	773,038
38	San Francisco	250,566	107,033	70,642	36,391	321,208
39	San Joaquin	217,745	68,636	45,300	23,336	263,045
40	San Luis Obispo	68,337	29,190	19,265	9,925	87,602
41	San Mateo	129,159	56,681	37,409	19,272	166,568
42	Santa Barbara	173,589	71,882	47,442	24,440	221,031
43	Santa Clara	453,072	193,537	127,734	65,803	580,806
44	Santa Cruz	75,590	32,289	21,311	10,978	96,901
45	Shasta/Trinity	164,554	70,291	46,392	23,899	210,946
46	Sierra	See Nevada				
47	Siskiyou	75,822	32,258	21,290	10,968	97,112
48	Solano	131,471	36,916	24,365	12,551	155,836
49	Sonoma	140,877	60,179	39,718	20,461	180,595
50	Stanislaus	223,137	94,930	62,654	32,276	285,791
51	Sutter	67,534	28,849	19,040	9,809	86,574
52	Tehama	27,802	3,286	2,169	1,117	29,971
53	Trinity	See Shasta				
54	Tulare	312,151	121,691	80,316	41,375	392,467
55	Tuolumne	65,735	27,967	18,458	9,509	84,193
56	Ventura	257,724	110,090	72,659	37,431	330,383
57	Yolo	77,898	33,275	21,962	11,314	99,860
58	Yuba	66,968	28,608	18,881	9,727	85,849
Totals	10,990,357	4,180,585	2,759,186	1,421,399	15,170,942	13,749,543

FLF Base Funds 10,990,357
 FLF Federal Drawdown 4,180,585
 Total Funding Available 15,170,942

*Allocations reflect revisions to April 17, 2015 Judicial Council report per April 28, 2015 letter to courts.



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

Title	Agenda Item Type
Collaborative Justice: Funding for Parolee Reentry Court Programs through the California Department of Corrections and Rehabilitation	Action Required
	Effective Date
	July 28, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	July 7, 2015
Recommended by	Contact
Collaborative Justice Courts Advisory Committee	Francine Byrne, 415-865-8069 francine.byrne@jud.ca.gov
Hon. Richard Vlavianos, Chair	Arley Lindberg, 415-865-7682 arley.lindberg@jud.ca.gov

Executive Summary

The Collaborative Justice Courts Advisory Committee (CJCAC) recommends that the Judicial Council enter into an interagency agreement with the California Department of Corrections and Rehabilitation (CDCR) to continue the California Parolee Reentry Court Program and direct the CJCAC to determine maximum allocations and execute a funding model, based on a non-competitive funding formula, for which all courts that meet program criteria may apply. The interagency agreement will transfer \$4.4 million in funding from CDCR to the Judicial Council to expand and enhance the reentry court program with the goal of reducing recidivism in the parolee population.

Recommendation

The Collaborative Justice Courts Advisory Committee (CJCAC) recommends that the Judicial Council, effective July 28, 2015:

1. Direct staff to enter into a two-year interagency agreement on behalf of the Judicial Council with the California Department of Corrections and Rehabilitation (CDCR) in the amount of \$4.4 million to support the expansion and enhancement of parolee reentry courts. Of this amount, \$4.18 million will be distributed to the trial courts and 5 percent (\$220,000) will be allocated to the Judicial Council for program management, data collection, and other administrative overhead costs. A letter of intent from CDCR concerning this interagency agreement is included in this report as Attachment A.
2. Direct the CJCAC to execute the funding model, including maximum allocations, based on a noncompetitive formula, for which all courts that meet program criteria may apply. This noncompetitive grant will be available to all interested parolee reentry court programs that meet the criteria, including adherence to the collaborative justice court model, as well as demonstrate the ability to meet data collection and programmatic requirements. The funding formula methodology and recommended funding maximums are included in this report on page 7.
3. Direct the CJCAC to allocate remaining funds to future eligible courts through the non-competitive funding formula methodology.

Previous Council Action

On July 25, 2013 the Judicial Council accepted the recommendation by the CJCAC to enter into a two-year interagency agreement with CDCR in the amount of \$3 million to support existing parolee reentry courts, as directed by the Legislature in the Budget Act of 2013.

On December 12, 2014 the Judicial Council received the *California Parolee Reentry Court Evaluation Report* and directed the Administrative Director to submit this report to the California Legislature and Governor, as mandated by Penal Code section 3015. Under the statute, the Judicial Council was required to submit a final evaluation report that assesses the pilot reentry court program's effectiveness in reducing recidivism no later than three years after the establishment of a reentry court.

Rationale for Recommendation

A parolee reentry court is a collaborative justice court, similar to a drug court, that provides an alternative to reincarceration for parole violators with a history of substance abuse or mental health issues. These courts combine intensive judicial supervision and collaboration among justice system partners with rehabilitation services to reduce recidivism and improve outcomes for participants.

In 2009, in an effort to reduce recidivism, lower state spending on incarceration, and maintain public safety, the California Legislature enacted the Parolee Reentry Accountability Program set forth in Penal Code section 3015, which established the parolee reentry court pilot program. The Legislature allocated \$10 million in American Recovery and Reinvestment Act (ARRA) Byrne Memorial Justice Assistance Grant monies through a competitive bid process and funded parolee reentry courts in the following California counties: Alameda, Los Angeles, San Diego, San Francisco, San Joaquin, and Santa Clara. These pilot programs began operation between October 2010 and January 2011.

Penal Code section 3015 also charged the Judicial Council to work in collaboration with CDCR to support the implementation and operation of reentry courts, and to evaluate the program to assess its effectiveness in reducing recidivism. The final evaluation report, submitted to the Judicial Council on December 12, 2014, stated that:

- Reentry courts are serving the intended high-risk, high-need target populations.
- Reentry court participants were revoked (for either parole violations or new crimes) less frequently than the comparison group and therefore spent fewer days in prison.
- Reentry court participants were rearrested more often than the comparison group; however, an exploratory analysis of a subsample of conviction data indicates that reentry court participants may be convicted less often than the comparison group.

The 2012–2013 State Budget included an allocation of \$3 million from CDCR for the continued operation of reentry courts. The budget bill language stated: “The Department of Corrections and Rehabilitation may utilize up to \$ 3,000,000 of funds appropriated in this item for use in the 2012–13 fiscal year to support Parolee Reentry Courts funded pursuant to subdivision (d) of Provision 2 of item 0690-102-0890, Budget Act of 2009 (Ch. 1. 2009-10 3rd Ex. Sess., as revised by Ch.1, 2009-10 4th Ex. Sess.).” In accordance with the budget language, the Judicial Council allocated the funding to the Superior Courts of Alameda, San Diego, San Francisco, San Joaquin, and Santa Clara Counties.¹ In addition to funding the courts, the council retained a 5 percent allocation to cover the costs of grant administration, expenditure tracking, and data collection and reporting.

The CDCR is interested in continuing its support of the reentry court program for two additional years and expanding the program into other interested jurisdictions. If executed, the recommended interagency agreement will secure funding for the expansion of reentry courts into new jurisdictions and support preexisting reentry court programs. The goals of the California Parolee Reentry Court Program are to:

¹ The 2012–2013 reentry court funds originated with the California Department of Corrections and Rehabilitation and focused solely on parolees, the only supervised population that falls under the jurisdiction of CDCR. The Superior Court of Los Angeles County’s reentry court population is primarily composed of women who are supervised by the probation department on postrelease community supervision, and did not receive funding through CDCR.

- Reduce recidivism and parole revocation;
- Reduce criminal justice costs by providing rehabilitation in lieu of incarceration;
- Increase public safety; and
- Implement each program in a cost-effective manner.

In order to be eligible for funding, the reentry court programs must meet the following criteria:

- Operate using a collaborative justice court model, informed by the 11 Guiding Principles of Collaborative Justice Courts set forth by the Judicial Council’s Collaborative Justice Courts Advisory Committee;
- Serve high risk/high need parolees who have violated the conditions of their parole;
- Use funds for parolees. Because the funds originate with CDCR they must be used to support individuals that fall under the jurisdiction of CDCR, as opposed to individuals supervised by probation (i.e. those on postrelease community supervision, mandatory supervision, or felony probation);
- Include a parole agent and case manager on the reentry court team; and
- Submit quarterly reports on program activities, accomplishments, and challenges, as well as participant data.

Comments, Alternatives Considered, and Policy Implications

The use of a competitive request for proposal (RFP) process to distribute funds could be considered as an alternative to a noncompetitive formulaic funding model; however, the RFP process is lengthy and would not be feasible given the limited time frame of this interagency agreement. Because there are a limited number of jurisdictions currently operating or planning to implement reentry courts, the CJCAC believes there is sufficient funding for all interested parties that meet the criteria through a noncompetitive process. CJCAC has experience in developing and executing noncompetitive formula-based grants and has modeled this allocation formula on the Substance Abuse Focus Grant (SAFG) program, which has been successfully providing funds to the courts since 2002.

The reentry court funding formula considers the following:

- Total funding amount available;
- Number of courts requesting funds;
- Active program caseloads;
- Information from current reentry court program expenditures; and
- Cost per participant information based on the Judicial Council’s 2006 drug court cost study.

Like the Substance Abuse Focus Grant, this formula includes a standard base allocation for each court as well as a caseload-based allocation determined by the number of program participants. The base allocation supports court administrative and program activities that apply to each parolee reentry program regardless of the number of participants, and may include costs associated with grant and contract management, data reporting, project overhead, etc. The

caseload-based allocations were determined according to average expenditures of the existing reentry courts as well as per participant costs identified in the Judicial Council's 2006 drug court cost study.² Allocations were determined based on the program's active caseload when at full capacity. Reentry courts represent an emerging collaborative justice court program that is being implemented in an increasing number of jurisdictions. It is likely that the number of reentry courts will continue to grow due to the enactment of public safety realignment, which shifted responsibility for most parole violation hearings from CDCR to the courts and allows for referral to a reentry court as a disposition option for supervision violations. This program will support courts that currently operate reentry courts and will enable other interested jurisdictions to implement new programs.

Implementation Requirements, Costs, and Operational Impacts

Judicial Council staff sent an e-mail to all trial court presiding judges and court executive officers on April 28, 2015 to alert them to this grant opportunity and gauge their interest in applying for funding to either implement or enhance an existing reentry court program. Information about this funding opportunity was then sent out in *Court News Update*, posted on Serranus, and sent to the CJCAC membership. Nineteen courts initially responded to express interest in the funding. After distributing additional information about the program, seven courts confirmed that their programs met eligibility requirements. Five of the seven courts have existing reentry court programs (Alameda, San Francisco, San Diego, San Joaquin, and Santa Clara) and two will be implementing new programs (Mono and Santa Cruz).

Most of the other 12 courts that originally expressed interest in the funding were not considered eligible because their proposed programs focus on reentry populations not covered under this grant (i.e. mandatory supervision and postrelease community supervision populations). Because individuals on mandatory supervision and postrelease community supervision do not fall under the CDCR's jurisdiction, only parolee reentry programs can be served through this program. Some of the ineligible courts expressed a desire to create parolee reentry court programs, but indicated that they needed more time to develop program policies and procedures. Judicial Council staff will work with these courts, provide technical assistance, and allocate the remaining funds, as appropriate.

The CJCAC will utilize the funding formula described above to equitably distribute \$4.18 million of the total \$4.4 million to all trial courts that meet eligibility requirements. Once this process is approved by the Judicial Council, the CJCAC will inform all eligible courts of the maximum funding amount for which they may apply. Courts will then submit a program and spending plan, and contracts will be executed based on acceptance of these items. The CJCAC

² Although no cost-benefit studies have been conducted on reentry courts to date, they are modeled after drug courts, which have been extensively studied. The 2006 Judicial Council cost-benefit study of adult drug courts indicated that there is a significant variation in the drug courts' per participant cost that is impacted by location, services offered, drug court practices, etc., with most courts expending anywhere from \$6,000–\$15,000. Certain economies of scale were found in which larger courts were able to operate with lower per participant costs. See www.courts.ca.gov/documents/cost_study_research_summary.pdf.

will distribute any remaining funds, using the same funding formula methodology, to courts that later indicate an interest and meet eligibility criteria.

The estimated cost to the Judicial Council for administrative overhead of the project is approximately 5 percent, or \$220,000, over the span of the project. These costs will be covered through the interagency agreement and include program management, contract execution, grant accounting, data collection and analyses, report writing, and invoice and expenditure tracking.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommendations in this report support Goal IV, Quality of Justice and Service to the Public, and specifically address Objective 1: “Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.” Innovative problem-solving practices and expanded collaborative justice programs are identified in desired outcome IV.1.c. This funding allocation enables the courts to expand and enhance collaborative justice model parolee reentry court programs that focus on providing services to court participants as an effective method for reducing recidivism for parolees, which may potentially reduce future court workload.

Attachments

1. Reentry Court Funding Formula and Proposed Maximum Allocations, page 7
2. Attachment A: Letter of intent from California Department of Corrections and Rehabilitation

Reentry Court Funding Formula and Proposed Maximum Allocations

The following table provides maximum possible funding allocations for which each eligible reentry court may apply. Funds may be expended over the course of two years. Each court will receive a base amount of \$50,000 plus an additional allocation based on the number of participants active in the program at any given time when the program is at full capacity.

	Active Program Caseload at Full Capacity					
Base Amount	5–10 participants	11–20 participants	21–30 participants	31–75 participants	76–100 participants	101+ participants
\$50,000	\$150,000	\$300,000	\$450,000	\$500,000	600,000	\$700,000

Based on data provided by eligible courts to the Judicial Council in June 2015, current maximum allocations are as follows:

Reentry Court Program	Maximum Allocation
Alameda	\$550,000
Mono	\$200,000
San Diego	\$500,000
San Francisco	\$350,000
San Joaquin	\$750,000
Santa Clara	\$750,000
Santa Cruz	\$550,000

DIVISION OF REHABILITATIVE PROGRAMSP.O. Box 942883
Sacramento, CA 94283-0001

June 25, 2015

Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Dear Members of the Judicial Council:

On behalf of the Division of Rehabilitative Programs (DRP) at the California Department of Corrections and Rehabilitation (CDCR), I am providing you this letter in continuing support of the Parolee Reentry Court (PRC) program. We are pleased that this program will be expanded to additional county court jurisdictions to provide specialized court case management services for parolees as described in the Interagency Agreement (IA) with the Administrative Office of the Courts.

Over the last two years, since we have established an agreement, we have developed a stronger partnership that has allowed us to troubleshoot matters related to court referrals from DAPO on a timely basis. The court's collaborative case management model to link parolees to appropriate rehabilitative services that will foster successful completion of their court treatment plan, mirrors DRP's rehabilitative programming goals. It is important to hold individuals accountable while providing rehabilitative programs to help reduce recidivism and enhance public safety.

We look forward to continuing to partner in these efforts. If you ever have any questions or concerns, please don't hesitate to contact me at (916) 324-3663 or via email at Millicent.Tidwell@cdcr.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Millicent Tidwell".

MILLICENT TIDWELL
Director
Division of Rehabilitative Programscc: Francine Byrne, Supervising Research Analyst, Judicial Council of California
Cynthia Florez-DeLyon, DRP Deputy Director, Community Reentry Services
and Program Support



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

Title	Agenda Item Type
Judicial Branch Administration: Final Report on Directive 125	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	July 28, 2015
Recommended by	Date of Report
Court Security Advisory Committee	July 1, 2015
Hon. Thomas M. Maddock, Chair	Contact
Mr. Martin Hoshino, Administrative Director	Ed Ellestad, 415-865-4538, edward.ellestad@jud.ca.gov
Ms. Donna Hershkowitz, Director, Appellate Court Services and Court Operations Services	

Executive Summary

This is the Final Report on Directive 125, which charged the Administrative Director to return to the Judicial Council with an analysis defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval. The Administrative Director submitted an interim report to the council for its meeting on July 29, 2014 (see Link A). The Court Security Advisory Committee, in this report to the council, defines those necessary emergency response and security functions. With regard to the organization of the office, the Administrative Director recently implemented a reorganization of the office, and the Committee defers to the Administrative Director's decisions and is not proposing additional recommendations.

Recommendation

The Court Security Advisory Committee recommends that the Judicial Council receive and accept the Final Report on Directive 125, which defines the necessary emergency response and security functions for the branch (Final Report; see Attachment A).

Previous Council Action

In August 2012, the Judicial Council adopted recommendations of the Strategic Evaluation Committee regarding the restructuring and realignment of the Administrative Office of the Courts. The Judicial Council created directives based on the recommendations (see Link B.) At its December 14, 2012, meeting, the Judicial Council approved the recommendation of the Administrative Director to maintain the Office of Security—within the Operations and Programs Division (then referred to as the Judicial and Court Operations Services Division) and at the current staffing level—with responsibility to perform its currently assigned security and emergency response planning functions. The council deferred action on creating a Court Security Advisory Committee to review the Office of Security and make recommendations defining the necessary emergency response and security functions to be performed by the office consistent with Directive 125, pending its comprehensive review of advisory groups.

At its April 25, 2013, meeting, as part of the comprehensive review of advisory bodies (see Link C), the Judicial Council approved the creation of a Court Security Advisory Committee. Rule 10.61 of the California Rules of Court establishing the committee was adopted by the Judicial Council at the October 25, 2013, meeting.

At the July 2014 council meeting the Administrative Director submitted an interim report to the council on its progress toward finalizing the information required by Directive 125 (see Link A).

Rationale for Recommendation

The findings of the committee as to the necessary emergency and security functions for the branch are based on the experience and expertise of its members—judicial officers and court administrators from around the state who have been involved in the administration of court security in California. The members reviewed and assessed the current status of court security in the branch and considered what would best enhance the security and safety of the public, judicial officers, and court employees. Its findings represent the culmination of that work. Effective July 1, 2015, the Office of Security was relocated to the Real Estate and Facilities Management office in the Administrative Services Division. It has been decided that the Senior Manager position will not be filled. Additionally, it has been determined that protective services both on site and off site are no longer to be provided by the Office. In deference to the organizational decisions made by the Administrative Director, the committee is not providing any recommendations as to the appropriate organization or staffing of the office.

Comments, Alternatives Considered, and Policy Implications

Due to the necessity of addressing issues of immediate concern to the Judicial Council, the committee has not circulated its Final Report for public comment.

Implementation Requirements, Costs, and Operational Impacts

There are no additional requirements, costs, or operational impacts associated with the findings of the report because the committee is not recommending any substantive changes.

Relevant Strategic Plan Goals and Operational Plan Objectives

This report supports Goal III, Modernization of Management and Administration, as it relates to work to ensure the safety and security of the work environment and develop emergency and continuity-of-business plans for times of crisis or natural disaster. It also supports Goal VI, Branchwide Infrastructure for Service Excellence, as it relates to work to provide and maintain safe, dignified, and fully functional facilities for conducting court business.

Attachments and Links

1. Attachment A: Final Report
2. Link A: Judicial Council of Cal., Administrative Director, *Judicial Branch Administration: Interim Report on Directive 125* (Jul. 27, 2014), www.courts.ca.gov/documents/jc-20140729-info3.pdf
3. Link B: Judicial Council Directives, www.courts.ca.gov/19567.htm
4. Link C: Judicial Council Advisory Groups, www.courts.ca.gov/3046.htm



Final Report on Directive 125

JULY 1, 2015



JUDICIAL COUNCIL
OF CALIFORNIA

COURT SECURITY
ADVISORY COMMITTEE

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DRAFT

Acknowledgment

This report is dedicated to the memory of Malcolm Franklin, the former Senior Manager of the Office of Security, who committed his efforts and energy to the improvement of court security throughout the judicial branch. He was a strong supporter of the trial courts, an expert in security matters, an advocate for the branch, a mentor, and a friend. He will be missed.

DRAFT

Introduction

Unlike virtually any other institution in our society, the judicial branch has the authority to compel citizens to attend court involuntarily, as jurors, witnesses, or parties in connection with civil, family, criminal, dependency, or other pending cases. With this authority comes a moral responsibility to provide a civilized environment uncorrupted by threats and avoidable risks to those who enter the courthouse. To assure the security of the public who enter California's courthouses, as well as the judges and court personnel who serve the public, it is necessary to achieve the fundamental judicial branch goal of providing equal access to justice for all Californians. "Courthouses must be a safe harbor to which members of the public come to resolve disputes that often are volatile. Once courthouses themselves are perceived as dangerous, the integrity and efficacy of the entire judicial process is in jeopardy."¹ Court security is, therefore, an essential component of judicial administration.

Background

To focus on court security and emergency and continuity planning, former Chief Justice Ronald M. George and former Administrative Director William C. Vickrey established the Office of Security.² Since that time, the council has developed and implemented programs and services to enhance physical security, personal security, and emergency management in the branch.

In August 2012, the Judicial Council adopted recommendations of the Strategic Evaluation Committee regarding the restructuring and realignment of the council's staffing organization. The Judicial Council created directives based on the recommendations, including Directive 125, which charged the Administrative Director to provide recommendations on both the necessary emergency response and security functions for the branch as a whole, and the appropriate functions and organization for the council's Office of Security.³

At its December 14, 2012, meeting, the Judicial Council approved the recommendation of the Administrative Director to maintain the Office of Security with responsibility to perform its currently assigned security and emergency management functions, at its existing staffing level. The council deferred action on creating a Court Security Advisory Committee to review the Office of Security and make recommendations defining the necessary emergency response and security functions to be performed by the office consistent with Directive 125, pending its comprehensive review of advisory groups.

At its April 25, 2013, meeting, as part of the comprehensive review of advisory bodies,⁴ the Judicial Council approved the creation of a Court Security Advisory Committee. Subsequently,

¹ Chief Justice Ronald M. George (Ret.), *State of the Judiciary*, March 15, 2005.

² Council office names changed over the years. To avoid confusion, all offices are referred to by their current names.

³ California Courts website, "Judicial Council Directives" www.courts.ca.gov/19567.htm (as of June 16, 2015).

⁴ California Courts website, "Advisory Bodies" www.courts.ca.gov/advisorybodies.htm (as of June 16, 2015).

rule 10.61 of the California Rules of Court establishing the committee was adopted by the Judicial Council at its October 25, 2013, meeting.

Effective July 1, 2015, at the direction of the Administrative Director, the Office of Security was relocated to the Real Estate and Facilities Management office in the Administrative Services Division. As part of that relocation, the Administrative Director determined that the vacant Senior Manager position will not be filled. Additionally, it had previously been decided that protective services and security coordination services are no longer to be provided by the office. In deference to the organizational decisions made by the Administrative Director, the committee is not providing any recommendations as to the appropriate organization or staffing of the office. This Final Report on Directive 125 therefore defines the three necessary emergency and security functions of the judicial branch: physical security, personal security, and emergency management. The report indicates the office that the Administrative Director has assigned to perform each of these functions.

1. Physical Security (Building Architecture and Equipment)

Physical security encompasses measures that are intended to prevent unauthorized access to facilities, equipment, and resources, and to protect people and property from damage or harm. The judicial branch is responsible for ensuring that judicial officers, court personnel, council staff, and the public can safely use the process and facilities of justice. Courts are vulnerable because of the often-volatile nature of their work; tensions and emotions run high could result in violence. Below are just a few examples of violent situations that arose in California courts:

- In May 1972, a shooting in an Oroville courtroom in Butte County left an attorney dead and a witness wounded. Judge Jean Morony was shot in the arm when he tried to bar a courtroom door.
- In March 1988, a defendant out on bail arrived at the Van Nuys courtroom of Judge Michael Harwin with a concealed handgun. He held a gun to the head of Judge Jessica Silvers, who was at that time the prosecuting attorney, shot a deputy in the abdomen, and riddled the courtroom with bullets before he was wrestled to the ground and disarmed.
- In May 1991, a mother and daughter were shot to death in a Lake Elsinore courthouse waiting room in Riverside County as they waited to testify in a criminal trial. The suspect was apprehended outside the courthouse and a 9-millimeter semiautomatic handgun was recovered.
- In September 1995, a man shot his former wife to death with a .38-caliber revolver in a crowded hallway outside the second-floor courtroom of the Stanley Mosk Courthouse in

downtown Los Angeles just before a hearing on spousal and child support. The courthouse did not have metal detectors at the time.

- In March 2009, Judge Cinda Fox of the Superior Court of San Joaquin County was stabbed in the neck and forearm with a 6-inch metal spike that had been smuggled into her courtroom by a defendant on trial for murder. He was shot to death by a Lodi police detective who had built the case against the defendant and was seated at the prosecution table.

Because courthouses are public institutions open to the public, and because we must ensure a safe and accessible environment, we must mitigate risk where possible for the safety of all. There are many interrelated aspects of physical security for the courts. The following pages identify the necessary security and emergency functions for the Judicial Branch related to physical security.

A. Security equipment for courts

The Branch currently does and should continue to provide a wide range of security equipment related work, from assessments to contract administration to installation and maintenance of security equipment including (but not limited to) x-ray machines and magnetometers for entrance screening, duress alarm systems, access control systems, video surveillance systems, and more—as described below.

i. X-ray machines and magnetometers

X-ray machines and magnetometers are used for entrance screening and mitigate the risk of someone bringing contraband and items that can be used as weapons into the courthouse. Without entrance screening, there is no way to keep weapons and potential weapons that can be used to attack or assault judicial officers, court personnel, and court users, out of the courthouses. X-ray machines, magnetometers, and screening procedures are very effective in reducing the risk of harm. As an example, in 2006, security officers at the Superior Court of Los Angeles County seized 199,015 items including 53,005 knives, 21,581 pairs of scissors, 16,009 razors, 88 stun guns, and 2 guns. In 2008, its security officers seized 245,868 items, 53,302 knives, 24,763 pairs of scissors, 21,014 razors, 114 stun guns, and 2 guns.⁵

This illuminates the danger that *lack* of screening poses to judicial officers, court personnel, and the public. In 2006, one-time state funding was secured to obtain entrance screening equipment for courts that had none, and annual funding was secured for an ongoing screening equipment replacement program for courts that had broken or outdated machines. The Superior Court of Humboldt County was one of the courts that had no entrance screening. Within the first two years after

⁵ Superior Court of California, County of Los Angeles website, “Los Angeles Superior Court Annual Reports” www.lacourt.org/newsmedia/notices/annualreport (as of June 16, 2015).

receiving equipment and implementing a process, security officers rejected or confiscated 14,196 knives, 1,213 razor blades, and 9 guns⁶—reinforcing the reality that this threat affects courts of all sizes and in all locations.

The Screening Equipment Replacement Program, with an annual budget of \$2.3 million, program replaces and maintains x-ray machines and magnetometers at public entrances in the trial courts. Competitively bid Master Agreements—which include pricing for the equipment, installation, training, and maintenance, as well as removal of the old x-ray units—are used for program purchases. Without this program, the courts would be responsible for the purchase and maintenance of the screening equipment. The cost of an x-ray unit with a 5-year service agreement is approximately \$36,000. The cost of a magnetometer with a 5-year service agreement is approximately \$5,600.

Reimbursing the costs of screening equipment is particularly critical to the smaller courts, where equipment and service agreements can represent a significant expenditure relative to their overall operations budget. However, the need in large courts should not be underestimated. The cost of a single year's equipment replacement and service agreement renewal in a large court can result in expenditures of several hundred thousand dollars. For example, the Superior Court of Los Angeles County was reimbursed by the program for \$718,000 in equipment and service agreements in Fiscal Year 2010–2011 and \$694,000 in FY 2011–2012.

The program also provides staff support to court personnel responsible for the equipment, serving a liaison function between the courts and the vendors, assisting in resolving issues, and providing subject matter expertise on radiation and code compliance associated with the x-ray equipment. The branch's *Radiation and Safety Protection Program Toolkit* assists courts in understanding the requirements relating to the x-ray machines they use for screening and in taking action to be compliant with the complex rules and regulations that govern them. The toolkit provides an easy-to-use, step-by-step guide to simplify and clarify code compliance and covers court administrator responsibilities as well as security provider training. It reduces the time court personnel need to meet requirements.

This function is slated to remain with the Office of Security under the restructuring plan.

⁶ Times-Standard, "Millionth person goes through security at county courthouse," www.times-standard.com (Dec. 16, 2010).

ii. Duress alarm systems, access control systems, video surveillance systems, intrusion alarms, parking enclosures, clerks' office protection, and other enhancements

Entrance screening is just one component of a layered, concentric court security profile. The needs of each court must be addressed *comprehensively* for safety and security. In order to evaluate the needs of each court, the branch should continue an outside-in approach to determine areas that need improvement.

- The outermost layer of court security consists of physical security measures such as fencing and bollards. These measures help maintain a standoff distance for vehicles and restrict or deny access to sensitive or vulnerable areas of the facility. Without a sufficient standoff distance provided by fencing, bollards, or landscaping features, vehicles are able to approach the facility within a defined distance that significantly increases the damage potential caused by a vehicle borne improvised explosive device. Vehicles can also be used to vandalize landscaping and as a ram against vulnerable portions of a building. Fencing also provides a deterrent to unauthorized vehicular and pedestrian access to particular exterior locations, such as judicial parking areas, emergency generators, or utility mains.

Exterior security cameras are also a portion of the outer security layer and provide security personnel with real time visual security surveillance capabilities as well as recording events 24/7 for evidence or review.

Criminal acts, including a 2012 arson at the Bass Lake Courthouse in Madera County, have been captured on court security video systems and used to identify and prosecute offenders. Countless acts of violence and other criminal activity have been thwarted by the ability of law enforcement to interrupt an act before a crime actually happens, through the use of live security video.

- The next layer of security is physical access to the building. Properly secured doors with electronic access control measures provide user controlled security by allowing programming for each access card for specific doors and specific times and providing a record of each access card presentation to every card reader. Access can be granted and turned off immediately by the access control administrator. The use of electronic access control instead of hard keys improves security by increasing control over access, reducing the need for hard keys and replacement costs, and preventing the extreme expense of rekeying an entire building after the loss of a Master Key.

- In many locations, intrusion alarms are present, or recommended. The intrusion alarm is the first *interior* layer of security and can notify alarm monitoring services of a security breach. This is particularly important after hours. Besides the loss of valuable property and possible vandalism, undetected break-ins that occur in courthouses can result in extreme danger to visitors and personnel. Persons who enter a courthouse undetected can introduce firearms, other weapons, or contraband for retrieval after the building opens.
- The next layer of interior security is entrance screening. Screening equipment is discussed in a previous section.
- Interior security cameras are an important interior layer of security. Properly placed cameras provide an extended view of the courthouse for security personnel, or, in the absence of live monitoring, provide a searchable database of recorded video that can be used for evidence or incident research. Numerous violent incidents have been recorded on court security video, and a great number of incidents have been prevented by the early intervention of court security due to on-site video monitoring.
- Physical barriers for court clerks and other public counter personnel are an additional layer of security. Although the public has gone through weapons screening, personnel are still vulnerable to physical assault. Properly designed clerks' counters with glass barriers allow personnel to perform their duties without the risk of being assaulted, spat on, or having objects thrown at them—all of which have occurred in most courts absent these barriers.

Electronic access control of interior doors is important for the same reasons as those for exterior doors. In addition, interior access controlled doors provide the ability to easily control access into various areas of the building, resulting in separate circulation zones for the public, court personnel, and in-custody defendants.

- The final layer of interior security is the duress system. Individual duress buttons are used to summon emergency assistance to a specific location, and have proved extremely valuable to the courts.

Integration of modern security system components provides a synergistic element to the overall security profile of the courthouse. Assistance with these security components has been provided for the branch by the Judicial Council. Many courts have had serious incidents occur, and this assistance provides the courts with the resources and subject matter expertise to address many of the security

related issues they encounter. This remains a necessary security function for the branch.

While not every courthouse can achieve an ideal concentric security profile, it is essential to incorporate as many elements of the concentric security profile as the building design and location will allow. Without these security elements, the vulnerability of the court facility, employees, and the public is significantly increased.

Security systems such as duress, access, video surveillance, and intrusion alarms are a vital component in ensuring the safety and security of judicial officers, court personnel, and the public. Many trial court facilities have aging or inadequate security systems that were in place when the facilities transferred from county oversight, that are in need of repair or replacement. Other facilities share systems with the county, or have no systems at all. The cost of repair and replacement of these systems has been addressed in a piecemeal manner, with some systems being managed by the courts and some by the Judicial Council, and many falling into disrepair due to lack of specifically-directed funding.

The Judicial Council administered the Trial Court Security Grant Program for the installation and enhancement of security systems in trial court facilities. The program began in FY 2006–2007 and has, in the past, been funded annually from the State Trial Court Improvement and Modernization Fund (IMF). The program includes administering competitively bid Master Agreements to provide standardized equipment and pricing. The initial program budget was \$3 million, but it has been reduced to \$1.2 million. Effective July 1, 2015, all IMF funding was eliminated, and the council is considering other funding options to continue the program. The program had been available to all trial courts based on need and the availability of funds. By the end of 2014, the program had installed a total of 116 duress alarm, 27 access, and 80 video surveillance systems. A portion of the Trial Court Security Grant Program annual budget had also been allocated for other types of security projects, such as a web-based planning tool, the reconfiguration of clerks' counters, and the installation of ballistic glass. After the elimination of IMF funding, the Administrative Director committed General Fund support for the web-based planning tool, as this is a statewide tool and could not be maintained on a court-by-court basis.

The systems installed using Trial Court Security Grant Program funds since 2006 have been maintained using those grant funds. This function is slated to remain with the Office of Security under the restructuring plan.

iii. Equipment tracking, performance, maintenance, repair, contract administration, and related assistance

For security equipment installed as part of new construction, specialized management, expertise, and support are needed to perform contract administration, maximize equipment performance, and minimize court time and expense. Without that service, there would be no cost containment through competitively bid Master Agreements, and it would be more difficult to budget for maintenance, manage equipment life cycles, and ensure the quality of equipment and repairs.

The branch currently administers, and should continue to administer, an Equipment Maintenance Management Program to centralize equipment maintenance management. The program includes administration of statewide Master Agreements to help the branch obtain high-quality, standardized equipment and service for a fair price, with established response times. It monitors the agreements and many aspects of vendor compliance and provides oversight. The program also consolidates information about equipment assets that it has provided to the trial courts, provides a central point of contact for managing the response and service delivery, coordinates approval of service requests, and provides assistance to the courts with vendor-related issues. This relieves court personnel of the burden of managing the bid process for most individual projects and extends the useful life of all assets by helping to ensure that equipment is properly maintained.

Repair and maintenance demands will increase as Capital Building Program construction projects currently in design and construction are added to the Judicial Council portfolio. The Judicial Council maintains (and funds the maintenance for) old, inherited duress alarm, access, and video surveillance systems when State Court Facilities Construction Funds are available. However, budget limitations have resulted in these systems being classified as low priority when compared to vital building systems, resulting in repair and maintenance delays, leaving some systems largely inoperable.

The Equipment Maintenance Management Program, and related contract administration and vendor liaison services, are slated to remain with the Office of Security under the restructuring plan.

B. General services for courts

There are a variety of general services for courts, from physical security consultation, assessment, and risk analysis to providing tools and guidance for court security plans to assisting trial courts with security related memoranda of understanding that are also determined to be among the necessary security and emergency functions for the branch.

i. Physical security consultation, assessment, and risk analysis

These services involve thorough physical examination of court facilities and their operation with respect to security risks, equipment, systems, policies, and procedures. This consultation allows courts to minimize the risks to which facilities, judicial officers, personnel, and visitors are exposed, and review the measures that are in place to protect them. It is important to identify vulnerabilities and make recommendations on how the risks may be minimized or eliminated. Without these services, problem areas may not be identified and corrected, and may endanger lives, court property, and operations.

At the request of a court, Judicial Council staff provides on-site security assessments and expertise. A comprehensive security assessment report is prepared and discussed with the court, along with strategies to achieve any recommended security improvements.

Staff also provides consultation services to courts and other council offices concerning the security aspects of facilities maintenance and construction. While architects and building professionals may be required by contract to integrate security features into a building, the safety of courthouses cannot be entrusted solely to third parties. The branch must provide its expertise to review and verify at an early stage that appropriate security features are properly incorporated into courthouse design.

These consultation services are slated to remain with the Office of Security under the restructuring plan.

ii. Court security plan consultation, tools, and templates

Court security plans are critical tools for ensuring that superior courts and their sheriff or marshal address the physical security profile of a court and establish all necessary protocols and procedures to best protect every person who enters the courthouse. Requiring each court to develop a security plan ensures that the individuals responsible for court security consider and address in their practices and procedures all aspects of court security and update and revise those practices and procedures as appropriate.

The NCSC, in a report prepared for the Judicial Council Court Emergency Response and Security Task Force stated:

A court security plan establishes policies and procedures to be followed by security and court personnel in order to prevent and respond to court security incidents. The presence of a court security plan is integral to the safety of the courthouse; therefore,

many states have adopted statutes and/or court rules requiring that all courts complete their own plan.⁷

In California, both statute and rule of court require the use of a court security plan. Government Code section 69925 requires trial courts to prepare the court security plan in conjunction with the sheriff or marshal. California Rules of Court, rule 10.172 identifies the subject matter areas to be addressed in the court security plan. It also requires the presiding judge and the sheriff or marshal to conduct an assessment and summarize it in a written report at least once every two years.

In the past, council staff with expertise in court security made themselves available to assist courts. This assistance included working with the sheriff to negotiate a suitable court security plan and help with preparing the actual plan. To assure completeness of these plans, the council needs to continue to provide the branch with consultation, tools, and templates. The council provided courts with an online web-based tool that guides users step-by-step through the preparation and submission of court security plans and stores them in a secure off-site location. By the end of 2014, at least 53 trial courts had completed court security plans and 60 percent of those (32 of 53) did so using the tool, streamlining the work of court personnel.

These services are slated to remain with the Office of Security under the restructuring plan.

iii. Court memorandum of understanding consultation

Like court security plans, a memorandum of understanding (MOU) is crucial to define the working relationship between superior court and sheriff. The negotiation and drafting of MOUs are necessary to promote safety and security in the superior courts.

Government Code section 69926 has since 2003 required courts and sheriffs to enter into an MOU specifying an agreed-upon level of court security services, unless the court employs a marshal. Before the realignment of court security funding that became effective July 1, 2011, the MOU was also required to specify the cost of services and terms of payment. After the realignment, responsibility for funding was shifted to the counties and MOUs are no longer required to specify the cost of services or terms of payment.

Given the different needs within the superior courts, there is no template for court security MOUs. The branch needs to be available to continue providing support to

⁷Court Emergency Response and Security Task Force, "Court Security: Final Report of the Emergency Response and Security Task Force" (Nov. 2012), Attachment A, p. 3-1, www.courts.ca.gov/documents/jc-20121214-itemT.pdf.

the superior courts in negotiating and drafting court security MOUs upon request. In addition, when a court, county, and sheriff cannot agree on the terms of an MOU, Government Code section 69926(d) requires they meet with staff from the Judicial Council, California State Sheriffs' Association (CSSA), and California State Association of Counties. The branch must continue to support the courts and facilitate a resolution among the parties in such instances.

These services are slated to remain with the Office of Security under the restructuring plan.

iv. Training for courts including active shooter response, crime prevention, and bomb threat management

While modern courthouses designed with security considerations in mind, and outfitted with appropriate technology are essential parts of ensuring Californians have safe access to justice, infrastructure and equipment alone do not provide safety. It is the employees of the California judicial branch that are at once the best tool for enhancing court security, and the ones most vulnerable to the consequences when security measures fall short. Only through comprehensive and ongoing training can California's court employees stand ready to face the challenges the branch faces on a daily basis.

The branch should continue to provide training courses on topics including crime prevention, active shooter response, workplace violence prevention, and bomb threat management. Currently, at the request of a court for training on specific topics, staff works with the court to develop a course of instruction that addresses the specific needs of each court.

In addition to these classes for managers, supervisors, and personnel, trainings are made available for judicial officers. Past topics have included judicial security, violence in the courtroom, and threat management. Ensuring that judicial officers know how to protect themselves, how to include their family in security planning, and what their role is during an emergency in the courthouse is essential.

The council also offers some program-related training, such as privacy protection for judicial officers, disaster and earthquake preparedness, and shelter in place/evacuation protocols.

To date, council staff has delivered dozens of classes to thousands of court employees across the state. In addition, as workplaces more and more are confronted with increasing rates of violence and crime, it is also necessary to develop and deliver training to Judicial Council staff to help identify personal safety strategies, prepare for emergencies, and lower the risk of disruptive incidents and injury, reducing exposure to liability.

These services are slated to remain with the Office of Security under the restructuring plan.

C. Security design, review, and oversight for construction and modification projects

Security consultation related to construction and modification is necessary to provide and maintain safe and fully functional facilities for the appellate courts and the trial courts. The facilities that judicial officers, court personnel, and the public use should be constructed with an understanding of security best practices and guidance and incorporate them to the greatest extent feasible. The lack of safety and security of some courthouses were among the primary factors used to consider priority for courthouse replacement.

The branch needs to provide expertise in security issues relating to construction and modification of branch buildings with regard to risk assessments, security design criteria, oversight of systems installation, inspection and approval, blast and ballistic threat mitigation, and consultation on security procedures. Absent such a role being provided, there are significant risks for all court users, which may not be fully understood until a system failure, security breach, or disaster occurs.

One example of where security was not fully contemplated is the relatively modern San Francisco Civic Center Courthouse. This courthouse, built by the city and county of San Francisco, has a beautiful marble lobby, complete with custom marble encasements for the screening equipment. Unfortunately, the design did not accommodate changes in the design and size of security screening equipment, something those with security expertise should consider during design and construction. The installation of recently purchased magnetometers required expensive alterations to the marble casework in order to accommodate the new equipment. Such casework also eliminates any option to reposition equipment to more effectively facilitate the screening process.

The Judicial Council developed a Security Systems Design Criteria Guide to augment the council's construction standards document. This includes detailed procedures, technical specifications, and acceptable equipment types for various security systems. The guidelines assist architects, consultants, construction companies, and the courts in design, installation, testing, and commissioning of the full scope and variety of security systems. As technology has progressed and areas for improvement identified, the guidelines have continued to be revised and updated. For example, early projects in Pittsburg and Portola were designed, consistent with the standards at that time, with analog video surveillance systems, but by the time construction started on Mammoth Lakes, digital systems had become more mainstream, and the design specification was changed. Today all new courthouses are equipped with current technology video surveillance systems supplied through an approved list of manufacturers.

In this time of rapidly evolving technology, it is vital that the branch keep up to date with modern trends in the use of security systems technology. Council staff must maintain their expertise in security disciplines to avoid falling behind the technological forefront to the detriment of courts across the state. This will help ensure modern, efficient, and proven security systems continue to be installed in our courthouses.

The branch should continue to provide security subject matter expertise to Project Advisory Groups. This includes work with courts, security providers, and the design and construction teams to build a facility that protects and separates inmates, the public, personnel, and judicial officers in a secure and safe environment. Each project requires security points of contact. In addition to working with the courts directly, security staff work with the sheriff and marshal personnel, local law enforcement, state corrections, architects, security design consultants, equipment vendor representatives, and the construction companies on site. Specific necessary functions include:

- Specific site threat assessments;
- Design development;
- Bureau of State and Community Corrections liaison;
- Working drawings design;
- Construction oversight;
- Commissioning of systems; and
- 30 day, 6 month, and 1 year reviews.

In the same way, the branch needs to ensure that security related facility modification construction work continues to have the benefit of security expertise. Modifications can be as simple as adding clerk windows to a counter, or vastly greater construction projects of adding courtrooms or offices. Today the Office of Security staff work closely and effectively with Judicial Council staff from Capital Programs and Real Estate and Facilities Management to ensure new and existing security systems are designed, installed, and maintained to our standards. These services are slated to remain with the Office of Security under the restructuring plan.

D. Consolidated information on individual trial court security needs, levels of service, funding, and expenditures

The era of post-security funding realignment has posed challenges for several trial courts. A key premise underlying the law implementing the realignment of security funding from the Judicial Branch to the counties and the sheriffs was that realignment in and of itself would not reduce the level of security provided to the courts. Some courts have reported that immediately after, or in the years after the funding shift, security services have been reduced. The branch needs to continue to support the courts and serve as a resource for courts with concerns about the level of security services provided by sheriffs, as well as assisting the courts in the identification of security needs. It also includes an understanding of the prior funding levels and services provided at those levels,

continuing funding and service level obligations, and identifying future funding needs. This support could include regular surveys of the courts, responding to requests for assistance, or could take a variety of other forms. The Court Security Advisory Committee will work with the Trial Court Budget Advisory Committee, the Judicial Council's Finance office, and others as needed, to help shape the council's direction on these activities in support of the branch.

E. General services for the Judicial Council

The branch must also ensure the continuation of the necessary emergency and security functions for Judicial Council staff and offices, including providing access cards and coordinating access to its offices, clearing council contractors to work unescorted in restricted areas, and assisting with security concerns.

i. Access control for council's San Francisco office and access/identification cards

The term access control refers to the practice of restricting entrance to a property, a building, or a room to *authorized* persons. Physical access control can be achieved by a human (such as a guard or receptionist), through mechanical means such as locks and keys, or through technological means such as electronic access control. Because the Judicial Council does not own the buildings in which its staff is housed, it is reliant on building managers and their security measures. All council offices are in buildings that are shared with other tenants—and some, like the San Francisco office, are also open to the public. Without access control, confidential materials like personnel files, critical resources like computer equipment, and staff members themselves would be placed at risk.

Council security staff issue proximity access cards to the council's permanent, limited term, and temporary agency workers and consultants who work in the council's San Francisco, Sacramento, and Burbank offices. Security staff is also able to facilitate access to the San Francisco office for current council members, presiding judges, and court executive officers. This enhances the safety of judicial officers who often arrive at the building for meetings related to their positions as it prevents them from queuing in unprotected areas outside of the building as they wait to pass through entrance screening.

Specialized hardware, software, peripherals, supplies, and expertise are needed for access control work. There are also personnel policy related issues, advice to the co-tenant Supreme Court and Court of Appeal, and identification and resolution of access-related issues.

These services are slated to remain with the Office of Security under the restructuring plan.

ii. Background checks and badges for contractors working on the Judicial Council's behalf in restricted areas

Contractors working on the Judicial Council's behalf in restricted areas must be cleared in compliance with the Federal Bureau of Investigation (FBI) security policy for personnel who have access to criminal justice information and the California Department of Justice (DOJ) regulations for the California Law Enforcement Telecommunications System (CLETS).

The council retains contractors to do work on its behalf or on behalf of courts. These contractors are often located in the courts. For those courts that subscribe to CLETS service from the DOJ and have CLETS terminals, records, and information in their facilities, as does the California Courts Technology Center (CCTC).⁸

There are strict regulations regarding access to CLETS. Government Code sections 15150–15167 establish the DOJ's responsibility for maintenance of the system. The DOJ publishes a *CLETS Policies, Practices, and Procedures* document that specifies, among other things, the fingerprint and background check requirements for access to CLETS-provided information. Entities that subscribe to CLETS from the DOJ are responsible for their compliance. Also, FBI security policy addresses personnel who have access to criminal justice information. Screening requirements are outlined in the FBI's *Criminal Justice Information Services Security Policy*.

To satisfy those requirements, and as a service to the courts and a precaution, the council staff implemented a policy of conducting CLETS-level background checks for any of its contractors who would be working in restricted areas.⁹ Under the Contractor Clearance Program, the council staff must ensure that contractors are fingerprinted, evaluated, and badged before they are allowed unescorted access to restricted areas.

As an example: whenever the council needs to send a contractor to a courthouse and that person may have access to restricted areas, the council staff follows the council's policy and has the contractors sign the necessary background check authorizations and badge request forms. After the individual is fingerprinted, the DOJ and FBI background check results are routed to council staff, which evaluates the results using criteria that comply with the DOJ regulations and FBI policy. If the contractor is found suitable for unescorted access, a badge is

⁸ For these purposes, contractor means any person who either contracts with the council or is employed through a third party who contracts with the council, who provides services under that contract at a court or the CCTC.

⁹ For these purposes, this applies to any area of either the CCTC or a court facility that contains a means to connect to FBI and DOJ criminal databases via CLETS, or contains physical or electronic records or information obtained via CLETS.

provided. Staff also monitors any subsequent arrests and re-evaluates if necessary. It retrieves the badge if the contractor is later found unsuitable, or when the contractor no longer needs to have unescorted access. Continuation of these services is a necessary security function for the branch.

Thus, if this program were not conducted statewide, each court that subscribes to CLETS would be required to conduct its own background checks on such contractors and to escort them until they are cleared. This would impose an additional burden on courts that are already understaffed and focused on providing necessary services to the public. In addition, it would result in unfunded costs to individual courts that would have to pay for background checks and personnel to perform related work.

These services are slated to remain with the Office of Security under the restructuring plan.

iii. Security consultation services for the council

Security services for the Supreme Court and the Courts of Appeal are provided by the California Highway Patrol through a contract with the Judicial Council. These services must continue to be provided.

Appropriate levels of security at meetings and educational events are necessary. The committee previously communicated to the council's Executive and Planning Committee what it believes that appropriate level is. These services must continue to be provided.

Another necessary security component is consultation services for the Judicial Council's Human Resources office regarding personnel matters. Services related to consulting with Human Resources on personnel matters are slated to remain with the Office of Security under the restructuring plan.

2. Personal Security (Trial Court Judicial Officers)

Personal security describes security measures that are designed to protect people and property from damage or harm. It is vital for judges, who make life-changing decisions for the public. Attacks are more likely to occur when judges are accessible and vulnerable—for example, when they are away from the workplace, where there are less stringent security measures. According to reports and surveys by the Center for Judicial and Executive Security (CJES), threats and violent incidents involving judges and courts are numerous and of increasing seriousness.

At the federal level, the United States Marshals Service reports that the number of judicial threat investigations has almost tripled from 565 cases in 2002 to 1,580 cases in 2010.¹⁰ More federal judges were assassinated in the last 30 years than in the previous 175 years.¹¹

In 2010, Steven K. Swensen, formerly with the United States Marshals Service and now director of CJES, prepared a nationwide study (CJES Study) of significant violent incidents that involved state and local judges or courthouses between 1970 through 2009.¹² The CJES Study lists chronologically 185 significant incidents involving shootings, bombings, and arson attacks directed against state and local judges or courthouses.¹³ During these incidents, 147 individuals were killed,¹⁴ including 18 judges,¹⁵ and 107 people were seriously wounded.¹⁶

In 2007, the Judicial Council conducted a survey of California judges and justices concerning threats received between December 2005 and December 2006. The survey revealed a large number of threats: 855 judicial officers reported 296 threats, 72 of which were considered imminent. The California Highway Patrol (CHP) collects data on threats to California judges, their families, and personnel.

These statistics demonstrate the rising level of criminal activity directed at judges and courts. This increase jeopardizes the administration of justice in California. Security measures are necessary to reduce this activity, protect the judiciary, and preserve access to the courts throughout California.

Judicial officer personal safety and security directly supports the council's goal of independence and accountability, in that it helps to "protect the ability of judges to decide legal disputes according to the constitution, the law, and legal precedent without fear of reprisal."¹⁷ We share a branchwide responsibility to reduce the security and privacy risks to judges stemming from the availability of their personal information online. This should be done through programs and services to help them remove their home address and telephone information from online data vendors, to advise them when they are under threat and provide home assessments when possible, and to train judicial officers and court personnel on strategies for their safety and security.

¹⁰ Court Emergency Response and Security Task Force, "Court Security: Final Report of the Emergency Response and Security Task Force" (Nov. 2012), Attachment A, p. 1-1, www.courts.ca.gov/documents/jc-20121214-itemT.pdf.

¹¹ Frederick S. Calhoun, *Hunters and Howlers: Threats and Violence Against Federal Judicial Officials in the United States, 1789–1993* (University of Michigan Library, 1998), p. 107.

¹² Center for Judicial and Executive Security, *Court-Targeted Acts of Violence: Incidents 1970–2010* (2010).

¹³ The author states that this list is representative, not exhaustive, due to the inconsistency and limitations of the documentation of these incidents. (CJES Study, p. III.)

¹⁴ CJES Study, p. XV.

¹⁵ *Ibid.*

¹⁶ CJES Study, p. XVI.

¹⁷ California Courts website, "Justice in Focus: The Strategic Plan for California Judicial Branch 2006–2012," Goal II, www.courts.ca.gov/5377.htm.

A. Home assessment and consultation services for judicial officers

The branch should continue to offer assistance to judicial officers with processes that help to prevent targeted violence. This assistance includes home assessment and consultation services—as well as coordination with judicial officers, court personnel, court security providers, and local law enforcement. It assists courts in managing threats and incidents and, in cases involving threats to judicial officers, ensures notification of appropriate law enforcement entities under requirements of Penal Code section 76 and Government Code section 14613.7(a).

Modern California courthouses offer robust security measures that serve to deter attackers from targeting judicial officers inside the courts. However, once the judge leaves the protection of the secure court facility, his or her vulnerability to attack increases significantly. While great effort is made to keep the addresses of judicial officers out of public records, a potential attacker can gain this information in many ways. According to *Murdered Judges of the 20th Century*, of the 34 judges killed by non-family members between 1950 to 2011, 21 were killed while away from the court with 11 of these murders occurring in the judge's home.¹⁸

- In March 1999, Los Angeles County court commissioner H. George Taylor was shot to death by an unknown assailant outside his Rancho Cucamonga house as he was returning home from a retirement dinner for a fellow judge. His wife, who heard the shots, was also killed when she rushed outside to help her husband.
- In November 2007, an Orange County court judge was accosted inside her garage by a man with a gun who ordered her to turn off the house alarm. The judge yelled for help and ran past the man to her neighbor's house. The suspect was later arrested by police.
- In December 2010, a commissioner who left his home to investigate the sound of a traffic collision returned home to discover a bullet hole in his bathroom window and wall. The suspect, who had several past cases with the court, was arrested the following week.
- In June 2011, a judge's home was burgled and the perpetrator left a note indicating that it was in retaliation for a court decision and that he or she had searched for some time to find the judge's address in order to make a point.

In addition to these violent encounters, there have been numerous instances of unwelcome, inappropriate, and sometimes-threatening contact that have occurred when a disgruntled plaintiff or defendant has accosted judges at their homes.

¹⁸ Susan P. Baker, *Murdered Judges of the 20th Century: And Other Mysterious Deaths* (Pale Horse Pub., 2003).

Upon request, Judicial Council staff has conducted home security assessments at the private homes of judicial officers.¹⁹ The assessment begins with a site visit at the judicial officer's home and a review of both the home's interior and exterior. During the review, potential vulnerabilities are identified. The vulnerabilities are discussed with the judicial officer and his or her family, as well as strategies to mitigate these threats. Staff works with the judge and his or her family on developing family emergency plans, determining the roles of each family member when faced with various emergencies, identifying safe and dangerous areas within the home, and answering any questions the judge or his or her family may have.

The judge is ultimately provided with a report identifying not just the vulnerabilities discussed, but also information regarding crime trends in the area of the judicial officer's home and any dangers that are unique to the area. The report includes a set of recommendations to reduce the number of identified vulnerabilities.

If these assessments were not offered and conducted, judicial officers and their families would be at increased risk at home, where they should feel safest.

These services are slated to remain with the Office of Security under the restructuring plan.

B. Online privacy protection—removal and suppression of home street address and telephone number and related guidance/training

Online privacy protection refers to methods through which individuals—or in this instance, judicial officers—can prevent their personally identifiable information from being displayed online. Online data vendors gather this information from several sources including other data vendors, directory listings like telephone books, and public records.

Obtaining home address information online can be very easy if the judge does not take preventive steps to block or mask that information. This makes judicial officers vulnerable to security incidents when they are away from the courthouse. Many of the solved cases in the last several decades in which suspects have stalked, harassed, or killed a judge involved preplanning and research on the part of the suspect, primarily through Internet searches and public records checks and *not* by physically following the target, which would expose the stalker to potential detection. Therefore, protecting home address information has become critical to improving a judge's safety. The California Legislature has specifically recognized that danger and provided California public safety

¹⁹ To the extent the request is because the judge has received a threat, responsibility to assess the threat and perform necessary assessments belongs to the Threat Assessment Unit of the CHP. If CHP has not been contacted, the Judicial Council's role should be to report the threat to CHP and defer to them in relation to any necessary assessments.

officials with home address privacy protection rights not generally available to other members of the public.²⁰

Since 2005, the Judicial Council has operated the Judicial Privacy Protection Program. The branch should continue to support this program. The Judicial Privacy Protection Program assists active California trial court judges (including assigned judges), commissioners, and referees with exercising their privacy rights under Government Code section 6254.21. Trial court judges, commissioners, or referees may designate staff to the Judicial Council to act on their behalf in making a written demand that a person or business not disclose the judicial officer's information. The Judicial Privacy Protection Program sends these written demands to a predetermined list of major online data vendors. The data vendors must remove the information from their sites and subsidiary sites within 48 hours of delivery of the demand, and they are not allowed to transfer the information afterward. Under the law, the demand is effective for four years. The Judicial Privacy Protection Program will send new demands on a participating active trial court judge's, commissioner's, or referee's behalf after each four-year period, unless he or she makes a written request to the program that service be stopped.

To ensure appropriate information is disseminated about online vulnerabilities and the options for protecting oneself and one's family, the Judicial Council also maintains written guidance for judicial officers about privacy protection, and in conjunction with other law enforcement and judicial officers, presents a program on privacy protection at the New Judges Orientation.

This is an essential program. Placing the responsibility on individual judicial officers could create a safety issue. Not all judicial officers have the technological skill or time to do it. This task can be performed more efficiently and effectively through a branchwide program than by individual judges whose limited time is better spent on the critical judicial functions that only they can perform. In addition, searching for their own data could create ethical dilemmas for judges, as the search results could include comments made by current litigants that could result in ex parte communication or affect the ability to remain fair and impartial.

Relying on private vendors to perform this service would not be optimal. Most private companies focus on regular consumers, not judicial officers. While consumers must rely on opt out requests that data vendors may not accept, judicial officers have privacy rights that allow them to demand removal and suppression of their home street address and home telephone number for a period of four years. It is more effective for written demands to be focused specifically on judicial officers, to fully exercise their rights under the Government Code. Additionally, private companies may require more of judicial officers to protect themselves. Many companies send participants a stack of letters that

²⁰ See Gov. Code, §§ 6254.21, 6254.24; Elec. Code, § 2166.7; Veh. Code, §§ 1808.2, 1808.4, 1808.6.

they must complete and mail themselves—because data vendors are not obligated to accept third-party demands from private companies. Data vendors are required to accept the third-party demands from the Judicial Council because of Government Code section 6254.21(c)(3).

Furthermore, the council uses the updated current list of major online data vendors published by the DOJ's Privacy Enforcement and Protection Unit whereas many private online privacy protection services do not make demands of all of the major online data vendors on that list. A judge using such a service may be given a false sense of security and still have significant exposure.

Finally, if the branch arranged for service through a private company, there would have to be repeated transfers to the private company of sensitive information, as judicial officers sign up for the program and existing information changes continuously. This multiplies the risk of misuse of the information.

No Internet privacy protection program is perfect. Removing information from the Internet is a challenging, complex, and evolving task. The Judicial Council's program does not extend to *all* data vendors or investigate noncompliance, and does not have the ability to monitor data vendor sites for compliance with the demands. However, the program provides a strong foundation for protecting a California judicial officer's privacy and it is an efficient and cost-effective way to address this fundamental and necessary job.

These services are slated to remain with the Office of Security under the restructuring plan. A similar privacy protection program is provided by CHP JPS for the Supreme Court and Courts of Appeal.

3. Emergency Management (Planning, Continuity, and Response)

The work of emergency management involves both planning and response activities. It is often described in terms of four phases: *mitigation, preparedness, response, and recovery*. Mitigation involves measures that will either prevent or reduce the impact of emergencies, disasters, and catastrophes. Preparedness activities prepare the community to respond when those events occur. Response activities involve the use of emergency procedures as guided by plans to preserve life and property during the onset, impact, and immediate restoration of critical services in the aftermath of those events. Recovery actions are taken in the long term after the immediate impact of the event has passed to stabilize a community and to restore some semblance of normalcy.

Emergency planning helps businesses and government, such as the judicial branch, to prepare for emergencies, disasters, and catastrophes. It helps agencies identify and anticipate potential risks,

attempt to reduce their probability of occurring if possible, and reduce or avoid significant losses to a business. In 2006, the Conference of State Court Administrators recognized the importance of emergency planning for maintaining the rule of law during a crisis:

Recent disasters have demonstrated that an immediate mobilization of the justice system—including the country’s state court systems—is essential to support societal stability and protect individuals, families, businesses, and institutions. . . . [¶] . . . [A] n operational court system capable of performing constitutionally mandated functions stands against the chaos created by an emergency and ensures that the judiciary can fulfill its mission of maintaining the rule of law, protecting individual rights, and providing for the prompt and lawful processing of those charged with crimes.²¹

Absent effective emergency planning, the public safety and security of the court community are at stake. Any number of situations can—and do—occur, from power outages and small fires, to earthquakes and floods, to wildfires and tsunami waves. For example, the August 2014 South Napa Earthquake occurred in and around the city of Napa and measured at a 6.0 magnitude. The event was the largest in the San Francisco Bay Area since the 1989 Loma Prieta earthquake. Significant damage and several fires were reported in the southern Napa Valley area, and there was also damage in the nearby city of Vallejo, in Solano County. The earthquake killed one person, injured about 200, and interrupted power to more than 69,000 Pacific Gas and Electric Company customers. The Napa County Historic Courthouse was significantly damaged.

We cannot predict when or where disasters might strike, but we can work to prepare for them and mitigate the consequences should we be faced with an emergency. A few years after 9/11, the Judicial Council undertook efforts to facilitate development of emergency planning tools for the trial court and council facilities. The council’s Office of Security takes the lead in emergency planning activities for the judicial branch, providing planning tools and training exercises for court and council staff. It also performs a small number of emergency response activities for council offices, such as providing emergency equipment and emergency response team oversight.

A. Emergency and continuity of operations planning

The Judicial Branch should have the expertise needed to help the courts and council to identify—and mitigate, when possible—potential issues that could harm facilities, judicial officers, court personnel, and council staff, or hinder their ability to perform essential functions. Plans are needed for preparedness, response, and recovery.

- An Emergency Plan is used for *immediate* response to any incident. It provides guidelines for managing, responding, and evacuating when an incident occurs. In

²¹ Conference of State Court Administrators, Resolution I, Emergency Preparedness in the State Courts (Dec. 2006), <http://cosca.ncsc.dni.us/Resolutions/resolutionEmergencyPreparedness.html>.

addition to describing specific procedures and protocols necessary to implement an effective response, it also details general practices for daily office safety. If necessary, use of an Emergency Plan is followed by activation of a Continuity of Operations Plan (COOP).

- A COOP is used to continue critical operations and recover in an *extended* emergency. Among other things, it identifies chain of command and resources necessary to continue essential functions during a wide range of potential emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies.
- A Command and Control Plan is used to outline the chain of command, identify commanders and backups, and detail their roles and responsibilities. It focuses on specific instructions for leadership, procedures for emergency operations centers, and communication within and outside the agency.

The planning process is never complete. Threats change, the tools to manage threats change, and the planning process continues to identify new vulnerabilities. We cannot foresee when a disaster might occur. Without planning, the judicial branch would not be prepared to respond to emergencies—whether they required short-term response or extended continuity of operations. That would place its assets, its people, and its stakeholders at risk. Such planning is a necessary function for the branch.

The Judicial Council has provided a customized planning tool to guide court and council planners through each step of the emergency and continuity planning process. In addition to making the tool available to all California courts, the council offers some training and assistance to the trial courts, and provides some assistance with emergency and continuity planning for council offices.

Another key component of preparedness is having a trustworthy method to communicate with court and council leadership and the staff during an event. Toward this purpose, the council administers a competitively bid Master Agreement to make a standardized emergency notification system available to the courts, and provides and maintains that service for council staff.

i. Tool and training for creating, maintaining, and implementing an Emergency Plan, Continuity of Operations Plan, and Command and Control Plan

In 2007, the council made the initial purchase of a web-based tool with funds from a grant from the United States Department of Homeland Security. The user-friendly tool is customized to guide court and council staff through a series of questions, resulting in the generation of a completed Emergency Plan and a comprehensive COOP that reflects the most current state and federal continuity

planning standards and best practices and meets FEMA planning requirements for state governments, which are a condition of mitigation planning assistance.²² All plans are saved securely to the cloud, ensuring that loss or damage of a planner's computer, external drive, or server does not result in loss of the plans themselves, and allowing planners and their authorized users to access and edit their plans from any computer in any location.

Without the web-based planning tool, the courts and council would need to obtain experts on their own, to ensure the plans they created were sufficiently comprehensive. Further, they would need to set up their own secure cloud-based storage, or determine another method of storing copies of their plans in alternate locations, to avoid loss of information due to computer theft or malfunction, facility damage or closure, or environmental issues. Perhaps most daunting, the courts and council would also need to provide their own training to their leadership and staff, about the roles and responsibilities that each have. These activities would result in unfunded costs to the courts for the foreseeable future. Ongoing planning, maintenance, and training exercises are needed to ensure preparedness, swift response, and efficient recovery.

The council's web-based planning tool includes modules for easy creation and maintenance of an Emergency Plan, COOP, and Command and Control Plan. As the courts and council may have several facilities that require individual COOPs, the tool includes Master Data areas to allow users to update common information in all of their plans at once. To date, all of the trial courts that wanted COOP training have received it. More specifically, over 165 days of onsite trainings and plan development seminars have been provided upon request for over 1,000 court participants. Feedback from 615 trainee respondents indicated that 94 percent had only minimum or average emergency planning knowledge before the training. The sharing of court-specific emergency management expertise continues well after trainings, with courts contacting the council for advice.

Although only limited services are currently provided, those limited services are slated to continue to be provided by the Office of Security under the restructuring plan.

ii. Emergency Plan, Continuity of Operations Plan, and Command and Control Plan for council offices and staff

It is critical that the Judicial Council itself have an Emergency Plan, COOP, and Command and Control Plan for its offices. An Emergency Plan is needed to instruct council staff in everything from basic evacuation plans to what to do within the first 72 hours of an emergency. A COOP is needed to facilitate council

²² The Disaster Mitigation Act of 2000, also known as DMA 2000 (Public Law 106-390).

staff continuing all essential functions within 12 hours of an emergency and sustaining those functions for up to 30 days. A Command and Control Plan is needed to address executive team functions in managing the overall incident for the council's office and staff. Creation, maintenance, and exercise of these plans are necessary to provide safe and secure workplaces. If the Judicial Council is not prepared for the worst, it cannot respond effectively, and will be unable to continue its essential functions for the courts. That, in turn, will hamper the courts' abilities to serve the public and impede public access to justice.

Failure of the council to have effective planning tools is problematic not just for the council, but for the courts as well. Essential functions that need to be prioritized during an emergency include managing network and telephone systems for the branch, providing payroll services for the trial courts, and processing judicial emergency order requests from courts whose operations are also being affected by emergencies, disasters, or catastrophes.

As with the emergency planning for the courts, only limited services are currently provided. Those services are slated to continue to be provided by the Office of Security under the restructuring plan.

iii. Emergency communication tools for council and courts

Communicating information during and following a disaster is a key priority. Making sure employees know what to do in a fast-breaking emergency is not as easy as just sending an e-mail or text message. It takes *preparation* as well as rapid execution. Without information and notification tools, the council and courts would be forced to contact employees individually, taking more time to share urgent information and causing response delays that can endanger facilities and those that work in and visit them.

The Judicial Council provides and manages an emergency notification system for council staff. An emergency notification system is a cost effective solution to simplify coordination of communication and reduce confusion and high consequence mistakes and delays. It allows users to provide efficient, high speed, secure communication during critical situations. The system allows users to notify people via any voice or text enabled device quickly and effectively. People can be contacted via landline telephones, mobile telephones, e-mail, and more. All actions and responses can be logged, so that users can see how their personnel, business, and local residents are responding to the situation, minute by minute. The council administers a competitively bid statewide Master Agreement to help the courts obtain high quality, standardized emergency notification systems of their own and service for a fair price. This relieves court personnel of the burden of managing the bid process for an individual project.

The council is also peripherally involved in maintenance of an emergency information line, a toll-free number on which administrators can record messages that their staff can call in to hear. Because of technical limitations, it was not possible for telephony staff to obtain additional lines for the Supreme Courts and Courts of Appeal, thus, the single toll-free number was shared by all. At the time it was set up, it was the best solution available for sharing emergency information.

The council is also involved in obtaining and maintaining Government Emergency Telecommunications Service (GETS) for council staff management. GETS is a program of the Department of Homeland Security, Office of Emergency Communications, that prioritizes calls over wireline (not cellular) networks. It is used by people who may perform critical national security and emergency preparedness functions, including areas related to safety and maintenance of law and order. Enrollees receive a GETS card, which they can use for emergency access and priority processing for local and long distance telephone calls on the public switched telephone network. By using the card, they increase the probability that their landline calls may receive priority over others in emergencies when the public switched telephone network is congested.

These services are slated to continue to be performed by the Office of Security under the restructuring plan.

B. Emergency response and preparedness training

Preparedness training is essential to ensure that everyone knows what to do when there is an emergency, or disruption of business operations. Everyone should learn what protective actions to take to ensure their own safety and that of those around them. At a minimum, they should learn correct evacuation strategies, how to shelter in place, and who to turn to for information and instructions.

The lack of available safety training may increase the likelihood of judicial officers and court and council staff being injured during emergencies. The importance of preparedness training for judicial officers and court and council staff is due to their presence in the trial courts state wide, at Judicial Council and other open meetings and functions open to the public, and while working within government facilities. Ensuring that Judicial Council managers and supervisors know how to lead their staff effectively during an emergency is critical.

At the request of the trial courts, council staff develops courses of training for courts on topics including disaster and earthquake preparedness, shelter in place/evacuation protocols, and other safety and security related topics. Staff members work directly with individual trial courts to develop a course of instruction that addresses the specific needs of each court. Classes are between one to four hours in length and can be directed to line personnel, managers and supervisors, and court leadership.

Working in cooperation with the council's Center for Judicial Education and Research staff, a small number of similar courses of training are offered for council staff. The council also provides training for managers and supervisors on topics such as managing staff during emergencies.

Closing Comments

Security at all judicial branch facilities is not only a necessary function, it is a moral obligation that supports the council's goal to provide and maintain safe and fully functional facilities for conducting court business. Precautions should be taken—from architectural design features that increase physical security, to security equipment and systems and trained personnel, to court security and emergency response plans and procedures.

It is necessary and appropriate for the council to provide statewide projects, programs, and services to enhance the security of California's courts. It should provide dedicated court security expertise, equipment, systems, training, templates, and whatever else it can to enhance security in the courts and help address critical needs and security deficiencies. It should also undertake to ensure the safety of judicial officers, branch staff, and visitors in the council offices—whether through building security, contracted security, or council-provided services. Proper planning must involve collaboration with the council, courts, court security providers, and other stakeholders.

The Judicial Council recognizes the need for heightened safety measures for judicial officers, enhanced levels of security at court facilities, and emergency and continuity planning to help the courts remain open to the public during disasters. In this time of reduced budgets, examination of new efficiencies, and efforts to ensure that only services that are truly needed by the courts are provided by the Judicial Council, the Court Security Advisory Committee submits that this report properly identifies the continuing necessary security and emergency functions for the branch.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

Title	Agenda Item Type
Report to the Legislature: Findings From the SB 678 (California Community Corrections Performance Incentives Act of 2009) Program	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	July 28, 2015
Recommended by	Date of Report
Shelley Curran, Senior Manager Judicial Council Criminal Justice Services	July 2, 2015
	Contact
	Shelley Curran, 415-865-4013 shelley.curran@jud.ca.gov

Executive Summary

The Criminal Justice Services office recommends that the Judicial Council receive the Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2015) and direct the Administrative Director to submit this report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the act—including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration—no later than 18 months after the initial receipt of funding under the act and annually thereafter. The report was developed in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California.

Recommendation

Judicial Council Criminal Justice Services recommends that the Judicial Council:

1. Receive the Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2015) documenting findings, implementation activities, and potential recommendations related to the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678); and
2. Direct the Administrative Director to submit this report to the California Legislature and Governor by July 1, 2015, to comply with Penal Code section 1232, which requires the Judicial Council, in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California, to submit to the Governor and the Legislature annually a comprehensive report on the implementation of the SB 678 program, including information on the effectiveness of the program and policy recommendations regarding resource allocation for improvements to the SB 678 program.

The Report on the California Community Corrections Performance Incentives Act of 2009 (2015) is included as Attachment A to this report.

Previous Council Action

The California Community Corrections Performance Incentives Act (SB 678) was enacted in 2009. Although the Judicial Council took no formal position on the bill, the council supported the bill in concept and staff with the Judicial Council's Office of Governmental Affairs (OGA) collaborated with the Legislature to ensure the feasibility of meeting the Judicial Council's responsibilities under the bill.

On April 26, 2013, the Judicial Council received the Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2013) and directed the Administrative Director of the Courts to submit this report to the California Legislature and Governor, as mandated by Penal Code section 1232. The report was submitted on April 30, 2013.

On June 26, 2014, the Judicial Council received the Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2014) and directed the Administrative Director of the Courts to submit this report to the California Legislature and Governor, as mandated by Penal Code section 1232. The report was submitted on July 1, 2014. There is no other relevant prior action by the Judicial Council to report.

Rationale for Recommendation

Senate Bill 678 was enacted in 2009 and is designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers who are

sent to state prison for committing new crimes or violating probation, and to meet these objectives without compromising public safety. The SB 678 program allocates a portion of savings from lower incarceration costs to local probation departments that reduce rates of probation revocations to state prison (and, since public safety realignment in 2011, to county jails), and requires departments to use the additional funding for implementation of evidence-based supervision practices (EBPs).

Under SB 678, the Judicial Council is required to collaborate with the California Department of Corrections and Rehabilitation (CDCR), the Chief Probation Officers of California (CPOC), and the Department of Finance (DOF) to collect data on probation revocations, monitor the implementation and outcomes of the SB 678 program, and calculate the appropriate level of performance-based funding for each probation department. (Pen. Code, §§ 1231–1233.6.) The

The Judicial Council is also required to submit a comprehensive report to the Legislature and Governor on the implementation of SB 678, including information on the effectiveness of the SB 678 program and specific recommendations regarding resource allocations and additional collaboration. (Pen. Code, § 1232.)

The Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2015) summarizes the SB 678 program and the Judicial Council’s role in the collection, monitoring, and reporting of program outcome and implementation data. The report also summarizes program results, including a decline in the probation failure rate from the baseline years and an increase in the use of evidence-based practices by probation departments since program inception, and concludes with specific recommendations designed to improve future implementation of the SB 678 program.

Report Findings

The SB 678 program and its performance-based funding mechanism has created significant savings by lowering the number of offenders county probation departments and courts have sent to state prison over the past four years, and to county jail after the passage of the 2011 Public Safety Realignment Act¹. In 2010, the first calendar year of SB 678 program implementation, the average daily population in state prison dropped by 6,008 offenders. The state’s overall probation failure rate dropped from the 2006-2008² baseline rate of 7.9% to 5.6% in 2014, a 29% reduction from the baseline period. The reduction in the number of probationers sent to state prison resulted in statewide savings of approximately \$970.6 million over five years.

Using SB 678’s performance-based funding formula, funding allocations to county probation departments were initially calculated based on savings to the state resulting from reductions in felony probationer prison commitments. The state shared funds with probation departments for

¹ 2011 realignment legislation addressing public safety, also known as the 2011 Public Safety Realignment Act (AB 109; Stats. 2011, ch. 15 and AB 117; Stats. 2011, ch. 39).

² The baseline probation failure rate (PFR) is a weighted average of the PFR in 2006, 2007, and 2008.

those reductions in the state prison population that could be attributed to the counties' diversion of probationers who would have gone to state prison. For the first year of the SB 678 program (2010), \$88.6 million was distributed to the counties in FY 2011–2012 to reinvest in the use of EBPs by local probation departments; \$138.3 million was distributed to the departments in FY 2012–2013.

Following the 2011 public safety realignment, hundreds of felony offenses previously punishable by a term in state prison may now only be punished by the same term in county jail.³ As a result of realignment, approximately half (47–48%) of all felony probationers who were revoked or committed new crimes in 2012 and 2013 served their time in county jail as opposed to state prison. Given this effect of realignment, beginning in FY 2013–2014 the state adjusted the formula for calculating savings to take into account the avoided incarceration costs for prevented felony probation failures to both prison and jail. In FY 2013–2014, using the revised funding formula, \$101 million was distributed to probation departments (for 2012 savings); \$124.8 million was distributed to probation departments in FY 2014–2015 (for 2013 savings); and \$125.8 million will be distributed in FY 2015–2016.

A fundamental component of SB 678 is the implementation of EBPs by county probation departments. Penal Code section 1229(d) defines EBPs as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision.” The state’s interest in EBP implementation was reinforced by the Legislature when it enacted the 2011 public safety realignment Act and expressly encouraged counties to expand the use of EBPs to improve public safety outcomes and facilitate the reintegration of adult felons into society. Since the first report in 2010, all counties have reported expanded use of some EBP elements under the SB 678 program, including application of actuarial risk and needs assessments, increased collaboration among local justice system partners, more effective supervision of offenders, more effective use of treatment programs for offenders, and enhanced management practices.

At the same time that county probation departments effectively reduced the number of probationers sentenced to prison and expanded their implementation of evidence-based supervision practices, California’s crime rates remained below the 2008 baseline. After increasing slightly in 2012, California’s crime rates are once again declining. Between 2012 and 2013, California’s violent crime rate decreased 6.5% and the property crime rate decreased by 3.9%.⁴ The state’s 2013 crime rates remained lower than the rates from the 2008 SB 678 baseline period (21% lower for violent crime; 11% lower for property crime).⁵

³ Pen. Code, § 1170(h).

⁴ California Department of Justice, Division of California Justice Information Services, Bureau of Criminal Information and Analysis Criminal Justice Statistics Center, *Crime in California 2013*, <http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/candd/cd13/cd13.pdf?>

⁵ *Ibid.*

An analysis of preliminary FBI crime data that includes the first six months 2014 also suggests that the increase in the California's crime rate reported in 2012⁶ is not part of an ongoing trend, and may continue to decline.⁷ In the first six months of 2014, the property crime rate decreased from 2013 by approximately 7.2%, and the violent crime rate decreased by 3.1%;

The effectiveness of probation departments in continuing to decrease the state's incarceration costs while maintaining a lowered crime rate demonstrates that the counties' implementation of SB 678's careful design is meeting the legislation's objectives. The SB 678 program was originally scheduled to sunset on January 1, 2015. However, the program's accomplishments provided a solid basis for the Legislature to extend the program in 2013.⁸ With secure funding for the future, the SB 678 program has the potential to more fully achieve the Legislature's goals, including the expansion of the use of evidence-based practices.

Comments, Alternatives Considered, and Policy Implications.

Pursuant to Penal Code section 1232, this report was written in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California.

Pursuant to Penal Code section 1232, the report includes a number of recommendations for the Governor and Legislature to consider for improvements under the act. They are summarized below.

Provide sufficient incentives for effective program implementation

To continue to incentivize effective supervision practices, the Legislature should maintain compensation to probation departments in recognition of the improvements made since the SB 678 program was initiated and that have continued even as public safety realignment has significantly impacted the criminal justice system and placed extra responsibilities on county probation departments. Providing probation departments with sufficient financial resources is critical to maintaining effective supervision practices; inadequate incentives may result in departments returning to the less expensive practices that were in place before the SB 678 program was initiated, and in attempts to shift serious offenders to state prison to preserve as many local resources as possible.

Study offender recidivism

Starting in 2011, the SB 678 program began to collect aggregate data on crimes committed by felony probationers; this is valuable data that probation departments should be required to

⁶ Federal Bureau of Investigation, Preliminary Semiannual Uniform Crime Report (January–June 2013), retrieved from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/preliminary-semiannual-uniform-crime-report-january-june-2013/preliminary-semiannual-uniform-crime-report-january-june-2013>.

⁷ Federal Bureau of Investigation, Preliminary Semiannual Uniform Crime Report (January–June 2014), retrieved from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/preliminary-semiannual-uniform-crime-report-january-june-2014/preliminary-semiannual-uniform-crime-report-january-june-2014>.

⁸ SB 75 (Stats. 2013, ch. 31).

continue to collect. Because insufficient research using individual-level data to study offender recidivism has been conducted, the Legislature should consider requiring a more robust study of crime committed by felony probationers to fully understand the effectiveness of the SB 678 program and its effect on California's crime rate.

Continue to emphasize implementation of evidence-based practices

Although county probation departments have expanded the use of evidence-based practices, all departments should continue to make improvements in their EBP implementation. Many departments, however, will need to strengthen their infrastructures in order to improve EBP implementation, and additional resources will be required to make that possible. To improve the effectiveness of the program, probation departments should enhance the use of EBPs in specific areas noted in the Annual Assessment, including (1) additional staff training on the overall effectiveness of specific aspects of EBPs, including the use of awards and sanctions response grids; (2) using contracts to require and to verify that existing treatment and other programs qualify as EBPs, including those that the counties require their probation departments to use for treatment of local offenders; and (3) continued evaluation of the program as is required by statute.

Encourage counties to implement local performance-incentive funding

Given the effectiveness of the SB 678 program, the state should encourage counties to implement local performance-incentive funding programs. Just as SB 678 directly impacted the state prison population, a local performance incentive program could reduce the number of offenders who serve time in county jail. The state has an interest in promoting effective supervision at the local level because local incarceration costs are also significant. The state could encourage counties to develop these local programs through matching funds or by requiring that specified realignment funds be provided to county probation departments to reduce the number of supervised offenders who are revoked to county jail.

Implementation Requirements, Costs, and Operational Impacts

The Legislature directed the Judicial Council to work with CPOC, CDCR, and the DOF to ensure that the SB 678 program is effectively implemented and program progress is well documented. The Judicial Council has received funding (\$615,000 in FY 2010–2011 and FY 2011–2012, \$1 million in FY 2013–2014, FY 2014–2015, and in FY 2015–2016) from the executive branch to support the work on this program (and the Judicial Council's work on realignment commencing in FY 2012–2013) and to develop the summary reports.

Although county probation departments were responsible for the majority of program activities, the Judicial Council played a significant role in data collection and validation, program assessment and outcome measurement, and the provision of subject matter expertise to the Legislature and Department of Finance as requested. The following data collection and evaluation tasks have been conducted in support of program implementation:

- *Quarterly data collected from probation departments.* Quantitative outcome-focused data have been collected quarterly from county probation departments. The Judicial Council constructed the data collection systems and developed standard data definitions and performed data quality control and validation checks. Quarterly data reports are used by the Department of Finance to determine SB 678 funding allocations.
- *Annual assessment of evidence-based practice implementation.* The Judicial Council surveys all of California's probation departments annually to collect information on program implementation and funding priorities.
- *Provision of technical assistance.* Over the course of the SB 678 program, the Judicial Council has provided technical assistance in data quality assurance to probation departments through site visits, multicounty conference calls, and contacts with individual counties. This work has been undertaken in order to better understand county probation department data systems, ensure data validation, and gather qualitative information on program implementation and impact.

Relevant Strategic Plan Goals and Operational Plan Objectives

The California Community Corrections Performance Incentives Act focuses largely on incentivizing changes to probation department supervision practices; however, several judicial branch strategic goals and operational objectives are supported by the work of the SB 678 program and the submission of this report documenting program outcomes and implementation activities to the state Legislature.

- *Goal I: Access, Fairness, and Diversity. Objective 1. Ensure that all court users are treated with dignity, respect, and concern for their rights and cultural backgrounds, without bias or appearance of bias, and are given an opportunity to be heard.* Implementing and supporting the use of evidence-based probation supervision practices statewide decreases the perception of bias in dealing with probation violators. The standard application of evidence-based responses to probation violations ensures that violators are treated fairly and responses are appropriate based on the offense.
- *Goal II: Independence and Accountability. Objective 3. Improve communication within the judicial branch, with other branches of government, with members of the bar, and with the public to achieve better understanding of statewide issues that impact the delivery of justice.* The SB 678 program involves a significant amount of collaboration and coordination between all three branches of state government as well as local government agencies. The AOC has been in regular communication with justice partners throughout the program and in the development of the attached summary report, and will continue to participate in collaborative efforts with all justice system partners for the duration of the program.

- *Goal IV: Quality of Justice and Service to the Public. Objective 1. Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.* Evidence-based probation supervision practices are, by definition, practices that have been proven to improve outcomes, including reduced recidivism, for probationers. Judicial support for these practices should increase public confidence and perceptions of fairness within the court system.

Attachments and Links

1. Attachment A: *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2015)*

DRAFT

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Tani Cantil-Sakauye
*Chief Justice of California and
Chair of the Judicial Council*

Martin Hoshino
Administrative Director of the Courts

OPERATIONS & PROGRAMS DIVISION

CRIMINAL JUSTICE SERVICES

Acknowledgments

Pursuant to Penal Code section 1232, this report was written in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California.

We would like to thank the following for providing information, insight, feedback, and support:

Judge J. Richard Couzens (ret.), Superior Court of California, County of Placer; The Chief Probation Officers of California; The California Department of Finance; and the California Department of Corrections and Rehabilitation. We would like to acknowledge staff in the AOC Criminal Justice Court Services Office whose work contributed to the SB 678 program and report: Shelley Curran, Senior Manager; Tara Agnese, Francine Byrne, Jay Fraser, Eve Hershcopf, Arley Lindberg, and Barbara Whiteoak.

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Executive Summary

When originally passed, the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678) was designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers who are sent to state prison for committing a new crime or violating the terms of probation, and to meet these objectives without compromising public safety. The SB 678 program shares state savings from lower prison costs with county probation departments that implement evidence-based supervision practices and achieve a reduction in the number of locally supervised felony offenders who are revoked to state prison.

The enactment of the 2011 Public Safety Realignment Act greatly reduced the number of felony offenses that are punishable by state prison sentences and in order to continue to incentivize effective supervision practices, in 2013 the legislature modified SB 678 to include probationers returning to county jail. In June 2015, the Legislature passed and the Governor signed SB 85 which changes the probation failure rate to include the total prison returns for all individuals under felony supervision by the county probation departments (probation, mandatory supervision and post release community supervision) and eliminates funding for jail avoidance.

The SB 678 program and its performance-based funding mechanism created significant state savings by lowering the number of supervised offenders sent to state prison over the past five years. The original baseline failure rate dropped from 7.9% in the baseline years of 2006-08 to 5.6% in 2014. This resulted in statewide savings of approximately \$970.6 million over five years with 60% or \$577.8 million allocated to county probation departments for their continued efforts to effectively supervise individuals under local supervision.

A fundamental component of SB 678 is the implementation of evidence-based practices (EBPs) by county probation departments. SB 678 defines evidence-based practices as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or postrelease supervision.” While no probation department in the state has fully implemented evidence-based practices in all facets of supervision, all counties report expanded use of some EBP elements, including application of actuarial risk and needs assessments, increased collaboration among local justice system partners, more effective supervision of offenders, more effective treatment programs for offenders, and more effective management practices.

While the number of probationers revoked has decreased since the SB 678 program’s inception and probation departments have expanded their implementation of evidence-based supervision practices, California’s crime rates remain below the 2008 baseline levels, indicating that public safety has not been negatively affected by the SB 678 program. Given these positive outcomes, the state and the counties have an interest in sustaining and expanding upon the effectiveness of

the SB 678 program.

The recent enactment of Proposition 47, the Safe Neighborhoods and Schools Act, by California voters in November 2014 will also affect SB 678. Although it is too soon to understand the full impact of Proposition 47 on the program, there has been an observable and immediate drop in the supervised felony population since the initiative passed; there may also be an effect on the type of offenders supervised by probation. The Judicial Council's Criminal Justice Services office is currently gathering data to assess how Proposition 47 may impact community supervision in the coming years, and whether the immediate drop in the supervised felony population continues.

With adequate resources, probation departments will be able to continue using evidence-based practices developed through the SB 678 program to save state funds by reducing the number of felony offenders who are reincarcerated. The effectiveness of probation departments in continuing to lower incarceration costs and increase their use of evidence-based practices demonstrates that the counties' ongoing efforts to implement SB 678's careful design are meeting the legislation's objectives. With secure funding for the future, the SB 678 program has the potential to more fully achieve the Legislature's goals.

Introduction

The California Community Corrections Performance Incentives Act of 2009¹ (Sen. Bill 678; Stats. 2009, ch. 608, implementation of which is hereafter referred to as the “SB 678 program”), was designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers sent to state prison for committing a new crime or violating the terms of their county-supervised probation, and to meet these objectives without compromising public safety. The SB 678 program allocates a portion of reduced incarceration costs to county probation departments to support the use of evidence-based supervision practices and achieve a reduction in the number of supervised felony offenders who are revoked to state prison.

The Judicial Council has been charged by the Legislature to annually report on the implementation and outcomes of the SB 678 program.

This report:

- Presents a brief background on the SB 678 program, and documents changes made to the program as a result of public safety realignment and the enactment of Proposition 47;
- Provides results from the first five years of the program, including the impact of the SB 678 program on probation failure rates and public safety, the amount of state savings from the reduction in probation failures, and funding allocations to the counties; and,
- Provides information on county probation departments’ reported use of funds and implementation of evidence-based practices.

¹ SB 678; Stats. 2009, ch. 608, www.courts.ca.gov/documents/sb678.pdf.

I. SB 678 Background

A. Legislative Enactment of SB 678

The Legislature enacted the California Community Corrections Performance Incentives Act of 2009 (SB 678) with bipartisan support.² This legislation created an incentive program designed to improve public safety, alleviate state prison overcrowding, and save state General Fund monies by supporting effective probation practices and reducing the number of adult felony probationers sent to state prison for committing a new crime or violating the terms of probation.

Courts have authority to order defendants to be placed on probation (a judicially imposed suspension of sentence and a form of community supervision) in lieu of a long-term jail or prison sentence.³ The typical adult felony probation term is for a period of 3-5 years. If an offender successfully completes probation without a violation or a new charge, the probationer will not be required to serve any further custody time in jail or prison. If the probationer violates the conditions of probation or commits a new offense, probation may be “revoked” and the offender sent to state prison or county jail, resulting in incarceration costs to the state or county.

Each of California’s 58 counties administers its own adult felony probation system.⁴ Historically, the probation departments’ inability to significantly reduce offender recidivism and revocations had been a major contributor to California’s incarceration costs.⁵ In a 2009 report, the Legislative Analyst’s Office (LAO) estimated that 40% of new prison admissions from the courts were due to probation revocations.⁶ The report also acknowledged that, in the preceding years, many county probation departments had insufficient resources to implement evidence-based probation supervision practices⁷ that could help reduce probation failures. The LAO recommended creation of a program to provide counties with a financial incentive to improve their community corrections practices and lower their probation failure rates.

The SB 678 program established a performance-based funding system for county probation departments that shares state savings from lower prison costs with probation departments that implement evidence-based supervision practices and achieve a reduction in the number of felony

² SB 678, *supra*.

³ Pen. Code, § 1228(c): “Probation is a judicially imposed suspension of sentence that attempts to supervise, treat, and rehabilitate offenders while they remain in the community under the supervision of the probation department. Probation is a linchpin of the criminal justice system, closely aligned with the courts, and plays a central role in promoting public safety in California’s communities.”

⁴ Probation differs from parole, which is a form of supervision that takes place upon release from prison for specified offenders and is administered by the California Department of Corrections and Rehabilitation (CDCR).

⁵ Legislative Analyst’s Office, *Achieving Better Outcomes for Adult Probation* (2009), http://www.lao.ca.gov/2009/crim/Probation/probation_052909.pdf.

⁶ Legislative Analyst’s Office, *Achieving Better Outcomes for Adult Probation* (2009), http://www.lao.ca.gov/2009/crim/Probation/probation_052909.pdf.

⁷ Pen. Code, § 1229(d); evidence-based practices are defined as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision.”

probationer commitments to state prison. Following California's 2011 Public Safety Realignment Act⁸ (discussed in section D, below), legislation enacted in 2013 expanded the SB 678 program to include reductions in felony probationer commitments to county jail.⁹ The 2015-2016 state budget calls for further adaptation of the program to include incentive-based funding for all types of local felony supervision that includes mandatory supervision and postrelease community supervision populations. Critical to the effectiveness of the SB 678 program is the requirement for county probation departments to reinvest their share of the savings in enhanced implementation of evidence-based probation programs and practices.¹⁰

B. The SB 678 Framework

Implementation of the SB 678 program began in FY 2009–2010 when the Legislature appropriated \$45 million in federal American Recovery and Reinvestment Act stimulus funds¹¹ as seed money for county probation departments to begin expanding the use of evidence-based practices with adult felony probationers. After the first year of the program, the SB 678 state funding mechanism was activated, although the precise formula has been modified each year.

Funding Methodology: FY 2010-2011 to FY 2012-2013

The SB 678 funding formula emphasizes county performance.¹² As originally designed, probation departments received a portion of the state's savings in incarceration costs¹³ resulting from reduction in the probation failure rate (PFR). The state's PFR was initially defined in statute as a percentage based on the number of adult felony probationers revoked to state prison in a year compared with the average probation population during the same period.¹⁴

The amount of savings the state shared with probation departments each year was determined by the counties' collective improvement in the PFR in comparison to their 2006–2008 baseline rate¹⁵

⁸ 2011 realignment legislation addressing public safety, also known as the 2011 Public Safety Realignment Act (AB 109; Stats. 2011, ch. 15 and AB 117; Stats. 2011, ch. 39).

⁹ SB 75; Stats. 2013, ch. 31,

http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB75&search_keywords

¹⁰ "Funds allocated to probation pursuant to this act shall be used to provide supervision and rehabilitative services for adult felony offenders subject to local supervision, and shall be spent on evidence-based community corrections practices and programs..." (Pen. Code, § 1230(b)(3).)

¹¹ This was based on a one-time expansion of the Edward Byrne Memorial Justice Assistance Grant Program.

¹² Pen. Code, § 1233.1(d).

¹³ Pen. Code, § 1233.1(a).

¹⁴ Pen. Code, § 1233.1(b)(1). In response to California's 2011 Public Safety Realignment Act (discussed in section I.D of the body of this report), Section 1233.1(b) was revised by SB 105, Stats. 2013, Ch. 310 to include subsection (b)(2): "*The statewide probation failure rate for the 2012 calendar year shall be calculated as the total number of adult felony probationers statewide sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, as a percentage of the average statewide adult felony probation population for that year.*" (emphasis added). Section 1233.1(b) was further amended by SB 105, operative July 1, 2014, to place this revised statewide probation failure rate formula in effect each year, beginning with the 2013 calendar year. For reporting purposes, the Judicial Council defines "average probation population" as an average of the number of all probationers on felony probation (including those on warrant status) on the last day of each quarter.

¹⁵ Pen. Code, § 1233(a). The baseline probation failure rate is a weighted average of the PFR in 2006, 2007, and

(see Appendix A). The state provided each county with a share of the state savings from reduced incarceration costs;¹⁶ the amount varied depending on the individual probation department's level of success¹⁷ as calculated by comparing the county's PFR (measured by felony probationer returns to state prison) with the state's average PFR. The SB 678 program included a provision for high performance awards to counties with very low probation failure rates. These awards supported the ongoing use of evidence-based practices in counties with probation failure rates more than 50 percent below the statewide average.¹⁸

Funding Methodology Post-Realignment: FY 2013-2014 and FY 2014-2015

The SB 678 program and its funding formula were affected by California's 2011 Public Safety Realignment Act¹⁹ (discussed in section D, below). Following realignment, a substantial number of felony probationers are no longer eligible for incarceration in state prison when they violate conditions of probation or commit a new offense and instead may be revoked and sentenced to county jail. Following this realignment-driven change, the funding formulas for FY 2013–2014 and FY 2014-2015 (which shared savings for counties' performance in calendar year 2012 and 2013, respectively) were revised. The PFR used in the revised formula continued to include adult felony probationers who were revoked to state prison, but was amended to also include revocations to county jail.²⁰ The PFR for these years is calculated using the combined revocations to jail and prison as a percentage of the average statewide adult felony probation population for that year.

Funding Methodology: Changes for FY 2015-2016

The 2015-2016 state budget updates the SB 678 funding formula to include all types of local felony supervision (adult probation, mandatory supervision, and postrelease community supervision, and refocuses the grant on local supervision admissions to prison. An additional component will reward counties' past successes by linking a percentage of each year's allocation

2008. After the conclusion of each calendar year, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, calculates for that calendar year an estimate of the number of adult felony probationers each county successfully prevented from being sent to prison (or to jail, following realignment) based on the reduction in the county's probation failure rate. In making this estimate, DOF is required to adjust the calculations to account for changes in each county's adult felony probation caseload in the most recently completed calendar year as compared to the county's adult felony probation population during the baseline period. (Pen. Code, §§ 1233.1(c),(d).)

¹⁶ Pen. Code, § 1233.1(a), 1233.2.

¹⁷ Pen. Code, § 1233.2. In each year, the remaining few unsuccessful counties are also provided with a small amount of state funds to bolster their efforts to implement evidence-based practices and reduce recidivism.

¹⁸ For FY 2010-2011 to FY 2014-2015, these awards were funded with 5% of the overall savings to the state. A county could receive an award based on state incarceration cost savings or a high performance grant payment but not both; the county could choose which award to receive in a year when it qualified for both. (Pen. Code, § 1233.4(e).)

¹⁹ 2011 realignment legislation addressing public safety, also known as the 2011 Public Safety Realignment Act (AB 109; Stats. 2011, ch. 15 and AB 117; Stats. 2011, ch. 39).

²⁰ Pen. Code, § 1233.1(b)(2). These felony probationers were revoked to county jail pursuant to Penal Code section 1170(h)(5).

to past performance allocations. This will provide a degree of stabilization and predictability that will allow the counties to make more sustainable investments in evidence-based practices. Specific details of these changes are outlined in Appendix C.

C. SB 678 Monitoring and Reporting

The SB 678 legislation requires county probation departments to report on their implementation of evidence-based practices and probationer outcomes to enable the Legislature to monitor whether the program is having its intended effect.²¹ The Judicial Council collects quarterly statewide outcome data reported by the counties, and works with the California Department of Corrections and Rehabilitation (CDCR) and the Chief Probation Officers of California (CPOC) to ensure the accuracy and reliability of this data.²² Since the start of the SB 678 program, the Judicial Council has provided technical assistance in data quality assurance to probation departments through site visits, multicounty conference calls, and contacts with individual counties.²³

The Judicial Council's data collection methods obtain the most critical data, balancing county resource constraints with the Legislature's interest in program evaluation based on accurate and detailed information, as mandated by statute. Data reported by county probation departments focus on quantitative outcomes, including the number of felony offenders placed on probation, the number revoked to prison or jail, and the number convicted of a new felony offense during the reporting period (see Appendix B). The Judicial Council reports program data to the Department of Finance (DOF), which uses it to determine the appropriate annual level of performance-based funding for each county probation department.²⁴

In addition to collecting quarterly outcome-focused data, the Judicial Council developed an annual survey, *Implementation of Evidence-Based Practices: Annual Assessment Survey* (Annual Assessment), to gather information on probation departments' implementation of evidence-based practices (EBPs) and assist them in fulfilling the legislative mandate for evaluation of the effectiveness of the SB 678 program.²⁵ The Annual Assessment focuses on five critical evidence-based practices: (1) use of validated risk and needs assessments; (2) effective probationer supervision practices, including training on EBPs; (3) effective treatment and targeted intervention; (4) effective management practices; and (5) collaboration among justice system

²¹ Pen. Code, § 1231(a): "Community corrections programs funded pursuant to this act shall identify and track specific outcome-based measures consistent with the goals of this act." Pen. Code, § 1231(c): "Each CPO receiving funding pursuant to Sections 1233 to 1233.6, inclusive, shall provide an annual written report to the Judicial Council evaluating the effectiveness of the community corrections program, including, but not limited to, the data described in subdivision (b)."

²² Pen. Code, § 1231(b).

²³ Judicial Council's Criminal Justice Services office has developed uniform data definitions, created and administered surveys, checked data submissions, matched revocation records submitted by probation departments with CDCR records, and investigated record inconsistencies.

²⁴ Pen. Code, §§ 1231(d), 1233.

²⁵ Pen. Code, §§ 1231(c), 1232.

partners.²⁶ The survey is designed to measure probation departments' reported EBP implementation changes over time and to identify program spending priorities.

D. California's 2011 Public Safety Realignment and the Impact on the SB 678 Program

Two years after the SB 678 program went into effect, the California Legislature enacted the 2011 Public Safety Realignment Act,²⁷ the most far-reaching transformation of California's criminal justice system in more than 30 years. Realignment has had an impact on the SB 678 program by significantly reducing the number of probationers who are *eligible* for incarceration in state prison when they fail on probation, and instead are revoked to county jail. Public safety realignment also created new categories of offenders who are supervised by probation departments and similarly limited these offenders' eligibility for incarceration in state prison when they fail on supervision.

Prior to the enactment of the realignment legislation, a person convicted of a felony and denied probation was generally sentenced to state prison. After realignment, however, with the exception of serious or violent felony offenses, and for felony offenders with serious or violent criminal histories, the general rule is that the court must commit these persons to county jail.

Due to this change in the sentencing structure, offenders granted felony probation for 1170(h) offenses and who violate probation or commit a new 1170(h) offense may only be revoked to county jail rather than state prison. Approximately half of all revoked probationers now serve their time in county jail instead of state prison, which significantly reduces the amount of direct state savings related to the SB 678 program. The SB 678 program continues to reduce state prison costs through enhanced supervision of those probationers who remain eligible to be incarcerated in state prison if probation is revoked. The program also provides savings for counties (and, potentially, for the state) by reducing the number of revoked offenders who would serve their terms in county jail, though there are no direct state savings associated with lowering the probation failure rate (PFR) for offenders who are not eligible for revocation to state prison.

In addition to the immediate impact of realignment legislation on the SB 678 program, significant additional ongoing responsibilities have been placed on probation departments, including supervision of two new populations of offenders: (1) offenders released from state prison on a new form of supervision, called postrelease community supervision (PRCS), and (2) offenders placed on mandatory supervision under Penal Code section 1170(h)(5).

After realignment legislation passed, the Judicial Council began collecting additional data on

²⁶ The importance of each of these areas has been supported in a number of reports; see, for example, Crime and Justice Institute at Community Resources for Justice, *Implementing Evidence-Based Policy and Practice in Community Corrections*, 2nd ed. (Washington, D.C.: National Institute of Corrections, 2009) available at www.crj.org/cji/entry/publication_integratedmodel.

²⁷ 2011 realignment legislation addressing public safety, also known as the 2011 Public Safety Realignment Act (AB 109; Stats. 2011, ch. 15 and AB 117; Stats. 2011, ch. 39).

felony probation revocations to account for realignment's impact on revocation practices. The data include the number of felony probationers who would have been sent to state prison for a revocation of probation or for a conviction of a new felony offense prior to realignment but who are now revoked to county jail when they fail on probation.²⁸

E. Proposition 47

On November 4, 2014, California voters enacted Proposition 47 "The Safe Neighborhoods and Schools Act." The major components of Proposition 47 (Prop 47) are (1) reducing possessory level felony drug offenses and thefts of property valued under \$950 which had previously been "wobblers" to straight misdemeanors; (2) creating a process for persons currently serving a qualified felony sentence for theft and drug offenses to petition the court for resentencing as a misdemeanor; (3) creating a process for persons who have completed qualified felony sentences to petition the court for reclassification of the crime as a misdemeanor; and (4) forming a Safe Neighborhoods and Schools Fund to receive the state savings achieved by the change in the sentencing laws²⁹.

Of these components, 1) and 2) will likely have an impact on felony probation caseloads and, as a result, on the SB 678 program. Beginning with Quarter 4, 2014 (October 1 to December 31) the Judicial Council began asking probation departments to report two additional data points related to Prop. 47³⁰. Preliminary data indicate that statewide, over 5,000 Proposition 47 terminations from felony supervision occurred in the fourth quarter of 2014, and that the overall population of felony probationers decreased by nearly 3% in that timeframe. This compares to an increase of 0.25 percent for the same time period 2013. The number of new felony probation grants was reduced by nearly 29% in the fourth quarter of 2014. (See Figure 1) This reported decrease was not experienced by every jurisdiction however; some counties have seen an increase in their felony probation population during the same time frame.

More time and data will be needed to evaluate the long term impact that Proposition 47 will have on supervised populations. In addition to affecting the size of the felony probation population, and therefore, potentially having an impact on the probation failure rate³¹, Proposition 47 may also lead local probation departments to adapt practices to accommodate changes resulting from implementation of the new regime. If the lower felony probation populations prove to be

²⁸ Pen. Code, § 1231(d)(8) and (9).

²⁹ <http://www.voterguide.sos.ca.gov/en/propositions/47/analysis.htm>

³⁰ The two additional data points are:

Prop 47 Terminations: Count of all supervised individuals who have been resentenced under Prop 47 during the quarter, and as a result of the resentencing, have been completely terminated from all forms of felony supervision. *Individuals should be counted only if they are no longer under any form of felony supervision by the probation department.*

Prop 47 Reductions: Count of all supervised individuals who have been resentenced under Prop 47 during the quarter, but remain on misdemeanor supervision by the probation department. *This item should be a subset of item 19.*

³¹ Because PFR is calculated as the number of probation failures as a proportion of the overall probation population, significant reductions in the population could result in increases in the *rate* of probation failures.

sustainable, this does provide an opportunity for probation departments to implement or maintain lower caseload ratios, an important aspect of EBP. Anecdotal information suggests that probation departments are expanding their misdemeanor probation caseloads and are considering modifications to supervision policies to respond more directly to probationers' risk of reoffending rather than making a distinction between misdemeanor and felony supervision practices. Although the immediate effect of Proposition 47 on the SB 678 program remains unclear, Judicial Council staff will continue to gather information from the county probation departments on the changes that result from the initiative and the probation departments' responses.

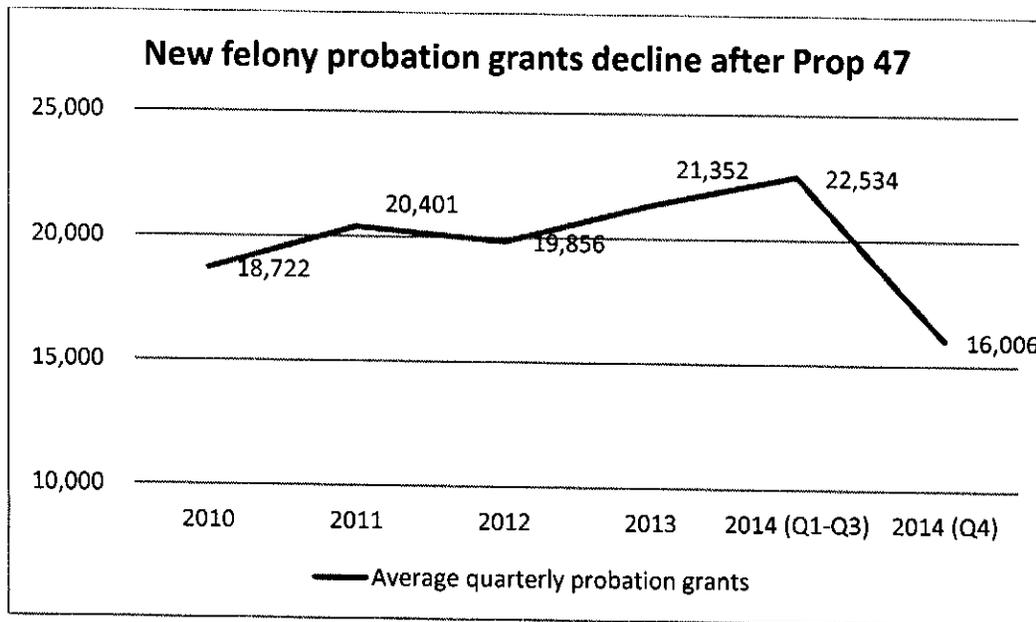


Figure 1. New felony probation grants data reported by probation departments to the Judicial Council.

II. Program Results

The analysis of SB 678's effectiveness is guided by the Legislature's stated intent³² and summarized in three overarching questions:

- A. How did the SB 678 program impact the probation failure rate, and what was the effect on public safety?
- B. Did the state save money due to reductions in probationers sent to state prison, and was a portion of these savings directed to county probation departments to implement evidence-based practices?
- C. Did county probation departments implement evidence-based practices and how did these practices impact probationer outcomes?

A. SB 678 Program Impact on Probation Failure Rate and Public Safety Outcomes

Probation Failure Rate for SB 678 Program: Analysis

The SB 678 program's effectiveness has been measured by comparing each calendar year's probation failure rates (PFR) to a baseline period before the program was implemented (a weighted average of the PFR in 2006, 2007, and 2008).³³ While the statewide PFR has varied from year to year, including an increase from 2012 to 2013, in each of the five years since the start of the SB 678 program the state's overall PFR has been lower than the baseline PFR rate of 7.9% (see figure 2).³⁴ In 2014, the Probation Failure Rate was 5.6%.

³² "Providing sustainable funding for improved, evidence-based probation supervision practices and capacities will improve public safety outcomes among adult felons who are on probation. Improving felony probation performance, measured by a reduction in felony probationers who are sent to prison because they were revoked on probation or convicted of another crime while on probation, will reduce the number of new admissions to state prison, saving taxpayer dollars and allowing a portion of those state savings to be redirected to probation for investing in community corrections programs." Pen. Code, § 1228(d).

³³ The statewide probation failure-to-prison rate was initially calculated as the total number of adult felony probationers sent to prison in the year as a percentage of the average statewide adult felony probation population for that year. (Pen. Code, § 1233.1(b)(1).) In response to California's 2011 Public Safety Realignment Act (discussed in section I.D in the body of this report), Section 1233.1(b) was revised by SB 105, Stats. 2013, Ch. 310 to include subsection (b)(2): "The statewide probation failure rate *for the 2012 calendar year* shall be calculated as the total number of adult felony probationers statewide sent to prison, *or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170*, as a percentage of the average statewide adult felony probation population for that year." (emphasis added). Section 1233.1(b) was further amended by SB 105, operative July 1, 2014, to place this revised statewide probation failure rate formula in effect each year, beginning with the 2013 calendar year. Similarly, each county's probation failure-to-prison rate was initially calculated as the number of adult felony probationers sent to prison from that county in the previous year as a percentage of the county's average adult felony probation population for that year. (Pen. Code, § 1233.1(c)(1).) In response to California's 2011 Public Safety Realignment Act, Section 1233.1(c) was also revised by SB 105, Stats. 2013, Ch. 310 to include subsection (c)(2): "The probation failure rate for each county *for the 2012 calendar year* shall be calculated as the total number of adult felony probationers sent to prison, *or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170*, from that county as a percentage of the county's average adult felony probation population for that year." (emphasis added). Section 1233.1(c) was further amended by SB 105, operative July 1, 2014, to place this revised county probation failure rate formula in effect each year, beginning with the 2013 calendar year.

³⁴ Probation departments are allowed to revise previously submitted data. As a result of several re-submissions, the 2012 PFR referenced in prior documents may be different from what is reported here.

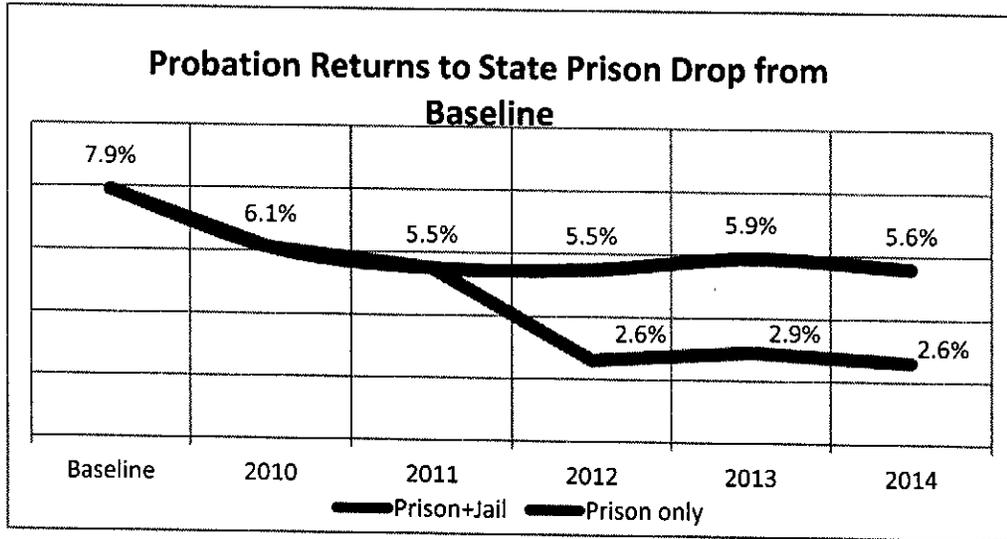


Figure 2. Probation revocation data reported by probation departments to the Judicial Council.

In order to determine whether probation departments statewide have reduced the number of felony probation failures, a calculation involving the baseline PFR was required. First, the baseline PFR of 7.9% was applied to the statewide probation population in each year of the program. This provided an estimate of the number of felony probationers that probation departments would have sent to prison (and to jail, post-realignment) if counties had continued using the same supervision practices as those in place during the baseline period (see figure 3, below). The dark bars in figure 3 show the *projected* number of revocations to state prison (and to county jails, post-realignment); that is, the number of revocations one would expect to see if there had been no change in probation supervision practices. The number of projected revocations was then compared to the actual number of felony probationers revoked to state prison each year under the SB 678 program (represented by the light bars) and revoked to county jails, post-realignment (represented by the split bars). In each year of the program, the actual number of revoked felony probationers was lower than the projected number of revocations.

As reported by probation departments and indicated in table 1, below, in 2010, the first calendar year of SB 678 implementation, the probation failure rate declined to 6.1%, with 20,044 actual revocations—a reduction in the expected average daily prison population of 6,008 offenders. By 2014, the state’s probation failure rate declined to approximately 5.6% with 6,911 fewer offenders than expected having their probation revoked.³⁵

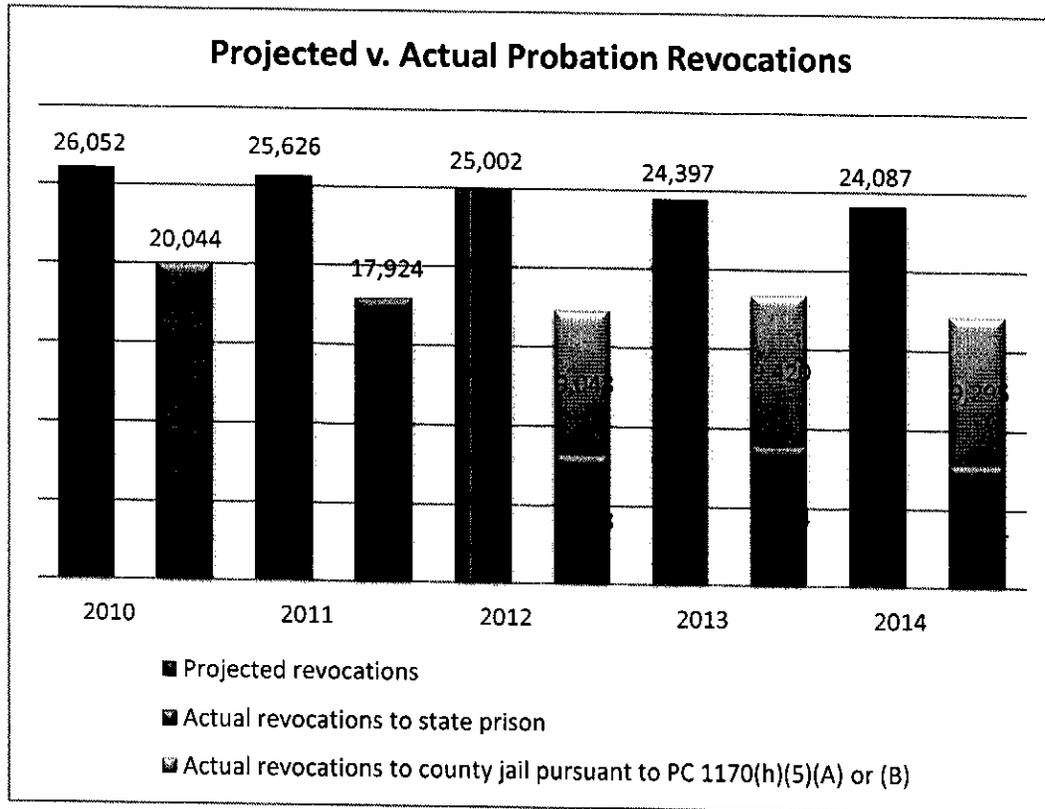


Figure 3. Probation revocation data reported by probation departments to the Judicial Council

To take the impact of realignment into account, county jail and prison revocations were summed to calculate the total number of felony probation revocations post-realignment. In 2012, probation departments maintained their PFR at 5.5% and revoked approximately 7,706 fewer felony probationers to either state prison or county jail. Of the probationers who were revoked in 2012, 48% were revoked to state prison, 52% to county jail. In 2013, the statewide PFR increased to 5.9%. Even with this rise in the PFR, approximately 6,013 fewer felony probationers were revoked to state prison or county jail as compared to the number of projected revocations. Of those revoked in 2013, 49% were revoked to state prison and 51% to county jail. In 2014 the PFR declined to 5.6%, indicating that approximately 6,911 fewer probationers were revoked than expected in that year. Of those that were revoked approximately 46% were sent to state prison.

³⁵ The estimated reduction in the average daily prison population calculated by the Department of Finance each year is based on the average length of stay in prison, which fluctuates from year to year and may or may not equal 12 months.

**Table 1: Felony Probation Revocation Rates:
Prison- and Jail-only**

	2012	2013	2014
Prison Only	2.6%	2.9%	2.6%
Jail Only	2.9%	3.0%	3.0%

Source: Probation revocation data reported by probation departments to the Judicial Council

It is important to note that the size of the adult felony probationer population has declined steadily since the baseline period. This population decline reduces the denominator used to calculate the probation failure rate and may result in higher PFRs even if the actual number of probationers revoked is reduced. For example, although the 2012 *rate* of probation failures is the same as the rate in 2011 (5.5%), the actual number of revocations to prison or jail avoided in 2012 is approximately 3.5% lower. As previously mentioned, it is anticipated that Proposition 47 will further impact the probation population, which may have an effect on the probation failure rate in the future.

Table 2: Summary of Probation Revocations Since Program Inception

	Baseline	2010	2011	2012	2013	2014
Probation Failure Rate (PFR)	7.9%	6.1%	5.5%	5.5%	5.9%	5.6%
Average daily felony probation population	331,617	329,767	324,382	316,478	308,622	305,515
Expected revocations (based on baseline PFR)	N/A	26,052	25,626	25,002	24,381	24,087
Actual revocations	N/A	20,044	17,924	17,296	18,687	17,176
% revocations sent to prison vs. jail (pursuant to PC 1170(h))	N/A	N/A	N/A	48%	47%	46%
Avoided revocations	N/A	6,008	7,702	7,706	5,694	6,911

Source: Probationer revocation data reported by probation departments to the Judicial Council

Moving forward, the Senate Bill 85 revised the PFR to combine all supervised felony offenders, and returns to prison only, creating a prison return rate rather than the probation failure rate used in previous years. This change in the SB 678 formula to include all population types will make comparisons to previous years invalid. The Judicial Council also began to collect additional data to determine the size of the mandatory supervision and PRCS populations and to assess whether there are differences in probation departments' supervision of these new populations as compared with traditional adult felony probationers.³⁶ Preliminary data for returns to prison for

³⁶ Pen. Code, § 1231(d)(10-19).

all supervision types are shown below. Although distinct trends cannot be established, return rates for felony probationers and individuals on mandatory supervision seem to be similar; individuals on postrelease community supervision are returned to prison at a much higher rate. It is unclear as to whether these observed differences may be more attributable to the policies and practices of supervising agencies or to those of justice-system partners such as the police and district attorneys.

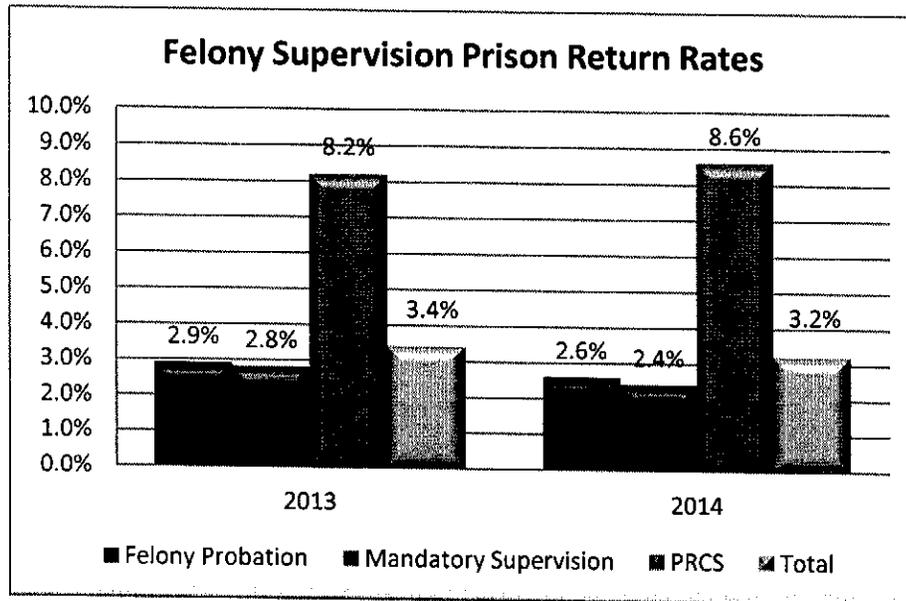


Figure 4. Source: Probationer revocation data reported by probation departments to the Judicial Council

Crime Rates in California, Realignment, and the SB 678 Program Impact on Public Safety

The sweeping changes to the criminal justice system that resulted from realignment and other recent criminal justice initiatives make it difficult to isolate and measure the SB 678 program's impact on public safety. Although it is not possible to make a definitive statement about whether and how the program has affected crime, it should be noted that in the five years since SB 678 was implemented crime rates in California have generally continued the downward trend of the past decade. Data from 2013 and preliminary data from the first six months of 2014 indicate that crime rates continues to drop.

After increasing slightly in 2012, California's crime rates are once again declining. Between 2012 and 2013, California's violent crime rate decreased 6.5% and the property crime rate decreased by 3.9%.³⁷ The state's 2013 crime rates remained lower than the rates from the 2008 SB 678 baseline period (21% lower for violent crime; 11% lower for property crime).³⁸

³⁷ California Department of Justice, Division of California Justice Information Services, Bureau of Criminal Information and Analysis Criminal Justice Statistics Center, *Crime in California 2013*, <http://oag.ca.gov/sites/all/files/agweb/pdfs/cjisc/publications/candd/cd13/cd13.pdf?>

³⁸ *Ibid.*

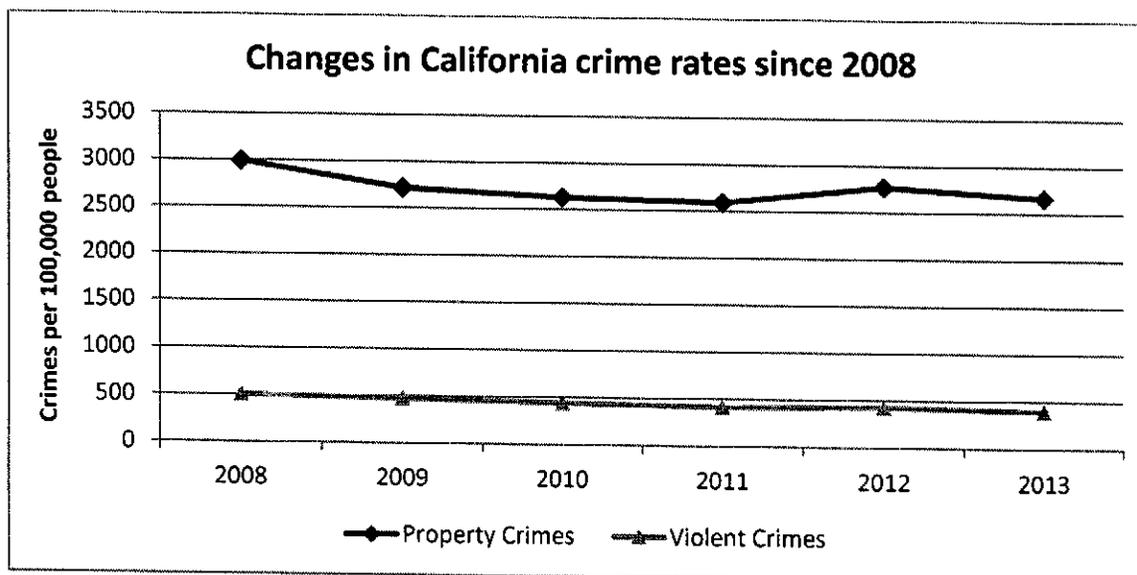


Figure 5. Property and violent crime data from the California Department of Justice, Office of the Attorney General, *Crime in California*, 2013 report

An analysis of preliminary FBI crime data that includes the first six months of 2014 also suggests that the increase in the California's crime rate reported in 2012³⁹ is not part of an ongoing trend, and may continue to decline.⁴⁰ In the first six months of 2014, the property crime rate decreased from 2013 by approximately 7.2%, and the violent crime rate decreased by 3.1%; see table 3, below.

Table 3: Crimes per 100,000 Residents in California

	Property	Violent
Jan – June 2012	2,856	474
Jan – June 2013	2,849	448
Jan – June 2014	2,644	434
Percent change (2012 to 2014)	-7.4%	-8.4%

*Annualized number based on Jan–June 2013–2014 data for California cities of 100,000 persons or more (does not include arson).

Source: Federal Bureau of Investigation, Preliminary Semiannual Uniform Crime Report (January–June 2014)

³⁹ Federal Bureau of Investigation, Preliminary Semiannual Uniform Crime Report (January–June 2013), retrieved from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/preliminary-semiannual-uniform-crime-report-january-june-2013/preliminary-semiannual-uniform-crime-report-january-june-2013>.

⁴⁰ Federal Bureau of Investigation, Preliminary Semiannual Uniform Crime Report (January–June 2014), retrieved from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/preliminary-semiannual-uniform-crime-report-january-june-2014/preliminary-semiannual-uniform-crime-report-january-june-2014>.

The Legislature designed the SB 678 program to save state funds and improve the effectiveness of community supervision practices without compromising public safety.⁴¹ Although it is not possible to confidently identify the specific impact of the program on crime, these data suggest that public safety has not been compromised as a result of SB 678.

State Savings, Allocation to County Probation Departments, Reported Use of Funds for Evidence-Based Practices, and Evaluation

State Savings and Allocation to County Probation Departments

The SB 678 program has been effective in saving state General Fund monies. The 23% reduction in felony probation revocations in 2010 resulted in state savings of approximately \$181.4 million in FY 2011–2012. County probation departments received \$88.6 million of these savings to further their implementation of evidence-based supervision practices. In calendar year 2011, the probation departments further reduced the probation failure rate, resulting in state savings of approximately \$284.6 million, of which \$138.3 million was distributed in FY 2012–2013 for local probation departments to reinvest in effective supervision practices.⁴²

Prior to FY 2013–2014, SB 678 funding allocations to county probation departments were calculated based on savings to the state resulting from reductions in felony probationer prison commitments. The state shared funds with probation departments for those reductions in the state prison population that could be attributed to the counties' diversion of probationers who would have gone to state prison. As noted in section D, under the 2011 public safety realignment, hundreds of felony offenses previously punishable by a term in state prison may now only be punished by the same term in county jail.⁴³ After realignment went into effect, approximately half of all felony probationers who are revoked or commit new crimes serve their time in county jail instead of state prison.

Given this effect of realignment, beginning in FY 2013–2014 the state adjusted the formula for calculating savings to take into account the incarceration costs for prevented felony probation failures to both prison and jail. The Department of Finance determined that the improvements in 2012's PFR resulted in savings of \$203.2 million, and county probation departments received \$101.0 million as their share of the SB 678 program savings. For 2014–2015, DOF calculated the total 2013 SB 678 program savings as \$250.4 million, with \$124.8 million as the county probation departments' share, an increase of \$23.8 million from FY 2013–2014.

⁴¹ Pen. Code, §§ 1228(c), 1229(c)(1).

⁴² The probation revocation reductions achieved in a calendar year are used to calculate state savings in the following fiscal year. County payments in FY 2012–2013 represent a portion of the state's cost savings resulting from reductions in felony probation revocations in 2011. The calculation for the payments takes into consideration the number of felony probationers who were not sent to prison in the prior calendar year, as well as the average length of stay avoided.

⁴³ Pen. Code, § 1170(h).

The 2015-2016 state budget makes significant changes to the SB 678 funding formula for the FY 2015-2016 distribution, including the addition of mandatory supervision and post-release community supervision populations and a portion of stable funding based on a county's past success. The changes for the FY 2015-2016 allocations include a new baseline; the revisions to the formula also remove county jail admissions from the formula. The new baseline consists of the 2013 percentage of total state prison admissions, for both technical violations and new offenses for felony probationers and individuals on mandatory supervision and postrelease community supervision. The proposed formula provides \$125.8 million to county probation departments, similar to the allocation in FY 2014-2015.

Probation Departments' Reported Use of Funds for Evidence-Based Practices and Evaluation

Although not charged with conducting a formal accounting of funds received through the SB 678 program, the Judicial Council incorporates a limited number of funding questions in the Annual Assessment. County probation departments across California reported using SB 678 program funds to implement a variety of evidence-based practices (detailed in table 4, below).⁴⁴ The Judicial Council uses the probation departments' self-reported information to provide context for the ways in which resources are allocated within the program.

Probation departments have consistently reported using the majority of their SB 678 funds on the hiring, retention, and training of probation officers to supervise medium- and high-risk probationers. Probation departments also report using a sizable proportion of their SB 678 funds on evidence-based treatment programs and services for probationers. The departments reported spending funds on five major categories of evidence-based treatment programs and services: (1) cognitive behavioral therapy, (2) outpatient substance abuse treatment programs, (3) day reporting centers, (4) vocational training/job readiness programs, and (5) other treatment programs/services. As noted in the table, the use of the funds shift over time in anticipated ways. For example, the need for EBP training in the earlier years diminishes over time as the use of EBP is more fully implemented within probation departments. It should be noted that the spending categories used in the Annual Assessment are not mutually exclusive. For example, funds for support of officers may be used for training or for the improvement of data collection because it is often case-carrying officers that perform these data collection functions.

⁴⁴ Caution is advised when interpreting these results as the reporting categories are not mutually exclusive and the reported proportions are likely representative of the SB 678 funds *spent* on the implementation of EBPs separate and apart from the amount of SB 678 funds *received* in a given fiscal year for EBP implementation. Information on the use of the 5% evaluation funds was asked separately and may overlap with information presented in table 4.

Table 4: Reported Use of Funds for Evidence-Based Practices

Spending Category	Average % Spent FY 2010-11 (N=50)	Average % Spent FY 2011-12 (N=48)	Average % Spent FY 2012-13 (N=48)	Average % Spent FY 2013-14 (N=50)
Hiring, support, and/or retention of case-carrying officers/supervisors	28%	48%	60%	60%
Evidence-based treatment programs	28%	27%	20%	18%
Improvement of data collection and use	4%	3%	7%	2%
Use of risk and needs assessment	12%	5%	5%	4%
Use/implementation of intermediate sanctions	NA	NA	3	7%
Training for officers/supervisors on EBP	7%	8%	<3%	3%
Other evidence-based practices ^b	10%	3%	3%	5%

^a The following counties provided incomplete or invalid responses to these questions and were excluded from these analyses:
 FY 2010–2011 — Colusa, Kings, San Diego, San Luis Obispo, Santa Clara, Sierra, Tehama, Tulare
 FY 2011–2012 — Alpine, Amador, Butte, El Dorado, Imperial, Kings, Napa, Plumas, Sierra, Tehama
 FY 2012–2013 — Butte, Del Norte, Imperial, Madera, Modoc, San Benito, Santa Clara, Shasta, Sierra, Tulare
 FY 2013–2014 — Alpine, Amador, Contra Costa, Del Norte, Lake, Modoc, Nevada, Yolo

^b Includes operational costs, administration and clerical support, materials, incentives, and associated start-up costs. A number of counties reported placing some funds in a reserve account for program maintenance, additional positions, and services related to their SB 678 program.

Source: Annual Assessment data reported by probation departments to the Judicial Council

B. Reported Implementation of Evidence-Based Practices and Impact on Outcomes

Reported Implementation of Evidence-Based Practices

The SB 678 program was designed to improve the effectiveness of probation departments' supervision practices through increased use of evidence-based practices, defined in statute as "supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision."⁴⁵

The term denotes a wide range of systematic supervision practices that research has demonstrated to be effective in promoting and supporting positive individual behavioral change in people with criminal convictions. The SB 678 program provides support to probation departments in their efforts to implement necessary programmatic and systemic changes, and to improve practices that directly target probationer behavior.⁴⁶ There are five areas of EBPs that the SB 678 program recognizes as critical for improvement. These crucial components include the appropriate and

⁴⁵ Pen. Code, § 1229(d).

⁴⁶ Pen. Code, § 1230(b)(3)(A–E).

effective use of the practices listed below.

Validated risk and needs assessments

Validated tools for risk and needs assessment are standardized instruments that typically measure both static risk factors (those that do not change, e.g., criminal history) and dynamic risk factors (those that potentially may change). The use of validated risk and needs assessment tools has been substantiated as one of the most valuable components of evidence-based practices for supervision of felony probationers.⁴⁷ The tools can be used to provide caseload information to probation departments, helping officers to identify and focus on higher-risk populations while investing fewer resources (“banking”) in low-risk probationers. Using validated risk and needs assessments to focus resources on higher-risk offenders and to structure caseloads so low-risk offenders are supervised separately from higher-risk offenders have been demonstrated to be effective EBPs.

Evidence-based supervision practices

The relationship between a probation officer and a probationer plays an important role in increasing the probability of an individual’s success on probation. Officers can support probationers’ positive behavior changes by forming appropriate, motivating relationships with those they supervise.⁴⁸ Providing swift, certain, and proportionate responses to probationers’ negative behavior is also an important element in supervision that can increase the likelihood of success on probation.⁴⁹

Treatment and targeted intervention

Research suggests that treatment programs should address the individual offender’s assessed risk and needs, with a primary focus on dynamic risk factors. Cognitive behavioral therapy that addresses probationers’ antisocial thinking patterns has been demonstrated to be an effective technique for high-risk offenders. Research has also confirmed that the effectiveness of treatment programs is increased when the programs are tailored to characteristics such as gender and culture.⁵⁰

Collaboration among justice system partners

Effective implementation of evidence-based supervision practices requires “buy-in” from criminal justice partners. The collaboration of judges, district attorneys, public defenders,

⁴⁷ Crime and Justice Institute at Community Resources for Justice, *Implementing Evidence-Based Policy and Practice in Community Corrections*, 2nd ed. (Washington, D.C.: National Institute of Corrections, 2009).

⁴⁸ M. L. Thigpen, T. J. Beauclear, G. M. Keiser, and M. Guevara, *Motivating Offenders to Change: A Guide for Probation and Parole* (Washington, D.C.: National Institute of Corrections, U.S. Department of Justice, 2007).

⁴⁹ M. A. R. Kleiman and A. Hawken, “Fixing the Parole System—A System Relying on Swift and Certainty of Punishment Rather Than on Severity Would Result in Less Crime and Fewer People in Prison” (2008) 24(4) *Issues in Science and Technology* 45; F. S. Taxman, D. Soule, and A. Gelb, “Graduated Sanctions: Stepping Into Accountable Systems and Offenders” (1999) 79(2) *The Prison Journal* 182–204.

⁵⁰ D. A. Wilson, L. A. Bouffard, and D. L. Mackenzie, “A Quantitative Review of Structured, Group-Oriented, Cognitive-Behavioral Programs for Offenders” (2005) 32(2) *Criminal Justice and Behavior* 172–204.

sheriffs, service providers, and others facilitates efforts by probation departments to put new procedures and protocols into place. Collaboration enables the entire justice system to provide a consistent focus on probationer behavior change and recidivism reduction.⁵¹

Management and administrative practices

Clear direction, support, and oversight from probation department management are necessary to ensure that officers understand the department's evidence-based practices and protocols and are motivated to work toward full implementation.⁵²

County probation departments are required to provide an annual report to the Judicial Council evaluating the effectiveness of their programs.⁵³ To facilitate this requirement and promote reporting consistency, the Judicial Council created the Annual Assessment. This survey, which was pilot-tested in eight counties, is designed to measure probation departments' self-reported EBP implementation levels in the five categories described above,⁵⁴ and changes in EBP implementation over time.⁵⁵ The survey is administered at the beginning of each fiscal year and is designed to measure practices of the previous year. Because the survey was developed prior to realignment, it was initially focused solely on the felony probation supervision population. In 2014 probation departments were asked about their use of evidence based practices in supervising all felony populations, including individuals on mandatory supervision and postrelease community supervision.

Results from the Annual Assessment suggest that probation departments have continued to focus their active supervision caseloads on high risk offenders in accordance with evidence based practices. Statewide data indicate that the reported number of high-risk probationers is increasing as a percentage of the total assessed probation population, and the percentage of low-risk probationers is decreasing. During the past four years of the program, of all probationers assessed, the reported percentage of low-risk probationers decreased from 37% to 28%, while the percentage of high-risk probationers increased from 25% to 36% (see figure 4, below).⁵⁶ This change in the composition of probation department caseloads to include an increased proportion of high-risk offenders is fully consistent with evidence-based practices which have demonstrated

⁵¹ Crime and Justice Institute at Community Resources for Justice, *Implementing Evidence-Based Practices in Community Corrections*, 2nd ed. (Washington, D.C.: National Institute of Corrections, 2009).

⁵² P. Smith, P. Gendreau, and K. Swartz, "Validating the Principles of Effective Intervention: A Systematic Review of the Contributions of Meta-analysis in the Field of Corrections" (2009) 4(2) *Victims & Offenders* 148–169.

⁵³ Pen. Code, § 1231(c).

⁵⁴ The Annual Assessment consists of 51 scaled and non-scaled items. Scaled items are scored on a 4-point scale from 0 to 3, with 3 as a gold standard rating for a given aspect of EBP. Implementation levels for the five EBP categories are calculated by summing a department's responses in a particular category and dividing that sum by the total possible points for that category. Overall EBP implementation levels for each probation department are calculated by taking the average of a department's scores across the five EBP categories.

⁵⁵ Increases in the self-reported levels of EBP implementation may gradually flatten over time given the structure of the Annual Assessment's scoring scheme. It may be challenging for counties to achieve the highest/gold standard rating across multiple items and multiple categories. As a result, increases in the percentage change in EBP implementation in the future may be less than that reported in the current or previous years.

⁵⁶ $n=31$ counties that assessed more than 75% of their probation population in each fiscal year.

the benefit of investing supervision resources in moderate and high-risk offenders.

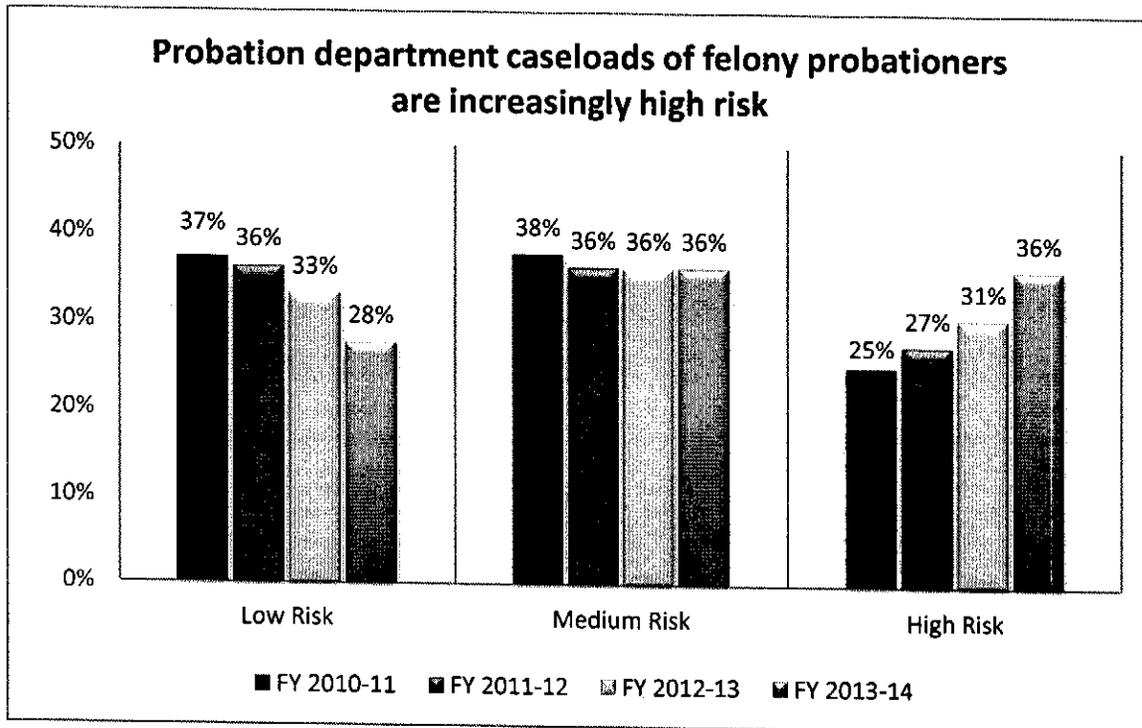


Figure 6. Annual Assessment data reported by probation departments to the Judicial Council

Findings from the Annual Assessment also indicated that the SB 678 program has been highly successful in increasing the levels of EBP implementation throughout the state (see figure 6, above). All components of EBP measured in the survey are substantially higher than they were at baseline; however, improvements may have begun to level off.⁵⁷ As is typical with any project aimed at improving outcomes, it is expected that the most significant advancements occur in the earliest stages of the program and level off over time. The leveling reported in the FY 2013-2014 survey may be due in part to the natural stabilization of practices and policies.

Another factor which might influence the measured level of implementation is the change to include all supervised felony offenders, and to measure practices related to the mandatory supervision and postrelease community supervision (PRCS) populations. For example, some probation departments reported that all individuals on PRCS were supervised on high risk caseloads, regardless of the outcomes of their Risk Assessments. The FY 2014-2015 assessment will be focused on all locally supervised individuals and will provide more definitive information regarding continued implementation of EBP in probation departments. Statewide levels of EBP implementation are shown in figure 5, below.

⁵⁷ Overall reported levels of EBP implementation are calculated by taking the average of a department's scores across the five EBP categories.

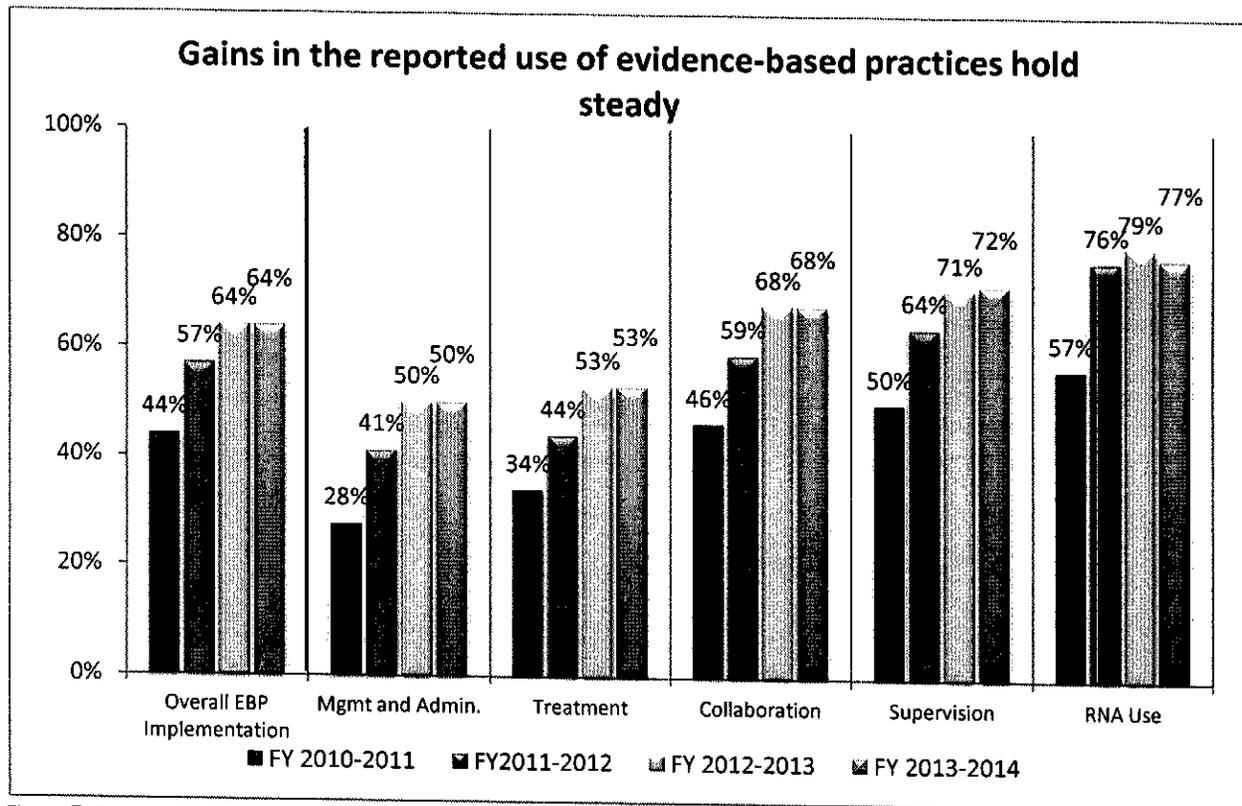


Figure 7. Reported levels of EBPs implementation reported by probation departments to the Judicial Council

Impact on Outcomes

The SB 678 program has been highly effective in increasing the use of evidence-based practices in probation departments throughout the state and has resulted in substantial reductions in the number of probationers going to state prison. Although the Judicial Council's Annual Assessment was not designed to measure the relationship between implementation of specific EBPs and particular outcomes, Judicial Council researchers have begun to use data gathered through this survey to investigate the association between particular EBPs and improved outcomes for probationers.

The relatively small sample size ($N=58$ probation departments) and the substantial variation in the range of PFRs⁵⁸ resulted in few statistically significant findings. Based upon data reported for FY 2013-14, the following practices were found to be most strongly associated with reductions in departments' probation failure rates⁵⁹.

⁵⁸ The large variation in probation failure rates is driven in part by small counties that, because of the limited number of probationers, may experience significant fluctuations in their PFR due to the outcomes of just one or two probationers. Small counties are disproportionately represented in both negative and positive changes to PFRs.

⁵⁹ Each item from the Annual Assessment was analyzed using Pearson product-moment correlation matrices for covariance with 2013 PFR, change in PFR from baseline to 2014, change from 2010 to 2014, and change from 2013 to 2014.

- Regular sharing of data and outcome measures with justice partners;
- Linking departmental performance guidelines and practices to EBP skills;
- Department/supervisor support for EBPs through ongoing monitoring and feedback to officers;
- Training probation officers on how to use a validated risk/needs assessment (RNA);
- Creating supervision plans based on results from the needs portion of a validated RNA, and involving the offender in the creation of the supervision plan;
- Clearly articulating sanctions and incentives to probationers;
- Training probation officers to use responses to behavior that include information based on probationer risks and needs level, with regular supervisor review and feedback
- Training staff to ensure that responses to offender behavior are proportionate to that behavior;
- Developing officers' intrinsic motivational skills such as the use of motivational interviewing; and
- Placing felony offenders assessed as medium/high risk in smaller (< 75) caseloads.

Counties reporting a higher degree of collaboration with their justice partners tended to be less likely to show an increase in probation failure rates.

Lower PFRs were associated with cooperation between probation and the courts to establish swift and certain responses to probationer behaviors.

Additional research with individual, probationer-level data should be conducted to more thoroughly investigate the strength and interaction of these relationships and to provide a clearer picture of the effects of changing caseload composition.

III. Recommendations for the SB 678 Program

Penal Code section 1232(e) requires the Judicial Council to report on the effectiveness of the SB 678 program and provide recommendations for resource allocation and additional collaboration to improve the program. As described above, the SB 678 program has generally achieved its primary objectives. Statewide, county probation departments have significantly reduced the number of adult felony probationers who are returned to state prison and have expanded the use of EBPs. These data do suggest that the SB 678 program has not had a negative impact on public safety. Crime data reported by the Department of Justice and FBI further suggest that public safety has not been compromised during the period under review. The Judicial Council recommends, therefore, that the Legislature preserve the cornerstone of the SB 678 program—performance-incentive funding coupled with the use of EBPs. In addition, in order to measure the effectiveness of the program and develop recommendations for appropriate resource allocation, the requirements for county probation departments to report on the implementation of EBPs and provide other related data should be maintained. The Judicial Council supported the following recommendations, which have been adopted by the Legislature in the 2015-2016 budget.

Revise Funding Formula and Continue to Provide Sufficient Incentives for Effective Implementation of the Program

Several changes to the SB 678 formula are recommended in order to account for public safety realignment and to acknowledge that after four years some counties have reduced their prison rates to a level where it may not be possible to reduce further. To continue to incentivize effective supervision practices, the Legislature should maintain compensation to probation departments in recognition of the improvements made since the SB 678 program was initiated and that have continued even as public safety realignment has significantly impacted the criminal justice system and placed extra responsibilities on county probation departments. Providing probation departments with sufficient financial resources is critical to maintaining effective supervision practices; inadequate incentives may result in departments returning to less expensive practices that were in place before the SB 678 program (e.g., shifting serious offenders to state prison to preserve as many local resources as possible).

To maintain effective incentives and fair compensation for the SB 678 program in light of the changes effected by realignment, the Legislature should consider the following recommendations, many of which were included in Senate Bill 85:

Remove Jail Revocations from the Funding Formula

In order to be able to compare performance post realignment back to the original baseline failure rate of 7.9% jail revocations were included in the formula in addition to prison revocations. After collecting jail data for the past three years and discussing jail revocation practices with county probation departments staff of the Judicial Council has found that jail revocations may be greatly dependent on local practices and pressures, many of which are outside of the control of the

probation department such as jail overcrowding. Additionally, jail revocations are a more difficult data point to collect since it can be challenging to decipher between a final revocation/termination and other jail admissions. Finally, jail revocations do not result in state savings, one of the original intents of the program. Senate Bill 85 removed jail revocations from the funding formula.

Include Felons under All Forms of Probation Department Supervision

The funding formula should provide compensation to probation departments for their effective supervision of offenders placed on postrelease community supervision (PRCS) and on mandatory supervision (MS) in addition to felony probationers. Achieving reduced recidivism by all offenders under probation supervision will result in fewer prison-eligible crimes being committed and avoidance of increased costs to the state prison system.⁶⁰

Create a New Baseline

A new baseline should be created post-realignment to reflect policy changes in terms of prison eligible offenses and to include all populations supervised by county probation departments. A new baseline will simplify the formula and will help probation departments clearly track their performance over time. Senate Bill 85 designated as the new post-realignment baseline year since in 2012 realignment processes were still being created.

Since the inception of the program counties have made significant progress in lowering their failure rates. By moving the baseline up to 2013 these gains will be lost and it will be even more challenging for probation departments to drop below their new 2013 baselines. We recommend that a mechanism be added to the formula to account for prior performance that resulted in a lower baseline rate for 2013. Possible approaches include: increasing the percentage of state savings counties receive; allocating a percentage of funding based on prior performance, and/or; create an additional tier structure that allocates funding based on how a county's prison return rate compares to the statewide return rate. This final option should help address the difficulties counties with very low prison rates in 2013 face in further lowering their rates.

Study Impact of Prop 47 on Probation Department Practices and the SB678 Program

As outlined earlier, Prop 47 has resulted in a reduced felony probation population as a result of fewer felony probation grants and the resentencing of felony cases to misdemeanors. The Legislature should consider requiring a study of the impact of Prop 47 on probation departments, particularly changes in caseload and possible changes in practices and policies as a result of shifting caseloads. The impact of Prop 47 on prison return rates and implementation and use of evidence-based practices should also be explored.

⁶⁰ In the April 2013 report, the AOC recommended that a baseline be developed using data collected during 2012 on PRCS and MS populations. Once that data became available, it became apparent that calendar year 2012 is not an appropriate year to use as a baseline as the populations of both MS and PRCS were changing in a manner that would likely result in artificially low baseline failure rates. In addition, many counties were unable to accurately count PRCS and MS populations for the entire 2012 year.

Continued Emphasis on Implementing Evidence-Based Practices

Although all components of EBPs measured in the survey are substantially higher than they were at baseline, improvements have begun to level off. To improve the effectiveness of the program, probation departments should enhance the use of EBPs in specific areas, including (1) additional staff training on the overall effectiveness of specific aspects of EBPs, including the use of proportionate rewards and sanctions; (2) using contracts to require and verify that existing treatment and other programs qualify as EBPs, including those that the counties require their probation departments to use for treatment of local offenders; and (3) continued evaluation of the program as is required by statute. As stated earlier, while the SB 678 formula is revised to reflect changes post-realignment it is imperative that probation departments receive adequate incentive funding to be able to continue to make improvements in their EBP implementation.

Encourage Counties to Implement Local Performance-Incentive Funding

Given the effectiveness of the SB 678 program, the state should encourage counties to implement local performance-incentive funding programs. Just as SB 678 directly impacted the state prison population, a local performance-incentive program could reduce the number of offenders who serve time in county jail. The state has an interest in promoting effective supervision at the local level because local incarceration costs are also significant. The state could encourage counties to develop these local programs through matching funds or by requiring that specified realignment funds be provided to county probation departments to reduce the number of supervised offenders who are revoked to county jail.

Conclusion

The California Community Corrections Performance Incentives Act (SB 678) is an effective program that appears to be operating as the Legislature intended when it created this incentive program for county probation departments. The SB 678 program was designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers sent to state prison for committing a new crime or violating the terms of county-supervised probation. With adequate resources, probation departments will be able to continue using evidence-based practices developed through the SB 678 program to save state funds by reducing the number of felony probationers and offenders on PRCS and mandatory supervision revoked to prison. With secure funding for the future, the program has the potential to continue to lower or maintain low prison return rates without a reduction in public safety.

Appendix A

Probation Failure Rate by County^a						
	Baseline (2006-2008)	2010	2011^b	2012^c	2013^d	2014^e
Statewide	7.9%	6.1%	5.5%	5.5%	5.9%	5.6%
Alameda	6.0%	5.5%	4.4%	4.9%	5.1%	5.8%
Alpine	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Amador	4.6%	9.0%	5.3%	6.6%	7.7%	5.9%
Butte	16.7%	15.9%	12.3%	16.1%	17.3%	17.5%
Calaveras	11.3%	4.7%	6.4%	4.0%	4.7%	7.5%
Colusa	12.3%	10.1%	2.0%	8.5%	11.6%	9.9%
Contra Costa	1.1%	0.6%	0.6%	2.0%	2.5%	2.7%
Del Norte	13.8%	6.4%	3.2%	9.7%	14.3%	9.5%
El Dorado	5.7%	4.1%	3.9%	5.7%	4.9%	3.6%
Fresno	10.6%	6.8%	7.1%	7.4%	7.3%	6.9%
Glenn	3.6%	1.9%	0.7%	3.1%	4.2%	6.8%
Humboldt	9.2%	7.7%	5.4%	7.8%	9.3%	8.5%
Imperial	4.8%	5.0%	6.2%	4.5%	12.2%	38.6%
Inyo	5.1%	4.5%	3.9%	3.2%	4.5%	7.6%
Kern	7.0%	7.4%	5.0%	5.2%	5.1%	3.4%
Kings	13.8%	6.3%	6.9%	6.0%*	12.0%	8.6%
Lake	9.2%	5.0%	2.8%	6.5%	8.2%	8.7%
Lassen	8.8%	2.1%	8.2%	26.0%	26.2%	11.0%
Los Angeles	8.7%	6.2%	4.9%	5.0%	5.3%	4.0%
Madera	6.2%	2.5%	3.3%	2.9%	3.8%	3.1%
Marin	2.6%	2.7%	0.8%	2.5%	4.5%	5.0%
Mariposa	7.5%	7.7%	2.7%	4.4%	2.6%	2.7%
Mendocino	2.7%	2.0%	1.7%	4.8%	6.4%	9.1%
Merced	4.5%	4.1%	3.0%	2.5%	1.4%	1.6%

Modoc	2.2%	1.1%	7.0%	10.3%	19.2%	1.4%
Mono	5.3%	1.7%	1.7%	0.0%	4.0%	2.5%
Monterey	8.1%	8.7%	7.8%	7.7%	8.4%	7.9%
Napa	3.4%	2.6%	3.6%	4.1%	3.5%	2.6%
Nevada	1.8%	0.9%	2.3%	1.7%	2.3%	2.7%
Orange	6.1%	4.2%	4.7%	4.4%	4.7%	5.7%
Placer	6.0%	5.2%	4.2%	3.2%	4.5%	4.3%
Plumas	17.5%	6.7%	6.7%	4.3%	4.3%	0.7%
Riverside	6.5%	3.9%	4.1%	4.3%	5.7%	6.5%
Sacramento	14.9%	10.6%	9.5%	5.6%	7.7%	8.5%
San Benito	7.2%	10.1%	9.3%	5.3%	5.7%	5.0%
San Bernardino	11.1%	9.8%	10.4%	8.6%	5.0%	1.9%
San Diego	8.2%	7.2%	7.0%	8.3%	10.6%	11.3%
San Francisco	4.4%	3.4%	2.9%	3.4%	2.6%	2.6%
San Joaquin	5.6%	4.5%	3.0%	2.8%	3.0%	3.1%
San Luis Obispo	3.5%	3.9%	2.8%	5.3%*	9.4%	8.2%
San Mateo	7.9%	5.4%	5.5%	7.2%*	10.0%	7.8%
Santa Barbara	5.8%	4.3%	4.6%	3.1%	3.2%	2.8%
Santa Clara	7.4%	7.0%	7.7%	6.6%	6.5%	6.5%
Santa Cruz	2.2%	2.7%	2.0%	2.2%	2.5%	2.5%
Shasta	14.6%	13.4%	9.5%	6.9%	8.9%	6.7%
Sierra	0.0%	3.0%	20.3%	17.4%*	12.5%	7.8%
Siskiyou	5.6%	4.5%	1.4%	1.9%	2.5%	5.8%
Solano	8.7%	7.8%	8.0%	8.7%	5.9%	8.4%
Sonoma	5.7%	6.4%	5.6%	4.6%	4.9%	5.0%
Stanislaus	6.3%	6.1%	4.9%	5.1%	8.0%	6.7%
Sutter	19.3%	15.0%	11.8%	7.1%	9.8%	8.0%
Tehama	10.9%	4.1%	7.4%	22.3%	8.5%	19.1%

Trinity	6.2%	0.0%	0.8%	2.1%	1.8%	1.0%
Tulare	6.0%	4.6%	3.8%	5.0%	4.6%	4.7%
Tuolumne	4.4%	1.4%	2.7%	2.6%	3.3%	4.3%
Ventura	6.0%	4.3%	5.2%	5.4%	11.8%	15.8%
Yolo	8.0%	4.7%	4.8%	4.1%	3.3%	4.2%
Yuba	10.4%	10.0%	10.3%	10.3%	8.0%	6.5%

^a County has missing data for one or more quarters of the year. A proxy measure was used to establish their PFR.

^a Counties with smaller probation populations will be more reactive to small changes in the actual number of revocations. For example, in a county with 1,000 probationers an increase of 5 revocations would increase their PFR slightly, from 5% to 5.5%, while in a county with only 100 probationers an increase of 5 revocations would *double* their PFR, from 5% to 10%.

^b To account for the impact of realignment, the 4th quarter revocations for 2011 were estimated using the average of quarters 1–3.

^c The 2012 PFR is calculated using the reported revocations to state prisons and county jails. Please note that probation departments are allowed to go back and revise previously submitted data. As a result of several resubmissions the 2012 PFR referenced in prior documents may be different than what is reported here.

^d The 2013 PFR is calculated using the reported revocations to state prisons and county jails.

^e To more easily allow for comparisons to past years, the 2014 PFR is calculated using the reported revocations to state prisons and county jails.

Appendix B

Performance Outcome Measures for the SB 678 Program (Pen. Code, §§ 1231 and 1232)^a					
	2010	2011	2012	2013	2014
% individuals on local supervision supervised with EBPs^b (1231(b)(1))	Data unavailable	37.3%	47.2%	64.7%	Data unavailable
% state moneys spent on evidence-based programs^c (1231(b)(2))	88.1%	93.7%	100%	Data unavailable	Data unavailable
Probation supervision policies, procedures, programs, or practices that have been eliminated^d (1231(b)(3))	<p>Replacement of a risk and needs assessment tool. No longer using a "one size fits all" supervision approach. Now use risk level to determine supervision approach. No longer organizing caseloads by offense type or subjective criteria. No longer actively supervising low-risk probationers. Now banking low-risk probationers. Elimination of "zero tolerance" violation policies. Now use graduated sanctions to respond to violations.</p>				
Total probation completions (1231(b)(4))	Data unavailable	Data unavailable	82,544	85,254	70,693
Unsuccessful completions (1231(b)(4))	Data unavailable	Data unavailable	17,684	19,612	18,598
Felony filings^e (1231(d)(1))	248,424	241,117	243,320	260,461	Data unavailable
Felony convictions (1231(d)(2))	163,998	158,396 ^f	158,252 ^g	167,950	Data unavailable
Felony prison admissions^h (1231(d)(3))	58,737	50,678	33,990	37,367	Data unavailable
New felony probation grants (1231(d)(4))	75,095	81,892	79,711	85,863 ⁱ	83,608
Adult felony probation population (1231(d)(5))	329,767	324,382	316,478	309,442	305,483
Total prison revocations	20,044	17,924	8,252	8,834	7,881
Prison revocations for new felony offense (1231(d)(6) & 1231(d)(7))	7,533	6,896	4,133	4,632	3,884
Total jail revocations	----	----	9,048	9,853	9,295
Jail revocations for new felony offense (1231(d)(8) & 1231(d)(9))	----	----	2,691	3,002	2,973
Total revocations^j	20,044	17,924	17,296	18,687	17,176
% felony probationers convicted of a crime^k (1232(c))	Data unavailable	Data unavailable	10.8%	11.8%	10.6%

% felony probationers convicted of a felony¹ (1232(c))	Data unavailable	Data unavailable	5.7%	7.3%	7.4%
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^a Except where indicated, all data reported by 57 probation departments to the Judicial Council.

^b The data reported for fiscal years 2010–2011 and 2011–2012 include felony probationers only. For fiscal years 2012–2013 and 2013–2014, this figure includes MS and PRCS.

^c Data are reported for fiscal years 2010–2011, 2011–2012, and 2012–2013. FY 2010–2011 and FY 2011–2012 totals reflect the proportion of the total allocation. The totals for fiscal years 2012–2013 and 2013–2014 reflect the total of funds *spent*. (See table 4.)

^d Probation departments were asked to list supervision policies, procedures, programs, and practices that were eliminated since the effective date of SB 678. Twenty-seven probation departments submitted data for this question. The information provided here is a summary of the open-ended responses.

^e These data were taken from the *2013 Court Statistics Report*: www.courts.ca.gov/documents/2013-Court-Statistics-Report.pdf. Data are reported for fiscal years 2009–2010, 2010–2011, 2011–2012 and 2012–2013. Data for fiscal year 2013–2014 are not yet available.

^f These data were taken from the *2012 Court Statistics Report*: www.courts.ca.gov/documents/2012-Court-Statistics-Report.pdf. Data are reported for fiscal years 2009–2010 and 2010–2011.

^g These data were taken from the *2013 Court Statistics Report*: www.courts.ca.gov/documents/2013-Court-Statistics-Report.pdf. Data are reported for fiscal year 2011–2012. Data for fiscal year 2012–2013 are not yet available.

^h These data are taken from the California Department of Corrections and Rehabilitation's report *Characteristics of Felon New Admissions and Parole Violators Returned With a New Term, Calendar Year 2012*: www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/ACHAR1/ACHAR1d2012.pdf.

ⁱ This figure represents data from 56 probation departments.

^j For 2012 and 2013, this figure is a sum of total revocations to both prison and county jail.

^k This figure represents probation departments able to report complete data for the year. In 2012, this includes 49 departments; in 2013 this includes 51 departments.

^l This figure represents probation departments able to report complete data for the year. In 2012, this includes 49 departments; in 2013 this includes 52 departments.

Appendix C

SB 678: Revised SB Funding Methodology, FY 2015-16

Background

SB 687, the California Community Corrections Performance Incentives Act of 2009, established a system of performance-based funding that shares state General Fund savings with county probation departments that reduce their probation failure rate (PFR), originally defined in statute as the number of adult felony probationers who are revoked to state prison in a year as a percentage of the average probation population during the same period. At the center of SB 678 is the use of evidence based practices to improve public safety and incentive based funding.

Since its passage, the State of California has adopted significant changes in criminal justice policies that directly impacted SB 678 – most notably the 2011 Public Safety Realignment, which reduced the number of probationers eligible for revocation to state prison and created two new groups of offenders subject to local supervision. In order to maintain effective incentives and account for the significant changes in criminal justice policy, SB 85, adopted as a trailer bill to the 2015-16 state budget, revises the SB 678 funding formula and creates a funding methodology which should serve as a long-term formula. Prior to the adoption of SB 85, the state adopted temporary measures.

Revised Funding Methodology

Below is a summary of the newly revised SB 678 funding formula, which includes three funding components:

Funding Component #1: County to statewide return to prison rate comparison

The first funding component measures each county's performance against statewide failure rates. Each county's return to prison rate (RPR), which equals the number of individuals on felony probation, mandatory supervision, and PRCS sent to prison as a percentage of the total supervised population, is compared to statewide RPRs since the original SB 678 baseline period (2006-2008).

If a county's RPR is less than or equal to the original statewide baseline of 7.9% the county will receive a percentage of their highest SB 678 payment from the period between program inception and FY 2014-15. Depending on how a county's RPR compares to statewide RPRs a county can receive between 40 and 100 percent of their highest payment. The statewide RPRs and percentages of savings are defined as follows:

- If a county's RPR is less than 1.5% the county will receive 100% of their highest prior payment.
- If a county's RPR is greater than or equal to 1.5% and less than or equal to 3.2% the county will receive 70% of their highest prior payment.
- If a county's RPR is greater than 3.2% and less than or equal to 5.5% the county will receive 60% of their highest prior payment.
- If a county's RPR is greater than 5.5% and less than or equal to 6.1% the county will receive 50% of their highest prior payment.

- If a county's RPR is greater than 6.1% and less than or equal to 7.9% the county will receive 40% of their highest prior payment.

Tier Category Based on Statewide RPR	Percentage of Highest Prior SB 678 Payment
RPR < 1.5%	100%
RPR > =1.5% and < =3.2%	70%
RPR > 3.2% and < =5.5%	60%
RPR > 5.5% and < = 6.1%	50%
RPR > 6.1% and < = 7.9%	40%

Funding Component #2: Individual county return to prison rate compared to its prior year failure rate

The second funding component is based upon how an individual county performs in comparison to the prior year. Each year a county's RPR from the previous year is applied to their current year's felony supervised populations to calculate the *expected* number of prison revocations. If a county sends fewer individuals on felony supervision to prison than the expected number, the county will receive 35 percent of the state's costs to incarcerate an individual in prison multiplied by the number of *avoided* prison stays. The number of avoided prison revocations are calculated separately for each felony supervised population (i.e. felony probation, mandatory supervision, PRCS).

- For example, if a county had a 3.2% RPR for their felony probation population in 2013 and 10,000 people on felony probation in 2014, the county's expected number of felony probation prison revocations in 2014 would be 320. If 300 felony probationers were actually sent to prison in 2014, the county avoided sending 20 individuals to prison and would receive 35% of the state's cost to imprison these 20 individuals.

In order to continue to receive funds under this funding component probation departments must continually reduce their return to prison rates year after year.

Funding Component #3: \$200,000 Minimum payment

The third funding component guarantees a minimum payment of \$200,000 to support ongoing implementation of evidence based practices. If a county's total payment (from funding components 1 and 2) is less than \$200,000, the Department of Finance will increase the final award amount so that it totals \$200,000.



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

Title

Judicial Branch: Summit Report to Promote Diversity in the California Judiciary

Agenda Item Type

Action Required

Effective Date

July 28, 2015

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

July 9, 2015

Recommended by

Hon. Kathleen E. O’Leary, Cochair
Hon. Laurie D. Zelon, Cochair
Advisory Committee on Providing Access and Fairness

Contact

Kyanna Williams, Attorney, Center for Families, Children & the Courts, 415-865-7911, kyanna.williams@jud.ca.gov

Executive Summary

In September 2011, the Judicial Council and State Bar convened a summit on judicial diversity, which was attended by justices, judges, other branch leaders, bar leaders, and law school deans or their designees. At the summit’s conclusion, participants developed recommendations to further the goal of a more diverse bench. The Judicial Council reviewed those recommendations and, at its October 25, 2012 meeting, directed the Access and Fairness Advisory Committee—now the Advisory Committee on Providing Access and Fairness (PAF)—to initiate the review and approval process for those recommendations that merit council action. Accordingly, the committee provided the Executive and Planning Committee (E&P) with a status report addressing three of the six categories of recommendations outlined in the summit report: Judicial Appointments and Elections, Outreach and Education, and The Perceived Glass Ceiling (in judicial assignments). These three categories are the areas the committee believes are most appropriate for council action. On May 30, 2014, members of E&P met to review the report and requested that the chair contact the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) to solicit their input on the proposed recommendations. As suggested by E&P members, PAF also incorporated considerations of

LGBT diversity into the recommendations. Justice Laurie Zelon, PAF cochair, presented the proposed recommendations to TCPJAC and CEAC during their January 29, 2015 joint meeting and members of those committees were invited to submit written comments on the recommendations. On June 4, 2015, TCPJAC and CEAC chairs provided a joint statement indicating their committees' support for the recommendations in PAF's report. PAF now seeks Judicial Council acceptance of the recommendations.

Recommendations

The committee is proposing the following council actions to support the recommendations from the summit identified below.

1. Distribute the summit report to the Trial Court Presiding Judges and Court Executives Advisory Committees.
2. Refer for action to appropriate advisory groups and Judicial Council staff the following two summit recommendations related to Judicial Appointments and Elections:
 - *Judges and lawyers should reach out to law schools to educate students on how to become a judge, so that law students can begin at that early stage of their careers to lay the groundwork for serving as a judge. Where possible, judges should employ law students in the courtroom and should establish or participate in programs designed to bring high school students into the courts. (Summit report p. 3, recommendation 1, Judicial Appointments and Elections.)*
 - *So that applicants can better appreciate the level of commitment involved in the application process, judges should serve as mentors to coach potential applicants through the details of, and emotional barriers to, completing the application process. (Summit report p. 3, recommendation 2, Judicial Appointments and Elections.)*
3. Refer for action to appropriate advisory groups and Judicial Council staff the following two summit recommendations related to Outreach and Education:
 - *To address the underrepresentation of minorities and communities of color in the judiciary, the bench and bar should, to the extent funding permits, develop outreach programs targeting youth in at-risk and underrepresented communities. In this regard, each court should have its own community outreach program or committee to develop a community-specific program. The AOC's [now Judicial Council] Judicial Diversity Toolkit could be used as the foundation for such outreach programs. The membership of a court's outreach committee should include representatives from the education and business communities. In addition, courts should be encouraged to establish programs similar to the First Impressions Program in Los Angeles and other programs that provide youth opportunities to learn how our court system works. Courts should be encouraged to collaborate with California Partnership Law Academies and other organizations such as*

*AmeriCorps and Teach for America in presenting outreach and education programs. Finally, the Judicial Diversity Toolkit should be expanded to include model mock trials that teach young people about the court system (see e.g. the American Bar Association's mock trial, *The Big Bad Wolf v. The Three Little Pigs*). (Summit report pp. 4–5, recommendation 1, Outreach and Education.)*

- *The Judicial Council, the State Bar, and the Governor's Office should, to the extent funding permits, hold an annual judicial diversity summit. One focus of the summit should be to encourage lawyers from underrepresented groups to apply for judicial appointment. The summit should include a presentation from the Governor's Judicial Appointments Secretary, or equivalent staff person, to identify attributes the Governor is seeking in judicial applicants. (Summit report p. 5, recommendation 2, regarding Outreach and Education.)*
4. Refer for action to appropriate advisory groups and Judicial Council staff the following four summit recommendations related to The Perceived Glass Ceiling:
- *Presiding judges should educate the bar about how judicial assignments are made, so that there is more transparency about the process and the bar understands that assignments are governed by rule 10.603(c)(1) of the Cal. Rules of Court. (Summit report p. 5, recommendation 1, regarding The Perceived Glass Ceiling.)*
 - *Judges who mentor judicial applicants should ensure the applicant understands that all of the work of the court is significant and important and that the first few years on the bench are devoted to training the new judge on how to manage a courtroom and make fair judicial decisions. (Summit report p. 5, recommendation 2, regarding The Perceived Glass Ceiling.)*
 - *Data should be collected on the level of diversity in the civil, felony trials, law and motion, and complex litigation assignments. (Summit report p. 5, recommendation 4, regarding The Perceived Glass Ceiling.)*
 - *Courts should consider mandatory rotation of judges in assignments. This will serve to level the playing field in terms of judicial experience. Women and ethnic minority trial court judges who seek elevation have found that their judicial résumés are seen as less impressive than those of their Caucasian and male counterparts because they lack experience in what are deemed to be challenging and intellectually stimulating assignments. (Summit report p. 6, recommendation 6, regarding The Perceived Glass Ceiling.)*

Proposals for implementing summit recommendations on Judicial Appointments and Elections

The committee recognizes that the Governor, not the council, is the sole arbiter of judicial appointments. Therefore, the series of proposals related to these summit recommendations focuses on how the council and jurists can play a role in stimulating more diversity in the pipeline of potential judicial applicants and encouraging diverse students and lawyers in their communities to embrace the notion of a legal career as a pathway to the bench.

Judges throughout the state already are engaged in a variety of efforts designed to inform students about the process of becoming a judicial officer and many currently invite students to become interns in their courts. The committee believes the council and staff can support these and more expanded efforts in a number of ways:

- First, the committee recommends that as part of its annual agenda, the committee include working with Judicial Council staff to develop a program modeled on the American Bar Association's Judicial Intern Opportunity Program to provide opportunities for law students of color to gain exposure to the work of California judges. Once that program has been developed, the committee can provide information to all the appellate courts to assist courts in expanding both intern and externship programs.¹
- Second, Judicial Council staff currently working with the State Bar should include as part of this partnership identifying opportunities for outreach to minority law students for judicial clerkship and externship programs in all courts. In conjunction with ongoing efforts to increase access to justice, the committee works closely with members representing the State Bar and will propose additional work on these efforts in its annual agenda.
- Third, the committee recommends that this second proposal (above) be shared with court leadership at every level so that greater support may be provided to all sitting judges who participate in externship programs, with particular emphasis on supporting judges of color and programs that reach out to students of color to further a commitment to a more diverse bench.
- Finally, the committee recommends that courts consider ways of assisting judges who wish to participate in or support the creation of law academy programs in the high schools in their jurisdictions. The committee recommends providing information on Serranus—and through other educational and technical assistance efforts—about existing law academies and ways courts and judges may become involved.

¹ Information on the ABA's Judicial Intern Opportunity Program may be found here: http://www.americanbar.org/groups/litigation/initiatives/good_works/judicial_intern_opportunity_program.html

Proposals for implementing summit recommendations on Outreach and Education

The committee has considered the following options for implementing the summit recommendations from this category:

- While the 2011 summit participants recommended that a statewide diversity summit be held annually, the advisory committee has concluded that, given the branch's current limited resources and budget challenges, a more reasonable approach is to convene regional summits as resources permit in the years between statewide summits and to work with the bar's Council on Access and Fairness (COAF) to plan the currently scheduled next statewide summit in 2016. (The first statewide summit was held in June 2006 and the second in September 2011.) The interagency Judicial Summit Planning Committee, which includes members of COAF, the California Judges Association, a representative from the Judicial Council, and Judicial Council and State Bar staff, is currently planning this event. This two-pronged approach should permit more participation by judges and justice system stakeholders statewide while allowing flexibility in planning and consideration of resources available at the time each regional or statewide summit is contemplated.
- The council can also support efforts designed to encourage judges to work with high schools in their area to build curricula on civics education and the functions and duties of courts, as well as to engage with students, which can be a very effective way of building court-community connections and increasing diversity among law students and, eventually, judicial applicants.
- Additionally, to assist in moving forward with these recommendations, the council through its advisory committees can collaborate with the State Bar and local and affinity bars to encourage programming to develop candidates for judicial office and to provide information about the appointment process.

Proposals for implementing summit recommendations on the perceived glass ceiling (in judicial appointments)

The third set of proposals addresses the summit recommendations regarding "the perceived glass ceiling," a reported perception by some attorneys and judicial officers that, in general, new judges, judges of color, and women judges are relegated to assignments that are under resourced and too often are not seen as pathways to local or branchwide leadership. Such perceptions may deter attorneys in private practice and in the public sector from seeking judicial appointments.

When courts do not rotate assignments, the exposure judges have to only certain assignments may interfere with those judges having the opportunity to be considered for elevation to the appellate bench. Thus the committee proposes that by rotating judges and appropriately supporting all case types, the bar and the public's perception of the courts may be improved and the likelihood that any individual or group would perceive the assignment process as biased or unfair may be reduced.

Implementation of this proposal can be addressed in a variety of ways, including ensuring that presiding judges are aware of perceptions about how assignments are made and the importance of having a fair process that the bench, bar, and public can trust—leading to a diverse and well-respected bench. In 2014, the committee provided the Trial Court Presiding Judges Advisory Committee with input that was utilized in updating *Making Judicial Assignments*. This updated publication includes information on the various benefits of rotating assignments and ways to make that rotation a more positive experience, while at the same time ensuring that assignments last long enough to support consistency and expertise as indicated by, for example, Standards of Judicial Administration 5.30 and 5.40, which both recommend a minimum of three years in family and juvenile law assignments.

In an effort to more widely distribute information on how assignments are made, the committee provided *Making Judicial Assignments* to State Bar staff working on access and fairness issues and to the members of the Council on Access and Fairness (COAF), with the intent that COAF also share the information in the publication with those working on related issues throughout the branch and the bar. The committee recognizes that having attorneys and the public better understand considerations presiding judges take into account in making assignments may improve relationships with the bar and may help expand the pool of judicial applicants.

The advisory committee proposes working with the Trial Court Presiding Judges Advisory Committee to identify methods already available to assist local courts with finding or collecting demographic data, as well as ways of effectively using that data in making assignments or in conducting outreach efforts. Where tools are lacking, the committee proposes working with other council advisory groups to identify promising practices nationally and to obtain input from presiding judges on the benefit of developing tools, guidelines, or other approaches that support the overarching goals articulated in the diversity summit report.

The committee proposes working closely with its liaisons from the Trial Court Presiding Judges and Court Executives Advisory Committees to continue to identify opportunities to discuss this issue in greater detail and identify ways—through publications, training, and policy development—to most effectively propose appropriate changes.

Previous Council Action

In June 2006, the State Bar of California, in collaboration with the Judicial Council’s Access and Fairness Advisory Committee, convened a statewide summit on diversity in the judiciary. Five years later, the State Bar and the Judicial Council held a second summit on judicial diversity, “Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary,” to assess progress made toward achieving the goal of having a judiciary that reflects the rich diversity of California’s population. That September 7, 2011 summit was held at the Judicial Council of California’s San Francisco headquarters at the invitation of Chief Justice Tani G. Cantil-Sakauye and then-State Bar President William Hebert. The invitation to the summit described its focus:

As California's demographics change, it is important that our judiciary reflect the state's growing diversity and that the bench and bar participate in the dialogue that may contribute to achieving greater judicial diversity and increased public trust and confidence in the judicial system.

On October 25, 2012, the interagency Judicial Summit Planning Committee, including Judge Brenda Harbin-Forte, Justice James Lambden, and Senator Joseph Dunn (Ret.), presented the final report from the September 2011 summit.² At that meeting, the Judicial Council reviewed the recommendations and directed the Access and Fairness Advisory Committee to initiate the review and approval process for those recommendations that merit council action.

Rationale for Recommendation

These recommendations support a diverse judiciary, and a diverse judiciary is an important component of equal access and public confidence in the justice system. "Access, Fairness and Diversity" is Goal I of *The Strategic Plan for California's Judicial Branch*. The plan states that, "in order to serve the state of California effectively, the judicial branch should reflect the diversity of the state. The judicial branch must continue efforts to enhance public trust and confidence by working with other branches of government toward a judicial branch that mirrors the state's diversity." In reference to the Access 3D initiative, Chief Justice Tani G. Cantil-Sakauye explained, "Access should be physical, remote, and equal....Equal access means supporting a diverse judicial branch at all levels to benefit the public and to reflect the vast diversity of the state." (August 17, 2013 speech: "Restoring Access to Justice: Access 3D." <http://www.courts.ca.gov/25417.htm>.) California, its residents, and the state's justice system all benefit from a judicial branch that mirrors the state's diversity and these recommendations help achieve that goal.

Implementation efforts

Since 1994, the committee has submitted recommendations to the Judicial Council that have assisted the council in achieving Goal I of its strategic plan: Access, Fairness, and Diversity. Since October 2012, when the council asked the committee to review the summit recommendations, the committee has taken many important steps to address the issues identified in the summit report. Most recently, at the invitation of the Trial Court Presiding Judges Advisory Committee (TCPJAC), the committee recommended ways that TCPJAC's publication titled *Making Judicial Assignments* could be updated to address several of the recommendations from the summit. Recommendations for updating included making changes in procedures to increase transparency in how assignments are made (see summit recommendation 1 under The Perceived Glass Ceiling); encouraging presiding judges to take a careful look at whether there may be reasons for the bar, the public, or the bench to perceive the assignment process in a given local court as biased; and the importance of working on improving the status of all assignments and increasing the opportunities for leadership to take full advantage of the diverse viewpoints

² The full summit report and the report to the Judicial Council that accompanied it can be found on the California Courts website at www.courts.ca.gov/documents/jc-20121026-item1.pdf.

and experience jurists bring to the courts (see summit recommendation 6 under The Perceived Glass Ceiling).

The Advisory Committee on Providing Access and Fairness also continues to work closely with its liaisons from the Center for Judiciary Education and Research and with staff at the Center for Families, Children & the Courts to provide input into judicial training to address many of the issues raised at the summit and in the final report. The summit recommendations provide a wealth of information that has been and should continue to be incorporated into primary assignment, new judge orientation, domestic violence, and ethics courses.

Additionally, based on input and direction from the council's Executive and Planning Committee, the Advisory Committee on Providing Access and Fairness would like to highlight that the committee's work is addressing a wide range of issues impacting diversity and that work is informed by the important information from the summit. For example, the committee plans to work on a number of efforts to educate and inform the branch about lesbian, gay, bisexual, and transgender (LGBT) issues. The areas of focus from the summit will inform that work going forward. Likewise, the committee plans on including LGBT issues in its focus, as well as addressing issues related to gender, race, economic access, and access and fairness for people with disabilities.

The committee has discussed the value of an important existing branch resource: *Pathways to Achieving Judicial Diversity in the California Courts: A Toolkit of Programs Designed to Increase the Diversity of Applicants for Judicial Appointment in California* (December 2010), which the committee created in collaboration with the State Bar and which is currently underutilized. The wide variety of strategies and programs in the toolkit can help judicial officers (individually or as a group) promote pipeline programs in their communities, promote awareness of legal and judicial careers in local high schools, and mentor attorneys who are interested in judicial appointments.

Comments, Alternatives Considered, and Policy Implications

Implementation of the identified summit recommendations could have policy implications for the branch. An alternative to providing information and guidance through distribution of the summit report, updating publications, and developing or improving training would be the council's adoption of a rule of court setting out more specific procedures for presiding judges with respect to the assignment process. The committee ruled out this alternative, in light of the council's preference to allow management flexibility for presiding judges. Recognizing that implementation of these recommendations might create additional duties for local trial courts, the advisory committee proposes asking for ongoing input from the Trial Court Presiding Judges Advisory Committee.

Implementation Requirements, Costs, and Operational Impacts

Implementation of these recommendations will be a long-term project and require collaborative efforts across the judicial branch. The committee recognizes that local bar associations and COAF can be effective partners in implementation efforts. Given the current fiscal climate, it is important that efforts be undertaken to support this important work despite limited or no resources.

Relevant Strategic Plan Goals and Operational Plan Objectives

These recommendations support “Access, Fairness, and Diversity” which are identified as Goal I of *Justice in Focus: The Strategic Plan for California’s Judicial Branch*. In order to achieve access, fairness, and diversity in the branch, the plan makes a number of policy recommendations, including: identifying and working to eliminate all barriers to access; collaborating with other branches of government and justice system partners to identify, recruit, and retain highly qualified appellate court justices, trial court judges, commissioners, referees, and other members of the judicial branch workforce, who reflect the state’s diversity; and collaborating with law schools, the State Bar, local bar associations, and specialty bars to achieve greater diversity in the legal profession.

Attachments and Links

1. Executive Summary and Final Recommendations from the “Final Report and Recommendations” from the 2011 summit on judicial diversity (dated August 1, 2012). The document is available at <http://www.courts.ca.gov/documents/jc-20121026-item1.pdf>.
2. *Justice in Focus: The Strategic Plan for California’s Judicial Branch, 2006–2012*; Section VI: Strategic Goals and Policy Directions; Goal I: Access, Fairness, and Diversity. The document is available at http://www.courts.ca.gov/documents/strategic_plan_2006-2012.pdf.



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 28, 2015

Title	Agenda Item Type
Budget: Fiscal Year 2015–2016 Budget Request for the Trial Courts	Action Required
	Effective Date
	July 28, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	July 1, 2015
Recommended by	Contact
Trial Court Budget Advisory Committee Hon. Laurie M. Earl, Chair	Patrick Ballard, 818-558-3115 patrick.ballard@jud.ca.gov

Executive Summary

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a proposed fiscal year (FY) 2016–2017 budget request for court-provided security. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, the BCPs are to be submitted to the state Department of Finance by September 2, 2015.

Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective July 28, 2015, approve the preparation and submission of a fiscal year (FY) 2016–2017 BCP to the state Department of Finance for trial court–provided security.

- The TCBAC recommends that the BCP be submitted to address increased costs for court-provided (non-sheriff) security for the maintenance of funding at 2010–2011 security levels.

- Beginning in FY 2016–2017 and beyond, if any new General Fund (GF) augmentation is received, courts with court-provided (non-sheriff) security since 2010–2011 would be provided funding based on the same growth funding percentage that the county sheriff receives.
- If the growth percentage provided to the county sheriffs exceeds the GF augmentation percentage increase to the trial courts, the funding provided (to courts with court-provided security) will equal the GF augmentation percentage increase. The growth funding would cease if a court discontinues its court-provided security services.

Previous Council Action

The Judicial Council has statutory authority to approve budget requests on behalf of the trial courts. The recommendation in this report is consistent with the council’s past practice under this authority.

Rationale for Recommendation

When Criminal Justice Realignment occurred in 2011, funding for sheriff-provided security was transferred to the counties. As a result, in July of 2011 trial court base budgets were reduced by the total amount for sheriff-provided security—\$484.6 million—while a total of \$41.0 million remained in the base budgets for the 39 courts with court-provided security costs (private security contracts, court attendants, marshals, and other costs such as alarm systems). Currently, county-provided sheriff security receives growth funding from the Trial Court Security Growth Special Account; however, courts have not received any funding for increased costs for private security contracts since 2010–2011. Courts do, however, receive funding for benefit adjustments for marshal and court security staff through the benefit funding process.

In May 2014, Judge Earl appointed a Security Growth Funding Working Group to determine (a) whether the affected courts should receive growth funding and at what rate, and (b) what the best source(s) for any such funding would be.

BCP recommendation for Judicial Council approval

At the TCBAC meeting on September 26, 2014, the committee voted unanimously to approve the Security Growth Funding Working Group’s recommendation to send a security survey to the courts that have court-provided security and to develop a costing justification and/or methodology to support a spring BCP, based on the data received. A survey was sent out on October 22, 2014, on behalf of the TCBAC to the 39 courts with court-provided security. Based on the results of the survey, the working group presented options at the TCBAC meeting on December 9, 2014.

The TCBAC considered all the options and voted unanimously to approve to submit a spring BCP to maintain funding at 2010–2011 security levels with the current cost estimated to be \$2.7

million and request a growth percentage increase starting in 2016–2017. The working group would provide a recommendation to the TCBAC in January 2015 that defines the growth factor, and determine whether the baseline amount for any growth factor should be restricted in the future to be used only for court-provided security. The option also includes more follow-up with courts on the information provided in the security survey in regards to the \$2.7 million current estimate. The Judicial Council at its January 22, 2015 business meeting, approved the preparation and submission of a fiscal year (FY) 2015–2016 spring budget change proposal (BCP) to the state Department of Finance (DOF) for trial court–provided security.

BCP Spring 2015 submission

In February 2015, a Spring BCP for 2015–2016 was submitted to the DOF. The BCP request by the Judicial Council was for a GF augmentation of \$3.7 million to address increased costs for court-provided (non-sheriff) security for the maintenance of funding at 2010–2011 security levels. The DOF did not approve the BCP for a GF augmentation to address increased costs for court-provided (non-sheriff) security and, subsequently, it was not included in the Governor’s 2015 May Revise. The DOF’s reasoning was that the trial courts should prioritize security expenses against other costs and utilize their GF augmentation (i.e. \$60 million in 2013–2014, \$86.3 million in 2014–2015 and \$90.6 million in 2015–2016).

The TCBAC met on July 6, 2015, to consider options from based on the results of the 2015–2016 BCP from its Security Growth Working. Each option reviewed by the committee with a description of the options, is provided below.

Option 1:

- Submit a fall BCP for 2016–2017 to address increased costs for court-provided (non-sheriff) security for the maintenance of funding at 2010–2011 security levels.

Option 2:

- Beginning in FY 2016–2017 and beyond, if any new GF augmentation is received, courts with court-provided (non-sheriff) security since 2010–2011 would be provided funding based on the same growth funding percentage that the county sheriff receives.
- If the growth percentage provided to the county sheriffs exceeds the GF augmentation percentage increase to the trial courts, the funding provided (to courts with court-provided security) will equal the GF augmentation percentage increase. The growth funding would cease if a court discontinues its court-provided security services.

Option 3:

- Beginning in FY 2016–2017 and beyond, if any new GF augmentation is received, courts with court-provided (non-sheriff) security since 2010–2011 would be provided funding based on the GF augmentation percentage increase.

The TCBAC voted to recommend Options 1 and 2 to the Judicial Council at its July 28, 2015 business meeting. The committee recommends going forward with a fall BCP for 2016–2017

(Option 1), since trial courts with court-provided security have not received any funding specifically for increased costs for marshals, court attendants, private security contracts for entrance screening, and other security costs since the 2011 Criminal Justice Realignment Act. Once the maintenance of funding at 2010–2011 security levels has been secured through a BCP, future cost increases for security services could be provided if any new GF augmentations are received (Option 2).

Comments, Alternatives Considered, and Policy Implications

This item was not circulated for public comment, but input was obtained through the previously discussed survey sent to the 39 trial courts that have court-provided security. Options were considered by the TCBCAC and are discussed in the Rationale for Recommendation section of the report.

Implementation Requirements, Costs, and Operational Impacts

Not applicable.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommendation to submit a BCP for court-provided security will address the strategic plan goals of Access, Fairness, and Diversity (Goal I); Independence and Accountability (Goal II); Modernization of Management and Administration (Goal III); Quality of Justice and Service to the Public (Goal IV); and Branchwide Infrastructure for Service Excellence (Goal VI).

Attachments

None



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 28, 2015

Title	Agenda Item Type
Trial Court Allocations: Funding for General Court Operations and Specific Costs in Fiscal Year 2015–2016	Action Required
	Effective Date
	July 28, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
N/A	July 2, 2015
Recommended by	Contact
Trial Court Budget Advisory Committee	Colin Simpson, 415-865-4566
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Executive Summary

For fiscal year 2015–2016, the Trial Court Budget Advisory Committee recommends the Judicial Council allocate **\$1.784** billion to the trial courts from the Trial Court Trust Fund (TCTF) and General Fund for general court operations and specific costs. The recommended allocations include an allocation of \$1.683 billion in 2015–2016 beginning base funding for general court operations, each court's share of \$24.2 million in new funding for non-interpreter employee benefits, a statewide net allocation of \$67.9 million for general court operations using the Workload-based Allocation and Funding Methodology (WAFM), a net zero allocation for the WAFM funding floor adjustment, each court's contribution toward a 2 percent reserve of \$37.7 million, a preliminary one-time allocation reduction related to the 1 percent cap on trial court fund balances, and one-time allocations of \$11 million in new funding for reimbursement of court-appointed dependency counsel costs, \$9.2 million for criminal justice realignment costs, and \$26.9 million in new funding for Proposition 47-related workload costs. Assuming approval of the allocations and given current revenue projections and estimated savings from appropriations, the TCTF will end 2015–2016 with a fund balance of \$17.7 million, of which approximately \$3.4 million will be unrestricted.

Recommendation

Based on actions taken at its July 6, 2015 meeting, the Trial Court Budget Advisory Committee (TCBAC) **unanimously** recommends that the Judicial Council, effective July 28, 2015:

1. Approve the 2015–2016 beginning base allocation for court operations of \$1.683 billion (see Attachment E, column 9), which carries forward the ending 2014–2015 Trial Court Trust Fund base allocation (column 6), and adds the General Fund benefits base allocation (column 7) and adjustments to annualize partial-year allocations made in 2014–2015 (column 8).
2. Allocate each court’s share of \$24.2 million for 2014–2015 non-interpreter employee benefits cost changes from the Trial Court Trust Fund. (The remaining \$1.2 million provided for 2014–2015 court interpreter benefits cost changes in the Budget Act of 2015 was added to the Trial Court Trust Fund Program 45.45, now identified as 0150037, (Court Interpreters) appropriation.)
3. Allocate each court’s share of a net allocation increase of \$67.9 million from the Trial Court Trust Fund using the 2015–2016 Workload-based Allocation and Funding Methodology (WAFM) to reallocate \$432.1 million (30 percent) and an additional \$214.2 million of courts’ historical WAFM-related base allocation of \$1.44 billion, reallocate \$146.3 million in new funding provided in 2013–2014 and 2014–2015 for general court operations, and allocate \$67.9 million in new funding provided in 2015–2016 for general court operations.
4. Allocate each court’s share of the 2015–2016 Workload-based Allocation and Funding Methodology funding-floor allocation adjustment, which includes funding-floor allocations for eight courts totaling \$560,269 and a corresponding funding-floor related reduction for all other courts totaling \$560,269, for a net zero total allocation.
5. Allocate each court’s one-time contribution toward the statutorily required 2 percent reserve in the Trial Court Trust Fund (\$37.7 million in 2015–2016) calculated using the method used from 2012–2013 through 2014–2015.
6. Approve a preliminary one-time allocation reduction of **\$2.0** million to courts that are projecting the portion of their 2014–2015 ending fund balance that is subject to the 1 percent fund balance cap to exceed the cap by **\$2.0** million, as required by statute.
7. Approve a one-time allocation of \$11 million in new funding from the Trial Court Trust Fund for reimbursement of court-appointed dependency counsel costs based on the Judicial Council-approved allocation methodology as follows:
 - a. Allocate \$10.9 million to trial courts with a ratio of 2015–2016 base funding to their workload-based funding need that is below the statewide ratio of 2015–2016 base funding to funding needed to meet the workload standard for juvenile dependency; and

- b. Set-aside a reserve of \$100,000 to reimburse trial courts for unexpected and significant court-appointed dependency counsel based on an application and reimbursement process to be approved by the Judicial Council by April 2016.
8. Approve a one-time allocation of \$9.2 million for criminal justice realignment costs from the Trial Court Trust Fund in the following manner:
 - a. Allocate \$4.6 million, based the most current available Post Release Community Supervision (PRCS) and parole workload data submitted to the Judicial Council's Criminal Justice Services pursuant to Penal Code section 13155 (each court's percentage of the statewide number of petitions filed and court motions made to revoke/modify PRCS and parole).
 - b. Allow the Trial Court Budget Advisory Committee (TCBAC) to return to the Judicial Council to recommend an allocation methodology for the remaining \$4.6 million after consideration of recommendations to be presented by the Criminal Justice Realignment Subcommittee at the August 5, 2015 TCBAC meeting. Funding is planned to be distributed in January 2016.
9. Approve a one-time allocation of \$26.9 million in new funding from the Trial Court Trust Fund for Proposition 47-related workload costs in the following manner:
 - a. Allocate \$6.7 million based on each court's share of the 10-year average of statewide felony filings;
 - b. Allocate \$6.7 million based on each court's share of statewide petitions for resentencing and reclassification from November 5, 2014 to May 31, 2015;
 - c. Allocate \$13.4 million based on each court's share of statewide petitions for resentencing and reclassification from June 1, 2015 to November 31, 2015 with funding to be distributed in January 2016; and
 - d. Set aside a reserve of \$100,000 in 2015–2016 to address unforeseen expenses resulting from courts implementing and modifying Proposition 47 procedures.

A summary of the allocations by court related to recommendations 1 through 9 is displayed in Attachment A.

Recommendation 1: 2015–2016 Beginning Base Allocation for Court Operations

1. Approve the 2015–2016 beginning base allocation for court operations of \$1.683 billion (see Attachment E, column 9), which carries forward the ending 2014–2015 Trial Court Trust Fund base allocation (column 6), and adds the General Fund benefits base allocation (column 7) and adjustments to annualize partial-year allocations made in 2014–2015 (column 8).

Previous Council Action

None.

Rationale for Recommendation 1

Government Code section 68502.5(c)(2)(A) (full text provided below) requires the council to make a preliminary allocation in July of each fiscal year and a final allocation before February of each fiscal year.

When setting the allocations for trial courts, the Judicial Council shall set a preliminary allocation in July of each fiscal year. The preliminary allocation shall include an estimate of available trial court reserves as of June 30 of the prior fiscal year and each court's preliminary allocation shall be offset by the amount of reserves in excess of the amount authorized to be carried over pursuant to subdivision (b) of Section 77203. In January of each fiscal year, after review of available trial court reserves as of June 30 of the prior fiscal year, the Judicial Council shall finalize allocations to trial courts and each court's finalized allocation shall be offset by the amount of reserves in excess of the amount authorized to be carried over pursuant to subdivision (b) of Section 77203.

(Gov. Code, § 68502.5(c)(2)(A))

Recommendation 2: Allocation of New Benefits Funding for 2015–2016

2. Allocate each court's share of \$24.2 million for 2014–2015 non-interpreter employee benefits cost changes from the Trial Court Trust Fund. (The remaining \$1.2 million provided for 2014–2015 court interpreter benefits cost changes in the Budget Act of 2015 was added to the Trial Court Trust Fund Program 45.45, now identified as 0150037, (Court Interpreters) appropriation.)

Previous Council Action

At its June 26, 2015 business meeting, the council approved the Trial Court Budget Advisory Committee's recommendation for the allocation of \$13.4 million .

Rationale for Recommendation 2

In the fall of 2014, a budget change proposal (BCP) in the amount of \$42.7 million was submitted to the Department of Finance (DOF) to address the full-year impact to the trial courts in 2015–2016 of changes in costs for retirement, retiree health, and employee health that were anticipated to occur in 2014–2015. Many of the health-related costs were unconfirmed at that time. The understanding was that a revised request would be submitted in February 2015 that would have updated, confirmed amounts. The Governor's Proposed Budget included the entire \$42.7 million. Of this amount, \$10.8 million was to restore a portion of the \$22 million reduction included in the Budget Act of 2014 (Stats. 2014, ch. 25), which had been based on the DOF estimate of what the trial courts were currently spending to cover the employee share of costs for retirement. A number of courts negotiated with employee unions to either eliminate or reduce the amount they were contributing to the employee share of retirement. The \$10.8 million was an acknowledgement that these courts were making progress toward meeting the Public Employees' Pension Reform Act of 2013 standard (PEPRA).

The \$38.8 million in the 2015 Budget Act reflects a decrease in the augmentation of \$3.9 million from the Governor's initial proposal, which is attributed to employee and retiree health premiums and/or employer share amounts coming in lower than estimated by courts at the time of original submission. The amount provided for retirement reduction restoration increased from \$10.8 million to \$13.4 million. The Benefits Working Group brought options to the Trial Court Budget Advisory Committee (TCBAC) at its May 18, 2015 meeting for allocating the \$13.4 million and, subsequently, allocation recommendations were presented to the Judicial Council at its meeting on June 26. This item addresses the remaining \$25.4 million in funding. Of this amount, \$24.2 million is to augment Trial Court Trust Fund (TCTF) Program 45.10 Court Operations and \$1.2 million is to augment the TCTF Court Interpreter Program 45.45 appropriation, which is allocated by region and not by individual trial court.

Recommendation 3: 2015–2016 WAFM Allocation Adjustments

3. Allocate each court's share of a net allocation increase of \$67.9 million from the Trial Court Trust Fund using the 2015–2016 Workload-based Allocation and Funding Methodology (WAFM) to reallocate \$432.1 million (30 percent) and an additional \$214.2 million of courts' historical WAFM-related base allocation of \$1.44 billion, reallocate \$146.3 million in new funding provided in 2013–2014 and 2014–2015 for general court operations, and allocate \$67.9 million in new funding provided in 2015–2016 for general court operations.

Previous Council Action

On April 26, 2013, the council adopted a policy to phase in the use of WAFM for reallocating courts' historical WAFM base funding, as of the end of 2012–2013, over a five-year period starting in 2013–2014, in which 50 percent of historical funding would be reallocated according to WAFM by 2017–2018. For 2015–2016, 30 percent of courts' historical base funding would be subject to reallocation based on WAFM. The council adopted an exception to the phase-in of reallocation of historical funding in years when new funding for general court operations was provided. In such years, additional historical funding, above and beyond the phase-in level and up to the level of the new funding amount, would be reallocated.

The council adopted a number of revisions to the WAFM on February 20, 2014. To determine funding need for courts whose WAFM workload need is less than 50 full-time equivalents (FTEs), the council adopted using the most current three-year average salary data to determine each court's Bureau of Labor Statistics (BLS) salary adjustment and adopted a per-FTE dollar allotment floor that is the median BLS-adjusted average FTE dollar allotment; and eliminated the cluster 1 courts' exemption from having their historical base allocations reallocated using the WAFM. At its June 25 and 26, 2015 business meeting, the council approved the Workload Assessment Advisory Committee (WAAC) recommendation to use an interim complex civil caseweight for use in the Resource Assessment Study (RAS) model for purposes of FY 2015–2016 budget allocations and the TCBAC recommendation to reduce the \$90.6 million of new funding provided in the 2015 Budget Act by the existing \$22.7 million revenue shortfall before

allocating the monies using the Workload-Based Allocation and Funding Methodology. WAAC will reassess the interim caseweight using preliminary data from the fall 2015 update of the staff workload study and make any needed adjustments for purposes of FY 2016–2017 budget allocations.

Rationale for Recommendation 3

The allocation adjustments reflect the current WAFM, which incorporates the revisions adopted by the council on February 20, 2014 and June 25 and 26, 2015, and allocates funding as directed by Judicial Council action on June 26, 2015. WAFM is updated to include 2014–2015 Schedule 7A salary and benefit budgets (as of July 1, 2014), average filings from 2011–2012 to 2013–2014, three-year average salary data from 2011 to 2013 from the BLS, and 2013–2014 AB 1058 child support grant reimbursement data (see Attachment G).

Attachment H displays the various WAFM allocation adjustments by court, which net to a total of \$67.9 million, as displayed in column R. Column G displays the net reallocation of 30 percent (\$432.1 million) of courts' historical base funding using the current WAFM. Column P displays the reversal of the reallocation of 15 percent of courts' historical base funding that was allocated on an ongoing basis in 2014–2015. The sum of columns G and P provides the net change that is being reallocated in 2015–2016 due to the phase-in of WAFM. Columns J and N display the updated net reallocation of \$146.3 million in historical base funding using the current WAFM and the updated allocation of \$146.3 million in new 2013–2014 and 2014–2015 funding, respectively. Column Q displays the reversal of the ongoing allocations made in 2014–2015 related to the \$146.3 million. The sum of columns J, N, and Q provides the net change in the \$146.3 million that is being allocated in 2015–2016. Column M displays the net reallocation of \$67.9 million in historical base funding. Column O displays the allocation of \$67.9 million in new funding for general court operations provided in 2015–2016.

Other attachments provide detail underlying the information displayed in Attachments G and H. Attachments G1, G2, and G3 provide detail related to the RAS workload/FTE need, BLS factor, and FTE allotment factor, respectively, displayed in Attachment G. Attachment H1 provides the detail of courts' historical WAFM-related base allocation of the \$1.44 billion that is used in Attachment H. Attachments I and J provide a summary and detailed comparison of changes in WAFM need and its components by court and cluster from FY 2014–2015 to FY 2015–2016.

Recommendation 4: 2015–2016 Funding Floor Allocation Adjustment

4. Allocate each court's share of the 2015–2016 Workload-based Allocation and Funding Methodology funding-floor allocation adjustment, which includes funding-floor allocations for eight courts totaling \$560,269 and a corresponding funding-floor related reduction for all other courts totaling \$560,269, for a net zero total allocation.

Previous Council Action

At its February 20, 2014 meeting, for allocating trial court base funding for court operations, the council established an absolute funding floor (\$750,000 in fiscal year 2015–2016) and a graduated funding floor that is based on a court’s WAFM funding need (\$875,000, \$1,250,000, and \$1,875,000 in fiscal year 2015–2016); funded the funding-floor allocation by reducing, pro rata, the allocations of courts that do not qualify for an absolute or graduated funding floor.

Rationale for Recommendation 4

The allocation adjustments are based on the policy adopted by the council on February 20, 2014. The allocation adjustment for each court is displayed in Attachment A (summary table) and Attachment K (columns C and E). The funding-floor allocations that eight courts received are displayed in column C of Attachment K. As displayed in Attachment K1, two courts were eligible for the absolute funding-floor level of \$750,000, two courts for the graduated level of \$1,250,000, and four courts for the graduated level of \$1,874,999. The funding-floor adjustment for courts that did not receive a funding-floor allocation is displayed in column E of Attachment K.

Attachment K1 displays whether or not a court is eligible for a funding-floor adjustment and, if a court is eligible, what the maximum funding-floor amount is for the court. Attachment K2 displays each court’s 2014–2015 WAFM-related base allocation. Attachment K3 displays each court’s 2015–2016 WAFM-related base allocation before and after any funding-floor adjustment.

Recommendation 5: Allocation of Courts’ Contribution to 2 Percent Reserve

5. Allocate each court’s one-time contribution toward the statutorily required 2 percent reserve in the Trial Court Trust Fund (\$37.7 million in 2015–2016) calculated using the method used from 2012–2013 through 2014–2015.

Previous Council Action

The council has taken no previous action concerning this recommendation.

Rationale for Recommendation 5

Based on the Budget Act of 2015, the 2% reserve amount in 2014–2015 is \$37,677,580 which is 2% of the 2015–2016 TCTF Program 45.10 (0150010) Budget Act appropriation of \$1,883,879,000. Although Government Code section 68502.5(c)(2)(B) prescribes unambiguously how the total 2 percent reserve or holdback amount is to be computed, it does not prescribe how each court’s share should be computed. As such, the council has discretion in how to allocate each court’s share of the holdback.

The pro-rata method used from 2012–2013 through 2014–2015 was a reasonable and fair approach. The 2 percent reserve amount is calculated based on each court’s share of the beginning 2015–2016 allocation for base operations excluding 2011–2012 allocations related to non-sheriff security. The main rationale for excluding security allocations from the holdback

computation is that the method treats the 39 courts with non-sheriff security costs the same as the 19 courts where sheriffs provide 100 percent of court security and that thus have zero security allocation in their base allocation. The recommended share for each court is displayed in column E of Attachment L.

Recommendation 6: Preliminary One-Time Allocation Reduction for Fund Balance Above the 1 Percent Cap

6. Approve a preliminary one-time allocation reduction of \$2.0 million to courts that are projecting the portion of their 2014–2015 ending fund balance that is subject to the 1 percent fund balance cap to exceed the cap by \$2.0 million, as required by statute.

Previous Council Action

The council has taken no previous action concerning this recommendation.

Rationale for Recommendation 6

Government Code section 68502.5(c)(2)(A) (full text provided below) requires the council to make a preliminary allocation reduction in July of each fiscal year (see Attachment M) and a final allocation reduction before February of each fiscal year to offset the amount of reserves (or fund balance) in excess of the amount authorized by Government Code section 77203 to be carried over from one year to the next beginning June 30, 2014.

When setting the allocations for trial courts, the Judicial Council shall set a preliminary allocation in July of each fiscal year. The preliminary allocation shall include an estimate of available trial court reserves as of June 30 of the prior fiscal year and each court's preliminary allocation shall be offset by the amount of reserves in excess of the amount authorized to be carried over pursuant to subdivision (b) of Section 77203. In January of each fiscal year, after review of available trial court reserves as of June 30 of the prior fiscal year, the Judicial Council shall finalize allocations to trial courts and each court's finalized allocation shall be offset by the amount of reserves in excess of the amount authorized to be carried over pursuant to subdivision (b) of Section 77203.

(Gov. Code, § 68502.5(c)(2)(A).)

Recommendation 7: Allocation for Court-Appointed Dependency Counsel Costs

7. Approve a one-time allocation of \$11 million in new funding from the Trial Court Trust Fund for reimbursement of court-appointed dependency counsel costs based on the Judicial Council-approved allocation methodology as follows:
 - a. Allocate \$10.9 million to trial courts with a ratio of 2015–2016 base funding to their workload-based funding need that is below the statewide ratio of 2015–2016 base funding to funding needed to meet the workload standard for juvenile dependency; and

- b. Set-aside a reserve of \$100,000 to reimburse trial courts for unexpected and significant court-appointed dependency counsel based on an application and reimbursement process to be approved by the Judicial Council by April 2016.

Previous Council Action

None.

Rationale for Recommendation 7

This allocation reflects the allocation methodology approved by the Judicial Council at its April 17, 2015 meeting.

Recommendation 8: Allocation for Criminal Justice Realignment Costs

8. Approve a one-time allocation of \$9.2 million for criminal justice realignment costs from the Trial Court Trust Fund in the following manner:
 - a. Allocate \$4.6 million, based the most current available Post Release Community Supervision (PRCS) and parole workload data submitted to the Judicial Council's Criminal Justice Services pursuant to Penal Code section 13155 (each court's percentage of the statewide number of petitions filed and court motions made to revoke/modify PRCS and parole).
 - b. Allow the Trial Court Budget Advisory Committee (TCBAC) to return to the Judicial Council to recommend an allocation methodology for the remaining \$4.6 million after consideration of recommendations to be presented by the Criminal Justice Realignment Subcommittee at the August 5, 2015 TCBAC meeting. Funding is planned to be distributed in January 2016.

Previous Council Action

None.

Rationale for Recommendation 8

The initial \$4.6 million allocation is consistent with the approved allocation methodology. Allowing the TCBAC to return with more current information will better allow the funding to be allocated most appropriately.

Recommendation 9: Allocation for Proposition 47 Workload Costs

9. Approve a one-time allocation of \$26.9 million in new funding from the Trial Court Trust Fund for Proposition 47-related workload costs in the following manner:
 - a. Allocate \$6.7 million based on each court's share of the 10-year average of statewide felony filings;
 - b. Allocate \$6.7 million based on each court's share of statewide petitions for resentencing and reclassification from November 5, 2014 to May 31, 2015;

- c. Allocate \$13.4 million based on each court's share of statewide petitions for resentencing and reclassification from June 1, 2015 to November 31, 2015 with funding to be distributed in January 2016; and
- d. Set aside a reserve of \$100,000 in 2015–2016 to address unforeseen expenses resulting from courts implementing and modifying Proposition 47 procedures.

Previous Council Action

None.

Rationale for Recommendation 9

The members recommend including felony filings along with petitions for resentencing and reclassification for the first 50 percent of \$26.8 million because not all courts were able to adequately capture information on Proposition 47 related workload in the initial months after the initiative passed. However, the subcommittee members recommend that the second allocation in 2015-2016 for the remaining 50 percent of \$26.8 million should only be based on petitions for resentencing and reclassification received from June 1 through November 31, 2015 due to the passage of Proposition 47. The subcommittee also recommends maintaining a small reserve of \$100,000 (per option 4) for unforeseen expenses because courts are still implementing and modifying Proposition 47 procedures and some courts may need to request additional funds to address some of the unanticipated workload.

Comments, Alternatives Considered, and Policy Implications

No public comments were received when the recommendations were considered by the TCBCAC at its July 6, 2015 meeting.

Attachments

1. Attachment A: Summary of Court-Specific Allocations and Net Reallocations
2. Attachment B: Trial Court Trust Fund—Fund Condition Statement
3. Attachment C: TCTF FY 2015-16 Judicial Council and Trial Court Operations Appropriations Allocations Approved by the Judicial Council
4. Attachment D: FY 2014-15 and FY 2015-16 Trial Court Trust Fund Support for Operation of the Trial Courts: Appropriation vs. Estimated/Approved Allocations
5. Attachment E: 2015-2016 Beginning Base Allocation: 2014-2015 Beginning Base, 2014-2015 Base Allocations, and Annualization
6. Attachment F: Recommended Allocation of 2014-2015 Benefit Cost Changes Funding
7. Attachment G: Computation of Funding Need Using the 2015–2016 Workload-Based Allocation and Funding Methodology
8. Attachment G1: 2015–2016 RAS FTE Need
9. Attachment G2: BLS Factor
10. Attachment G3: FTE Allotment Factor

11. Attachment H: 2015-2016 Allocation of New Funding and Reallocation of Historical Funding
12. Attachment H1: Historical Trial Court Funding Subject to Reallocation Using WAFM
13. Attachment I: Summary of Changes from 2014–2015 Total WAFM Funding Need
14. Attachment J: Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster
15. Attachment K: FY 2015–2016 Allocation Adjustment Related to Funding Floor
16. Attachment K1: Determination of Funding Floor
17. Attachment K2: 2014–2015 WAFM-Related Base Allocation
18. Attachment K3: Estimated 2015–2016 WAFM-Related Base Allocation
19. Attachment L: Estimated FY 2015–2016 Allocation of 2% Holdback
20. Attachment M: Preliminary One-Time Allocation Reduction for Fund Balance Above the 1% Cap
21. Attachment N: FY 2014-15 - 1% Fund Balance Cap Calculation Form
22. Attachment O: 2015-2016 Allocation of Dependency Counsel Funding
23. Attachment P: Four-year Dependency Counsel Funding Reallocation Plan
24. Attachment Q: Allocation of \$4.6 Million of Criminal Justice Realignment Funding Using Percentage of Petitions to Revoke/Modify PRCS and Parole
25. Attachment R: Allocation of \$13.4 Million Using Percentage of Proposition 47 Petitions and Felony Filings (Remaining \$100,000 is Set-Aside as Reserve)

Summary of Court-Specific Allocations and Net Reallocations

	Recommendation 1	Recommendation 2	Recommendation 3	Recommendation 4	Recommendation 5	Recommendation 6	Recommendation 7	Recommendation 8	Recommendation 8	Recommendation 9	Recommendation 9	
	Preliminary 2015-16 Base Allocation (TCTF and GF)	2014-15 Benefits Funding	2015-16 WAFM Allocation Adjustments	2015-16 Funding Floor Allocation Adjustment	2% Reserve (One-time)	Preliminary Reduction for Fund Balance Above the 1% Cap (One-time)	Court-Appointed Dependency Counsel (One-time)	Criminal Justice Realignment (1st Half) (One-time)	Criminal Justice Realignment (2nd Half) (One-time)	Proposition 47 Funding (1st Half) (One-time)	Proposition 47 Funding (2nd Half) (One-time)	Total
Court	1	2	3	4	5	6	7	8	9	10	11	12
Alameda	75,540,886	562,020	(1,264,416)	(23,470)	(1,557,034)	pending	-	138,028	pending	238,893	pending	73,634,907
Alpine	747,833	5,289	(44,027)	36,601	(16,129)	pending	-	194	pending	422	pending	730,183
Amador	2,137,937	15,693	18,171	(726)	(47,002)	pending	-	2,428	pending	17,261	pending	2,143,763
Butte	8,961,947	68,952	418,401	(2,905)	(194,208)	pending	-	32,734	pending	111,101	pending	9,396,022
Calaveras	1,994,159	30,138	25,667	(691)	(44,539)	pending	37,560	2,234	pending	17,475	pending	2,062,004
Colusa	1,535,072	10,604	11,496	127,447	(36,452)	pending	-	1,068	pending	8,560	pending	1,657,795
Contra Costa	37,747,350	590,873	1,659,325	(12,908)	(869,979)	pending	-	44,876	pending	126,035	pending	39,285,573
Del Norte	2,489,970	73,071	(92,520)	(791)	(53,607)	pending	-	3,497	pending	13,936	pending	2,433,556
El Dorado	6,342,136	90,455	140,211	(2,148)	(141,851)	pending	-	14,182	pending	59,719	pending	6,502,704
Fresno	39,657,551	1,581,245	3,407,730	(14,653)	(969,482)	pending	-	132,200	pending	555,904	pending	44,350,495
Glenn	1,863,014	31,311	(109,604)	69,935	(39,968)	pending	27,831	1,748	pending	13,048	pending	1,857,315
Humboldt	5,640,662	46,895	264,310	(1,900)	(125,731)	pending	-	21,758	pending	64,409	pending	5,910,403
Imperial	7,642,037	95,925	485,034	(2,573)	(169,752)	pending	-	18,358	pending	73,696	pending	8,142,726
Inyo	2,072,063	(7,122)	(50,400)	3,850	(39,750)	pending	-	1,166	pending	7,280	pending	1,987,087
Kern	37,287,445	(217,620)	4,739,894	(13,527)	(904,131)	pending	279,950	186,693	pending	406,105	pending	41,764,809
Kings	6,001,693	29,342	331,857	(1,910)	(128,253)	pending	122,056	24,769	pending	98,472	pending	6,478,026
Lake	3,209,022	33,201	(50,322)	(987)	(64,605)	pending	-	6,605	pending	35,764	pending	3,168,679
Lassen	2,267,714	6,803	(18,996)	(657)	(42,335)	pending	-	3,885	pending	16,314	pending	2,232,729
Los Angeles	486,747,776	7,896,395	26,818,347	(163,090)	(11,025,104)	pending	6,225,630	1,722,780	pending	2,581,130	pending	520,803,864
Madera	6,733,061	223,020	267,872	(2,290)	(147,864)	pending	133,016	20,787	pending	85,820	pending	7,313,422
Marin	12,957,597	(78,894)	(715,208)	(4,090)	(264,717)	pending	-	12,045	pending	33,458	pending	11,940,191
Mariposa	1,071,772	4,769	15,835	54,687	(24,765)	pending	4,975	680	pending	5,810	pending	1,133,764
Mendocino	4,868,910	56,174	126,710	(1,607)	(104,221)	pending	-	14,505	pending	37,974	pending	4,998,445
Merced	10,689,301	161,921	590,591	(3,718)	(249,006)	pending	120,042	46,236	pending	100,891	pending	11,456,259
Modoc	932,090	9,491	(15,665)	(309)	(19,972)	pending	-	583	pending	3,579	pending	909,797
Mono	1,423,941	10,568	(8,570)	126,524	(33,046)	pending	1,442	194	pending	8,455	pending	1,529,508
Monterey	15,549,243	205,587	630,401	(5,124)	(336,485)	pending	85,664	25,352	pending	109,659	pending	16,264,296
Napa	6,892,819	(3,237)	224,679	(2,173)	(148,372)	pending	30,266	6,217	pending	33,943	pending	7,034,142
Nevada	4,782,935	79,983	(7,657)	(1,394)	(96,235)	pending	-	5,342	pending	22,185	pending	4,785,158
Orange	133,822,160	3,449,769	2,324,353	(45,022)	(2,994,022)	pending	-	229,821	pending	1,351,441	pending	138,138,500
Placer	13,559,969	84,431	974,682	(4,604)	(317,318)	pending	82,994	12,530	pending	113,771	pending	14,506,455
Plumas	1,372,630	2,474	(114,763)	(421)	(27,194)	pending	-	389	pending	6,694	pending	1,239,810
Riverside	72,996,304	(650,572)	6,856,320	(25,208)	(1,678,242)	pending	1,528,770	374,648	pending	803,548	pending	80,205,568
Sacramento	70,854,133	332,406	3,657,752	(23,950)	(1,590,627)	pending	-	99,369	pending	606,098	pending	73,935,181
San Benito	2,492,824	21,556	(91,160)	(810)	(52,370)	pending	44,415	4,760	pending	23,754	pending	2,442,969
San Bernardino	80,594,456	1,521,168	6,757,237	(27,713)	(1,855,587)	pending	1,111,278	374,260	pending	719,894	pending	89,194,993
San Diego	131,693,616	2,061,274	1,471,869	(43,501)	(2,915,700)	pending	-	233,609	pending	2,104,370	pending	134,605,537
San Francisco	56,737,884	631,291	341,981	(19,228)	(1,255,432)	pending	-	49,442	pending	179,070	pending	56,665,006
San Joaquin	27,507,408	818,234	2,224,751	(9,901)	(656,469)	pending	(9,901)	89,072	pending	279,244	pending	30,252,339
San Luis Obispo	12,644,125	972	497,227	(4,103)	(278,566)	pending	-	25,741	pending	84,630	pending	12,970,025
San Mateo	33,365,517	363,484	477,303	(10,796)	(730,043)	pending	182,611	20,010	pending	133,656	pending	33,801,741
Santa Barbara	20,560,722	227,423	209,451	(6,510)	(430,871)	pending	-	32,152	pending	152,902	pending	20,745,267
Santa Clara	75,935,828	1,851,301	(2,883,909)	(24,455)	(1,621,085)	pending	-	64,692	pending	321,899	pending	73,644,269
Santa Cruz	10,722,708	86,623	371,304	(3,603)	(242,209)	pending	-	16,027	pending	96,812	pending	11,047,662
Shasta	11,106,240	135,012	532,744	(3,053)	(203,702)	pending	95,136	40,214	pending	133,570	pending	11,836,160
Sierra	747,859	3,781	(44,895)	38,053	(16,130)	pending	-	486	pending	849	pending	730,003
Siskiyou	3,130,687	40,262	(154,682)	(968)	(65,476)	pending	-	7,868	pending	19,727	pending	2,977,418

Summary of Court-Specific Allocations and Net Reallocations

	Recommendation 1	Recommendation 2	Recommendation 3	Recommendation 4	Recommendation 5	Recommendation 6	Recommendation 7	Recommendation 8	Recommendation 8	Recommendation 9	Recommendation 9	
	Preliminary 2015-16 Base Allocation (TCTF and GF)	2014-15 Benefits Funding	2015-16 WAFM Allocation Adjustments	2015-16 Funding Floor Allocation Adjustment	2% Reserve (One-time)	Preliminary Reduction for Fund Balance Above the 1% Cap (One-time)	Court-Appointed Dependency Counsel (One-time)	Criminal Justice Realignment (1st Half) (One-time)	Criminal Justice Realignment (2nd Half) (One-time)	Proposition 47 Funding (1st Half) (One-time)	Proposition 47 Funding (2nd Half) (One-time)	Total
Court	1	2	3	4	5	6	7	8	9	10	11	12
Solano	18,578,318	95,975	750,033	(6,207)	(413,120)	pending	-	55,755	pending	130,458	pending	19,191,213
Sonoma	21,690,624	825,673	609,606	(7,452)	(493,721)	pending	-	75,474	pending	146,447	pending	22,846,651
Stanislaus	18,557,159	(289,912)	1,464,546	(6,521)	(431,340)	pending	-	50,704	pending	297,292	pending	19,641,928
Sutter	4,172,308	28,465	302,731	(1,431)	(92,308)	pending	47,186	6,217	pending	52,902	pending	4,516,069
Tehama	3,186,372	72,996	210,687	(1,160)	(75,000)	pending	55,106	7,674	pending	47,209	pending	3,503,885
Trinity	1,578,531	37,893	(35,061)	103,171	(26,762)	pending	9,455	1,748	pending	8,302	pending	1,677,279
Tulare	14,364,451	353,922	1,113,228	(5,107)	(341,767)	pending	237,041	41,282	pending	232,642	pending	15,995,692
Tuolumne	2,930,003	65,010	(13,277)	(894)	(59,676)	pending	36,743	2,720	pending	32,684	pending	2,993,312
Ventura	30,149,914	288,505	1,719,233	(10,082)	(663,756)	pending	315,958	161,632	pending	274,189	pending	32,235,594
Yolo	8,193,176	147,776	438,940	(2,736)	(177,313)	pending	59,433	20,301	pending	122,531	pending	8,802,108
Yuba	3,547,053	9,769	132,620	(1,191)	(77,181)	pending	-	21,758	pending	36,118	pending	3,668,946
Reserve	-	-	-	-	-	-	100,000	-	-	-	100,000	200,000
Total	1,682,580,918	24,229,808	67,900,000	0	(37,677,580)	-	10,974,556	4,611,500	4,611,500	13,400,000	13,500,000	1,784,130,702

Trial Court Trust Fund -- Fund Condition Statement

#	Description	FY 2013-14 (Year-End Financial Statement) Col. A	FY 2014-15 (Estimated) Col. B	FY 2015-16		
				Utilize All Expenditure Authority ¹ Col. C	Estimated Unused Expenditure Authority Col. D	Estimated Use of Expenditure Authority Col. E
1	Beginning Balance	82,346,997	21,218,232	6,022,067	-	6,022,067
2	Prior-Year Adjustments	(2,688,884)	6,139,982	-	-	-
3	Adjusted Beginning Fund Balance	79,658,114	27,358,215	6,022,067	-	6,022,067
4	Revenue	1,374,450,890	1,343,534,343	1,319,206,676	-	1,319,206,676
5	<i>Maintenance of Effort Obligation Revenue</i>	<i>658,755,572</i>	<i>659,050,502</i>	<i>659,050,502</i>	-	<i>659,050,502</i>
6	<i>Civil Fee Revenue</i>	<i>384,474,327</i>	<i>357,569,083</i>	<i>338,643,093</i>	-	<i>338,643,093</i>
7	<i>Court Operations Assessment Revenue</i>	<i>149,578,279</i>	<i>139,695,348</i>	<i>131,033,479</i>	-	<i>131,033,479</i>
8	<i>Civil Assessment Revenue</i>	<i>154,784,402</i>	<i>160,588,221</i>	<i>164,263,670</i>	-	<i>164,263,670</i>
9	<i>Parking Penalty Assessment Revenue</i>	<i>25,360,674</i>	<i>24,647,490</i>	<i>24,237,643</i>	-	<i>24,237,643</i>
10	<i>Interest from SMIF</i>	<i>94,882</i>	<i>100,342</i>	<i>108,806</i>	-	<i>108,806</i>
11	<i>Sanctions and Contempt Fines</i>	<i>1,237,263</i>	<i>1,650,467</i>	<i>1,111,362</i>	-	<i>1,111,362</i>
12	<i>Miscellaneous Revenue</i>	<i>165,492</i>	<i>232,890</i>	<i>758,121</i>	-	<i>758,121</i>
13	General Fund Transfer	742,319,017	922,648,255	943,372,730	-	943,372,730
14	General Fund Transfer - Court-Appointed Dependency Counsel	-	-	114,700,000	-	114,700,000
15	General Fund Transfer - Revenue Backfill	-	30,900,000	66,200,000	-	66,200,000
16	Reduction Offset Transfers	26,080,000	26,080,000	6,080,000	-	6,080,000
17	Net Other Transfers/Charges/Reimbursements	12,804,047	12,678,778	13,220,122	-	13,220,122
18	Total Revenue and Transfers/Charges/Reimbursements	2,155,653,954	2,335,841,377	2,462,779,528	-	2,462,779,528
19	Total Resources	2,235,312,067	2,363,199,591	2,468,801,596	-	2,468,801,596
20	Expenditures/Encumbrances/Allocations					
21	Program 30 (0140) - Expenditures/Allocations	22,672,123	21,096,011	18,151,100	(1,431,600)	16,719,500
22	Program 30.05 (0140010) - Judicial Council (Staff)	3,764,788	4,532,944	5,126,100	(244,100)	4,882,000
23	Program 30.15 (0140019) - Trial Court Operations	18,907,335	16,563,067	13,025,000	(1,187,500)	11,837,500
24						
25	Program 45 (0150) - Expenditures/Allocations	2,191,275,014	2,335,377,233	2,460,017,630	(25,585,414)	2,434,432,216
26	Program 45.10 (0150010) - Support for Trial Court Operations	1,753,105,306	1,882,334,495	1,878,540,000	(20,913,292)	1,857,626,708
27	Program 0150011 - Court-Appointed Dependency Counsel	-	-	114,700,000	-	114,700,000
28	Program 45.25 (0150019) - Comp. of Superior Court Judges	312,138,986	320,799,255	335,320,730	(3,200,000)	332,120,730
29	Program 45.35 (0150028) - Assigned Judges	25,496,371	25,447,000	26,047,000	-	26,047,000
30	Program 45.45 (0150037) - Court Interpreters	90,983,918	98,413,000	95,855,000	-	95,855,000
31	Program 45.55 (0150046) - Grants	9,550,433	8,383,483	9,554,900	(1,472,122)	8,082,778
32	Item 601 - Redevelopment Agency Writ Case Reimbursements	146,697	704,280	-	-	-
33	Total, Expenditures/Encumbrances/Allocations	2,214,093,835	2,357,177,524	2,478,168,730	(27,017,014)	2,451,151,716
34	Ending Fund Balance	21,218,232	6,022,067	(9,367,134)	27,017,014	17,649,880
35						
36	Fund Balance Detail					
37	Restricted Fund Balance	18,557,776	13,988,330	14,283,545	-	14,283,545
38	<i>Court Interpreter Program</i>	<i>14,734,148</i>	<i>9,307,528</i>	<i>9,307,528</i>	-	<i>9,307,528</i>
39	<i>Court-Appointed Dependency Counsel Collections</i>	<i>996,574</i>	<i>857,924</i>	<i>1,152,680</i>	-	<i>1,152,680</i>
40	<i>Redevelopment Agency Writ Case Reimbursements</i>	<i>1,632,117</i>	<i>927,837</i>	<i>927,837</i>	-	<i>927,837</i>
41	<i>Sargent Shriver Civil Counsel</i>	<i>26,484</i>	<i>2,895,041</i>	<i>2,895,500</i>	-	<i>2,895,500</i>
42	Unrestricted Fund Balance	2,660,456	(7,966,263)	(23,650,679)	27,017,014	3,366,335
43						
44	Revenue and Transfers Annual Surplus/(Deficit)	(58,439,881)	(21,336,147)	(15,389,202)	27,017,014	11,627,812

1. Expenditure authority reflects the 2015 Budget Act appropriation authority adjusted for planned transfers between Program 45.10 (0150010) and Program 45.25 (0150019) appropriation due to conversion of subordinate judicial officer positions to judgeships, between Program 45.10 (0150010) and Program 45.45 (0150037) appropriation due to the court interpreter portion of \$42.8 million for new benefits funding, and an increase to Program 45.25 to reflect a 2.48% judges' salary increase.

TCTF FY 2015-16 Judicial Council and Trial Court Operations Appropriations Attachment C
Allocations Approved by the Judicial Council

		FY 2015-16 Judicial Council-Approved Allocations		
#	Project and Program Title	Judicial Council (Staff) ¹	Trial Court Operations ¹	Total
		Col. A	Col. B	Col C (Col. A + B)
1	Children in Dependency Case Training	-	113,000	113,000
2	Court-Appointed Dependency Counsel Collections	260,000	-	260,000
3	Equal Access Fund	197,000	-	197,000
4	Sargent Shriver Civil Counsel Pilot Program	500,000	7,531,000	8,031,000
5	Statewide Support for Collections Programs	625,000	-	625,000
6	Costs Reimbursed by the Trial Courts			
7	California Courts Technology Center	-	1,581,000	1,581,000
8	Civil, Small Claims, Probate and Mental Health (V3) CMS	-	625,000	625,000
9	CLETS Services/Integration	114,000	400,000	514,000
10	Human Resources - Court Investigation	-	94,500	94,500
11	Interim Case Management System	-	843,000	843,000
12	Other Post-Employment Benefits Valuations		650,000	650,000
13	Phoenix Financial Services	107,000	-	107,000
14	Phoenix HR Services	1,360,000	-	1,360,000
15	Total, Program/Project Allocations	3,163,000	11,837,500	15,000,500
16	Estimated State Controller's Office services charges	1,719,000	-	1,719,000
17	Total, Estimated Expenditures	4,882,000	11,837,500	16,719,500
18				
19	Budget Act Appropriation and Changes Using Provisional Language Authority¹	5,126,100	13,025,000	18,151,100
20	Appropriation Balance	244,100	1,187,500	1,431,600

1. Provisional language in the Budget Act of 2015 allows the Judicial Council appropriation authority to be increased for increased revenues that support the Sargent Shriver Civil Counsel Pilot, Equal Access Fund, and Court-Appointed Dependency Counsel Collections. Provisional language also allows up to \$11.274 million to be transferred to the Judicial Council and Trial Court Operations appropriation authority for the recovery of costs for administrative services provided to the trial courts.

FY 2014-15 and FY 2015-16 Trial Court Trust Fund Support for Operation of the Trial Courts: Appropriation vs. Estimated/Approved Allocations

#	Description	Type	Estimated 2014-15 Col. A	Estimated 2015-16 Col. B	For Judicial Council Approval on July 28 Col. C
1	I. Prior-Year Ending Baseline Allocation	Base	1,518,726,356	1,614,580,055	Rec. 1
3	II. Adjustments				
4	Reduction for Appointed Converted SJO Positions	Base	-702,811	-817,737	Rec. 1
6	III. FY 2014-2015 Allocations				
7	\$86.3 Million in New Funding	Base	86,300,000		N/A
8	\$42.8 Million in Benefits Cost Changes Funding	Base	41,034,166		N/A
9	FY 2012-13 Benefits Cost Changes Funding	Base	-29,405,750		N/A
10	\$22.7 Million Revenue Shortfall	Non-Base	-22,700,000		N/A
11	Criminal Justice Realignment Funding (FY 2012-13 costs)	Non-Base	130,450		N/A
13	IV. FY 2015-2016 Allocations				
14	\$25.4 Million in FY 2014-15 Benefits Cost Changes Funding	Base		24,229,808	Rec. 2
15	\$13.4 Million in FY 2013-14 Restored Benefits Funding	Base		13,274,798	JC Approved
16	\$90.6 Million in New Funding Offset by \$22.7 Million Revenue Shortfall	Base		67,900,000	Rec. 3 & 4
17	\$26.9 Million Proposition 47 Workload Funding	Non-Base		26,900,000	Rec. 9
18	Cash Advance From FY 2015-16 Allocation	Non-Base	20,946,674		
20	V. Statutory Allocation Adjustments				
21	2.0% Holdback	Non-Base	-37,882,840	-37,677,580	Rec. 5
22	1.5% & 0.5% Emergency Funding & Unspent Funding Allocated Back to Courts	Non-Base	37,882,840	37,677,580	Pending
23	1% Fund Balance Cap Reduction	Non-Base	-1,711,712	Pending	Rec. 6
24	Adjustment for Funding to be Distributed from ICNA	Non-Base	-10,000,000	-50,000,000	N/A
25	Reduction for Appointed Converted SJO Positions	Base	-1,371,906		N/A
27	VI. Allocation for Reimbursements				
28	Court-Appointed Dependency Counsel	Non-Base	103,725,445	114,700,000	Rec. 7
29	Jury	Non-Base	14,000,000	14,500,000	JC Approved
30	Criminal Justice Realignment	Non-Base	9,223,000	9,223,000	Rec. 8
31	Replacement Screening Stations	Non-Base	2,286,000	2,286,000	JC Approved
32	Self-Help Center	Non-Base	2,500,000	2,500,000	JC Approved
33	Elder Abuse	Non-Base	332,000	332,000	JC Approved
34	CSA Audits ¹	Non-Base	254,600	325,000	JC Approved
35	CAC Dependency Collections Reimbursement Rollover	Non-Base	775,519		N/A
36	CAC Dependency Collections Reimbursement	Non-Base	525,139	857,924	Pending
38	VII. Estimated Revenue Distributions				
39	Civil Assessment	Non-Base	112,285,492	115,960,941	N/A
40	Fees Returned to Courts	Non-Base	23,440,758	25,308,207	N/A
41	Replacement of 2% automation allocation from TCIF	Non-Base	10,907,494	10,907,494	N/A
42	Children's Waiting Room	Non-Base	3,111,367	2,880,243	N/A
43	Automated Recordkeeping and Micrographics	Non-Base	2,436,513	2,256,310	N/A
44	Telephonic Appearances Revenue Sharing	Non-Base	943,840	943,840	N/A
46	VIII. Miscellaneous Charges				
47	Repayment of Prior Year Cash Advance	Non-Base	-1,734,355	-20,946,674	N/A
48	Infrastructure Charges Prior Year Adjustment- Phoenix Services	Non-Base	1,200,542		N/A
49	Statewide Administrative Infrastructure Charges	Non-Base	-5,124,326	-5,774,500	N/A
50	Total		1,882,334,495	1,972,326,708	
52	Support for Operation of the Trial Courts Appropriation Budget Act ²		1,894,142,000	1,998,579,000	
53	Transfer to Compensation of Superior Court Judges appropriation due to conversion of subordinate judicial officer positions to judgeships		-2,755,000	-3,573,000	
54	Transfer to Court Interpreters appropriation due to court interpreter portion of \$42.8 million for new benefits funding		-1,766,000	-1,766,000	
55	Adjusted Appropriation		1,889,621,000	1,993,240,000	
57	Estimated Remaining Appropriation		7,286,505	20,913,292	

¹ Provision 12 of the 2015 Budget Act requires that \$325,000 be allocated by the Judicial Council in order to reimburse the California State Auditor for the costs of trial court audits.

2 FY 2015-16 includes the Budget Act Appropriation of \$114,700,000 for Item 0250-102-0932 - Court-Appointed Dependency Counsel.

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2015-2016 Beginning Base Allocation: 2014-2015 Beginning Base, 2014-2015 Base Allocations, and Annualization

	Beginning 2014-2015 TCTF Program 45.10 (0150010) Base Allocation	2014-15 WAFM Allocation	2014-15 WAFM Funding Floor Adjustment	FY 2012-13 and FY 2013-14 Benefits Cost Changes Funding	TCTF Reduction for SJO Position Converted to Judgeship	Ending 2014-2015 TCTF Program 45.10 (0150010) Base Allocation	General Fund Benefits Base Allocation (2010- 11 and 2011-12)	Annualization of Reduction for SJO Position Converted to Judgeship	Preliminary Beginning Base in 2015-2016
Court	1	2	3	4	5	6 = Sum of 1 to 5	7	8	9 = Sum of 6 to 8
Alameda	70,376,597	506,404	(53,299)	1,609,137	-	72,438,839	3,102,047	-	75,540,886
Alpine	528,906	(73,967)	266,308	6,245	-	727,493	20,340	-	747,833
Amador	2,074,136	(10,168)	(1,615)	23,828	-	2,086,181	51,756	-	2,137,937
Butte	8,075,624	609,976	(6,221)	158,491	-	8,837,870	124,077	-	8,961,947
Calaveras	1,881,088	18,308	(1,513)	45,771	-	1,943,653	50,506	-	1,994,159
Colusa	1,357,979	13,188	123,127	16,004	-	1,510,299	24,773	-	1,535,072
Contra Costa	33,517,127	1,841,330	(27,312)	1,020,012	-	36,351,158	1,396,192	-	37,747,350
Del Norte	2,237,643	114,280	(1,783)	45,700	-	2,395,840	94,130	-	2,489,970
El Dorado	5,850,946	263,889	(4,768)	18,950	-	6,129,016	213,120	-	6,342,136
Fresno	32,830,001	2,789,941	(29,356)	923,246	(196,645)	36,317,187	3,340,364	-	39,657,551
Glenn	1,763,391	(11,939)	32,836	24,061	-	1,808,349	54,665	-	1,863,014
Humboldt	5,158,165	276,212	(4,042)	137,243	-	5,567,578	73,084	-	5,640,662
Imperial	6,798,738	518,519	(5,349)	204,591	-	7,516,498	125,539	-	7,642,037
Inyo	1,839,570	(62,695)	186,861	32,741	-	1,996,477	75,586	-	2,072,063
Kern	28,965,977	4,252,465	(26,903)	551,636	-	33,743,176	3,544,269	-	37,287,445
Kings	5,512,705	425,836	(4,106)	22,140	-	5,956,575	45,118	-	6,001,693
Lake	3,103,380	95,557	(2,237)	3,199	-	3,199,899	9,123	-	3,209,022
Lassen	2,215,431	40,363	(1,498)	5,580	-	2,259,875	7,839	-	2,267,714
Los Angeles	421,850,861	35,639,382	(339,019)	12,101,803	(891,180)	468,361,847	18,887,969	(502,040)	486,747,776
Madera	5,951,909	355,661	(4,814)	45,479	-	6,348,235	384,826	-	6,733,061
Marin	12,023,355	(59,305)	(9,532)	358,566	-	12,313,085	644,512	-	12,957,597
Mariposa	947,708	1,730	96,473	3,560	-	1,049,471	22,301	-	1,071,772
Mendocino	4,196,062	129,330	(3,459)	235,205	-	4,557,139	311,771	-	4,868,910
Merced	8,939,133	673,039	(7,896)	310,199	-	9,914,474	774,827	-	10,689,301
Modoc	931,565	(69,362)	34,375	3,544	-	900,123	31,967	-	932,090
Mono	1,178,200	59,610	89,167	11,323	-	1,338,300	85,641	-	1,423,941
Monterey	14,270,273	747,923	(10,940)	264,491	-	15,271,747	277,496	-	15,549,243
Napa	6,265,124	140,912	(4,766)	181,753	-	6,583,023	309,796	-	6,892,819
Nevada	4,379,043	191,189	(3,091)	120,300	-	4,687,440	95,495	-	4,782,935
Orange	118,107,565	3,496,207	(97,195)	5,785,430	(183,526)	127,108,481	6,929,921	(216,241)	133,822,160
Placer	11,828,298	821,972	(9,566)	284,469	-	12,925,172	634,797	-	13,559,969
Plumas	1,448,044	(95,320)	(1,038)	6,015	-	1,357,701	14,929	-	1,372,630
Riverside	64,423,643	6,057,489	(51,696)	1,643,210	-	72,072,647	923,657	-	72,996,304
Sacramento	62,200,105	2,846,831	(50,844)	2,297,449	-	67,293,541	3,560,592	-	70,854,133

2015-2016 Beginning Base Allocation: 2014-2015 Beginning Base, 2014-2015 Base Allocations, and Annualization

	Beginning 2014-2015 TCTF Program 45.10 (0150010) Base Allocation	2014-15 WAFM Allocation	2014-15 WAFM Funding Floor Adjustment	FY 2012-13 and FY 2013-14 Benefits Cost Changes Funding	TCTF Reduction for SJO Position Converted to Judgeship	Ending 2014-2015 TCTF Program 45.10 (0150010) Base Allocation	General Fund Benefits Base Allocation (2010- 11 and 2011-12)	Annualization of Reduction for SJO Position Converted to Judgeship	Preliminary Beginning Base in 2015-2016
Court	1	2	3	4	5	6 = Sum of 1 to 5	7	8	9 = Sum of 6 to 8
San Benito	2,518,067	(74,843)	(1,885)	16,844	-	2,458,182	34,642	-	2,492,824
San Bernardino	71,135,387	6,917,080	(56,332)	1,333,588	-	79,329,723	1,264,733	-	80,594,456
San Diego	121,971,982	3,042,330	(95,765)	4,121,481	(100,555)	128,939,474	2,853,599	(99,456)	131,693,616
San Francisco	49,195,369	600,353	(40,937)	1,495,964	-	51,250,749	5,487,135	-	56,737,884
San Joaquin	24,158,605	1,587,646	(20,058)	535,858	-	26,262,051	1,245,357	-	27,507,408
San Luis Obispo	11,412,530	819,314	(8,923)	122,246	-	12,345,167	298,958	-	12,644,125
San Mateo	29,340,593	1,034,520	(23,884)	603,175	-	30,954,404	2,411,113	-	33,365,517
Santa Barbara	18,264,894	590,633	(14,454)	121,986	-	18,963,060	1,597,662	-	20,560,722
Santa Clara	72,137,357	719,654	(56,104)	825,453	-	73,626,361	2,309,467	-	75,935,828
Santa Cruz	9,822,870	549,799	(7,835)	154,317	-	10,519,150	203,558	-	10,722,708
Shasta	10,208,590	457,766	(6,340)	184,003	-	10,844,018	262,222	-	11,106,240
Sierra	528,837	(72,867)	273,332	8,941	-	738,243	9,616	-	747,859
Siskiyou	3,011,998	(29,475)	(2,302)	59,428	-	3,039,649	91,038	-	3,130,687
Solano	16,823,460	917,245	(13,346)	497,180	-	18,224,539	353,779	-	18,578,318
Sonoma	18,856,968	1,060,419	(15,724)	616,911	-	20,518,574	1,172,050	-	21,690,624
Stanislaus	14,954,377	1,492,323	(13,714)	818,944	-	17,251,929	1,305,230	-	18,557,159
Sutter	3,665,696	277,618	(2,979)	72,212	-	4,012,547	159,761	-	4,172,308
Tehama	2,857,870	197,864	(2,412)	24,866	-	3,078,188	108,184	-	3,186,372
Trinity	1,404,919	13,969	85,985	19,978	-	1,524,852	53,679	-	1,578,531
Tulare	13,277,001	960,816	(10,451)	103,341	-	14,330,707	33,744	-	14,364,451
Tuolumne	2,803,723	58,705	(2,026)	19,249	-	2,879,651	50,352	-	2,930,003
Ventura	26,607,146	2,053,031	(21,141)	542,126	-	29,181,161	968,753	-	30,149,914
Yolo	7,435,793	384,237	(5,417)	168,486	-	7,983,099	210,077	-	8,193,176
Yuba	3,195,469	197,074	(2,578)	66,221	-	3,456,186	90,867	-	3,547,053
Total	1,488,617,795	86,300,000	(0)	41,034,166	(1,371,906)	1,614,580,054	68,818,601	(817,737)	1,682,580,918

Recommended Allocation of 2014-2015 Benefit Cost Changes Funding

Court	2014-2015 Total Benefit Cost Changes 2015 Spring DOF Submission ¹			2014-2015 Total Confirmed Benefit Cost Changes (as of June 23, 2015)		
	Total Non-Interpreter Cost Changes	Total Interpreter Cost Changes	Total Cost Changes as of 2015 Spring Request	Total Confirmed Non-Interpreter Cost Changes	Total Confirmed Interpreter Cost Changes	Recommended Allocation of Total Confirmed Cost Changes (D + E)
	A	B	C	D	E	F
Alameda	562,020	13,775	575,795	562,020	13,775	575,795
Alpine	5,289	-	5,289	5,289	-	5,289
Amador	15,693	-	15,693	15,693	-	15,693
Butte	68,952	-	68,952	68,952	-	68,952
Calaveras	30,138	-	30,138	30,138	-	30,138
Colusa	10,604	-	10,604	10,604	-	10,604
Contra Costa	590,873	61,027	651,900	590,873	61,027	651,900
Del Norte	73,071	-	73,071	73,071	-	73,071
El Dorado	90,455	1,751	92,206	90,455	1,751	92,206
Fresno	1,581,245	60,920	1,642,164	1,581,245	60,920	1,642,164
Glenn	31,311	-	31,311	31,311	-	31,311
Humboldt	46,895	-	46,895	46,895	-	46,895
Imperial ²	133,229	4,218	137,447	95,925	4,218	100,143
Inyo	(7,122)	-	(7,122)	(7,122)	-	(7,122)
Kern	(217,620)	(5,220)	(222,841)	(217,620)	(5,220)	(222,841)
Kings	29,342	1,145	30,487	29,342	1,145	30,487
Lake	33,201	-	33,201	33,201	-	33,201
Lassen	6,803	-	6,803	6,803	-	6,803
Los Angeles	7,896,395	523,816	8,420,211	7,896,395	523,816	8,420,211
Madera	223,020	10,103	233,123	223,020	10,103	233,123
Marin	(78,894)	(6,389)	(85,283)	(78,894)	(6,389)	(85,283)
Mariposa	4,769	-	4,769	4,769	-	4,769
Mendocino	56,174	(3,546)	52,627	56,174	(3,546)	52,627
Merced	161,921	10,909	172,830	161,921	10,909	172,830
Modoc	9,491	-	9,491	9,491	-	9,491
Mono	10,568	-	10,568	10,568	-	10,568
Monterey	205,587	12,619	218,205	205,587	12,619	218,205
Napa	(3,237)	(290)	(3,527)	(3,237)	(290)	(3,527)
Nevada	79,983	-	79,983	79,983	-	79,983
Orange	3,449,769	189,632	3,639,401	3,449,769	189,632	3,639,401
Placer	84,431	352	84,783	84,431	352	84,783
Plumas	2,474	-	2,474	2,474	-	2,474
Riverside	(650,572)	(26,526)	(677,099)	(650,572)	(26,526)	(677,099)
Sacramento	332,406	6,332	338,738	332,406	6,332	338,738
San Benito	21,556	-	21,556	21,556	-	21,556
San Bernardino	1,521,168	38,222	1,559,390	1,521,168	38,222	1,559,390
San Diego	2,061,274	83,274	2,144,547	2,061,274	83,274	2,144,547
San Francisco	631,291	19,529	650,819	631,291	19,529	650,819
San Joaquin	818,234	21,765	839,998	818,234	21,765	839,998
San Luis Obispo	972	-	972	972	-	972
San Mateo	363,484	19,471	382,956	363,484	19,471	382,956
Santa Barbara	227,423	11,276	238,699	227,423	11,276	238,699
Santa Clara	1,851,301	67,555	1,918,856	1,851,301	67,555	1,918,856
Santa Cruz	86,623	5,637	92,259	86,623	5,637	92,259
Shasta ²	135,012	-	135,012	135,012	-	135,012
Sierra	3,781	-	3,781	3,781	-	3,781
Siskiyou ³	40,262	-	40,262	40,262	-	40,262
Solano	95,975	571	96,546	95,975	571	96,546
Sonoma	825,673	41,123	866,796	825,673	41,123	866,796
Stanislaus	(289,912)	(12,899)	(302,811)	(289,912)	(12,899)	(302,811)
Sutter	28,465	704	29,169	28,465	704	29,169
Tehama	72,996	1,858	74,854	72,996	1,858	74,854
Trinity ⁴	22,482	-	22,482	37,893	-	37,893
Tulare	353,922	13,046	366,968	353,922	13,046	366,968
Tuolumne	65,010	-	65,010	65,010	-	65,010
Ventura	288,505	(702)	287,803	288,505	(702)	287,803
Yolo	147,776	1,821	149,597	147,776	1,821	149,597
Yuba	9,769	-	9,769	9,769	-	9,769
Total:	24,251,701	1,166,875	25,418,577	24,229,808	1,166,875	25,396,684

1) Totals include 2013-14 true-up adjustments for several courts.

2) Health and/or retiree health costs still not confirmed as of 6/23/15.

3) Tentative agreement waiting signature by union. Results in no change to prior costs.

4) Employer share changed for health and retiree health after spring submission.

Computation of Funding Need Using the 2015-2016 Workload-Based Allocation and Funding Methodology

		RAS II Model FTE Need ⁽¹⁾			FTE Need Multiplied by FTE Allotment Factor, Prior to BLS Adjustment			Adjust Base Dollars for Local Cost of Labor; Apply FTE Dollar Factor	
		RAS Program 10 FTE Need	RAS Program 90 FTE Need	RAS Total FTE Need	RAS FTE Need multiplied by allotment factor ⁽²⁾	CEO Cluster Average Salary (as of 7/1/2014)	RAS FTE Need plus CEO, multiplied by Allotment Factor	BLS Factor ⁽³⁾	Pre-Benefits Adjusted Base
Cluster	Court	A	B	C = (A + B)	D = (C-1)* Dollar Factor	E	F = D+E	G	H = (C-1)*BLS-Adjusted Dollar Factor + (E*G)
4	Alameda	517	84	601	\$34,122,403	222,872	34,345,275	1.42	48,824,340
1	Alpine	2	1	3	\$113,741	114,213	227,954	0.83	188,922
1	Amador	21	5	26	\$1,421,767	114,213	1,535,980	1.00	1,534,684
2	Butte	113	21	134	\$7,563,799	159,760	7,723,560	0.91	7,018,308
1	Calaveras	22	5	27	\$1,478,637	114,213	1,592,851	0.89	1,412,142
1	Colusa	15	3	18	\$966,801	114,213	1,081,014	0.71	830,674
3	Contra Costa	329	52	381	\$21,610,855	185,787	21,796,642	1.25	27,307,057
1	Del Norte	24	5	29	\$1,592,379	114,213	1,706,592	0.77	1,323,022
2	El Dorado	74	13	87	\$4,890,878	159,760	5,050,638	1.00	5,029,894
3	Fresno	461	72	533	\$30,255,197	185,787	30,440,984	0.99	30,097,800
1	Glenn	18	4	22	\$1,194,284	114,213	1,308,497	0.69	1,004,478
2	Humboldt	78	13	91	\$5,118,360	159,760	5,278,121	0.77	4,072,841
2	Imperial	117	21	138	\$7,791,282	159,760	7,951,042	0.78	6,223,496
1	Inyo	16	4	20	\$1,080,543	114,213	1,194,756	0.83	994,552
3	Kern	459	76	535	\$30,368,938	185,787	30,554,725	1.05	32,229,103
2	Kings	85	14	99	\$5,573,326	159,760	5,733,086	0.88	5,047,027
2	Lake	39	7	46	\$2,559,180	159,760	2,718,941	0.75	2,104,700
1	Lassen	23	5	28	\$1,535,508	114,213	1,649,721	0.80	1,325,655
4	Los Angeles	4,512	690	5,202	\$295,784,361	222,872	296,007,234	1.34	396,807,827
2	Madera	82	14	96	\$5,402,714	159,760	5,562,474	0.93	5,196,728
2	Marin	90	16	106	\$5,971,420	159,760	6,131,181	1.28	7,839,688
1	Mariposa	10	3	13	\$682,448	114,213	796,661	0.78	620,314
2	Mendocino	56	10	66	\$3,696,594	159,760	3,856,354	0.83	3,215,623
2	Merced	128	22	150	\$8,473,730	159,760	8,633,490	0.90	7,746,157
1	Modoc	8	2	10	\$511,836	114,213	626,049	0.60	465,486
1	Mono	10	3	13	\$682,448	114,213	796,661	1.15	915,428
3	Monterey	166	27	193	\$10,919,169	185,787	11,104,956	1.19	13,262,845
2	Napa	61	11	72	\$4,037,818	159,760	4,197,578	1.22	5,124,059
2	Nevada	45	9	54	\$3,014,146	159,760	3,173,906	0.97	3,075,266

Computation of Funding Need Using the 2015-2016 Workload-Based Allocation and Funding Methodology

		RAS II Model FTE Need ⁽¹⁾			FTE Need Multiplied by FTE Allotment Factor, Prior to BLS Adjustment			Adjust Base Dollars for Local Cost of Labor; Apply FTE Dollar Factor	
		RAS Program 10 FTE Need	RAS Program 90 FTE Need	RAS Total FTE Need	RAS FTE Need multiplied by allotment factor ⁽²⁾	CEO Cluster Average Salary (as of 7/1/2014)	RAS FTE Need plus CEO, multiplied by Allotment Factor	BLS Factor ⁽³⁾	Pre-Benefits Adjusted Base
Cluster	Court	A	B	C = (A + B)	D = (C-1)* Dollar Factor	E	F = D+E	G	H = (C-1)*BLS-Adjusted Dollar Factor + (E*G)
4	Orange	1,130	181	1,311	\$74,500,579	222,872	74,723,452	1.30	97,204,875
2	Placer	144	24	168	\$9,497,402	159,760	9,657,162	1.17	11,315,447
1	Plumas	11	3	14	\$739,319	114,213	853,532	0.70	653,271
4	Riverside	952	148	1,100	\$62,500,868	222,872	62,723,740	1.08	67,708,747
4	Sacramento	633	96	729	\$41,401,849	222,872	41,624,721	1.28	53,355,341
1	San Benito	22	5	27	\$1,478,637	114,213	1,592,851	0.98	1,566,846
4	San Bernardino	1,046	155	1,201	\$68,244,805	222,872	68,467,678	1.06	72,389,061
4	San Diego	1,108	169	1,277	\$72,566,976	222,872	72,789,849	1.17	85,488,910
4	San Francisco	339	51	390	\$22,122,691	222,872	22,345,564	1.68	37,551,796
3	San Joaquin	320	49	369	\$20,928,407	185,787	21,114,194	1.10	23,284,438
2	San Luis Obispo	132	22	154	\$8,701,213	159,760	8,860,973	1.07	9,498,700
3	San Mateo	241	39	280	\$15,866,917	185,787	16,052,704	1.44	23,191,014
3	Santa Barbara	183	32	215	\$12,170,324	185,787	12,356,111	1.17	14,406,369
4	Santa Clara	505	77	582	\$33,041,860	222,872	33,264,732	1.44	47,916,662
2	Santa Cruz	111	21	132	\$7,450,058	159,760	7,609,818	1.15	8,775,813
2	Shasta	120	28	148	\$8,359,989	159,760	8,519,749	0.85	7,278,801
1	Sierra	2	1	3	\$113,741	114,213	227,954	0.73	171,720
2	Siskiyou	29	6	35	\$1,933,603	159,760	2,093,363	0.69	1,610,377
3	Solano	192	30	222	\$12,568,418	185,787	12,754,205	1.20	15,342,291
3	Sonoma	198	33	231	\$13,080,254	185,787	13,266,041	1.17	15,469,541
3	Stanislaus	249	38	287	\$16,265,012	185,787	16,450,799	1.02	16,720,694
2	Sutter	52	10	62	\$3,469,111	159,760	3,628,871	0.95	3,462,702
2	Tehama	46	8	54	\$3,014,146	159,760	3,173,906	0.80	2,533,155
1	Trinity	10	3	13	\$682,448	114,213	796,661	0.65	603,900
3	Tulare	209	35	244	\$13,819,573	185,787	14,005,360	0.83	11,554,627
2	Tuolumne	32	6	38	\$2,104,215	159,760	2,263,975	0.83	1,870,908
3	Ventura	310	57	367	\$20,814,666	185,787	21,000,453	1.21	25,514,417
2	Yolo	87	16	103	\$5,800,808	159,760	5,960,569	1.03	6,113,301
2	Yuba	46	8	54	\$3,014,146	159,760	3,173,906	0.93	2,947,405
Statewide		16,040	2,563	18,603			1,064,129,817		1,286,339,245

NOTES:

(1) Estimated need based on 3-year average filings data from **FY 2011-2012 through FY 2013-2014**.

\$56,871

(2) Unadjusted base funding per RAS FTE, based on **FY 2014-2015 Schedule 7A**; does not include collections staff, SJOs, CEO, security, n

(3) Bureau of Labor Statistics Cost of Labor adjustment based on Quarterly Census of Wages & Employment, three year average from . comparison based on Public Administration (North American Industrial Classification System, 92) unless proportion of state government year average of local and state salaries for Public Administration is used for comparison.

Computation of Funding Need Using the 2015-2016 Workload-Based Allocation and Funding Methodology

		Average Salary-Driven Benefits as % of Salary and Average Non-Salary-Driven Benefits Per FTE (From FY 2014-15 Schedule 7A)				Projected Benefits Expenses (Salary-driven benefits based on Adjusted Base)			OE&E (Based on Cluster Average OE&E / FTE) (Cluster 1: \$27,928; Clusters 2-4 \$20,287)	Remove AB 1058 staff/FLF costs (Using FY 2013-14 data)	Total WAFM Funding Need	Proportion of Total WAFM Estimated Funding Need
Cluster	Court	Average % of Salary-Driven Benefits (Program 10)	Average Actual Non-Salary-Driven Benefits per FTE (Program 10)	Average % of Salary-Driven Benefits (Program 90)	Average Actual Non-Salary-Driven Benefits per FTE (Program 90)	Benefits Needed for RAS Program 10 FTE Need	Benefits Needed for RAS Program 90 FTE Need	Total Benefit Need Based on RAS FTE Need	Estimated OE&E Needed (Excludes funding for operations contracts)			
		I1	I2	J1	J2	$K = \frac{L}{((B-1)*FTE\ Dollar\ Factor)+(A*I2) + (B*J2)}$		M = (K + L)	N = C * OE&E	O	P = (H+ M + N) - O	Q = P / Statewide
4	Alameda	36.7%	\$14,096	35.6%	\$14,147	22,618,895	3,687,315	26,306,210	12,192,647	1,598,988	85,724,209	3.60%
1	Alpine	18.5%	\$23,750	18.5%	\$23,750	64,927	41,250	106,177	83,784	-	378,883	0.02%
1	Amador	25.7%	\$8,841	25.0%	\$10,239	492,527	136,657	629,184	726,129	116,005	2,773,992	0.12%
2	Butte	26.1%	\$12,252	26.1%	\$11,728	2,907,304	553,716	3,461,020	2,718,494	370,762	12,827,059	0.54%
1	Calaveras	21.6%	\$14,270	21.6%	\$17,439	553,445	152,606	706,051	754,057	155,288	2,716,963	0.11%
1	Colusa	39.8%	\$15,596	40.7%	\$16,353	497,302	117,839	615,141	502,705	67,730	1,880,790	0.08%
3	Contra Costa	54.2%	\$15,741	54.2%	\$18,402	17,879,053	3,050,808	20,929,861	7,729,449	1,120,477	54,845,890	2.30%
1	Del Norte	20.2%	\$24,226	20.2%	\$25,578	794,686	181,208	975,894	809,913	96,508	3,012,322	0.13%
2	El Dorado	21.5%	\$17,051	21.5%	\$16,480	2,164,106	394,821	2,558,926	1,764,992	333,647	9,020,166	0.38%
3	Fresno	68.6%	\$9,720	69.0%	\$9,193	22,275,773	3,544,650	25,820,424	10,813,113	1,654,214	65,077,123	2.73%
1	Glenn	30.6%	\$13,960	34.5%	\$16,761	494,443	139,802	634,245	614,417	204,360	2,048,781	0.09%
2	Humboldt	30.4%	\$9,188	30.4%	\$10,056	1,757,103	328,276	2,085,379	1,846,141	140,560	7,863,801	0.33%
2	Imperial	32.8%	\$4,926	34.2%	\$5,799	2,284,919	469,469	2,754,387	2,799,643	224,769	11,552,757	0.49%
1	Inyo	27.2%	\$13,930	22.8%	\$12,607	428,717	104,514	533,231	558,561	122,545	1,963,799	0.08%
3	Kern	55.9%	\$16,476	55.9%	\$16,476	22,967,999	3,879,002	26,847,001	10,853,688	1,214,661	68,715,131	2.89%
2	Kings	21.0%	\$8,921	24.6%	\$9,831	1,653,960	332,154	1,986,114	2,008,439	278,099	8,763,482	0.37%
2	Lake	20.7%	\$7,723	20.7%	\$7,804	657,959	134,437	792,396	933,214	153,026	3,677,284	0.15%
1	Lassen	20.0%	\$10,523	20.3%	\$11,354	452,452	112,587	565,039	781,985	77,644	2,595,035	0.11%
4	Los Angeles	25.7%	\$22,765	34.7%	\$19,875	190,947,036	32,033,477	222,980,513	105,534,363	7,200,581	718,122,121	30.17%
2	Madera	31.2%	\$12,584	31.2%	\$12,582	2,389,506	437,892	2,827,397	1,947,578	290,662	9,681,041	0.41%
2	Marin	28.2%	\$12,709	26.7%	\$12,709	2,987,654	549,712	3,537,366	2,150,450	221,581	13,305,924	0.56%
1	Mariposa	36.3%	\$10,026	37.1%	\$15,237	261,139	111,612	372,751	363,065	73,997	1,282,132	0.05%
2	Mendocino	44.9%	\$9,420	47.2%	\$9,480	1,719,317	359,388	2,078,705	1,338,960	183,022	6,450,265	0.27%
2	Merced	59.0%	\$14,835	60.0%	\$14,848	5,754,582	1,055,569	6,810,151	3,043,090	714,509	16,884,889	0.71%
1	Modoc	25.5%	\$12,586	25.5%	\$12,586	190,650	53,904	244,554	279,280	72,130	917,190	0.04%
1	Mono	34.5%	\$19,657	36.4%	\$21,622	421,743	160,231	581,974	363,065	64,871	1,795,596	0.08%
3	Monterey	19.3%	\$14,545	19.4%	\$16,507	4,593,398	830,642	5,424,040	3,915,443	425,711	22,176,616	0.93%
2	Napa	17.8%	\$19,706	18.4%	\$21,372	1,957,502	398,887	2,356,390	1,460,683	223,590	8,717,542	0.37%
2	Nevada	36.2%	\$12,328	37.5%	\$12,649	1,452,465	337,417	1,789,882	1,095,512	448,240	5,512,421	0.23%

Computation of Funding Need Using the 2015-2016 Workload-Based Allocation and Funding Methodology

		Average Salary-Driven Benefits as % of Salary and Average Non-Salary-Driven Benefits Per FTE (From FY 2014-15 Schedule 7A)				Projected Benefits Expenses (Salary-driven benefits based on Adjusted Base)			OE&E (Based on Cluster Average OE&E / FTE) (Cluster 1: \$27,928; Clusters 2-4 \$20,287)	Remove AB 1058 staff/FLF costs (Using FY 2013-14 data)	Total WAFM Funding Need	Proportion of Total WAFM Estimated Funding Need
Average % of Salary-Driven Benefits (Program 10)	Average Actual Non-Salary-Driven Benefits per FTE (Program 10)	Average % of Salary-Driven Benefits (Program 90)	Average Actual Non-Salary-Driven Benefits per FTE (Program 90)	Benefits Needed for RAS Program 10 FTE Need	Benefits Needed for RAS Program 90 FTE Need	Total Benefit Need Based on RAS FTE Need	Estimated OE&E Needed (Excludes funding for operations contracts)					
Cluster	Court	I1	I2	J1	J2	$K = (A * FTE \text{ Dollar Factor}) + (E * G) * J1$	$L = (((B-1) * FTE \text{ Dollar Factor}) + (B * J2))$	$M = (K + L)$	$N = C * OE\&E$	O	$P = (H + M + N) - O$	$Q = P / \text{Statewide}$
4	Orange	38.1%	\$11,036	38.4%	\$12,150	44,334,919	7,424,752	51,759,671	26,596,607	2,195,060	173,366,093	7.28%
2	Placer	29.1%	\$19,829	29.1%	\$19,829	5,648,763	976,641	6,625,403	3,408,261	424,810	20,924,301	0.88%
1	Plumas	28.6%	\$13,693	28.2%	\$17,914	289,415	101,154	390,568	390,993	135,453	1,299,380	0.05%
4	Riverside	32.5%	\$9,553	32.3%	\$10,577	28,115,310	4,561,278	32,676,587	22,315,994	1,672,322	121,029,006	5.08%
4	Sacramento	40.3%	\$19,032	41.2%	\$18,924	30,634,318	4,787,382	35,421,700	14,789,418	1,426,146	102,140,312	4.29%
1	San Benito	23.3%	\$12,269	23.3%	\$16,695	556,700	161,792	718,492	754,057	164,879	2,874,516	0.12%
4	San Bernardino	37.9%	\$8,332	40.7%	\$9,879	32,572,369	5,392,046	37,964,414	24,365,008	2,574,029	132,144,453	5.55%
4	San Diego	56.8%	\$9,016	56.9%	\$9,929	52,017,923	8,206,947	60,224,870	25,906,840	2,478,229	169,142,391	7.11%
4	San Francisco	32.3%	\$27,582	31.9%	\$27,568	19,829,556	3,047,603	22,877,159	7,912,034	1,271,943	67,069,047	2.82%
3	San Joaquin	42.6%	\$13,107	44.4%	\$8,836	12,739,857	1,860,996	14,600,853	7,486,001	635,857	44,735,436	1.88%
2	San Luis Obispo	41.5%	\$10,221	50.9%	\$10,374	4,691,723	967,572	5,659,295	3,124,239	387,296	17,894,938	0.75%
3	San Mateo	42.7%	\$17,464	42.8%	\$14,572	12,670,394	2,018,300	14,688,694	5,680,435	590,688	42,969,454	1.81%
3	Santa Barbara	39.5%	\$6,744	42.2%	\$7,575	6,024,689	1,201,465	7,226,154	4,361,762	479,947	25,514,338	1.07%
4	Santa Clara	30.9%	\$23,911	30.8%	\$25,168	24,870,865	3,953,181	28,824,046	11,807,189	1,918,716	86,629,182	3.64%
2	Santa Cruz	22.7%	\$16,282	22.7%	\$17,588	3,460,083	709,096	4,169,179	2,677,919	205,113	15,417,797	0.65%
2	Shasta	22.2%	\$9,970	23.9%	\$12,482	2,490,804	695,083	3,185,887	3,002,516	513,547	12,953,657	0.54%
1	Sierra	37.5%	\$17,520	37.5%	\$17,520	68,120	48,844	116,964	83,784	4,188	368,280	0.02%
2	Siskiyou	28.2%	\$19,216	28.2%	\$17,008	917,988	195,536	1,113,524	710,054	330,897	3,103,058	0.13%
3	Solano	32.3%	\$12,824	34.4%	\$14,711	6,703,206	1,200,956	7,904,161	4,503,773	591,286	27,158,939	1.14%
3	Sonoma	43.9%	\$19,989	43.8%	\$19,951	9,722,513	1,683,193	11,405,706	4,686,359	686,985	30,874,621	1.30%
3	Stanislaus	28.9%	\$17,882	29.4%	\$18,898	8,607,333	1,401,877	10,009,211	5,822,446	1,015,921	31,536,429	1.32%
2	Sutter	31.4%	\$14,487	32.0%	\$18,269	1,639,745	387,918	2,027,663	1,257,811	239,056	6,509,119	0.27%
2	Tehama	22.9%	\$17,076	22.9%	\$16,571	1,263,943	234,593	1,498,536	1,095,512	100,653	5,026,551	0.21%
1	Trinity	31.8%	\$13,849	36.1%	\$13,908	278,738	100,459	379,198	363,065	55,255	1,290,907	0.05%
3	Tulare	22.0%	\$18,427	22.7%	\$19,889	6,003,887	1,092,161	7,096,048	4,950,093	638,573	22,962,196	0.96%
2	Tuolumne	27.2%	\$13,781	28.2%	\$13,806	850,098	186,273	1,036,371	770,916	235,699	3,442,496	0.14%
3	Ventura	37.5%	\$9,200	40.4%	\$11,251	10,884,113	2,293,990	13,178,103	7,445,427	869,709	45,268,238	1.90%
2	Yolo	32.4%	\$12,077	39.9%	\$19,656	2,692,841	729,366	3,422,208	2,089,588	230,666	11,394,431	0.48%
2	Yuba	17.4%	\$11,152	17.4%	\$12,656	935,853	191,416	1,127,270	1,095,512	208,198	4,961,988	0.21%

Statewide 645,136,627 109,501,708 754,638,335 379,436,474 40,129,299 2,380,284,755 100%

NOTES:

\$56,871 for vacant positions; in January 2014 the TCBC approved a dollar factor adjustment for courts with fewer than 10 workers in total employment exceeds 50% in which case three-

Weighted Mean	OE&E \$ / FTE	Cluster 1
	\$27,928	Clusters 2-4

FY 2015-16 RAS FTE Need

Court	Program 10 (Operations) Staff Need										Program 90 (Administration) Staff Need			Total RAS Need
	Infractions	Criminal	Civil	Family Law	Pr/MH	Juvenile	Total Program 10 Need	Manager/Supervisor Ratio (by cluster)	Manager/Supervisor Need	Total Program 10 Need (rounded up)	Non-RAS FTE (for Program 90 Need Calculation)*	Program 90 ratio (by cluster)	Program 90 Need (rounded up)	
	A	B	C	D	E	F	G (A thru F)	H	I (G/H)	J (G+I)	K	L	M ((J+K)/L)	
Alameda	76.3	121.2	122.7	103.4	31.9	18.0	473.5	11.1	42.6	517	85.6	7.2	84	601
Alpine	0.5	0.2	0.4	0.1	0.0	0.0	1.4	6.9	0.2	2	0.4	5.7	1	3
Amador	2.1	7.0	2.6	3.9	1.2	0.8	17.6	6.9	2.5	21	2.3	5.7	5	26
Butte	10.1	34.4	12.1	24.8	12.4	7.3	101.0	8.6	11.7	113	16.5	6.4	21	134
Calaveras	1.5	5.3	3.4	4.8	1.9	1.9	18.7	6.9	2.7	22	2.5	5.7	5	27
Colusa	3.7	4.8	0.9	1.5	0.5	1.0	12.4	6.9	1.8	15	1.5	5.7	3	18
Contra Costa	30.3	64.4	71.4	81.9	25.6	20.5	294.1	8.6	34.1	329	18.9	6.8	52	381
Del Norte	2.1	6.0	3.2	4.8	2.6	1.9	20.7	6.9	3.0	24	3.0	5.7	5	29
El Dorado	7.9	17.5	12.7	15.7	4.7	7.0	65.5	8.6	7.6	74	4.9	6.4	13	87
Fresno	29.3	169.0	67.4	93.4	23.5	30.3	412.9	8.6	47.9	461	27.4	6.8	72	533
Glenn	4.0	4.0	1.1	3.6	1.4	1.2	15.3	6.9	2.2	18	4.5	5.7	4	22
Humboldt	7.5	28.6	9.3	13.4	7.2	3.1	69.2	8.6	8.0	78	2.0	6.4	13	91
Imperial	22.6	33.1	10.5	27.6	5.0	5.5	104.4	8.6	12.1	117	15.3	6.4	21	138
Inyo	4.3	3.9	1.1	2.4	0.8	0.8	13.3	6.9	1.9	16	3.2	5.7	4	20
Kern	42.6	170.8	45.0	99.1	28.6	25.1	411.1	8.6	47.7	459	51.0	6.8	76	535
Kings	10.1	34.1	6.6	16.3	4.0	4.3	75.4	8.6	8.7	85	4.6	6.4	14	99
Lake	2.2	13.9	5.9	7.7	3.2	1.7	34.5	8.6	4.0	39	1.6	6.4	7	46
Lassen	2.8	6.1	3.6	4.5	1.4	1.2	19.5	6.9	2.8	23	2.3	5.7	5	28
Los Angeles	436.6	1,210.6	1,029.2	826.2	248.8	388.1	4,139.5	11.1	372.3	4,512	471.0	7.2	690	5,202
Madera	5.7	26.6	11.7	18.9	4.2	5.7	72.9	8.6	8.5	82	6.1	6.4	14	96
Marin	17.2	17.8	18.7	16.3	7.0	2.8	79.8	8.6	9.3	90	6.7	6.4	16	106
Mariposa	0.8	3.6	0.8	1.5	0.7	0.6	8.1	6.9	1.2	10	3.4	5.7	3	13
Mendocino	5.5	18.1	7.7	10.1	3.7	4.9	49.9	8.6	5.8	56	3.7	6.4	10	66
Merced	17.3	37.1	14.9	27.6	7.8	9.5	114.3	8.6	13.3	128	11.7	6.4	22	150
Modoc	0.6	2.3	0.6	1.7	0.6	0.4	6.2	6.9	0.9	8	2.0	5.7	2	10
Mono	2.6	3.5	1.2	0.9	0.2	0.3	8.7	6.9	1.3	10	1.8	5.7	3	13
Monterey	20.2	58.3	22.2	31.0	8.0	8.9	148.6	8.6	17.2	166	13.4	6.8	27	193
Napa	6.2	17.9	9.5	12.6	4.9	3.4	54.5	8.6	6.3	61	7.3	6.4	11	72
Nevada	6.6	13.3	6.8	8.1	3.3	1.9	40.0	8.6	4.6	45	6.9	6.4	9	54
Orange	106.9	328.3	267.0	228.5	59.1	46.9	1,036.7	11.1	93.2	1,130	178.0	7.2	181	1,311
Placer	13.5	36.1	27.6	30.9	8.5	11.5	128.2	8.6	14.9	144	7.0	6.4	24	168
Plumas	1.0	2.9	1.5	2.3	0.9	0.6	9.4	6.9	1.4	11	1.1	5.7	3	14
Riverside	84.0	254.0	189.3	232.2	45.4	67.8	872.6	11.1	78.5	952	117.7	7.2	148	1,100
Sacramento	54.0	166.0	136.8	151.6	44.2	27.9	580.6	11.1	52.2	633	59.1	7.2	96	729
San Benito	1.9	6.9	3.3	4.8	1.1	1.3	19.2	6.9	2.8	22	1.3	5.7	5	27
San Bernardino	70.2	351.4	182.9	238.6	55.9	59.9	958.9	11.1	86.2	1,046	73.3	7.2	155	1,201
San Diego	123.6	278.3	257.7	257.5	55.3	43.5	1,015.9	11.1	91.4	1,108	110.1	7.2	169	1,277
San Francisco	51.5	52.7	107.6	49.0	31.8	17.8	310.4	11.1	27.9	339	25.8	7.2	51	390
San Joaquin	25.7	112.5	48.9	61.2	22.4	15.4	286.0	8.6	33.2	320	12.2	6.8	49	369
San Luis Obispo	14.7	51.0	16.0	18.7	10.9	6.5	117.9	8.6	13.7	132	7.5	6.4	22	154
San Mateo	37.3	59.3	35.7	47.1	13.3	22.4	215.2	8.6	25.0	241	17.8	6.8	39	280
Santa Barbara	28.8	59.7	26.5	28.7	10.3	10.0	164.0	8.6	19.0	183	28.3	6.8	32	215
Santa Clara	55.6	144.6	107.9	101.7	36.0	17.0	462.8	11.1	41.6	505	45.7	7.2	77	582
Santa Cruz	17.5	34.6	15.3	20.0	4.7	7.1	99.3	8.6	11.5	111	19.7	6.4	21	132
Shasta	10.7	46.3	13.4	21.4	7.6	7.6	107.0	8.6	12.4	120	55.4	6.4	28	148
Sierra	0.2	0.5	0.2	0.3	0.2	0.1	1.5	6.9	0.2	2	1.1	5.7	1	3
Siskiyou	5.9	8.1	2.8	5.3	1.9	1.6	25.6	8.6	3.0	29	4.6	6.4	6	35
Solano	18.5	52.6	32.3	46.4	14.6	7.2	171.6	8.6	19.9	192	6.0	6.8	30	222
Sonoma	26.5	58.3	30.2	37.1	16.5	7.9	176.5	8.6	20.5	198	21.5	6.8	33	231
Stanislaus	18.7	86.6	32.4	57.2	18.6	9.2	222.7	8.6	25.8	249	7.6	6.8	38	287
Sutter	5.1	16.7	6.8	10.9	4.6	2.2	46.3	8.6	5.4	52	9.7	6.4	10	62
Tehama	5.3	16.4	4.7	8.8	2.6	2.7	40.5	8.6	4.7	46	3.3	6.4	8	54
Trinity	0.7	3.6	1.0	1.9	0.7	0.9	8.7	6.9	1.3	10	4.0	5.7	3	13
Tulare	24.1	70.6	26.3	40.3	11.2	14.2	186.6	8.6	21.7	209	21.9	6.8	35	244
Tuolumne	2.5	10.7	3.5	5.9	2.3	2.9	27.9	8.6	3.2	32	2.0	6.4	6	38
Ventura	35.3	72.4	57.7	64.5	24.4	23.5	277.8	8.6	32.2	310	74.5	6.8	57	367
Yolo	10.4	29.9	10.5	16.5	5.1	5.2	77.6	8.6	9.0	87	13.0	6.4	16	103
Yuba	5.0	14.3	5.2	9.9	3.1	3.2	40.7	8.6	4.7	46	2.0	6.4	8	54
Statewide	1,634.4	4,558.7	3,154.5	3,262.8	958.4	1,002.1	14,570.9		1,438.6	16,040	1,711.9		2,563.0	18,603

*Reported on FY 14-15 Schedule 7A; non-RAS staff include categories such as SJOs, Enhanced Collections Staff, and Interpreters

BLS Factor

Cluster	County	% Local	% State	State Employment More than 50% of Govt Workforce?	3-Year Avg BLS Local (92)	3-Year Avg BLS (State & Local 92)	3-Year Avg (2011-2013) BLS Factor (50% Workforce Threshold)
4	Alameda	84%	16%	No	1.42	1.27	1.42
1	Alpine	100%	0%	No	0.83	0.83	0.83
1	Amador	34%	66%	Yes	0.95	1.00	1.00
2	Butte	89%	11%	No	0.91	0.89	0.91
1	Calaveras	90%	10%	No	0.89	0.93	0.89
1	Colusa	95%	5%	No	0.71	0.90	0.71
3	Contra Costa	96%	4%	No	1.25	1.12	1.25
1	Del Norte	32%	68%	Yes	0.62	0.77	0.77
2	El Dorado	96%	4%	No	1.00	1.07	1.00
3	Fresno	70%	30%	No	0.99	1.07	0.99
1	Glenn	96%	4%	No	0.69	0.81	0.69
2	Humboldt	83%	17%	No	0.77	0.93	0.77
2	Imperial	51%	49%	No	0.78	0.85	0.78
1	Inyo	72%	28%	No	0.83	0.89	0.83
3	Kern	60%	40%	No	1.05	1.01	1.05
2	Kings	32%	68%	Yes	0.86	0.88	0.88
2	Lake	96%	4%	No	0.75	0.79	0.75
1	Lassen	20%	80%	Yes	0.68	0.80	0.80
4	Los Angeles	92%	8%	No	1.34	1.25	1.34
2	Madera	39%	61%	Yes	0.84	0.93	0.93
2	Marin	66%	34%	No	1.28	1.12	1.28
1	Mariposa	93%	7%	No	0.78	0.92	0.78
2	Mendocino	84%	16%	No	0.83	0.84	0.83
2	Merced	100%	0%	No	0.90	0.90	0.90
1	Modoc	85%	15%	No	0.60	0.82	0.60
1	Mono	92%	8%	No	1.15	0.98	1.15
3	Monterey	61%	39%	No	1.19	1.06	1.19
2	Napa	80%	20%	No	1.22	1.02	1.22
2	Nevada	91%	9%	No	0.97	0.90	0.97
4	Orange	91%	9%	No	1.30	1.20	1.30
2	Placer	95%	5%	No	1.17	1.01	1.17
1	Plumas	94%	6%	No	0.70	0.74	0.70
4	Riverside	100%	0%	No	1.08	1.08	1.08
4	Sacramento	15%	85%	Yes	1.21	1.28	1.28
1	San Benito	100%	0%	No	0.98	0.98	0.98
4	San Bernardino	83%	17%	No	1.06	1.09	1.06
4	San Diego	85%	15%	No	1.17	1.15	1.17
4	San Francisco	53%	47%	No	1.68	1.60	1.68
3	San Joaquin	69%	31%	No	1.10	1.09	1.10
2	San Luis Obispo	56%	44%	No	1.07	1.09	1.07
3	San Mateo	95%	5%	No	1.44	1.16	1.44
3	Santa Barbara	93%	7%	No	1.17	1.06	1.17
4	Santa Clara	94%	6%	No	1.44	1.19	1.44
2	Santa Cruz	88%	12%	No	1.15	0.96	1.15
2	Shasta	100%	0%	No	0.85	0.85	0.85
1	Sierra	100%	0%	No	0.73	0.73	0.73
2	Siskiyou	83%	17%	No	0.69	0.75	0.69
3	Solano	61%	39%	No	1.20	1.10	1.20
3	Sonoma	88%	12%	No	1.17	1.10	1.17
3	Stanislaus	96%	4%	No	1.02	0.97	1.02
2	Sutter	95%	5%	No	0.95	0.96	0.95
2	Tehama	95%	5%	No	0.80	0.89	0.80
1	Trinity	93%	7%	No	0.65	0.80	0.65
3	Tulare	91%	9%	No	0.83	0.87	0.83
2	Tuolumne	51%	49%	No	0.83	0.89	0.83
3	Ventura	90%	10%	No	1.21	1.11	1.21
2	Yolo	83%	17%	No	1.03	1.30	1.03
2	Yuba	100%	0%	No	0.93	0.93	0.93

FTE Allotment Factor

Cluster	Court	BLS Factor A	FTE Dollar Factor Applied (Current -- \$56,871*BLS) B	FTE Need C	Eligible for FTE Floor ? D	Has FTE Need <50 AND FTE Dollar Factor is Less Than Median of \$44,101? E	Final FTE Dollar Factor F
4	Alameda	1.42	\$ 80,846	601			\$ 80,846
1	Alpine	0.83	\$ 47,133	3	Yes		\$ 47,133
1	Amador	1.00	\$ 56,823	26	Yes		\$ 56,823
2	Butte	0.91	\$ 51,678	134			\$ 51,678
1	Calaveras	0.89	\$ 50,419	27	Yes		\$ 50,419
1	Colusa	0.71	\$ 40,314	18	Yes	Yes	\$ 44,101
3	Contra Costa	1.25	\$ 71,248	381			\$ 71,248
1	Del Norte	0.77	\$ 43,919	29	Yes	Yes	\$ 44,101
2	El Dorado	1.00	\$ 56,637	87			\$ 56,637
3	Fresno	0.99	\$ 56,230	533			\$ 56,230
1	Glenn	0.69	\$ 39,020	22	Yes	Yes	\$ 44,101
2	Humboldt	0.77	\$ 43,884	91			\$ 43,884
2	Imperial	0.78	\$ 44,514	138			\$ 44,514
1	Inyo	0.83	\$ 47,341	20	Yes		\$ 47,341
3	Kern	1.05	\$ 59,987	535			\$ 59,987
2	Kings	0.88	\$ 50,065	99			\$ 50,065
2	Lake	0.75	\$ 42,777	46	Yes	Yes	\$ 44,101
1	Lassen	0.80	\$ 45,699	28	Yes		\$ 45,699
4	Los Angeles	1.34	\$ 76,237	5,202			\$ 76,237
2	Madera	0.93	\$ 53,131	96			\$ 53,131
2	Marin	1.28	\$ 72,718	106			\$ 72,718
1	Mariposa	0.78	\$ 44,282	13	Yes		\$ 44,282
2	Mendocino	0.83	\$ 47,422	66			\$ 47,422
2	Merced	0.90	\$ 51,026	150			\$ 51,026
1	Modoc	0.60	\$ 34,148	10	Yes	Yes	\$ 44,101
1	Mono	1.15	\$ 65,349	13	Yes		\$ 65,349
3	Monterey	1.19	\$ 67,922	193			\$ 67,922
2	Napa	1.22	\$ 69,423	72			\$ 69,423
2	Nevada	0.97	\$ 55,103	54			\$ 55,103
4	Orange	1.30	\$ 73,981	1,311			\$ 73,981
2	Placer	1.17	\$ 66,636	168			\$ 66,636
1	Plumas	0.70	\$ 39,816	14	Yes	Yes	\$ 44,101
4	Riverside	1.08	\$ 61,391	1,100			\$ 61,391
4	Sacramento	1.28	\$ 72,898	729			\$ 72,898
1	San Benito	0.98	\$ 55,942	27	Yes		\$ 55,942
4	San Bernardino	1.06	\$ 60,128	1,201			\$ 60,128
4	San Diego	1.17	\$ 66,792	1,277			\$ 66,792
4	San Francisco	1.68	\$ 95,571	390			\$ 95,571
3	San Joaquin	1.10	\$ 62,716	369			\$ 62,716
2	San Luis Obispo	1.07	\$ 60,964	154			\$ 60,964
3	San Mateo	1.44	\$ 82,160	280			\$ 82,160
3	Santa Barbara	1.17	\$ 66,307	215			\$ 66,307
4	Santa Clara	1.44	\$ 81,920	582			\$ 81,920
2	Santa Cruz	1.15	\$ 65,585	132			\$ 65,585
2	Shasta	0.85	\$ 48,587	148			\$ 48,587
1	Sierra	0.73	\$ 41,587	3	Yes	Yes	\$ 44,101
2	Siskiyou	0.69	\$ 39,497	35	Yes	Yes	\$ 44,101
3	Solano	1.20	\$ 68,411	222			\$ 68,411
3	Sonoma	1.17	\$ 66,317	231			\$ 66,317
3	Stanislaus	1.02	\$ 57,804	287			\$ 57,804
2	Sutter	0.95	\$ 54,267	62			\$ 54,267
2	Tehama	0.80	\$ 45,390	54			\$ 45,390
1	Trinity	0.65	\$ 37,191	13	Yes	Yes	\$ 44,101
3	Tulare	0.83	\$ 46,919	244			\$ 46,919
2	Tuolumne	0.83	\$ 46,997	38	Yes		\$ 46,997
3	Ventura	1.21	\$ 69,095	367			\$ 69,095
2	Yolo	1.03	\$ 58,328	103			\$ 58,328
2	Yuba	0.93	\$ 52,812	54			\$ 52,812

WAFM Post BLS
FTE Allotment:
Median
\$ 44,101

2015-2016 Allocation of New Funding and Reallocation of Historical Funding (assumes \$90.6 million in new funding then reduced by \$22.7 million revenue shortfall)

Cluster	Court	(Historical) Funding Subject to Reallocation	Court's Share of Current Historical Funding vs. FY 15-16 WAFM Funding Need			Reallocation Ratio	Reallocation of 30%			New Reallocation of \$146.3M			Reallocation of \$67.9M			Allocation of New Money		Reversal of 2014-15 WAFM Allocation		Estimated 2015-16 Net Total Adjustments to Allocation	Estimated 2015-16 Funding Floor Adjustment
			Share of Total Funding Subject to Reallocation Using WAFM (Historical funding projection)	Share of Total WAFM Funding Need (FY 15-16)	E = 30% * Col. A		F = \$432.1M * Col. C	G = E + F	H = \$146.3M * C	I = -\$146.3M * B	J = H + I	K = \$67.9M * C	L = -\$67.9M * B	M = K + L	N = \$146.3M * C	O = \$67.9M * C	P	Q	R		
4	Alameda	69,586,867	4.83%	3.60%	74.6%	(20,876,060)	15,563,435	(5,312,625)	5,268,887	(7,067,437)	(1,798,550)	2,445,369	(3,280,103)	(834,734)	5,268,887	2,445,369	2,563,397	(3,596,160)	(1,264,416)	(23,470)	
1	Alpine	552,142	0.04%	0.02%	41.5%	(165,643)	68,787	(96,855)	23,287	(56,077)	(32,790)	10,808	(26,026)	(15,218)	23,287	10,808	52,170	14,570	(44,027)	36,601	
1	Amador	2,080,491	0.14%	0.12%	80.7%	(624,147)	503,625	(120,523)	170,499	(211,301)	(40,802)	79,131	(98,068)	(18,937)	170,499	79,131	68,008	(119,205)	18,171	(726)	
2	Butte	7,287,810	0.51%	0.54%	106.5%	(2,186,343)	2,328,783	142,440	788,393	(740,170)	(48,222)	365,905	(343,524)	22,381	788,393	365,905	(88,680)	(860,259)	418,401	(2,905)	
1	Calaveras	1,950,892	0.14%	0.11%	84.3%	(585,267)	493,271	(91,996)	166,993	(198,138)	(31,145)	77,504	(91,959)	(14,455)	166,993	77,504	49,658	(130,892)	25,667	(691)	
1	Colusa	1,368,301	0.09%	0.08%	83.2%	(410,491)	341,462	(69,029)	115,599	(138,969)	(23,369)	53,651	(64,497)	(10,846)	115,599	53,651	35,876	(90,387)	11,496	127,447	
3	Contra Costa	32,906,460	2.28%	2.30%	100.9%	(9,871,938)	9,957,402	85,464	3,371,006	(3,342,072)	28,933	1,564,534	(1,551,105)	13,428	3,371,006	1,564,534	(26,323)	(3,377,718)	1,659,325	(12,908)	
1	Del Norte	2,202,321	0.15%	0.13%	82.8%	(660,696)	546,894	(113,802)	185,147	(223,674)	(38,527)	85,929	(103,810)	(17,881)	185,147	85,929	12,865	(206,252)	(92,520)	(791)	
2	El Dorado	5,880,901	0.41%	0.38%	92.8%	(1,764,270)	1,637,633	(126,637)	554,409	(597,281)	(42,872)	257,309	(277,207)	(19,898)	554,409	257,309	48,927	(531,026)	140,211	(2,148)	
3	Fresno	34,456,224	2.39%	2.73%	114.3%	(10,336,867)	11,814,907	1,478,040	3,999,850	(3,499,471)	500,380	1,856,390	(1,624,156)	232,234	3,999,850	1,856,390	(492,612)	(4,166,552)	3,407,730	(14,653)	
1	Glenn	1,811,707	0.13%	0.09%	68.4%	(543,512)	371,961	(171,551)	125,925	(184,002)	(58,077)	58,444	(85,398)	(26,955)	125,925	58,444	62,278	(99,667)	(109,604)	69,935	
2	Humboldt	5,005,941	0.35%	0.33%	95.1%	(1,501,782)	1,427,692	(74,090)	483,335	(508,417)	(25,083)	224,323	(235,964)	(11,641)	483,335	224,323	74,712	(407,245)	264,310	(1,900)	
2	Imperial	6,294,286	0.44%	0.49%	111.1%	(1,888,286)	2,097,431	209,145	710,070	(639,265)	70,804	329,554	(296,693)	32,861	710,070	329,554	(96,907)	(770,494)	485,034	(2,573)	
1	Inyo	1,722,461	0.12%	0.08%	69.0%	(516,738)	356,532	(160,206)	120,701	(174,938)	(54,237)	56,019	(81,191)	(25,172)	120,701	56,019	79,617	(67,123)	(50,400)	3,850	
3	Kern	28,781,786	2.00%	2.89%	144.5%	(8,634,536)	12,475,396	3,840,861	4,223,454	(2,923,159)	1,300,295	1,960,168	(1,356,681)	603,486	4,223,454	1,960,168	(1,811,768)	(5,376,602)	4,739,894	(13,527)	
2	Kings	4,765,510	0.33%	0.37%	111.3%	(1,429,653)	1,591,031	161,378	538,632	(483,999)	54,633	249,987	(224,631)	25,356	538,632	249,987	(90,958)	(607,171)	331,857	(1,910)	
2	Lake	2,903,720	0.20%	0.15%	76.6%	(871,116)	667,620	(203,496)	226,018	(294,910)	(68,892)	104,898	(136,872)	(31,974)	226,018	104,898	92,616	(169,492)	(50,322)	(987)	
1	Lassen	1,890,662	0.13%	0.11%	83.1%	(567,199)	471,135	(96,064)	159,499	(192,021)	(32,522)	74,026	(89,120)	(15,094)	159,499	74,026	35,333	(144,174)	(18,996)	(657)	
4	Los Angeles	392,482,162	27.25%	30.17%	110.7%	(117,744,649)	130,376,788	12,632,140	44,138,108	(39,861,590)	4,276,519	20,485,151	(18,500,355)	1,984,796	44,138,108	20,485,151	(7,151,892)	(49,546,473)	26,818,347	(163,090)	
2	Madera	5,953,244	0.41%	0.41%	98.4%	(1,785,973)	1,757,616	(28,357)	595,028	(604,628)	(9,600)	276,161	(280,617)	(4,456)	595,028	276,161	18,573	(579,477)	267,872	(2,290)	
2	Marin	13,338,797	0.93%	0.56%	60.4%	(4,001,639)	2,415,722	(1,585,917)	817,825	(1,354,726)	(536,901)	379,565	(628,748)	(249,184)	817,825	379,565	770,602	(311,199)	(715,208)	(4,090)	
1	Mariposa	920,593	0.06%	0.05%	84.3%	(276,178)	232,774	(43,404)	78,804	(93,498)	(14,694)	36,574	(43,394)	(6,820)	78,804	36,574	25,008	(59,633)	15,835	54,687	
2	Mendocino	4,379,075	0.30%	0.27%	89.1%	(1,313,723)	1,171,061	(142,662)	396,454	(444,751)	(48,297)	184,000	(206,416)	(22,415)	396,454	184,000	86,816	(327,187)	126,710	(1,607)	
2	Merced	9,033,368	0.63%	0.71%	113.1%	(2,710,011)	3,065,492	355,481	1,037,800	(917,454)	120,346	481,658	(425,804)	55,854	1,037,800	481,658	(230,694)	(1,229,854)	590,591	(3,718)	
1	Modoc	890,668	0.06%	0.04%	62.3%	(267,200)	166,518	(100,682)	56,373	(90,459)	(34,085)	26,164	(41,983)	(15,819)	56,373	26,164	60,677	(8,292)	(15,665)	(309)	
1	Mono	1,232,348	0.09%	0.08%	88.2%	(369,704)	325,995	(43,710)	110,363	(125,161)	(14,798)	51,221	(58,089)	(6,868)	110,363	51,221	8,657	(113,437)	(8,570)	126,524	
3	Monterey	13,009,124	0.90%	0.93%	103.2%	(3,902,737)	4,026,218	123,480	1,363,047	(1,321,243)	41,803	632,610	(613,209)	19,402	1,363,047	632,610	(97,146)	(1,452,795)	630,401	(5,124)	
2	Napa	6,088,978	0.42%	0.37%	86.6%	(1,826,693)	1,582,691	(244,003)	535,808	(618,414)	(82,605)	248,677	(287,015)	(38,338)	535,808	248,677	179,916	(374,776)	224,679	(2,173)	
2	Nevada	3,817,225	0.26%	0.23%	87.4%	(1,145,167)	1,000,793	(144,374)	338,811	(387,688)	(48,877)	157,247	(179,932)	(22,684)	338,811	157,247	42,439	(320,219)	(7,657)	(1,394)	
4	Orange	122,983,490	8.54%	7.28%	85.3%	(36,895,047)	31,475,029	(5,420,018)	10,655,641	(12,490,548)	(1,834,908)	4,945,441	(5,797,049)	(851,608)	10,655,641	4,945,441	3,109,525	(8,279,720)	2,324,353	(45,022)	
2	Placer	11,114,142	0.77%	0.88%	113.9%	(3,334,243)	3,798,857	464,614	1,286,075	(1,128,783)	157,292	596,887	(523,885)	73,001	1,286,075	596,887	(201,516)	(1,401,671)	974,682	(4,604)	
1	Plumas	1,441,037	0.10%	0.05%	54.6%	(432,311)	235,905	(196,406)	79,864	(146,356)	(66,492)	37,066	(79,266)	(30,860)	79,864	37,066	88,532	(26,468)	(114,763)	(421)	
4	Riverside	57,140,417	3.97%	5.08%	128.2%	(17,442,125)	21,973,106	4,830,980	7,438,834	(5,803,341)	1,635,493	3,452,473	(2,693,417)	759,057	7,438,834	3,452,473	(2,318,089)	(8,942,429)	6,856,320	(25,208)	
4	Sacramento	61,567,979	4.27%	4.29%	100.4%	(18,470,394)	18,543,818	73,424	6,277,874	(6,253,017)	24,857	2,913,654	(2,902,118)	11,537	6,277,874	2,913,654	258,869	(5,902,464)	3,657,752	(23,950)	
1	San Benito	2,496,024	0.17%	0.12%	69.7%	(748,807)	521,875	(226,932)	176,677	(253,503)	(76,826)	81,998	(117,655)	(35,656)	176,677	81,998	103,256	(113,677)	(91,160)	(810)	
4	San Bernardino	61,335,147	4.26%	5.55%	130.4%	(18,400,544)	23,991,141	5,590,597	8,122,025	(6,229,700)	1,892,656	3,769,553	(2,891,143)	878,410	8,122,025	3,769,553	(3,086,707)	(10,409,297)	6,757,237	(27,713)	
4	San Diego	122,736,644	8.52%	7.11%	83.4%	(36,820,993)	30,708,206	(6,112,788)	10,396,038	(12,465,478)	(2,069,440)	4,824,956	(5,785,413)	(960,458)	10,396,038	4,824,956	3,338,346	(7,944,287)	1,471,869	(43,501)	
4	San Francisco	52,988,157	3.68%	2.82%	76.6%	(15,896,447)	12,176,546	(3,719,901)	4,122,281	(5,381,626)	(1,259,345)	1,913,212	(2,497,692)	(584,481)	4,122,281	1,913,212	2,230,867	(2,360,651)	341,981	(19,228)	
3	San Joaquin	23,639,320	1.64%	1.88%	114.5%	(7,091,796)	8,121,825	1,030,029	2,749,585	(2,400,876)	348,709	1,276,123	(1,114,282)	161,841	2,749,585	1,276,123	(399,572)	(2,941,964)	2,224,751	(9,901)	
2	San Luis Obispo	10,604,942	0.74%	0.75%	102.1%	(3,181,483)	3,248,869	67,386	1,099,881	(1,097,068)	22,813	510,471	(499,883)	10,588	1,099,881	510,471	(58,129)	(1,155,784)	497,227	(4,103)	
3	San Mateo	29,770,060	2.07%	1.81%	87.3%	(8,931,018)	7,801,207	(1,129,811)	2,641,042	(3,023,531)	(382,489)	1,225,747	(1,403,266)	(177,519)	2,641,042	1,225,747	562,349	(2,262,015)	477,303	(10,796)	
3	Santa Barbara	18,365,326	1.27%	1.07%	84.1%	(5,509,598)	4,632,189	(877,409)	1,568,194	(1,865,234)	(297,040)	727,822	(865,683)	(137,861)	1,568,194	727,822	463,424	(1,237,679)	209,541	(6,510)	
4	Santa Clara	74,267,457	5.16%	3.64%	70.6%	(22,280,237)	15,727,735	(6,552,502)	5,324,510	(7,542,811)	(2,218,302)	2,471,184	(3,500,731)	(1,029,547)	5,324,510	2,471,184	2,830,533	(3,709,786)	(2,883,909)	(24,455)	
2	Santa Cruz	9,910,386	0.69%	0.65%	94.1%	(2,973,116)	2,799,138	(173,978)	947,628	(1,006,527)	(58,899)	439,808	(467,144)	(27,336)	947,628	439,808	106,452	(862,372)</			

Cluster	Court	(Historical) Funding Subject to Reallocation	Court's Share of Current Historical Funding vs. FY 15-16 WAFM Funding Need		Reallocation Ratio	Reallocation of 30%			New Reallocation of \$146.3M			Reallocation of \$67.9M			Allocation of New Money		Reversal of 2014-15 WAFM Allocation		Estimated 2015-16 Net Total Adjustments to Allocation	Estimated 2015-16 Funding Floor Adjustment
			Share of Total Funding Subject to Reallocation Using WAFM (Historical funding proportion)	Share of Total WAFM Funding Need (FY 15-16)		30 Percent of Funding Subject to Reallocation	Reallocation Using WAFM Proportion	Net	Allocation of \$146.3 Million Using 15-16 WAFM	Original Share of \$146.3 Million of "Old" Money To Be Reallocated	Net	Allocation of \$67.9 Million Using 15-16 WAFM	Original Share of \$67.9 Million of "Old" Money To Be Reallocated	Net	Allocation of \$146.3 Million Using 15-16 WAFM	Allocation of \$67.9 Million Using 15-16 WAFM	15% Reallocation	\$146.3M Reallocation		
		A	B	C	D = C / B	E = 30% * Col. A	F = \$432.1M * Col. C	G = E + F	H = \$146.3M * C	I = -\$146.3M * B	J = H + I	K = \$67.9M * C	L = -\$67.9M * B	M = K + L	N = \$146.3M * C	O = \$67.9M * C	P	Q	R	S
	Statewide	1,440,487,965	100%	100%	100%	(432,146,390)	432,146,390	0	146,300,000	(146,300,000)	0	67,900,000	(67,900,000)	0	146,300,000	67,900,000	(0)	(146,300,000)	67,900,000	0

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Historical Trial Court Funding Subject to Reallocation Using WAFM

Court	2013-14 Beginning Base (TCTF and GF)	Security Base (FY 10-11) Adjustment	SJO Adjustment ¹	Self-Help	Replacement of 2% Automation	Automated Recordkeeping and Micrographics Distribution (11-12)	Total	% of Total
	TCTF and GF (45.10)	TCTF (45.10)	TCTF (45.10)	TCTF (45.10)	TCTF (45.10)	TCTF (45.10)		
Court	1	2	3	4	5	6	7	8
Alameda	74,069,725	(3,177,924)	(1,958,825)	101,575	424,792	127,523	69,586,867	4.83%
Alpine	549,977	-	-	83	2,034	47	552,142	0.04%
Amador	2,066,138	-	-	2,565	11,006	783	2,080,491	0.14%
Butte	7,956,105	(467,145)	(291,613)	14,608	59,332	16,523	7,287,810	0.51%
Calaveras	1,927,985	-	-	3,074	18,652	1,180	1,950,892	0.14%
Colusa	1,352,785	-	-	1,447	13,708	363	1,368,302	0.09%
Contra Costa	34,237,741	-	(1,705,774)	69,231	218,186	87,076	32,906,460	2.28%
Del Norte	2,315,586	-	(126,942)	1,964	11,208	505	2,202,321	0.15%
El Dorado	5,867,266	-	(57,081)	11,851	54,374	4,491	5,880,901	0.41%
Fresno	35,177,288	-	(1,032,025)	60,497	181,080	69,384	34,456,224	2.39%
Glenn	1,799,795	(9,779)	-	1,927	19,264	500	1,811,707	0.13%
Humboldt	5,258,372	(167,800)	(150,006)	8,913	48,160	8,302	5,005,941	0.35%
Imperial	6,805,406	(420,479)	(180,405)	11,204	67,678	10,882	6,294,286	0.44%
Inyo	1,919,492	(186,658)	(42,314)	1,245	30,402	294	1,722,461	0.12%
Kern	30,203,399	(65,567)	(1,750,452)	52,450	277,328	64,629	28,781,786	2.00%
Kings	5,292,481	(421,918)	(181,060)	9,935	57,026	9,045	4,765,510	0.33%
Lake	3,130,735	(196,493)	(56,758)	4,311	20,328	1,596	2,903,720	0.20%
Lassen	2,161,420	(293,836)	-	2,384	20,156	538	1,890,662	0.13%
Los Angeles	428,645,200	(14,294,467)	(26,758,268)	689,065	3,144,530	1,056,102	392,482,162	27.25%
Madera	6,269,329	(381,406)	-	9,711	52,502	3,108	5,953,244	0.41%
Marin	13,587,985	(9,625)	(391,957)	17,038	114,766	20,590	13,338,797	0.93%
Mariposa	943,529	-	(28,406)	1,225	3,904	341	920,593	0.06%
Mendocino	4,636,654	(299,349)	-	6,083	30,068	5,619	4,379,075	0.30%
Merced	9,195,644	-	(250,840)	16,595	55,652	16,318	9,033,368	0.63%
Modoc	947,828	(789)	(63,471)	662	6,134	304	890,668	0.06%
Mono	1,251,020	(24,156)	(8,201)	914	12,446	324	1,232,348	0.09%
Monterey	13,973,323	(870,000)	(333,656)	28,573	183,464	27,420	13,009,124	0.90%
Napa	6,628,648	(295,552)	(287,148)	9,042	30,550	3,438	6,088,978	0.42%
Nevada	4,478,125	(433,431)	(292,045)	6,730	49,946	7,900	3,817,225	0.26%
Orange	127,622,123	(2,733,776)	(3,329,845)	206,630	923,882	294,477	122,983,490	8.54%
Placer	11,920,337	-	(933,901)	21,287	77,378	29,042	11,114,142	0.77%
Plumas	1,429,991	-	-	1,442	9,206	398	1,441,037	0.10%
Riverside	61,221,794	(1,931,520)	(2,882,751)	131,371	532,226	69,297	57,140,417	3.97%
Sacramento	64,637,712	(1,864,424)	(1,824,452)	93,189	340,254	185,701	61,567,979	4.27%
San Benito	2,476,122	-	-	3,876	14,700	1,327	2,496,024	0.17%

Historical Trial Court Funding Subject to Reallocation Using WAFM

	2013-14 Beginning Base (TCTF and GF)	Security Base (FY 10-11) Adjustment	SJO Adjustment ¹	Self-Help	Replacement of 2% Automation	Automated Recordkeeping and Micrographics Distribution (11-12)	Total	% of Total
	TCTF and GF (45.10)	TCTF (45.10)	TCTF (45.10)	TCTF (45.10)	TCTF (45.10)	TCTF (45.10)		
Court	1	2	3	4	5	6	7	8
San Bernardino	66,832,972	(3,269,446)	(2,986,710)	133,960	435,474	188,896	61,335,147	4.26%
San Diego	126,960,874	(657,192)	(4,757,300)	206,259	718,422	265,582	122,736,644	8.52%
San Francisco	55,153,072	-	(2,582,976)	53,715	272,528	91,818	52,988,157	3.68%
San Joaquin	24,406,106	(287,747)	(779,859)	44,944	201,698	54,178	23,639,320	1.64%
San Luis Obispo	11,353,662	(241,676)	(673,831)	17,704	130,020	19,062	10,604,942	0.74%
San Mateo	31,297,630	(443,042)	(1,479,478)	48,700	329,518	16,733	29,770,060	2.07%
Santa Barbara	19,657,482	(1,055,112)	(457,408)	28,356	162,858	29,149	18,365,326	1.27%
Santa Clara	75,407,649	-	(1,833,360)	119,260	452,782	121,126	74,267,457	5.16%
Santa Cruz	10,187,917	-	(424,668)	17,644	113,210	16,283	9,910,386	0.69%
Shasta	10,063,775	(2,389,668)	(326,131)	12,206	44,394	4,517	7,409,092	0.51%
Sierra	540,106	-	-	235	1,830	44	542,215	0.04%
Siskiyou	3,317,504	-	(103,923)	3,104	37,000	943	3,254,627	0.23%
Solano	16,489,461	(435,400)	(535,433)	28,439	119,364	37,755	15,704,185	1.09%
Sonoma	19,577,796	(440,000)	(479,410)	32,278	119,004	36,215	18,845,883	1.31%
Stanislaus	15,772,316	(9,326)	(427,578)	34,594	88,718	39,080	15,497,803	1.08%
Sutter	3,604,262	(247,071)	-	6,150	37,382	2,322	3,403,045	0.24%
Tehama	2,879,149	-	(5,472)	4,138	28,100	1,382	2,907,298	0.20%
Trinity	1,431,739	(450,608)	-	943	7,648	636	990,359	0.07%
Tulare	12,726,148	(15,576)	(679,043)	28,289	204,932	28,262	12,293,011	0.85%
Tuolumne	2,819,593	(220,516)	(30,986)	3,916	16,642	1,152	2,589,803	0.18%
Ventura	26,332,175	(1,559,157)	(731,699)	54,971	205,304	65,233	24,366,827	1.69%
Yolo	7,474,390	(582,889)	(461,445)	12,802	48,556	12,735	6,504,149	0.45%
Yuba	3,335,312	(132,569)	-	4,696	15,788	1,849	3,225,076	0.22%
Total	1,529,578,150	(40,983,089)	(64,674,907)	2,500,000	10,907,494	3,160,318	1,440,487,965	100.00%

1. Does not include compensation for AB 1058 commissioners.

Summary of Changes from 2014–2015 Total WAFM Funding Need

Description	Change in Variable				Change in WAFM Estimated Need				
	2014-15 Amount	2015-16 Amount	Change in Amount	% Change	Change in Pre-Benefits Adjusted Base	Change in Estimated Benefit Need	Change in Estimated OE&E Needed	Total Change in Estimated Need	% Change in Total Estimated Need
	A	B	C (B - A)	D (C / A)	E	F	G	H Sum (E : G)	I (H / \$2.425B)
RAS FTE Need Decrease	19,261	18,603	(658)	-3.4%	(46,250,061)	(25,725,062)	(13,463,633)	(85,438,755)	-3.5%
Average Benefits Increase	\$ 729,644,124	\$ 754,638,335	\$ 24,994,211	3.4%		24,994,211		24,994,211	1.0%
Average RAS-Related Salary Increase	\$ 56,396	\$ 56,871	\$ 474	0.8%	10,889,991	3,795,139		14,685,130	0.6%
BLS Salary Adjustment			-	0.2%	2,437,132	591,793		3,028,925	0.1%
AB 1058 Funding Adjustment	(38,632,274)	(40,129,299)	(1,497,025)	0.2%				(1,497,025)	-0.1%
Total					(32,922,938)	3,656,082	(13,463,633)	(44,227,515)	-1.8%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

Cluster	County	(Historical) WAFM Funding Subject to Reallocation	% of Statewide Historical WAFM Funding	WAFM Funding Need								
				14-15 Total WAFM Funding Need	% of 14-15 Statewide WAFM Funding Need	14-15 Re- allocation Ratio	WAFM Funding Need	% of Statewide WAFM Funding Need	Re- allocation Ratio	Change in WAFM Funding Need	% Change in WAFM Funding Need	Change in % of Statewide WAFM Funding Need
				C	D	E = (D / B)	F	G	H = (G / B)	I = (F - C)	J = (I / C)	K = (G / D) -100%
4	Alameda	69,586,867	4.8%	88,359,612	3.6%	75.4%	85,724,209	3.6%	74.6%	(2,635,404)	-3.0%	-1.2%
1	Alpine	552,142	0.0%	343,929	0.0%	37.0%	378,883	0.0%	41.5%	34,954	10.2%	12.2%
1	Amador	2,080,491	0.1%	2,738,605	0.1%	78.2%	2,773,992	0.1%	80.7%	35,387	1.3%	3.2%
2	Butte	7,287,810	0.5%	13,261,312	0.5%	108.1%	12,827,059	0.5%	106.5%	(434,253)	-3.3%	-1.5%
1	Calaveras	1,950,892	0.1%	2,726,378	0.1%	83.0%	2,716,963	0.1%	84.3%	(9,415)	-0.3%	1.5%
1	Colusa	1,368,302	0.1%	1,900,461	0.1%	82.5%	1,880,790	0.1%	83.2%	(19,671)	-1.0%	0.8%
3	Contra Costa	32,906,460	2.3%	55,680,843	2.3%	100.5%	54,845,890	2.3%	100.9%	(834,953)	-1.5%	0.3%
1	Del Norte	2,202,321	0.2%	3,562,408	0.1%	96.1%	3,012,322	0.1%	82.8%	(550,086)	-15.4%	-13.9%
2	El Dorado	5,880,901	0.4%	9,349,259	0.4%	94.5%	9,020,166	0.4%	92.8%	(329,093)	-3.5%	-1.7%
3	Fresno	34,456,224	2.4%	63,521,412	2.6%	109.5%	65,077,123	2.7%	114.3%	1,555,711	2.4%	4.4%
1	Glenn	1,811,707	0.1%	2,350,509	0.1%	77.1%	2,048,781	0.1%	68.4%	(301,728)	-12.8%	-11.2%
2	Humboldt	5,005,941	0.3%	7,587,268	0.3%	90.1%	7,863,801	0.3%	95.1%	276,533	3.6%	5.6%
2	Imperial	6,294,286	0.4%	11,681,402	0.5%	110.3%	11,552,757	0.5%	111.1%	(128,646)	-1.1%	0.7%
1	Inyo	1,722,461	0.1%	2,005,742	0.1%	69.2%	1,963,799	0.1%	69.0%	(41,943)	-2.1%	-0.3%
3	Kern	28,781,786	2.0%	68,772,633	2.8%	142.0%	68,715,131	2.9%	144.5%	(57,502)	-0.1%	1.8%
2	Kings	4,765,510	0.3%	9,041,542	0.4%	112.7%	8,763,482	0.4%	111.3%	(278,059)	-3.1%	-1.3%
2	Lake	2,903,720	0.2%	3,848,078	0.2%	78.7%	3,677,284	0.2%	76.6%	(170,794)	-4.4%	-2.7%
1	Lassen	1,890,662	0.1%	2,785,749	0.1%	87.5%	2,595,035	0.1%	83.1%	(190,713)	-6.8%	-5.1%
4	Los Angeles	392,482,162	27.2%	740,843,971	30.6%	112.1%	718,122,121	30.2%	110.7%	(22,721,850)	-3.1%	-1.3%
2	Madera	5,953,244	0.4%	9,811,615	0.4%	97.9%	9,681,041	0.4%	98.4%	(130,574)	-1.3%	0.5%
2	Marin	13,338,797	0.9%	13,804,014	0.6%	61.5%	13,305,924	0.6%	60.4%	(498,091)	-3.6%	-1.8%
1	Mariposa	920,593	0.1%	1,268,860	0.1%	81.9%	1,282,132	0.1%	84.3%	13,273	1.0%	2.9%
2	Mendocino	4,379,075	0.3%	6,396,356	0.3%	86.8%	6,450,265	0.3%	89.1%	53,909	0.8%	2.7%
2	Merced	9,033,368	0.6%	17,792,806	0.7%	117.0%	16,884,889	0.7%	113.1%	(907,917)	-5.1%	-3.3%
1	Modoc	890,668	0.1%	818,258	0.0%	54.6%	917,190	0.0%	62.3%	98,931	12.1%	14.2%
1	Mono	1,232,348	0.1%	1,977,044	0.1%	95.3%	1,795,596	0.1%	88.2%	(181,449)	-9.2%	-7.5%
3	Monterey	13,009,124	0.9%	22,985,951	0.9%	105.0%	22,176,616	0.9%	103.2%	(809,335)	-3.5%	-1.7%
2	Napa	6,088,978	0.4%	8,229,667	0.3%	80.3%	8,717,542	0.4%	86.6%	487,875	5.9%	7.9%
2	Nevada	3,817,225	0.3%	5,948,648	0.2%	92.6%	5,512,421	0.2%	87.4%	(436,227)	-7.3%	-5.6%
4	Orange	122,983,490	8.5%	172,104,479	7.1%	83.1%	173,366,093	7.3%	85.3%	1,261,614	0.7%	2.6%
2	Placer	11,114,142	0.8%	20,967,595	0.9%	112.1%	20,924,301	0.9%	113.9%	(43,294)	-0.2%	1.6%
1	Plumas	1,441,037	0.1%	1,432,034	0.1%	59.0%	1,299,380	0.1%	54.6%	(132,655)	-9.3%	-7.6%
4	Riverside	57,140,417	4.0%	122,184,895	5.0%	127.0%	121,029,006	5.1%	128.2%	(1,155,889)	-0.9%	0.9%
4	Sacramento	61,567,979	4.3%	100,721,502	4.2%	97.2%	102,140,312	4.3%	100.4%	1,418,810	1.4%	3.3%
1	San Benito	2,496,024	0.2%	3,042,492	0.1%	72.4%	2,874,516	0.1%	69.7%	(167,977)	-5.5%	-3.8%
4	San Bernardino	61,335,147	4.3%	137,869,624	5.7%	133.6%	132,144,453	5.6%	130.4%	(5,725,171)	-4.2%	-2.4%
4	San Diego	122,736,644	8.5%	169,121,455	7.0%	81.9%	169,142,391	7.1%	83.4%	20,936	0.0%	1.9%
4	San Francisco	52,988,157	3.7%	64,153,264	2.6%	71.9%	67,069,047	2.8%	76.6%	2,915,783	4.5%	6.5%
3	San Joaquin	23,639,320	1.6%	44,271,294	1.8%	111.3%	44,735,436	1.9%	114.5%	464,142	1.0%	2.9%
2	San Luis Obispo	10,604,942	0.7%	18,501,624	0.8%	103.7%	17,894,938	0.8%	102.1%	(606,686)	-3.3%	-1.5%
3	San Mateo	29,770,060	2.1%	43,796,548	1.8%	87.4%	42,969,454	1.8%	87.3%	(827,094)	-1.9%	-0.1%
3	Santa Barbara	18,365,326	1.3%	25,711,043	1.1%	83.2%	25,514,338	1.1%	84.1%	(196,705)	-0.8%	1.1%
4	Santa Clara	74,267,457	5.2%	93,240,124	3.8%	74.6%	86,629,182	3.6%	70.6%	(6,610,942)	-7.1%	-5.4%
2	Santa Cruz	9,910,386	0.7%	15,485,876	0.6%	92.8%	15,417,797	0.6%	94.1%	(68,079)	-0.4%	1.4%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

Cluster	County	(Historical) WAFM Funding Subject to Reallocation	% of Statewide Historical WAFM Funding	WAFM Funding Need								
				14-15 Total WAFM Funding Need	% of 14-15 Statewide WAFM Funding Need	14-15 Re-allocation Ratio	WAFM Funding Need	% of Statewide WAFM Funding Need	Re-allocation Ratio	Change in WAFM Funding Need	% Change in WAFM Funding Need	Change in % of Statewide WAFM Funding Need
				C	D	E = (D / B)	F	G	H = (G / B)	I = (F - C)	J = (I / C)	K = (G / D) -100%
2	Shasta	7,409,092	0.5%	12,820,506	0.5%	102.8%	12,953,657	0.5%	105.8%	133,151	1.0%	2.9%
1	Sierra	542,215	0.0%	339,119	0.0%	37.2%	368,280	0.0%	41.1%	29,161	8.6%	10.6%
2	Siskiyou	3,254,627	0.2%	3,026,276	0.1%	55.2%	3,103,058	0.1%	57.7%	76,782	2.5%	4.4%
3	Solano	15,704,185	1.1%	28,468,850	1.2%	107.7%	27,158,939	1.1%	104.7%	(1,309,911)	-4.6%	-2.8%
3	Sonoma	18,845,883	1.3%	32,588,957	1.3%	102.7%	30,874,621	1.3%	99.1%	(1,714,337)	-5.3%	-3.5%
3	Stanislaus	15,497,803	1.1%	32,800,366	1.4%	125.7%	31,536,429	1.3%	123.1%	(1,263,936)	-3.9%	-2.1%
2	Sutter	3,403,045	0.2%	6,575,894	0.3%	114.8%	6,509,119	0.3%	115.8%	(66,776)	-1.0%	0.8%
2	Tehama	2,907,298	0.2%	4,925,688	0.2%	100.7%	5,026,551	0.2%	104.6%	100,863	2.0%	3.9%
1	Trinity	990,359	0.1%	1,461,014	0.1%	87.6%	1,290,907	0.1%	78.9%	(170,107)	-11.6%	-10.0%
3	Tulare	12,293,011	0.9%	22,711,203	0.9%	109.8%	22,962,196	1.0%	113.0%	250,993	1.1%	3.0%
2	Tuolumne	2,589,803	0.2%	3,561,890	0.1%	81.7%	3,442,496	0.1%	80.4%	(119,393)	-3.4%	-1.6%
3	Ventura	24,366,827	1.7%	46,915,300	1.9%	114.4%	45,268,238	1.9%	112.4%	(1,647,062)	-3.5%	-1.7%
2	Yolo	6,504,149	0.5%	11,431,084	0.5%	104.4%	11,394,431	0.5%	106.0%	(36,653)	-0.3%	1.5%
2	Yuba	3,225,076	0.2%	4,887,940	0.2%	90.0%	4,961,988	0.2%	93.1%	74,049	1.5%	3.4%
	Statewide	1,440,487,965	100.0%	2,424,512,269	100.0%		2,380,284,755	100.0%		(44,227,515)	-1.8%	

Court % Changes in Relative WAFM Funding Need by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
Relative decrease of <5%	40% (6)	5% (1)	0% (0)	11% (1)	14% (8)
Relative change within +/- 5%	40% (6)	86% (19)	100% (12)	78% (7)	76% (44)
Relative increase of >5%	20% (3)	9% (2)	0% (0)	11% (1)	10% (6)
Total	15	22	12	9	58

Range of % Changes in Relative WAFM Funding Need by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
High	14.2%	7.9%	4.4%	6.5%	14.2%
Median	-0.3%	0.8%	0.1%	0.9%	0.6%
Low	-13.9%	-5.6%	-3.5%	-5.4%	-13.9%

Court % Changes in WAFM Funding Need by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
Decrease in Need of <5%	47% (7)	9% (2)	8% (1)	11% (1)	19% (11)
Need change within +/- 5%	33% (5)	86% (19)	92% (11)	89% (8)	74% (43)
Increase in Need of >5%	20% (3)	5% (1)	0% (0)	0% (0)	7% (4)
Total	15	22	12	9	58

Range of % Changes in WAFM Funding Need by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
High	12.1%	5.9%	2.4%	4.5%	12.1%
Median	-2.1%	-1.1%	-1.7%	-0.9%	-1.2%
Low	-15.4%	-7.3%	-5.3%	-7.1%	-15.4%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

Cluster	County	RAS FTE Need						
		14-15 RAS FTE Need	% of 14-15 Statewide RAS FTE Need	RAS FTE Need	% of Statewide RAS FTE Need	Change in RAS FTE Need	% Change in RAS FTE Need	% Change in % of Statewide RAS FTE Need
		L	M	N	O	P = (N - L)	Q = (P / L)	R = (O/M) -100%
4	Alameda	626	3.3%	601	3.2%	(25)	-4.0%	-0.6%
1	Alpine	3	0.0%	3	0.0%		0.0%	3.5%
1	Amador	25	0.1%	26	0.1%	1	4.0%	7.7%
2	Butte	139	0.7%	134	0.7%	(5)	-3.6%	-0.2%
1	Calaveras	27	0.1%	27	0.1%	-	0.0%	3.5%
1	Colusa	18	0.1%	18	0.1%	-	0.0%	3.5%
3	Contra Costa	395	2.1%	381	2.0%	(14)	-3.5%	-0.1%
1	Del Norte	33	0.2%	29	0.2%	(4)	-12.1%	-9.0%
2	El Dorado	89	0.5%	87	0.5%	(2)	-2.2%	1.2%
3	Fresno	535	2.8%	533	2.9%	(2)	-0.4%	3.2%
1	Glenn	25	0.1%	22	0.1%	(3)	-12.0%	-8.9%
2	Humboldt	91	0.5%	91	0.5%	-	0.0%	3.5%
2	Imperial	142	0.7%	138	0.7%	(4)	-2.8%	0.6%
1	Inyo	20	0.1%	20	0.1%	-	0.0%	3.5%
3	Kern	543	2.8%	535	2.9%	(8)	-1.5%	2.0%
2	Kings	102	0.5%	99	0.5%	(3)	-2.9%	0.5%
2	Lake	46	0.2%	46	0.2%	-	0.0%	3.5%
1	Lassen	31	0.2%	28	0.2%	(3)	-9.7%	-6.5%
4	Los Angeles	5,490	28.5%	5,202	28.0%	(288)	-5.2%	-1.9%
2	Madera	99	0.5%	96	0.5%	(3)	-3.0%	0.4%
2	Marin	109	0.6%	106	0.6%	(3)	-2.8%	0.7%
1	Mariposa	13	0.1%	13	0.1%	-	0.0%	3.5%
2	Mendocino	66	0.3%	66	0.4%	-	0.0%	3.5%
2	Merced	159	0.8%	150	0.8%	(9)	-5.7%	-2.3%
1	Modoc	9	0.0%	10	0.1%	1	11.1%	15.0%
1	Mono	14	0.1%	13	0.1%	(1)	-7.1%	-3.9%
3	Monterey	202	1.0%	193	1.0%	(9)	-4.5%	-1.1%
2	Napa	73	0.4%	72	0.4%	(1)	-1.4%	2.1%
2	Nevada	55	0.3%	54	0.3%	(1)	-1.8%	1.7%
4	Orange	1,350	7.0%	1,311	7.0%	(39)	-2.9%	0.5%
2	Placer	169	0.9%	168	0.9%	(1)	-0.6%	2.9%
1	Plumas	15	0.1%	14	0.1%	(1)	-6.7%	-3.4%
4	Riverside	1,125	5.8%	1,100	5.9%	(25)	-2.2%	1.2%
4	Sacramento	739	3.8%	729	3.9%	(10)	-1.4%	2.1%
1	San Benito	29	0.2%	27	0.1%	(2)	-6.9%	-3.6%
4	San Bernardino	1,267	6.6%	1,201	6.5%	(66)	-5.2%	-1.9%
4	San Diego	1,298	6.7%	1,277	6.9%	(21)	-1.6%	1.9%
4	San Francisco	395	2.1%	390	2.1%	(5)	-1.3%	2.2%
3	San Joaquin	375	1.9%	369	2.0%	(6)	-1.6%	1.9%
2	San Luis Obispo	160	0.8%	154	0.8%	(6)	-3.8%	-0.3%
3	San Mateo	294	1.5%	280	1.5%	(14)	-4.8%	-1.4%
3	Santa Barbara	222	1.2%	215	1.2%	(7)	-3.2%	0.3%
4	Santa Clara	603	3.1%	582	3.1%	(21)	-3.5%	-0.1%
2	Santa Cruz	134	0.7%	132	0.7%	(2)	-1.5%	2.0%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

Cluster	County	RAS FTE Need						
		14-15 RAS FTE Need	% of 14-15 Statewide RAS FTE Need	RAS FTE Need	% of Statewide RAS FTE Need	Change in RAS FTE Need	% Change in RAS FTE Need	% Change in % of Statewide RAS FTE Need
		L	M	N	O	P = (N - L)	Q = (P / L)	R = (O/M) -100%
2	Shasta	149	0.8%	148	0.8%	(1)	-0.7%	2.8%
1	Sierra	4	0.0%	3	0.0%	(1)	-25.0%	-22.3%
2	Siskiyou	36	0.2%	35	0.2%	(1)	-2.8%	0.7%
3	Solano	233	1.2%	222	1.2%	(11)	-4.7%	-1.4%
3	Sonoma	245	1.3%	231	1.2%	(14)	-5.7%	-2.4%
3	Stanislaus	293	1.5%	287	1.5%	(6)	-2.0%	1.4%
2	Sutter	63	0.3%	62	0.3%	(1)	-1.6%	1.9%
2	Tehama	54	0.3%	54	0.3%	-	0.0%	3.5%
1	Trinity	15	0.1%	13	0.1%	(2)	-13.3%	-10.3%
3	Tulare	239	1.2%	244	1.3%	5	2.1%	5.7%
2	Tuolumne	38	0.2%	38	0.2%	-	0.0%	3.5%
3	Ventura	380	2.0%	367	2.0%	(13)	-3.4%	0.0%
2	Yolo	105	0.5%	103	0.6%	(2)	-1.9%	1.6%
2	Yuba	53	0.3%	54	0.3%	1	1.9%	5.5%
	Statewide	19,261	100.0%	18,603	100.0%	(658)	-3.4%	

Court % Changes in Relative RAS FTE Need by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
Relative decrease of <-5%	33% (5)	0% (0)	0% (0)	0% (0)	9% (5)
Relative change within +/- 5%	53% (8)	95% (21)	92% (11)	100% (9)	84% (49)
Relative increase of >5%	13% (2)	5% (1)	8% (1)	0% (0)	7% (4)
Total	15	22	12	9	58

Range of % Changes in Relative RAS FTE Need by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
High	15.0%	5.5%	5.7%	2.2%	15.0%
Median	-3.4%	1.8%	0.1%	0.5%	1.2%
Low	-22.3%	-2.3%	-2.4%	-1.9%	-22.3%

Court % Changes in RAS FTE Need by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
Decrease in Need of <-5%	53% (8)	5% (1)	8% (1)	22% (2)	21% (12)
Need change within +/-5%	40% (6)	95% (21)	92% (11)	78% (7)	78% (45)
Increase in Need of >5%	7% (1)	0% (0)	0% (0)	0% (0)	2% (1)
Total	15	22	12	9	58

Range of % Changes in RAS FTE Need by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
High	11.1%	1.9%	2.1%	-1.3%	11.1%
Median	-6.7%	-1.7%	-3.3%	-2.9%	-2.2%
Low	-25.0%	-5.7%	-5.7%	-5.2%	-25.0%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

Cluster	County	FTE Allotment Factor										
		14-15 FTE Allotment Factor (Floor at bottom)	Eligible for FTE Floor?	Qualifies for FTE Floor Adjustment?	% of 14-15 Statewide FTE Allotment Factor	FTE Allotment Factor (Floor at bottom)	Eligible for FTE Floor?	Qualifies for FTE Floor Adjustment?	% of Statewide FTE Allotment Factor	Change in FTE Allotment Factor	% Change in FTE Allotment Factor	% Change in % of Statewide FTE Allotment Factor
		S	T	U	V	W	X	Y	Z	AA = (W - S)	AB = (AA / S)	AC = (Z/V) - 100%
4	Alameda	80,154			142.1%	80,846			142.2%	692	0.9%	0.0%
1	Alpine	46,478	Yes		82.4%	47,133	Yes		82.9%	655	1.4%	0.6%
1	Amador	56,001	Yes		99.3%	56,823	Yes		99.9%	822	1.5%	0.6%
2	Butte	51,883			92.0%	51,678			90.9%	(205)	-0.4%	-1.2%
1	Calaveras	48,333	Yes		85.7%	50,419	Yes		88.7%	2,086	4.3%	3.4%
1	Colusa	39,738	Yes	Yes	70.5%	40,314	Yes	Yes	70.9%	576	1.4%	0.6%
3	Contra Costa	70,499			125.0%	71,248			125.3%	749	1.1%	0.2%
1	Del Norte	44,633	Yes		79.1%	43,919	Yes	Yes	77.2%	(714)	-1.6%	-2.4%
2	El Dorado	55,986			99.3%	56,637			99.6%	651	1.2%	0.3%
3	Fresno	56,258			99.8%	56,230			98.9%	(29)	-0.1%	-0.9%
1	Glenn	38,354	Yes	Yes	68.0%	39,020	Yes	Yes	68.6%	665	1.7%	0.9%
2	Humboldt	42,838			76.0%	43,884			77.2%	1,046	2.4%	1.6%
2	Imperial	43,449			77.0%	44,514			78.3%	1,066	2.5%	1.6%
1	Inyo	46,926	Yes		83.2%	47,341	Yes		83.2%	415	0.9%	0.0%
3	Kern	59,340			105.2%	59,987			105.5%	647	1.1%	0.2%
2	Kings	50,007			88.7%	50,065			88.0%	58	0.1%	-0.7%
2	Lake	42,841	Yes	Yes	76.0%	42,777	Yes	Yes	75.2%	(64)	-0.1%	-1.0%
1	Lassen	45,156	Yes		80.1%	45,699	Yes		80.4%	544	1.2%	0.4%
4	Los Angeles	75,337			133.6%	76,237			134.1%	900	1.2%	0.4%
2	Madera	52,737			93.5%	53,131			93.4%	395	0.7%	-0.1%
2	Marin	73,165			129.7%	72,718			127.9%	(446)	-0.6%	-1.4%
1	Mariposa	41,743	Yes	Yes	74.0%	44,282	Yes		77.9%	2,539	6.1%	5.2%
2	Mendocino	48,452			85.9%	47,422			83.4%	(1,030)	-2.1%	-2.9%
2	Merced	51,181			90.8%	51,026			89.7%	(155)	-0.3%	-1.1%
1	Modoc	34,261	Yes	Yes	60.8%	34,148	Yes	Yes	60.0%	(113)	-0.3%	-1.2%
1	Mono	67,633	Yes		119.9%	65,349	Yes		114.9%	(2,284)	-3.4%	-4.2%
3	Monterey	67,116			119.0%	67,922			119.4%	805	1.2%	0.4%
2	Napa	68,286			121.1%	69,423			122.1%	1,137	1.7%	0.8%
2	Nevada	54,496			96.6%	55,103			96.9%	607	1.1%	0.3%
4	Orange	73,260			129.9%	73,981			130.1%	721	1.0%	0.1%
2	Placer	64,498			114.4%	66,636			117.2%	2,139	3.3%	2.5%
1	Plumas	39,749	Yes	Yes	70.5%	39,816	Yes	Yes	70.0%	67	0.2%	-0.7%
4	Riverside	60,402			107.1%	61,391			107.9%	989	1.6%	0.8%
4	Sacramento	72,126			127.9%	72,898			128.2%	772	1.1%	0.2%
1	San Benito	54,914	Yes		97.4%	55,942	Yes		98.4%	1,028	1.9%	1.0%
4	San Bernardino	59,223			105.0%	60,128			105.7%	904	1.5%	0.7%
4	San Diego	66,095			117.2%	66,792			117.4%	697	1.1%	0.2%
4	San Francisco	91,023			161.4%	95,571			168.1%	4,548	5.0%	4.1%
3	San Joaquin	62,683			111.1%	62,716			110.3%	33	0.1%	-0.8%
2	San Luis Obispo	60,459			107.2%	60,964			107.2%	504	0.8%	0.0%
3	San Mateo	81,639			144.8%	82,160			144.5%	521	0.6%	-0.2%
3	Santa Barbara	65,153			115.5%	66,307			116.6%	1,154	1.8%	0.9%
4	Santa Clara	82,873			146.9%	81,920			144.0%	(952)	-1.1%	-2.0%
2	Santa Cruz	66,037			117.1%	65,585			115.3%	(453)	-0.7%	-1.5%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

Cluster	County	FTE Allotment Factor										
		14-15 FTE Allotment Factor (Floor at bottom)	Eligible for FTE Floor?	Qualifies for FTE Floor Adjustment?	% of 14-15 Statewide FTE Allotment Factor	FTE Allotment Factor (Floor at bottom)	Eligible for FTE Floor?	Qualifies for FTE Floor Adjustment?	% of Statewide FTE Allotment Factor	Change in FTE Allotment Factor	% Change in FTE Allotment Factor	% Change in % of Statewide FTE Allotment Factor
		S	T	U	V	W	X	Y	Z	AA = (W - S)	AB = (AA / S)	AC = (Z/V) - 100%
2	Shasta	47,883			84.9%	48,587			85.4%	705	1.5%	0.6%
1	Sierra	40,308	Yes	Yes	71.5%	41,587	Yes	Yes	73.1%	1,279	3.2%	2.3%
2	Siskiyou	40,074	Yes	Yes	71.1%	39,497	Yes	Yes	69.4%	(577)	-1.4%	-2.3%
3	Solano	69,044			122.4%	68,411			120.3%	(634)	-0.9%	-1.7%
3	Sonoma	65,845			116.8%	66,317			116.6%	472	0.7%	-0.1%
3	Stanislaus	57,715			102.3%	57,804			101.6%	89	0.2%	-0.7%
2	Sutter	53,532			94.9%	54,267			95.4%	734	1.4%	0.5%
2	Tehama	45,170			80.1%	45,390			79.8%	219	0.5%	-0.4%
1	Trinity	36,889	Yes	Yes	65.4%	37,191	Yes	Yes	65.4%	302	0.8%	0.0%
3	Tulare	46,376			82.2%	46,919			82.5%	543	1.2%	0.3%
2	Tuolumne	51,262	Yes		90.9%	46,997	Yes		82.6%	(4,265)	-8.3%	-9.1%
3	Ventura	69,218			122.7%	69,095			121.5%	(123)	-0.2%	-1.0%
2	Yolo	57,016			101.1%	58,328			102.6%	1,312	2.3%	1.4%
2	Yuba	53,047			94.1%	52,812			92.9%	(235)	-0.4%	-1.3%
	Statewide	56,396	18	9	100.0%	56,871	18	9	100.0%	474	0.8%	
		43,737	15	7	77.6%	44,101	15	7	77.5%	364	0.8%	

Court % Changes in % of Statewide FTE Allotment Factor by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
Decrease in % of statewide of <-5%	0% (0)	5% (1)	0% (0)	0% (0)	2% (1)
% of statewide change within +/-5%	93% (14)	95% (21)	100% (12)	100% (9)	97% (56)
Increase in % of statewide of >5%	7% (1)	0% (0)	0% (0)	0% (0)	2% (1)
Total	15	22	12	9	58

Range of % Changes in % of Statewide FTE Allotment Factor by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
High	5.2%	2.5%	0.9%	4.1%	5.2%
Median	0.6%	-0.2%	-0.2%	0.2%	0.2%
Low	-4.2%	-9.1%	-1.7%	-2.0%	-9.1%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

Cluster	County	Average % and \$ per FTE for Salary-Driven and Non-Salary-Driven Benefits											
		14-15 Average % of Salary-Driven Benefits (Prog. 10)	14-15 Average Non-Salary-Driven Benefits per FTE (Prog. 10)	14-15 Average % of Salary-Driven Benefits (Prog. 90)	14-15 Average Non-Salary-Driven Benefits per FTE (Prog. 90)	Average % of Salary-Driven Benefits (Prog. 10)	Average Non-Salary-Driven Benefits per FTE (Prog. 10)	Average % of Salary-Driven Benefits (Prog. 90)	Average Non-Salary-Driven Benefits per FTE (Prog. 90)	Change in Average % of Salary-Driven Benefits (Program 10)	Change in Average Non-Salary-Driven Benefits per FTE (Prog. 10)	Change in Average % of Salary-Driven Benefits (Prog. 90)	Change in Average Non-Salary-Driven Benefits per FTE (Prog. 90)
		AD	AE	AF	AG	AH	AI	AJ	AK	AL =(AH/AD) -100%	AM =(AI/AE) -100%	AN =(AJ/AF) -100%	AO =(AK/AG) -100%
4	Alameda	36.67%	13,257	35.33%	13,294	36.68%	14,096	35.56%	14,147	0.04%	6.33%	0.67%	6.42%
1	Alpine	17.75%	26,324	17.75%	26,324	18.49%	23,750	18.49%	23,750	4.15%	-9.78%	4.15%	-9.78%
1	Amador	30.85%	10,215	30.85%	11,727	25.72%	8,841	25.03%	10,239	-16.65%	-13.45%	-18.87%	-12.69%
2	Butte	25.17%	12,023	25.17%	11,216	26.08%	12,252	26.08%	11,728	3.61%	1.90%	3.62%	4.57%
1	Calaveras	24.59%	14,595	24.59%	15,409	21.59%	14,270	21.59%	17,439	-12.20%	-2.23%	-12.20%	13.17%
1	Colusa	42.97%	16,159	43.99%	16,859	39.81%	15,596	40.66%	16,353	-7.35%	-3.49%	-7.57%	-3.00%
3	Contra Costa	51.44%	16,229	51.42%	18,455	54.18%	15,741	54.16%	18,402	5.34%	-3.00%	5.32%	-0.29%
1	Del Norte	26.32%	24,364	27.15%	25,716	20.15%	24,226	20.15%	25,578	-23.45%	-0.57%	-25.78%	-0.54%
2	El Dorado	21.22%	16,577	21.22%	16,513	21.53%	17,051	21.53%	16,480	1.47%	2.86%	1.47%	-0.20%
3	Fresno	66.34%	8,199	66.48%	7,592	68.65%	9,720	69.03%	9,193	3.47%	18.55%	3.84%	21.09%
1	Glenn	34.06%	15,775	36.65%	15,877	30.63%	13,960	34.54%	16,761	-10.07%	-11.51%	-5.75%	5.57%
2	Humboldt	29.22%	8,883	29.22%	9,915	30.40%	9,188	30.40%	10,056	4.02%	3.43%	4.02%	1.43%
2	Imperial	32.38%	5,442	33.40%	5,895	32.80%	4,926	34.24%	5,799	1.32%	-9.48%	2.52%	-1.64%
1	Inyo	30.82%	14,929	28.64%	13,937	27.18%	13,930	22.81%	12,607	-11.82%	-6.69%	-20.36%	-9.55%
3	Kern	55.86%	15,785	55.84%	15,785	55.95%	16,476	55.95%	16,476	0.16%	4.38%	0.19%	4.38%
2	Kings	20.56%	9,543	24.06%	10,480	21.05%	8,921	24.58%	9,831	2.38%	-6.51%	2.16%	-6.19%
2	Lake	26.84%	8,833	27.01%	8,393	20.74%	7,723	20.74%	7,804	-22.73%	-12.56%	-23.21%	-7.02%
1	Lassen	23.52%	10,694	22.72%	10,114	20.02%	10,523	20.33%	11,354	-14.90%	-1.60%	-10.54%	12.26%
4	Los Angeles	24.50%	21,352	35.05%	18,731	25.65%	22,765	34.68%	19,875	4.68%	6.62%	-1.07%	6.11%
2	Madera	28.42%	12,584	28.42%	12,582	31.16%	12,584	31.16%	12,582	9.63%	0.00%	9.63%	0.00%
2	Marin	28.72%	12,396	29.73%	12,396	28.17%	12,709	26.75%	12,709	-1.90%	2.53%	-10.05%	2.53%
1	Mariposa	36.42%	10,490	36.42%	15,588	36.33%	10,026	37.13%	15,237	-0.25%	-4.42%	1.94%	-2.25%
2	Mendocino	45.64%	7,300	48.26%	7,180	44.88%	9,420	47.25%	9,480	-1.67%	29.05%	-2.11%	32.04%
2	Merced	58.19%	13,916	58.21%	13,446	59.03%	14,835	60.00%	14,848	1.44%	6.61%	3.08%	10.42%
1	Modoc	27.76%	11,417	27.76%	11,417	25.50%	12,586	25.50%	12,586	-8.15%	10.24%	-8.15%	10.24%
1	Mono	33.74%	19,302	34.96%	21,376	34.46%	19,657	36.41%	21,622	2.11%	1.84%	4.14%	1.15%
3	Monterey	19.58%	14,303	19.39%	15,331	19.33%	14,545	19.37%	16,507	-1.28%	1.69%	-0.13%	7.67%
2	Napa	17.85%	18,981	18.11%	20,464	17.84%	19,706	18.42%	21,372	-0.06%	3.82%	1.73%	4.44%
2	Nevada	39.23%	11,634	40.71%	11,981	36.20%	12,328	37.54%	12,649	-7.72%	5.97%	-7.79%	5.57%
4	Orange	33.14%	10,943	33.46%	12,491	38.12%	11,036	38.41%	12,150	15.03%	0.85%	14.78%	-2.73%
2	Placer	28.43%	22,233	28.42%	22,233	29.11%	19,829	29.12%	19,829	2.38%	-10.81%	2.46%	-10.81%
1	Plumas	24.95%	15,361	26.84%	20,379	28.61%	13,693	28.19%	17,914	14.65%	-10.86%	5.05%	-12.10%
4	Riverside	33.73%	8,412	33.99%	9,583	32.54%	9,553	32.34%	10,577	-3.52%	13.58%	-4.87%	10.37%
4	Sacramento	37.58%	18,311	37.98%	18,641	40.28%	19,032	41.20%	18,924	7.18%	3.94%	8.48%	1.52%
1	San Benito	26.80%	12,096	21.71%	16,521	23.30%	12,269	23.30%	16,695	-13.06%	1.43%	7.34%	1.05%
4	San Bernardino	35.57%	9,298	38.21%	10,884	37.93%	8,332	40.66%	9,879	6.63%	-10.39%	6.41%	-9.23%
4	San Diego	57.36%	7,523	56.84%	8,078	56.79%	9,016	56.86%	9,929	-1.00%	19.85%	0.04%	22.93%
4	San Francisco	30.64%	25,889	29.99%	25,889	32.34%	27,582	31.86%	27,568	5.55%	6.54%	6.23%	6.49%
3	San Joaquin	38.12%	12,974	40.46%	6,617	42.58%	13,107	44.41%	8,836	11.71%	1.02%	9.77%	33.53%
2	San Luis Obispo	42.00%	10,441	48.28%	10,532	41.54%	10,221	50.94%	10,374	-1.11%	-2.10%	5.49%	-1.50%
3	San Mateo	40.18%	15,815	41.02%	13,974	42.73%	17,464	42.77%	14,572	6.34%	10.43%	4.27%	4.28%
3	Santa Barbara	38.30%	6,515	39.94%	7,300	39.48%	6,744	42.21%	7,575	3.07%	3.52%	5.68%	3.76%
4	Santa Clara	37.70%	22,409	37.55%	23,124	30.93%	23,911	30.78%	25,168	-17.95%	6.70%	-18.03%	8.84%
2	Santa Cruz	22.73%	14,515	22.75%	15,158	22.70%	16,282	22.71%	17,588	-0.13%	12.17%	-0.16%	16.03%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

		Average % and \$ per FTE for Salary-Driven and Non-Salary-Driven Benefits											
Cluster	County	14-15 Average % of Salary-Driven Benefits (Prog. 10)	14-15 Average Non-Salary-Driven Benefits per FTE (Prog. 10)	14-15 Average % of Salary-Driven Benefits (Prog. 90)	14-15 Average Non-Salary-Driven Benefits per FTE (Prog. 90)	Average % of Salary-Driven Benefits (Prog. 10)	Average Non-Salary-Driven Benefits per FTE (Prog. 10)	Average % of Salary-Driven Benefits (Prog. 90)	Average Non-Salary-Driven Benefits per FTE (Prog. 90)	Change in Average % of Salary-Driven Benefits (Program 10)	Change in Average Non-Salary-Driven Benefits per FTE (Prog. 10)	Change in Average % of Salary-Driven Benefits (Prog. 90)	Change in Average Non-Salary-Driven Benefits per FTE (Prog. 90)
		AD	AE	AF	AG	AH	AI	AJ	AK	AL =(AH/AD) -100%	AM =(AI/AE) -100%	AN =(AJ/AF) -100%	AO =(AK/AG) -100%
2	Shasta	21.06%	7,605	22.26%	10,821	22.20%	9,970	23.86%	12,482	5.40%	31.10%	7.21%	15.35%
1	Sierra	36.50%	15,739	36.50%	15,739	37.51%	17,520	37.50%	17,520	2.76%	11.31%	2.76%	11.31%
2	Siskiyou	26.16%	15,668	26.16%	16,294	28.21%	19,216	28.21%	17,008	7.83%	22.65%	7.83%	4.38%
3	Solano	31.56%	12,659	33.57%	12,643	32.29%	12,824	34.41%	14,711	2.30%	1.30%	2.52%	16.35%
3	Sonoma	45.50%	17,914	46.95%	22,397	43.90%	19,989	43.82%	19,951	-3.51%	11.59%	-6.68%	-10.92%
3	Stanislaus	32.63%	17,256	32.96%	17,244	28.87%	17,882	29.38%	18,898	-11.53%	3.62%	-10.88%	9.59%
2	Sutter	34.09%	13,741	35.34%	17,199	31.41%	14,487	32.02%	18,269	-7.86%	5.43%	-9.37%	6.22%
2	Tehama	21.53%	15,763	21.53%	16,013	22.92%	17,076	22.92%	16,571	6.43%	8.33%	6.43%	3.49%
1	Trinity	31.31%	13,505	34.08%	13,281	31.80%	13,849	36.06%	13,908	1.57%	2.54%	5.82%	4.72%
3	Tulare	21.50%	19,651	21.59%	20,759	21.95%	18,427	22.65%	19,889	2.09%	-6.23%	4.89%	-4.19%
2	Tuolumne	23.88%	13,728	24.84%	13,751	27.20%	13,781	28.18%	13,806	13.92%	0.38%	13.44%	0.40%
3	Ventura	37.00%	9,160	39.31%	11,432	37.50%	9,200	40.36%	11,251	1.35%	0.43%	2.67%	-1.58%
2	Yolo	31.40%	12,772	38.27%	19,381	32.36%	12,077	39.94%	19,656	3.07%	-5.45%	4.36%	1.42%
2	Yuba	16.88%	11,542	16.88%	13,413	17.41%	11,152	17.41%	12,656	3.13%	-3.37%	3.13%	-5.64%
	Statewide												

Court % Changes in Program 10 Salary-Driven Benefits by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
Decrease in Benefits of <-10%	47% (7)	5% (1)	8% (1)	11% (1)	17% (10)
Benefits change within +/-10%	47% (7)	91% (20)	83% (10)	78% (7)	76% (44)
Increase in Benefits of >10%	7% (1)	5% (1)	8% (1)	11% (1)	7% (4)
Total	15	22	12	9	58

Range of % Changes in Program 10 Salary-Driven Benefits by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
High	14.7%	13.9%	11.7%	15.0%	15.0%
Median	-8.1%	1.9%	2.2%	4.7%	1.5%
Low	-23.4%	-22.7%	-11.5%	-17.9%	-23.4%

Court % Changes in Program 10 Non-Salary-Driven Benefits by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
Decrease in Benefits of <-10%	20% (3)	9% (2)	0% (0)	11% (1)	10% (6)
Benefits change within +/-10%	67% (10)	73% (16)	75% (9)	67% (6)	71% (41)
Increase in Benefits of >10%	13% (2)	18% (4)	25% (3)	22% (2)	19% (11)
Total	15	22	12	9	58

Range of % Changes in Program 10 Non-Salary-Driven Benefits by Cluster

	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Statewide
High	11.3%	31.1%	18.6%	19.8%	31.1%
Median	-2.2%	2.7%	2.6%	6.5%	1.9%
Low	-13.5%	-12.6%	-6.2%	-10.4%	-13.5%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

Cluster	County	Funding Floor Adjustment					
		14-15 Floor Eligible?	14-15 Floor Allocation Adjustment	% of 14-15 Statewide Floor Allocation Adjustment	Floor Eligible?	Floor Allocation Adjustment	% of Statewide RAS FTE Need
		AP	AQ	AR	AS	AT	AU
4	Alameda		-	0.0%		-	0.0%
1	Alpine	Yes	266,308	22.4%	Yes	36,601	6.5%
1	Amador		-	0.0%		-	0.0%
2	Butte		-	0.0%		-	0.0%
1	Calaveras		-	0.0%		-	0.0%
1	Colusa	Yes	123,127	10.4%	Yes	127,447	22.7%
3	Contra Costa		-	0.0%		-	0.0%
1	Del Norte		-	0.0%		-	0.0%
2	El Dorado		-	0.0%		-	0.0%
3	Fresno		-	0.0%		-	0.0%
1	Glenn	Yes	32,836	2.8%	Yes	69,935	12.5%
2	Humboldt		-	0.0%		-	0.0%
2	Imperial		-	0.0%		-	0.0%
1	Inyo	Yes	186,861	15.7%	Yes	3,850	0.7%
3	Kern		-	0.0%		-	0.0%
2	Kings		-	0.0%		-	0.0%
2	Lake		-	0.0%		-	0.0%
1	Lassen		-	0.0%		-	0.0%
4	Los Angeles		-	0.0%		-	0.0%
2	Madera		-	0.0%		-	0.0%
2	Marin		-	0.0%		-	0.0%
1	Mariposa	Yes	96,473	8.1%	Yes	54,687	9.8%
2	Mendocino		-	0.0%		-	0.0%
2	Merced		-	0.0%		-	0.0%
1	Modoc	Yes	34,375	2.9%		-	0.0%
1	Mono	Yes	89,167	7.5%	Yes	126,524	22.6%
3	Monterey		-	0.0%		-	0.0%
2	Napa		-	0.0%		-	0.0%
2	Nevada		-	0.0%		-	0.0%
4	Orange		-	0.0%		-	0.0%
2	Placer		-	0.0%		-	0.0%
1	Plumas		-	0.0%		-	0.0%
4	Riverside		-	0.0%		-	0.0%
4	Sacramento		-	0.0%		-	0.0%
1	San Benito		-	0.0%		-	0.0%
4	San Bernardino		-	0.0%		-	0.0%
4	San Diego		-	0.0%		-	0.0%
4	San Francisco		-	0.0%		-	0.0%
3	San Joaquin		-	0.0%		-	0.0%
2	San Luis Obispo		-	0.0%		-	0.0%
3	San Mateo		-	0.0%		-	0.0%
3	Santa Barbara		-	0.0%		-	0.0%
4	Santa Clara		-	0.0%		-	0.0%
2	Santa Cruz		-	0.0%		-	0.0%

Detail and Comparison of Changes in WAFM Need and Components by Court and Cluster

Cluster	County	Funding Floor Adjustment					
		14-15 Floor Eligible?	14-15 Floor Allocation Adjustment	% of 14-15 Statewide Floor Allocation Adjustment	Floor Eligible?	Floor Allocation Adjustment	% of Statewide RAS FTE Need
		AP	AQ	AR	AS	AT	AU
2	Shasta		-	0.0%		-	0.0%
1	Sierra	Yes	273,332	23.0%	Yes	38,053	6.8%
2	Siskiyou		-	0.0%		-	0.0%
3	Solano		-	0.0%		-	0.0%
3	Sonoma		-	0.0%		-	0.0%
3	Stanislaus		-	0.0%		-	0.0%
2	Sutter		-	0.0%		-	0.0%
2	Tehama		-	0.0%		-	0.0%
1	Trinity	Yes	85,985	7.2%	Yes	103,171	18.4%
3	Tulare		-	0.0%		-	0.0%
2	Tuolumne		-	0.0%		-	0.0%
3	Ventura		-	0.0%		-	0.0%
2	Yolo		-	0.0%		-	0.0%
2	Yuba		-	0.0%		-	0.0%
	Statewide	9	1,188,465	100.0%	8	560,269	100.0%

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FY 2015-2016 Allocation Adjustment Related to Funding Floor

Court	Total WAFM- Related Allocation for 2015-16 (Prior to implementing funding floor)	Floor Funding	Floor Allocation Adjustment	Share of reduction	Reduction Allocation
	A				
Alameda	70,962,153	N/A	-	4.19%	(23,470)
Alpine	713,399	750,000	36,601	0.00%	-
Amador	2,194,305	N/A	-	0.13%	(726)
Butte	8,784,749	N/A	-	0.52%	(2,905)
Calaveras	2,088,427	N/A	-	0.12%	(691)
Colusa	1,578,218	1,705,664	127,447	0.00%	-
Contra Costa	39,026,500	N/A	-	2.30%	(12,908)
Del Norte	2,392,069	N/A	-	0.14%	(791)
El Dorado	6,495,767	N/A	-	0.38%	(2,148)
Fresno	44,303,003	N/A	-	2.62%	(14,653)
Glenn	1,805,064	1,874,999	69,935	0.00%	-
Humboldt	5,746,184	N/A	-	0.34%	(1,900)
Imperial	7,780,197	N/A	-	0.46%	(2,573)
Inyo	1,871,149	1,874,999	3,850	0.00%	-
Kern	40,899,938	N/A	-	2.41%	(13,527)
Kings	5,775,061	N/A	-	0.34%	(1,910)
Lake	2,982,871	N/A	-	0.18%	(987)
Lassen	1,986,663	N/A	-	0.12%	(657)
Los Angeles	493,111,905	N/A	-	29.11%	(163,090)
Madera	6,923,150	N/A	-	0.41%	(2,290)
Marin	12,365,601	N/A	-	0.73%	(4,090)
Mariposa	1,099,019	1,153,706	54,687	0.00%	-
Mendocino	4,858,116	N/A	-	0.29%	(1,607)
Merced	11,241,111	N/A	-	0.66%	(3,718)
Modoc	933,451	N/A	-	0.06%	(309)
Mono	1,419,270	1,545,794	126,524	0.00%	-
Monterey	15,493,436	N/A	-	0.91%	(5,124)
Napa	6,569,121	N/A	-	0.39%	(2,173)
Nevada	4,214,470	N/A	-	0.25%	(1,394)
Orange	136,127,653	N/A	-	8.04%	(45,022)
Placer	13,921,525	N/A	-	0.82%	(4,604)
Plumas	1,272,318	N/A	-	0.08%	(421)
Riverside	76,217,870	N/A	-	4.50%	(25,208)
Sacramento	72,412,749	N/A	-	4.27%	(23,950)
San Benito	2,448,763	N/A	-	0.14%	(810)
San Bernardino	83,792,311	N/A	-	4.95%	(27,713)
San Diego	131,528,478	N/A	-	7.76%	(43,501)
San Francisco	58,137,096	N/A	-	3.43%	(19,228)
San Joaquin	29,935,089	N/A	-	1.77%	(9,901)
San Luis Obispo	12,407,088	N/A	-	0.73%	(4,103)
San Mateo	32,643,570	N/A	-	1.93%	(10,796)
Santa Barbara	19,682,535	N/A	-	1.16%	(6,510)
Santa Clara	73,942,303	N/A	-	4.36%	(24,455)
Santa Cruz	10,892,453	N/A	-	0.64%	(3,603)
Shasta	9,231,147	N/A	-	0.54%	(3,053)
Sierra	711,947	750,000	38,053	0.00%	-
Siskiyou	2,926,725	N/A	-	0.17%	(968)
Solano	18,767,019	N/A	-	1.11%	(6,207)
Sonoma	22,531,485	N/A	-	1.33%	(7,452)
Stanislaus	19,717,933	N/A	-	1.16%	(6,521)
Sutter	4,327,102	N/A	-	0.26%	(1,431)
Tehama	3,506,558	N/A	-	0.21%	(1,160)
Trinity	1,146,829	1,250,000	103,171	0.00%	-
Tulare	15,441,852	N/A	-	0.91%	(5,107)
Tuolumne	2,702,700	N/A	-	0.16%	(894)
Ventura	30,483,882	N/A	-	1.80%	(10,082)
Yolo	8,271,468	N/A	-	0.49%	(2,736)
Yuba	3,601,913	N/A	-	0.21%	(1,191)
Total	1,704,344,724	10,905,162	560,269	100.00%	(560,269)

Determination of Funding Floor

Cluster	Court			Current adjusted allocation if no floor applied	Determine Adjusted Allocation if Floor Applies				Funding Floor (for the graduated floor, the lower of the floor or prior-year allocation plus 10%)
		WAFM Calculated Need	% of Statewide Need		Graduated Funding Floor That Would Apply	Apply Floor? Yes, if F>E	Prior Year Plus 10%	Adjusted allocation if no floor applied	
A	B	C	D	E	F	F1	F2	F3	G
4	Alameda	85,724,209	3.60%	70,962,153	1,874,999	N	N/A	N/A	N/A
1	Alpine	378,883	0.02%	713,399	750,000	Y	825,000	713,399	750,000
1	Amador	2,773,992	0.12%	2,194,305	1,874,999	N	N/A	N/A	N/A
2	Butte	12,827,059	0.54%	8,784,749	1,874,999	N	N/A	N/A	N/A
1	Calaveras	2,716,963	0.11%	2,088,427	1,874,999	N	N/A	N/A	N/A
1	Colusa	1,880,790	0.08%	1,578,218	1,874,999	Y	1,705,664	1,578,218	1,705,664
3	Contra Costa	54,845,890	2.30%	39,026,500	1,874,999	N	N/A	N/A	N/A
1	Del Norte	3,012,322	0.13%	2,392,069	1,874,999	N	N/A	N/A	N/A
2	El Dorado	9,020,166	0.38%	6,495,767	1,874,999	N	N/A	N/A	N/A
3	Fresno	65,077,123	2.73%	44,303,003	1,874,999	N	N/A	N/A	N/A
1	Glenn	2,048,781	0.09%	1,805,064	1,874,999	Y	2,062,499	1,805,064	1,874,999
2	Humboldt	7,863,801	0.33%	5,746,184	1,874,999	N	N/A	N/A	N/A
2	Imperial	11,552,757	0.49%	7,780,197	1,874,999	N	N/A	N/A	N/A
1	Inyo	1,963,799	0.08%	1,871,149	1,874,999	Y	2,062,499	1,871,149	1,874,999
3	Kern	68,715,131	2.89%	40,899,938	1,874,999	N	N/A	N/A	N/A
2	Kings	8,763,482	0.37%	5,775,061	1,874,999	N	N/A	N/A	N/A
2	Lake	3,677,284	0.15%	2,982,871	1,874,999	N	N/A	N/A	N/A
1	Lassen	2,595,035	0.11%	1,986,663	1,874,999	N	N/A	N/A	N/A
4	Los Angeles	718,122,121	30.17%	493,111,905	1,874,999	N	N/A	N/A	N/A
2	Madera	9,681,041	0.41%	6,923,150	1,874,999	N	N/A	N/A	N/A
2	Marin	13,305,924	0.56%	12,365,601	1,874,999	N	N/A	N/A	N/A
1	Mariposa	1,282,132	0.05%	1,099,019	1,250,000	Y	1,153,706	1,099,019	1,153,706
2	Mendocino	6,450,265	0.27%	4,858,116	1,874,999	N	N/A	N/A	N/A
2	Merced	16,884,889	0.71%	11,241,111	1,874,999	N	N/A	N/A	N/A
1	Modoc	917,190	0.04%	933,451	875,000	N	N/A	N/A	N/A
1	Mono	1,795,596	0.08%	1,419,270	1,874,999	Y	1,545,794	1,419,270	1,545,794
3	Monterey	22,176,616	0.93%	15,493,436	1,874,999	N	N/A	N/A	N/A
2	Napa	8,717,542	0.37%	6,569,121	1,874,999	N	N/A	N/A	N/A
2	Nevada	5,512,421	0.23%	4,214,470	1,874,999	N	N/A	N/A	N/A
4	Orange	173,366,093	7.28%	136,127,653	1,874,999	N	N/A	N/A	N/A
2	Placer	20,924,301	0.88%	13,921,525	1,874,999	N	N/A	N/A	N/A
1	Plumas	1,299,380	0.05%	1,272,318	1,250,000	N	N/A	N/A	N/A
4	Riverside	121,029,006	5.08%	76,217,870	1,874,999	N	N/A	N/A	N/A
4	Sacramento	102,140,312	4.29%	72,412,749	1,874,999	N	N/A	N/A	N/A
1	San Benito	2,874,516	0.12%	2,448,763	1,874,999	N	N/A	N/A	N/A
4	San Bernardino	132,144,453	5.55%	83,792,311	1,874,999	N	N/A	N/A	N/A
4	San Diego	169,142,391	7.11%	131,528,478	1,874,999	N	N/A	N/A	N/A
4	San Francisco	67,069,047	2.82%	58,137,096	1,874,999	N	N/A	N/A	N/A
3	San Joaquin	44,735,436	1.88%	29,935,089	1,874,999	N	N/A	N/A	N/A
2	San Luis Obispo	17,894,938	0.75%	12,407,088	1,874,999	N	N/A	N/A	N/A
3	San Mateo	42,969,454	1.81%	32,643,570	1,874,999	N	N/A	N/A	N/A
3	Santa Barbara	25,514,338	1.07%	19,682,535	1,874,999	N	N/A	N/A	N/A
4	Santa Clara	86,629,182	3.64%	73,942,303	1,874,999	N	N/A	N/A	N/A
2	Santa Cruz	15,417,797	0.65%	10,892,453	1,874,999	N	N/A	N/A	N/A
2	Shasta	12,953,657	0.54%	9,231,147	1,874,999	N	N/A	N/A	N/A
1	Sierra	368,280	0.02%	711,947	750,000	Y	825,000	711,947	750,000
2	Siskiyou	3,103,058	0.13%	2,926,725	1,874,999	N	N/A	N/A	N/A
3	Solano	27,158,939	1.14%	18,767,019	1,874,999	N	N/A	N/A	N/A
3	Sonoma	30,874,621	1.30%	22,531,485	1,874,999	N	N/A	N/A	N/A
3	Stanislaus	31,536,429	1.32%	19,717,933	1,874,999	N	N/A	N/A	N/A
2	Sutter	6,509,119	0.27%	4,327,102	1,874,999	N	N/A	N/A	N/A
2	Tehama	5,026,551	0.21%	3,506,558	1,874,999	N	N/A	N/A	N/A
1	Trinity	1,290,907	0.05%	1,146,829	1,250,000	Y	1,250,796	1,146,829	1,250,000
3	Tulare	22,962,196	0.96%	15,441,852	1,874,999	N	N/A	N/A	N/A
2	Tuolumne	3,442,496	0.14%	2,702,700	1,874,999	N	N/A	N/A	N/A
3	Ventura	45,268,238	1.90%	30,483,882	1,874,999	N	N/A	N/A	N/A
2	Yolo	11,394,431	0.48%	8,271,468	1,874,999	N	N/A	N/A	N/A
2	Yuba	4,961,988	0.21%	3,601,913	1,874,999	N	N/A	N/A	N/A
	Statewide	2,380,284,755	100.00%	1,704,344,724					10,905,162

2014-2015 WAFM-Related Base Allocation

	2013-14 Ending TCTF Base	GF Base for Benefits	2014-15 WAFM Allocation Adjustments	2014-15 WAFM Funding Floor Adjustment	TCTF Reduction of 2012-13 Benefits Allocation	Revenue Shortfall Reduction	FY 2012-13 and FY 2013-14 Benefits Cost Changes Funding	TCTF Reduction for SJO Conversions	Security Base (FY 10-11) Adjustment	SJO Adjustment ¹	Self-Help	Replacement of 2% Automation	Automated Recordkeeping and Micrographics Distribution (12-13)	2014-15 WAFM-Related Base Allocation
Court	A	B	C	D	E	F	G	H	I	J	K	L	M	N (Sum A:M)
Alameda	71,494,038	3,102,046	506,404	(53,299)	(1,117,440)	(1,006,310)	1,609,137	-	(3,177,924)	(1,958,825)	101,575	424,792	115,195	70,039,389
Alpine	536,863	20,340	(73,967)	266,308	(7,957)	-	6,245	-	-	-	83	2,034	49	750,000
Amador	2,075,747	51,756	(10,168)	(1,615)	(1,611)	(29,737)	23,828	-	-	-	2,565	11,006	733	2,122,503
Butte	8,170,991	124,076	609,976	(6,221)	(95,367)	(118,127)	158,491	-	(467,145)	(291,613)	14,608	59,332	15,194	8,174,196
Calaveras	1,940,406	50,506	18,308	(1,513)	(59,318)	(27,738)	45,771	-	-	-	3,074	18,652	967	1,989,114
Colusa	1,369,335	24,773	13,188	123,127	(11,356)	-	16,004	-	-	-	1,447	13,708	378	1,550,604
Contra Costa	34,404,261	1,396,191	1,841,330	(27,312)	(887,134)	(524,858)	1,020,012	-	-	(1,705,774)	69,231	218,186	76,248	35,880,382
Del Norte	2,300,564	94,129	114,280	(1,783)	(62,921)	(34,619)	45,700	-	-	(126,942)	1,964	11,208	535	2,342,115
El Dorado	5,872,358	213,119	263,889	(4,768)	(21,412)	(88,211)	18,950	-	-	(57,081)	11,851	54,374	4,059	6,267,128
Fresno	33,706,146	3,340,364	2,789,941	(29,356)	(876,146)	(554,229)	923,246	(196,645)	-	(1,032,025)	60,497	181,080	66,289	38,379,162
Glenn	1,794,458	54,665	(11,939)	32,836	(31,067)	-	24,061	-	(9,779)	-	1,927	19,264	573	1,874,999
Humboldt	5,241,609	73,084	276,212	(4,042)	(83,444)	(76,110)	137,243	-	(167,800)	(150,006)	8,913	48,160	8,040	5,311,860
Imperial	7,028,750	125,538	518,519	(5,349)	(230,012)	(100,431)	204,591	-	(420,479)	(180,405)	11,204	67,678	10,523	7,301,126
Inyo	1,894,107	75,586	(62,695)	186,861	(54,537)	-	32,741	-	(186,658)	(42,314)	1,245	30,402	262	1,874,999
Kern	29,595,035	3,544,269	4,252,465	(26,903)	(629,057)	(517,548)	551,636	-	(65,567)	(1,750,452)	52,450	277,328	59,874	35,343,529
Kings	5,519,658	45,117	425,836	(4,106)	(6,952)	(77,594)	22,140	-	(421,918)	(181,060)	9,935	57,026	7,908	5,395,989
Lake	3,102,931	9,123	95,557	(2,237)	449	(41,896)	3,199	-	(196,493)	(56,758)	4,311	20,328	1,522	2,940,035
Lassen	2,222,061	7,839	40,363	(1,498)	(6,630)	(27,456)	5,580	-	(293,836)	-	2,384	20,156	522	1,969,483
Los Angeles	429,960,172	18,887,969	35,639,382	(339,019)	(7,790,986)	(6,588,036)	12,101,803	(1,209,506)	(14,294,467)	(26,758,268)	689,065	3,144,530	977,472	444,420,112
Madera	6,089,746	384,825	355,661	(4,814)	(137,838)	(88,349)	45,479	-	(381,406)	-	9,711	52,502	2,893	6,328,412
Marin	12,354,099	644,512	(59,305)	(9,532)	(324,291)	(180,059)	358,566	(6,453)	(9,625)	(391,957)	17,038	114,766	18,155	12,525,915
Mariposa	954,124	22,300	1,730	96,473	(6,416)	-	3,560	-	-	(28,406)	1,225	3,904	329	1,048,824
Mendocino	4,435,925	311,770	129,330	(3,459)	(239,862)	(63,560)	235,205	-	(299,349)	-	6,083	30,068	5,209	4,547,361
Merced	9,208,327	774,827	673,039	(7,896)	(269,194)	(148,653)	310,199	-	-	(250,840)	16,595	55,652	14,527	10,376,582
Modoc	932,838	31,967	(69,362)	34,375	(1,273)	-	3,544	-	(789)	(63,471)	662	6,134	375	875,000
Mono	1,210,549	85,641	59,610	89,167	(32,349)	-	11,323	-	(24,156)	(8,201)	914	12,446	323	1,405,267
Monterey	14,497,845	277,496	747,923	(10,940)	(227,572)	(204,155)	264,491	-	(870,000)	(333,656)	28,573	183,464	24,904	14,378,373
Napa	6,372,800	309,796	140,912	(4,766)	(107,676)	(91,731)	181,753	-	(295,552)	(287,148)	9,042	30,550	3,144	6,261,124
Nevada	4,479,222	95,494	191,189	(3,091)	(100,179)	(60,469)	120,300	-	(433,431)	(292,045)	6,730	49,946	6,564	4,060,228
Orange	121,988,177	6,929,920	3,496,207	(97,195)	(3,671,441)	(1,828,581)	5,785,430	(392,697)	(2,733,776)	(3,329,845)	206,630	923,882	268,656	127,545,367
Placer	12,066,757	634,796	821,972	(9,566)	(238,459)	(188,509)	284,469	-	-	(933,901)	21,287	77,378	26,853	12,563,076
Plumas	1,448,318	14,929	(95,320)	(1,038)	(273)	(19,092)	6,015	-	-	-	1,442	9,206	356	1,364,542
Riverside	65,277,653	923,657	6,057,489	(51,696)	(685,149)	(988,161)	1,643,210	(168,861)	(1,931,520)	(2,882,751)	131,371	532,226	62,703	67,920,171
Sacramento	63,873,883	3,560,591	2,846,831	(50,844)	(1,673,778)	(959,404)	2,297,449	-	(1,864,424)	(1,824,452)	93,189	340,254	175,080	66,814,374
San Benito	2,526,744	34,642	(74,843)	(1,885)	(8,678)	(34,673)	16,844	-	-	-	3,876	14,700	1,233	2,477,959
San Bernardino	72,147,163	1,264,732	6,917,080	(56,332)	(1,011,776)	(1,075,223)	1,333,588	-	(3,269,446)	(2,986,710)	133,960	435,474	181,146	74,013,657
San Diego	125,478,197	2,853,598	3,042,330	(95,765)	(3,506,215)	(1,824,897)	4,121,481	(100,555)	(657,192)	(4,757,300)	206,259	718,422	246,860	125,725,224
San Francisco	49,195,369	5,487,134	600,353	(40,937)	-	(788,895)	1,495,964	-	-	(2,582,976)	53,715	272,528	86,214	53,778,469
San Joaquin	24,914,639	1,245,356	1,587,646	(20,058)	(756,034)	(378,529)	535,858	-	(287,747)	(779,859)	44,944	201,698	50,156	26,358,070
San Luis Obispo	11,449,303	298,958	819,314	(8,923)	(36,773)	(172,442)	122,246	-	(241,676)	(673,831)	17,704	130,020	17,902	11,721,801
San Mateo	29,551,664	2,411,112	1,034,520	(23,884)	(211,070)	(457,780)	603,175	-	(443,042)	(1,479,478)	48,700	329,518	15,239	31,378,672
Santa Barbara	18,243,443	1,597,662	590,633	(14,454)	21,451	(271,266)	121,986	-	(1,055,112)	(457,408)	28,356	162,858	27,529	18,995,679
Santa Clara	73,257,781	2,309,467	719,654	(56,104)	(1,120,423)	(1,056,021)	825,453	-	-	(1,833,360)	119,260	452,782	109,914	73,728,403
Santa Cruz	9,997,292	203,557	549,799	(7,835)	(174,422)	(149,105)	154,317	-	-	(424,668)	17,644	113,210	14,656	10,294,444
Shasta	10,169,734	262,222	457,766	(6,340)	38,857	(121,205)	184,003	-	(2,389,668)	(326,131)	12,206	44,394	4,435	8,330,271
Sierra	538,105	9,615	(72,867)	273,332	(9,268)	-	8,941	-	-	-	235	1,830	76	750,000
Siskiyou	3,072,125	91,037	(29,475)	(2,302)	(60,127)	(43,536)	59,428	-	-	(103,923)	3,104	37,000	966	3,024,297
Solano	17,240,736	353,779	917,245	(13,346)	(417,276)	(252,301)	497,180	-	(435,400)	(535,433)	28,439	119,364	34,831	17,537,817
Sonoma	19,441,709	1,172,049	1,060,419	(15,724)	(584,741)	(295,531)	616,911	-	(440,000)	(479,410)	32,278	119,004	36,705	20,663,669

2014-2015 WAFM-Related Base Allocation

	2013-14 Ending TCTF Base	GF Base for Benefits	2014-15 WAFM Allocation Adjustments	2014-15 WAFM Funding Floor Adjustment	TCTF Reduction of 2012-13 Benefits Allocation	Revenue Shortfall Reduction	FY 2012-13 and FY 2013-14 Benefits Cost Changes Funding	TCTF Reduction for SJO Conversions	Security Base (FY 10-11) Adjustment	SJO Adjustment ¹	Self-Help	Replacement of 2% Automation	Automated Recordkeeping and Micrographics Distribution (12-13)	2014-15 WAFM-Related Base Allocation
Court	A	B	C	D	E	F	G	H	I	J	K	L	M	N (Sum A:M)
Stanislaus	15,957,751	1,305,230	1,492,323	(13,714)	(1,003,375)	(257,942)	818,944	-	(9,326)	(427,578)	34,594	88,718	36,236	18,021,862
Sutter	3,690,455	159,760	277,618	(2,979)	(24,759)	(54,599)	72,212	-	(247,071)	-	6,150	37,382	2,077	3,916,247
Tehama	2,875,164	108,184	197,864	(2,412)	(17,294)	(44,321)	24,866	-	-	(5,472)	4,138	28,100	1,362	3,170,180
Trinity	1,421,481	53,679	13,969	85,985	(16,561)	-	19,978	-	(450,608)	-	943	7,648	573	1,137,087
Tulare	13,404,033	33,744	960,816	(10,451)	(127,031)	(199,524)	103,341	-	(15,576)	(679,043)	28,289	204,932	27,184	13,730,713
Tuolumne	2,806,339	50,351	58,705	(2,026)	(2,616)	(37,684)	19,249	-	(220,516)	(30,986)	3,916	16,642	1,043	2,662,418
Ventura	27,023,638	968,752	2,053,031	(21,141)	(416,492)	(397,607)	542,126	-	(1,559,157)	(731,699)	54,971	205,304	60,255	27,781,980
Yolo	7,642,166	210,076	384,237	(5,417)	(206,373)	(105,804)	168,486	-	(582,889)	(461,445)	12,802	48,556	11,098	7,115,493
Yuba	3,261,573	90,867	197,074	(2,578)	(66,104)	(47,493)	66,221	-	(132,569)	-	4,696	15,788	1,670	3,389,145
Total	1,518,726,356	68,818,575	86,300,000	(0)	(29,405,750)	(22,700,000)	41,034,166	(2,074,718)	(40,983,089)	(64,674,907)	2,500,000	10,907,494	2,925,771	1,571,373,898

1. Does not include compensation for AB 1058 commissioners.

Estimated FY 2015-2016 WAFM-Related Base Allocation

	2014-15 Ending Base (TCTF and GF)	Security Base (FY 10-11) Adjustment	SJO Adjustment ¹	Self-Help	Replacement of 2% Automation	Automated Recordkeeping and Micrographics Distribution (13-14)	Annualization TCTF Reduction for SJO Conversions	Estimated 2014-15 Benefits Funding (Full-Year)	2013-14 Benefits Subsidy Reduction Return Allocation	Current-Year Adjusted Allocation	2015-16 WAFM Allocation Adjustments	Total 2015-16 WAFM-Related Allocation (Prior to implementing funding floor)	2015-16 WAFM Funding Floor Adjustment	Total 2015-16 WAFM-Related Allocation
Court	A	B	C	D	E	F	G	H	I	J (Sum A:I)	K	L (Sum J:K)	M	N (Sum L:M)
Alameda	75,540,885	(3,177,924)	(1,887,560)	101,575	424,792	104,612	-	562,020	558,169	72,226,569	(1,264,416)	70,962,153	(23,470)	70,938,683
Alpine	747,833	-	-	83	2,034	20	-	5,289	2,166	757,426	(44,027)	713,399	36,601	750,000
Amador	2,137,937	-	-	2,565	11,006	669	-	15,693	8,265	2,176,134	18,171	2,194,305	(726)	2,193,580
Butte	8,961,947	(467,145)	(311,297)	14,608	59,332	14,315	-	68,952	25,636	8,366,348	418,401	8,784,749	(2,905)	8,781,843
Calaveras	1,994,159	-	-	3,074	18,652	860	-	30,138	15,877	2,062,759	25,667	2,088,427	(691)	2,087,736
Colusa	1,535,071	-	-	1,447	13,708	340	-	10,604	5,551	1,566,722	11,496	1,578,218	127,447	1,705,664
Contra Costa	37,747,349	-	(1,685,860)	69,231	218,186	73,580	-	590,873	353,816	37,367,175	1,659,325	39,026,500	(12,908)	39,013,593
Del Norte	2,489,969	-	(107,954)	1,964	11,208	479	-	73,071	15,852	2,484,589	(92,520)	2,392,069	(791)	2,391,278
El Dorado	6,342,136	-	(153,647)	11,851	54,374	3,814	-	90,455	6,573	6,355,555	140,211	6,495,767	(2,148)	6,493,618
Fresno	39,657,551	-	(968,568)	60,497	181,080	63,218	-	1,581,245	320,250	40,895,273	3,407,730	44,303,003	(14,653)	44,288,350
Glenn	1,863,014	(9,779)	-	1,927	19,264	585	-	31,311	8,346	1,914,668	(109,604)	1,805,064	69,935	1,874,999
Humboldt	5,640,662	(167,800)	(149,979)	8,913	48,160	7,416	-	46,895	47,606	5,481,874	264,310	5,746,184	(1,900)	5,744,283
Imperial	7,642,037	(420,479)	(181,551)	11,204	67,678	9,382	-	95,925	70,967	7,295,164	485,034	7,780,197	(2,573)	7,777,624
Inyo	2,072,062	(186,658)	-	1,245	30,402	262	-	(7,122)	11,357	1,921,549	(50,400)	1,871,149	3,850	1,874,999
Kern	37,287,444	(65,567)	(1,422,291)	52,450	277,328	56,950	-	(217,620)	191,349	36,160,043	4,739,894	40,899,938	(13,527)	40,886,410
Kings	6,001,692	(421,918)	(249,197)	9,935	57,026	8,643	-	29,342	7,680	5,443,203	331,857	5,775,061	(1,910)	5,773,151
Lake	3,209,021	(196,493)	(39,664)	4,311	20,328	1,378	-	33,201	1,110	3,033,193	(50,322)	2,982,871	(987)	2,981,884
Lassen	2,267,714	(293,836)	-	2,384	20,156	503	-	6,803	1,935	2,005,659	(18,996)	1,986,663	(657)	1,986,006
Los Angeles	487,249,816	(14,294,467)	(23,016,456)	689,065	3,144,530	928,908	(502,040)	7,896,395	4,197,807	466,293,558	26,818,347	493,111,905	(163,090)	492,948,814
Madera	6,733,060	(381,406)	-	9,711	52,502	2,614	-	223,020	15,775	6,655,277	267,872	6,923,150	(2,290)	6,920,860
Marin	12,957,597	(9,625)	(60,946)	17,038	114,766	16,496	-	(78,894)	124,378	13,080,809	(715,208)	12,365,601	(4,090)	12,361,512
Mariposa	1,071,772	-	-	1,225	3,904	278	-	4,769	1,235	1,083,184	15,835	1,099,019	54,687	1,153,706
Mendocino	4,868,909	(299,349)	(17,140)	6,083	30,068	5,075	-	56,174	81,587	4,731,407	126,710	4,858,116	(1,607)	4,856,510
Merced	10,689,301	-	(394,105)	16,595	55,652	13,556	-	161,921	107,600	10,650,520	590,591	11,241,111	(3,718)	11,237,393
Modoc	932,090	(789)	-	662	6,134	299	-	9,491	1,229	949,116	(15,665)	933,451	(309)	933,142
Mono	1,423,941	(24,156)	-	914	12,446	199	-	10,568	3,928	1,427,840	(8,570)	1,419,270	126,524	1,545,794
Monterey	15,549,243	(870,000)	(348,606)	28,573	183,464	23,029	-	205,587	91,745	14,863,034	630,401	15,493,436	(5,124)	15,488,311
Napa	6,892,819	(295,552)	(355,081)	9,042	30,550	2,855	-	(3,237)	63,045	6,344,442	224,679	6,569,121	(2,173)	6,566,948
Nevada	4,782,934	(433,431)	(311,388)	6,730	49,946	5,623	-	79,983	41,729	4,222,127	(7,657)	4,214,470	(1,394)	4,213,076
Orange	134,038,401	(2,733,776)	(4,120,954)	206,630	923,882	248,771	(216,241)	3,449,769	2,006,818	133,803,300	2,324,353	136,127,653	(45,022)	136,082,631
Placer	13,559,968	-	(919,283)	21,287	77,378	24,387	-	84,431	98,675	12,946,843	974,682	13,921,525	(4,604)	13,916,921
Plumas	1,372,630	-	-	1,442	9,206	356	-	2,474	973	1,387,081	(114,763)	1,272,318	(421)	1,271,898
Riverside	72,996,304	(1,931,520)	(2,343,035)	131,371	532,226	56,789	-	(650,572)	569,988	69,361,550	6,856,320	76,217,870	(25,208)	76,192,662
Sacramento	70,854,133	(1,864,424)	(1,962,507)	93,189	340,254	165,020	-	332,406	796,927	68,754,997	3,657,752	72,412,749	(23,950)	72,388,799
San Benito	2,492,824	-	-	3,876	14,700	1,124	-	21,556	5,843	2,539,923	(91,160)	2,448,763	(810)	2,447,953
San Bernardino	80,594,456	(3,269,446)	(2,998,333)	133,960	435,474	155,207	-	1,521,168	462,588	77,035,074	6,757,237	83,792,311	(27,713)	83,764,598
San Diego	131,793,072	(657,192)	(4,860,861)	206,259	718,422	228,431	(99,456)	2,061,274	666,662	130,056,609	1,471,869	131,528,478	(43,501)	131,484,977
San Francisco	56,737,883	-	(500,247)	53,715	272,528	81,035	-	631,291	518,912	57,795,116	341,981	58,137,096	(19,228)	58,117,868
San Joaquin	27,507,407	(287,747)	(806,249)	44,944	201,698	46,176	-	818,234	185,876	27,710,338	2,224,751	29,935,089	(9,901)	29,925,189
San Luis Obispo	12,644,124	(241,676)	(676,999)	17,704	130,020	15,941	-	972	19,774	11,909,861	497,227	12,407,088	(4,103)	12,402,984
San Mateo	33,365,516	(443,042)	(1,610,124)	48,700	329,518	14,649	-	363,484	97,565	32,166,267	477,303	32,643,570	(10,796)	32,632,773
Santa Barbara	20,560,721	(1,055,112)	(518,796)	28,356	162,858	25,320	-	227,423	42,314	19,473,084	209,451	19,682,535	(6,510)	19,676,025
Santa Clara	75,935,828	-	(1,922,146)	119,260	452,782	102,859	-	1,851,301	286,329	76,826,212	(2,883,909)	73,942,303	(24,455)	73,917,847
Santa Cruz	10,722,708	-	(485,144)	17,644	113,210	12,580	-	86,623	53,529	10,521,149	371,304	10,892,453	(3,603)	10,888,850
Shasta	11,106,240	(2,389,668)	(277,596)	12,206	44,394	3,990	-	135,012	63,826	8,698,403	532,744	9,231,147	(3,053)	9,228,094
Sierra	747,859	-	-	235	1,830	35	-	3,781	3,101	756,842	(44,895)	711,947	38,053	750,000
Siskiyou	3,130,686	-	(151,135)	3,104	37,000	876	-	40,262	20,614	3,081,407	(154,682)	2,926,725	(968)	2,925,757
Solano	18,578,317	(435,400)	(575,761)	28,439	119,364	33,592	-	95,975	172,459	18,016,985	750,033	18,767,019	(6,207)	18,760,812
Sonoma	21,690,624	(440,000)	(551,376)	32,278	119,004	31,686	-	825,673	213,991	21,921,878	609,606	22,531,485	(7,452)	22,524,033
Stanislaus	18,557,159	(9,326)	(447,115)	34,594	88,718	35,199	-	(289,912)	284,071	18,253,387	1,464,546	19,717,933	(6,521)	19,711,412

Estimated FY 2015-2016 WAFM-Related Base Allocation

	2014-15 Ending Base (TCTF and GF)	Security Base (FY 10-11) Adjustment	SJO Adjustment ¹	Self-Help	Replacement of 2% Automation	Automated Recordkeeping and Micrographics Distribution (13-14)	Annualization TCTF Reduction for SJO Conversions	Estimated 2014-15 Benefits Funding (Full-Year)	2013-14 Benefits Subsidy Reduction Return Allocation	Current-Year Adjusted Allocation	2015-16 WAFM Allocation Adjustments	Total 2015-16 WAFM-Related Allocation (Prior to implementing funding floor)	2015-16 WAFM Funding Floor Adjustment	Total 2015-16 WAFM-Related Allocation
Court	A	B	C	D	E	F	G	H	I	J (Sum A:I)	K	L (Sum J:K)	M	N (Sum L:M)
Sutter	4,172,307	(247,071)	-	6,150	37,382	2,089	-	28,465	25,049	4,024,371	302,731	4,327,102	(1,431)	4,325,670
Tehama	3,186,372	-	(5,739)	4,138	28,100	1,378	-	72,996	8,625	3,295,871	210,687	3,506,558	(1,160)	3,505,398
Trinity	1,578,531	(450,608)	-	943	7,648	552	-	37,893	6,930	1,181,889	(35,061)	1,146,829	103,171	1,250,000
Tulare	14,364,451	(15,576)	(670,426)	28,289	204,932	27,186	-	353,922	35,846	14,328,624	1,113,228	15,441,852	(5,107)	15,436,745
Tuolumne	2,930,002	(220,516)	(86,731)	3,916	16,642	977	-	65,010	6,677	2,715,976	(13,277)	2,702,700	(894)	2,701,806
Ventura	30,149,914	(1,559,157)	(617,049)	54,971	205,304	54,112	-	288,505	188,050	28,764,649	1,719,233	30,483,882	(10,082)	30,473,800
Yolo	8,193,175	(582,889)	(24,224)	12,802	48,556	10,078	-	147,776	27,253	7,832,527	438,940	8,271,468	(2,736)	8,268,732
Yuba	3,547,052	(132,569)	-	4,696	15,788	1,586	-	9,769	22,970	3,469,293	132,620	3,601,913	(1,191)	3,600,722
Total	1,683,398,629	(40,983,089)	(58,793,118)	2,500,000	10,907,494	2,727,939	(817,737)	24,229,808	13,274,798	1,636,444,724	67,900,000	1,704,344,724	0	1,704,344,724

1. Does not include compensation for AB 1058 commissioners.

Estimated FY 2015-2016 Allocation of 2% Holdback

	Ending 2014-2015 TCTF Program 45.10 Base Allocation	Annualization of Reduction for Appointed Converted SJO Position	General Fund Benefits Base Allocation (10-11 and 11-12)	Estimated Net WAFM Adjustments	Estimated Funding Floor Adjustment	Estimated 2014-15 Benefits Funding (Full-Year)	2013-2014 Benefits Subsidy Reduction Return	Total	2011-2012 Non-Sheriff Security Allocation ¹	Adjusted Base	% of Total Adjusted Base	Estimated Pro Rata Share of 2% Holdback
Court	A1	A2	A3	A4	A5	A6	A7	A8	B	C (A8-B)	D	E
Alameda	72,438,839	-	3,102,047	(1,264,416)	(23,470)	562,020	558,169	75,373,189	3,177,924	72,195,265	4.1%	(1,557,034)
Alpine	727,493	-	20,340	(44,027)	36,601	5,289	2,166	747,862	-	747,862	0.0%	(16,129)
Amador	2,086,181	-	51,756	18,171	(726)	15,693	8,265	2,179,341	-	2,179,341	0.1%	(47,002)
Butte	8,837,870	-	124,077	418,401	(2,905)	68,952	25,636	9,472,031	467,145	9,004,886	0.5%	(194,208)
Calaveras	1,943,653	-	50,506	25,667	(691)	30,138	15,877	2,065,151	-	2,065,151	0.1%	(44,539)
Colusa	1,510,299	-	24,773	11,496	127,447	10,604	5,551	1,690,170	-	1,690,170	0.1%	(36,452)
Contra Costa	36,351,158	-	1,396,192	1,659,325	(12,908)	590,873	353,816	40,338,456	-	40,338,456	2.3%	(869,979)
Del Norte	2,395,840	-	94,130	(92,520)	(791)	73,071	15,852	2,485,582	-	2,485,582	0.1%	(53,607)
El Dorado	6,129,016	-	213,120	140,211	(2,148)	90,455	6,573	6,577,228	-	6,577,228	0.4%	(141,851)
Fresno	36,317,187	-	3,340,364	3,407,730	(14,653)	1,581,245	320,250	44,952,123	-	44,952,123	2.6%	(969,482)
Glenn	1,808,349	-	54,665	(109,604)	69,935	31,311	8,346	1,863,003	9,779	1,853,224	0.1%	(39,968)
Humboldt	5,567,578	-	73,084	264,310	(1,900)	46,895	47,606	5,997,573	167,800	5,829,773	0.3%	(125,731)
Imperial	7,516,498	-	125,539	485,034	(2,573)	95,925	70,967	8,291,390	420,479	7,870,911	0.5%	(169,752)
Inyo	1,996,477	-	75,586	(50,400)	3,850	(7,122)	11,357	2,029,748	186,658	1,843,090	0.1%	(39,750)
Kern	33,743,176	-	3,544,269	4,739,894	(13,527)	(217,620)	191,349	41,987,540	65,567	41,921,973	2.4%	(904,131)
Kings	5,956,575	-	45,118	331,857	(1,910)	29,342	7,680	6,368,662	421,918	5,946,744	0.3%	(128,253)
Lake	3,199,899	-	9,123	(50,322)	(987)	33,201	1,110	3,192,024	196,493	2,995,531	0.2%	(64,605)
Lassen	2,259,875	-	7,839	(18,996)	(657)	6,803	1,935	2,256,799	293,836	1,962,963	0.1%	(42,335)
Los Angeles	468,361,847	(502,040)	18,887,969	26,818,347	(163,090)	7,896,395	4,197,807	525,497,236	14,294,467	511,202,769	29.3%	(11,025,104)
Madera	6,348,235	-	384,826	267,872	(2,290)	223,020	15,775	7,237,439	381,406	6,856,033	0.4%	(147,864)
Marin	12,313,085	-	644,512	(715,208)	(4,090)	(78,894)	124,378	12,283,783	9,625	12,274,158	0.7%	(264,717)
Mariposa	1,049,471	-	22,301	15,835	54,687	4,769	1,235	1,148,299	-	1,148,299	0.1%	(24,765)
Mendocino	4,557,139	-	311,771	126,710	(1,607)	56,174	81,587	5,131,773	299,349	4,832,424	0.3%	(104,221)
Merced	9,914,474	-	774,827	590,591	(3,718)	161,921	107,600	11,545,695	-	11,545,695	0.7%	(249,006)
Modoc	900,123	-	31,967	(15,665)	(309)	9,491	1,229	926,836	789	926,047	0.1%	(19,972)
Mono	1,338,300	-	85,641	(8,570)	126,524	10,568	3,928	1,556,391	24,156	1,532,235	0.1%	(33,046)
Monterey	15,271,747	-	277,496	630,401	(5,124)	205,587	91,745	16,471,852	870,000	15,601,852	0.9%	(336,485)
Napa	6,583,023	-	309,796	224,679	(2,173)	(3,237)	63,045	7,175,134	295,552	6,879,582	0.4%	(148,372)
Nevada	4,687,440	-	95,495	(7,657)	(1,394)	79,983	41,729	4,895,596	433,431	4,462,165	0.3%	(96,235)
Orange	127,108,481	(216,241)	6,929,921	2,324,353	(45,022)	3,449,769	2,006,818	141,558,079	2,733,776	138,824,303	7.9%	(2,994,022)
Placer	12,925,172	-	634,797	974,682	(4,604)	84,431	98,675	14,713,153	-	14,713,153	0.8%	(317,318)
Plumas	1,357,701	-	14,929	(114,763)	(421)	2,474	973	1,260,893	-	1,260,893	0.1%	(27,194)
Riverside	72,072,647	-	923,657	6,856,320	(25,208)	(650,572)	569,988	79,746,831	1,931,520	77,815,311	4.5%	(1,678,242)
Sacramento	67,293,541	-	3,560,592	3,657,752	(23,950)	332,406	796,927	75,617,268	1,864,424	73,752,844	4.2%	(1,590,627)
San Benito	2,458,182	-	34,642	(91,160)	(810)	21,556	5,843	2,428,253	-	2,428,253	0.1%	(52,370)
San Bernardino	79,329,723	-	1,264,733	6,757,237	(27,713)	1,521,168	462,588	89,307,736	3,269,446	86,038,290	4.9%	(1,855,587)
San Diego	128,939,474	(99,456)	2,853,599	1,471,869	(43,501)	2,061,274	666,662	135,849,919	657,192	135,192,727	7.7%	(2,915,700)
San Francisco	51,250,749	-	5,487,135	341,981	(19,228)	631,291	518,912	58,210,839	-	58,210,839	3.3%	(1,255,432)
San Joaquin	26,262,051	-	1,245,357	2,224,751	(9,901)	818,234	185,876	30,726,368	287,747	30,438,621	1.7%	(656,469)
San Luis Obispo	12,345,167	-	298,958	497,227	(4,103)	972	19,774	13,157,994	241,676	12,916,318	0.7%	(278,566)
San Mateo	30,954,404	-	2,411,113	477,303	(10,796)	363,484	97,565	34,293,073	443,042	33,850,031	1.9%	(730,043)

Estimated FY 2015-2016 Allocation of 2% Holdback

	Ending 2014-2015 TCTF Program 45.10 Base Allocation	Annualization of Reduction for Appointed Converted SJO Position	General Fund Benefits Base Allocation (10-11 and 11-12)	Estimated Net WAFM Adjustments	Estimated Funding Floor Adjustment	Estimated 2014-15 Benefits Funding (Full-Year)	2013-2014 Benefits Subsidy Reduction Return	Total	2011-2012 Non-Sheriff Security Allocation ¹	Adjusted Base	% of Total Adjusted Base	Estimated Pro Rata Share of 2% Holdback
Court	A1	A2	A3	A4	A5	A6	A7	A8	B	C (A8-B)	D	E
Santa Barbara	18,963,060	-	1,597,662	209,451	(6,510)	227,423	42,314	21,033,399	1,055,112	19,978,287	1.1%	(430,871)
Santa Clara	73,626,361	-	2,309,467	(2,883,909)	(24,455)	1,851,301	286,329	75,165,092	-	75,165,092	4.3%	(1,621,085)
Santa Cruz	10,519,150	-	203,558	371,304	(3,603)	86,623	53,529	11,230,561	-	11,230,561	0.6%	(242,209)
Shasta	10,844,018	-	262,222	532,744	(3,053)	135,012	63,826	11,834,769	2,389,668	9,445,101	0.5%	(203,702)
Sierra	738,243	-	9,616	(44,895)	38,053	3,781	3,101	747,900	-	747,900	0.0%	(16,130)
Siskiyou	3,039,649	-	91,038	(154,682)	(968)	40,262	20,614	3,035,913	-	3,035,913	0.2%	(65,476)
Solano	18,224,539	-	353,779	750,033	(6,207)	95,975	172,459	19,590,578	435,400	19,155,178	1.1%	(413,120)
Sonoma	20,518,574	-	1,172,050	609,606	(7,452)	825,673	213,991	23,332,442	440,000	22,892,442	1.3%	(493,721)
Stanislaus	17,251,929	-	1,305,230	1,464,546	(6,521)	(289,912)	284,071	20,009,343	9,326	20,000,017	1.1%	(431,340)
Sutter	4,012,547	-	159,761	302,731	(1,431)	28,465	25,049	4,527,121	247,071	4,280,050	0.2%	(92,308)
Tehama	3,078,188	-	108,184	210,687	(1,160)	72,996	8,625	3,477,521	-	3,477,521	0.2%	(75,000)
Trinity	1,524,852	-	53,679	(35,061)	103,171	37,893	6,930	1,691,464	450,608	1,240,856	0.1%	(26,762)
Tulare	14,330,707	-	33,744	1,113,228	(5,107)	353,922	35,846	15,862,340	15,576	15,846,764	0.9%	(341,767)
Tuolumne	2,879,651	-	50,352	(13,277)	(894)	65,010	6,677	2,987,519	220,516	2,767,003	0.2%	(59,676)
Ventura	29,181,161	-	968,753	1,719,233	(10,082)	288,505	188,050	32,335,620	1,559,157	30,776,463	1.8%	(663,756)
Yolo	7,983,099	-	210,077	438,940	(2,736)	147,776	27,253	8,804,410	582,889	8,221,521	0.5%	(177,313)
Yuba	3,456,186	-	90,867	132,620	(1,191)	9,769	22,970	3,711,221	132,569	3,578,652	0.2%	(77,181)
Total	1,614,580,054	(817,737)	68,818,601	67,900,000	0	24,229,808	13,274,798	1,787,985,524	40,983,089	1,747,002,435	100.0%	(37,677,580)

1. Butte's sheriff allocation was not transferred to the court's sheriff, so it remains in the court's TCTF base allocation.

**Preliminary One-Time Allocation
Reduction for Fund Balance
Above the 1% Cap**

Court	Preliminary Reduction
Alameda	
Alpine	
Amador	
Butte	
Calaveras	
Colusa	
Contra Costa	
Del Norte	
El Dorado	
Fresno	
Glenn	
Humboldt	
Imperial	
Inyo	
Kern	
Kings	
Lake	
Lassen	
Los Angeles	
Madera	
Marin	
Mariposa	
Mendocino	
Merced	
Modoc	
Mono	
Monterey	
Napa	
Nevada	
Orange	
Placer	
Plumas	
Riverside	
Sacramento	
San Benito	
San Bernardino	
San Diego	
San Francisco	
San Joaquin	
San Luis Obispo	
San Mateo	
Santa Barbara	
Santa Clara	
Santa Cruz	
Shasta	
Sierra	
Siskiyou	
Solano	
Sonoma	
Stanislaus	
Sutter	
Tehama	
Trinity	
Tulare	
Tuolumne	
Ventura	
Yolo	
Yuba	
Total	-

FY 2014-15 - 1% Fund Balance Cap Calculation Form

Enter Court Name Here

	FY 2013-14	FY 2014-15	Instructions
1 Part A - Computation of Cap			
2 Expenditures	0	0	Court enters expenditures for ending fiscal year
3 Less: Expense related to FY13/14 encumbrances		0	Court enters current year expenditures as a related to prior year encumbrances. Enter a negative number.
Less: Expense related to FY14/15 encumbrances			Court enters current year expenditures as a related to prior year encumbrances. Enter a negative number.
Less: Expense related to FY15/16 encumbrances			Court enters current year expenditures as a related to prior year encumbrances. Enter a negative number.
4 Accruals	0	0	Court enters expense accruals for ending fiscal year
5 Encumbrances as of June 30	0	0	Court enters total ending year fund balance reserved for encumbrances
6 Less: remaining Encumbrances from FY13/14		0	Court enters the amount of the fund balance reserved for encumbrance (row 5) that is related to prior fiscal years. Enter a negative number.
Less: remaining Encumbrances from FY14/15			Court enters the amount of the fund balance reserved for encumbrance (row 5) that is related to prior fiscal years. Enter a negative number.
Less: remaining Encumbrances from FY15/16			Court enters the amount of the fund balance reserved for encumbrance (row 5) that is related to prior fiscal years. Enter a negative number.
7 Operating Budget	0	0	This cell calculates Operating Budget
8 Fund Balance Cap (1% of Operating Budget)	0	0	This cell calculates fund balance cap
9 Part B - Computation of Fund Balance Subject to Cap			
10 Ending fund balance	0	0	Court enters actual year end fund balance
11 Less: Encumbrances as of June 30	0	0	This cell uses encumbrance amount entered above
12 Less: Excluded Funds Per GC 77203	0	0	This comes from the TOTAL cell on the Excluded Detail sheet.
13 Less: Prepayments	0	0	Court enters Pre Payments. Please make sure this is not included in the Excluded Funds per GC77203 on the line above.
14 Fund Balance Subject to Cap	0	0	This calculated cell is what will be compared to the cap above
15 Part C - Potential Additional Allocation Reduction			
16 Maximum amount of encumbered fund balance that if not expensed in the next two is subject to the cap	0	0	These amounts will be liquidated 3 years from the original date of the encumbrance if not spent (year of encumbrance, plus 2 additional).
17 Less: Encumbrances from Excluded Funds	0	0	This is the amount of encumbrances from cell 11 that represents excluded funds encumbered and therefore not subject to reversion
18 Maximum amount of encumbered fund balance that can be disencumbered without resulting in an allocation reduction	0	0	Self Explanatory
19 Part D - Computation of Liquidation Above Cap			
20 FY13/14 Liquidation in second year	0	0	This is the amount of unused encumbrance on closed contracts in year following original encumbrance. The amount entered in this cell relates to the fiscal year at the top of the column.

FY 2014-15 - 1% Fund Balance Cap Calculation Form

Enter Court Name Here

	FY 2013-14	FY 2014-15	Instructions
21 FY13/14 Liquidation in third year	0	0	This is the amount of unused encumbrance on closed contracts in second year following original encumbrance. The amount entered in this cell relates to the fiscal year at the top of the column.
22 FY14/15 Liquidation in second year	0	0	This is the amount of unused encumbrance on closed contracts in year following original encumbrance. The amount entered in this cell relates to the fiscal year at the top of the column.
23 FY14/15 Liquidation in third year	0	0	This is the amount of unused encumbrance on closed contracts in second year following original encumbrance. The amount entered in this cell relates to the fiscal year at the top of the column.
24 Allocation Reduction Due to Liquidation	0	0	This is the amount of the prior year unused encumbrance that will revert to TCTF.
Part E - Fund Balance Subject to Allocation Reduction			
26 Current Year Only	0	0	This calculated cell is the amount of fund balance over the cap
27 Due to Liquidation of Prior-Year Encumbrance	0	0	This is the unused amount of the encumbrance that will revert to the TCTF.
28 Total Allocation Reduction	0	0	This is total amount that will be reduced in the allocation. It includes rows 24 and 25 from current year, as well as, row 21 from last year, and row 22 from 2 years ago.

2015-2016 Allocation of Dependency Counsel Funding				
Court	FY 2014-2015 Historical Funding Level	FY 2015-2016 Allocated 10% need	Allocate \$10,974,556	FY 2015-2016 Total
	Col. A	Col. B	Col. C	Col. D
Alameda	\$4,171,032	\$4,037,391	\$0	\$4,037,391
Alpine	\$0	\$0	\$0	\$0
Amador	\$120,147	\$115,233	\$0	\$115,233
Butte	\$664,759	\$664,923	\$0	\$664,923
Calaveras	\$76,519	\$86,380	\$37,560	\$123,940
Colusa	\$38,266	\$38,471	\$0	\$38,471
Contra Costa	\$3,120,151	\$3,030,406	\$0	\$3,030,406
Del Norte	\$223,090	\$214,730	\$0	\$214,730
El Dorado	\$819,765	\$788,644	\$0	\$788,644
Fresno	\$2,958,296	\$2,900,594	\$0	\$2,900,594
Glenn	\$55,250	\$62,586	\$27,831	\$90,417
Humboldt	\$562,460	\$543,896	\$0	\$543,896
Imperial	\$607,371	\$591,128	\$0	\$591,128
Inyo	\$76,990	\$72,277	\$0	\$72,277
Kern	\$2,023,943	\$2,067,598	\$279,950	\$2,347,548
Kings	\$199,672	\$232,723	\$122,056	\$354,779
Lake	\$307,076	\$296,119	\$0	\$296,119
Lassen	\$108,374	\$106,891	\$0	\$106,891
Los Angeles	\$32,782,704	\$34,004,527	\$6,225,630	\$40,230,157
Madera	\$53,031	\$92,427	\$133,016	\$225,443
Marin	\$408,419	\$388,488	\$0	\$388,488
Mariposa	\$32,243	\$33,095	\$4,975	\$38,070
Mendocino	\$742,022	\$711,060	\$0	\$711,060
Merced	\$593,861	\$618,206	\$120,042	\$738,248
Modoc	\$16,064	\$16,090	\$0	\$16,090
Mono	\$12,329	\$12,515	\$1,442	\$13,956
Monterey	\$329,570	\$348,877	\$85,664	\$434,541
Napa	\$176,430	\$182,020	\$30,266	\$212,285
Nevada	\$232,799	\$226,123	\$0	\$226,123
Orange	\$6,583,082	\$6,418,278	\$0	\$6,418,278
Placer	\$418,422	\$435,092	\$82,994	\$518,087
Plumas	\$163,291	\$154,059	\$0	\$154,059
Riverside	\$4,171,898	\$4,551,552	\$1,528,770	\$6,080,322
Sacramento	\$5,378,190	\$5,205,426	\$0	\$5,205,426
San Benito	\$31,885	\$44,748	\$44,415	\$89,163
San Bernardino	\$3,587,297	\$3,851,884	\$1,111,278	\$4,963,161
San Diego	\$9,749,950	\$9,408,199	\$0	\$9,408,199
San Francisco	\$3,907,633	\$3,761,098	\$0	\$3,761,098
San Joaquin	\$3,081,901	\$2,982,578	\$0	\$2,982,578
San Luis Obispo	\$707,000	\$699,248	\$0	\$699,248
San Mateo	\$323,022	\$371,971	\$182,611	\$554,582
Santa Barbara	\$1,610,017	\$1,557,379	\$0	\$1,557,379
Santa Clara	\$4,700,131	\$4,508,063	\$0	\$4,508,063
Santa Cruz	\$894,765	\$863,289	\$0	\$863,289
Shasta	\$569,416	\$586,682	\$95,136	\$681,818
Sierra	\$14,898	\$13,759	\$0	\$13,759
Siskiyou	\$256,552	\$245,373	\$0	\$245,373
Solano	\$896,319	\$875,639	\$0	\$875,639
Sonoma	\$1,150,195	\$1,137,764	\$0	\$1,137,764
Stanislaus	\$1,130,986	\$1,107,189	\$0	\$1,107,189
Sutter	\$84,083	\$96,718	\$47,186	\$143,904
Tehama	\$93,909	\$108,753	\$55,106	\$163,859
Trinity	\$83,204	\$84,374	\$9,455	\$93,829
Tulare	\$658,892	\$717,512	\$237,041	\$954,553
Tuolumne	\$63,981	\$73,850	\$36,743	\$110,593
Ventura	\$755,357	\$836,016	\$315,958	\$1,151,975
Yolo	\$333,430	\$344,674	\$59,433	\$404,107
Yuba	\$199,732	\$200,855	\$0	\$200,855
Reserve	\$613,375		\$100,000	\$100,000
Total	\$103,725,444	\$103,725,444	\$10,974,556	\$114,700,000

Four-year Dependency Counsel Funding Reallocation Plan						
Court	Workload Model	FY 2014-2015 Historical Funding Level	FY 2015-2016 Total 10% Need	FY 2016-2017 Total 40% Need	FY 2017-2018 Total 80% Need	FY 2018-2019 Total 100% Need
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F
Alameda	\$3,450,971	\$4,171,032	\$4,037,391	\$3,562,033	\$2,928,221	\$2,885,085
Alpine	\$0	\$0	\$0	\$0	\$0	\$0
Amador	\$85,337	\$120,147	\$115,233	\$98,346	\$75,831	\$71,343
Butte	\$833,637	\$664,759	\$664,923	\$653,550	\$638,386	\$696,938
Calaveras	\$226,027	\$76,519	\$123,940	\$149,950	\$183,009	\$188,963
Colusa	\$50,570	\$38,266	\$38,471	\$38,402	\$38,311	\$42,278
Contra Costa	\$2,716,648	\$3,120,151	\$3,030,406	\$2,705,491	\$2,272,270	\$2,271,175
Del Norte	\$168,567	\$223,090	\$214,730	\$185,671	\$146,926	\$140,925
El Dorado	\$614,079	\$819,765	\$788,644	\$680,652	\$536,662	\$513,383
Fresno	\$2,937,651	\$2,958,296	\$2,900,594	\$2,674,693	\$2,373,492	\$2,455,938
Glenn	\$166,061	\$55,250	\$90,417	\$109,769	\$134,342	\$138,830
Humboldt	\$458,194	\$562,460	\$543,896	\$478,168	\$390,530	\$383,060
Imperial	\$545,032	\$607,371	\$591,128	\$531,559	\$452,133	\$455,659
Inyo	\$34,019	\$76,990	\$72,277	\$56,766	\$36,083	\$28,441
Kern	\$3,108,448	\$2,023,943	\$2,347,548	\$2,462,576	\$2,630,775	\$2,598,728
Kings	\$686,525	\$199,672	\$354,779	\$441,959	\$552,024	\$573,949
Lake	\$239,289	\$307,076	\$296,119	\$257,769	\$206,635	\$200,051
Lassen	\$115,953	\$108,374	\$106,891	\$100,507	\$91,996	\$96,939
Los Angeles	\$57,151,312	\$32,782,704	\$40,230,157	\$43,451,304	\$47,849,537	\$47,779,709
Madera	\$586,978	\$53,031	\$225,443	\$329,378	\$458,180	\$490,726
Marin	\$247,454	\$408,419	\$388,488	\$321,407	\$231,966	\$206,877
Mariposa	\$51,592	\$32,243	\$38,070	\$40,316	\$43,505	\$43,132
Mendocino	\$518,940	\$742,022	\$711,060	\$604,932	\$463,428	\$433,845
Merced	\$1,064,522	\$593,861	\$738,248	\$802,433	\$889,298	\$889,963
Modoc	\$20,432	\$16,064	\$16,090	\$15,880	\$15,601	\$17,082
Mono	\$17,875	\$12,329	\$13,956	\$14,445	\$15,209	\$14,944
Monterey	\$667,373	\$329,570	\$434,541	\$485,454	\$552,510	\$557,938
Napa	\$294,547	\$176,430	\$212,285	\$227,019	\$247,483	\$246,247
Nevada	\$202,963	\$232,799	\$226,123	\$201,942	\$169,701	\$169,681
Orange	\$6,056,115	\$6,583,082	\$6,418,278	\$5,806,386	\$4,990,530	\$5,063,041
Placer	\$743,664	\$418,422	\$518,087	\$562,037	\$621,671	\$621,719
Plumas	\$82,240	\$163,291	\$154,059	\$123,449	\$82,637	\$68,754
Riverside	\$10,235,491	\$4,171,898	\$6,080,322	\$7,081,647	\$8,370,327	\$8,557,088
Sacramento	\$4,443,854	\$5,378,190	\$5,205,426	\$4,591,158	\$3,772,133	\$3,715,157
San Benito	\$209,882	\$31,885	\$89,163	\$123,099	\$165,344	\$175,466
San Bernardino	\$7,983,596	\$3,587,297	\$4,963,161	\$5,660,950	\$6,567,862	\$6,674,455
San Diego	\$7,678,775	\$9,749,950	\$9,408,199	\$8,208,950	\$6,609,951	\$6,419,618
San Francisco	\$2,951,118	\$3,907,633	\$3,761,098	\$3,251,759	\$2,572,641	\$2,467,197
San Joaquin	\$2,542,228	\$3,081,901	\$2,982,578	\$2,629,612	\$2,158,990	\$2,125,357
San Luis Obispo	\$781,869	\$707,000	\$699,248	\$663,376	\$615,547	\$653,659
San Mateo	\$1,050,916	\$323,022	\$554,582	\$683,698	\$847,062	\$878,588
Santa Barbara	\$1,318,162	\$1,610,017	\$1,557,379	\$1,370,733	\$1,121,871	\$1,102,011
Santa Clara	\$3,340,629	\$4,700,131	\$4,508,063	\$3,847,982	\$2,967,875	\$2,792,837
Santa Cruz	\$703,197	\$894,765	\$863,289	\$752,893	\$605,699	\$587,887
Shasta	\$940,396	\$569,416	\$681,818	\$727,329	\$790,857	\$786,191
Sierra	\$3,576	\$14,898	\$13,759	\$10,074	\$5,162	\$2,989
Siskiyou	\$173,164	\$256,552	\$245,373	\$207,259	\$156,441	\$144,768
Solano	\$847,816	\$896,319	\$875,639	\$797,604	\$693,557	\$708,792
Sonoma	\$1,274,378	\$1,150,195	\$1,137,764	\$1,079,946	\$1,002,855	\$1,065,407
Stanislaus	\$1,100,152	\$1,130,986	\$1,107,189	\$1,015,618	\$893,522	\$919,751
Sutter	\$272,155	\$84,083	\$143,904	\$177,234	\$219,413	\$227,527
Tehama	\$313,635	\$93,909	\$163,859	\$203,015	\$252,505	\$262,206
Trinity	\$119,529	\$83,204	\$93,829	\$96,909	\$101,792	\$99,929
Tulare	\$1,598,826	\$658,892	\$954,553	\$1,109,159	\$1,308,327	\$1,336,652
Tuolumne	\$210,459	\$63,981	\$110,593	\$136,627	\$169,551	\$175,948
Ventura	\$2,010,744	\$755,357	\$1,151,975	\$1,364,720	\$1,636,807	\$1,681,025
Yolo	\$565,644	\$333,430	\$404,107	\$433,747	\$474,633	\$472,890
Yuba	\$264,659	\$199,732	\$200,855	\$200,658	\$200,396	\$221,261
Reserve		\$613,375	\$100,000	\$100,000	\$100,000	\$100,000
Total	\$137,077,862	\$103,725,444	\$114,700,000	\$114,700,000	\$114,700,000	\$114,700,000

**Allocation of \$4.6 Million of Criminal Justice Realignment Funding
Using Percentage of Petitions to Revoke/Modify PRCS and Parole**

Court	Workload (Petitions to revoke/modify PRCS and Parole)	Percentage of Statewide Workload (Petitions to revoke/modify PRCS and Parole)	Recommended Allocation (1st Half)
	Column A	Column B	Column C
Alameda	1,421	2.99%	\$138,028
Alpine ^{1,2}	2	0.00%	\$194
Amador	25	0.05%	\$2,428
Butte	337	0.71%	\$32,734
Calaveras	23	0.05%	\$2,234
Colusa	11	0.02%	\$1,068
Contra Costa	462	0.97%	\$44,876
Del Norte	36	0.08%	\$3,497
El Dorado	146	0.31%	\$14,182
Fresno	1,361	2.87%	\$132,200
Glenn	18	0.04%	\$1,748
Humboldt	224	0.47%	\$21,758
Imperial	189	0.40%	\$18,358
Inyo	12	0.03%	\$1,166
Kern	1,922	4.05%	\$186,693
Kings	255	0.54%	\$24,769
Lake	68	0.14%	\$6,605
Lassen	40	0.08%	\$3,885
Los Angeles	17,736	37.36%	\$1,722,780
Madera	214	0.45%	\$20,787
Marin	124	0.26%	\$12,045
Mariposa	7	0.01%	\$680
Mendocino ^{1,2}	149	0.31%	\$14,505
Merced ^{1,2}	476	1.00%	\$46,236
Modoc	6	0.01%	\$583
Mono	2	0.00%	\$194
Monterey	261	0.55%	\$25,352
Napa	64	0.13%	\$6,217
Nevada	55	0.12%	\$5,342
Orange	2,366	4.98%	\$229,821
Placer	129	0.27%	\$12,530
Plumas	4	0.01%	\$389
Riverside	3,857	8.12%	\$374,648
Sacramento	1,023	2.15%	\$99,369
San Benito	49	0.10%	\$4,760
San Bernardino	3,853	8.12%	\$374,260
San Diego	2,405	5.07%	\$233,609
San Francisco	509	1.07%	\$49,442
San Joaquin	917	1.93%	\$89,072
San Luis Obispo	265	0.56%	\$25,741
San Mateo	206	0.43%	\$20,010
Santa Barbara	331	0.70%	\$32,152
Santa Clara	666	1.40%	\$64,692
Santa Cruz	165	0.35%	\$16,027
Shasta	414	0.87%	\$40,214
Sierra	5	0.01%	\$486
Siskiyou	81	0.17%	\$7,868
Solano	574	1.21%	\$55,755
Sonoma	777	1.64%	\$75,474
Stanislaus	522	1.10%	\$50,704
Sutter ^{1,2}	64	0.13%	\$6,217
Tehama	79	0.17%	\$7,674
Trinity	18	0.04%	\$1,748
Tulare	425	0.90%	\$41,282
Tuolumne	28	0.06%	\$2,720
Ventura	1,664	3.50%	\$161,632
Yolo	209	0.44%	\$20,301
Yuba	224	0.47%	\$21,758
Total (statewide)	47,475	100%	\$4,611,500

¹ proxy used for missing PRCS petitions (average of populated quarters)

² proxy used for missing Parole petitions (average of populated quarters)

**Allocation of \$13.4 Million Using Percentage of Proposition 47 Petitions and Felony Filings
(Remaining \$100,000 is Set-Aside as Reserve)**

Court	Felony petitions percent of statewide totals 10 year average (JBSIS Data)	Allocation of 50% of \$13.4 million based on JBSIS Data	Proposition 47 petitions percent of statewide total (CJS Prop 47 Survey Data) ¹	Allocation of 50% of \$13.4 Million based on Proposition 47 Survey (Column D)	July - Dec. 2015 Allocation
	A	B	C	D	E
Alameda	3.00%	\$200,884	0.56%	\$37,738	\$238,893
Alpine	0.01%	\$422	0.00%	\$0	\$422
Amador	0.16%	\$10,703	0.10%	\$6,511	\$17,261
Butte	0.73%	\$48,957	0.96%	\$64,491	\$111,101
Calaveras	0.11%	\$7,036	0.15%	\$10,365	\$17,475
Colusa	0.10%	\$6,641	0.03%	\$1,905	\$8,560
Contra Costa	1.51%	\$101,320	0.46%	\$30,562	\$126,035
Del Norte	0.17%	\$11,126	0.05%	\$3,145	\$13,936
El Dorado	0.43%	\$28,490	0.46%	\$31,005	\$59,719
Fresno	4.10%	\$274,717	4.17%	\$279,181	\$555,904
Glenn	0.11%	\$7,516	0.09%	\$6,112	\$13,048
Humboldt	0.53%	\$35,278	0.43%	\$28,924	\$64,409
Imperial ²	0.72%	\$48,223	0.43%	\$28,658	\$73,696
Inyo	0.09%	\$5,719	0.02%	\$1,550	\$7,280
Kern	3.04%	\$203,925	3.00%	\$200,738	\$406,105
Kings	0.75%	\$50,068	0.72%	\$48,058	\$98,472
Lake	0.29%	\$19,258	0.24%	\$16,389	\$35,764
Lassen	0.16%	\$11,050	0.08%	\$5,227	\$16,314
Los Angeles	23.15%	\$1,551,181	15.26%	\$1,022,602	\$2,581,130
Madera	0.73%	\$49,060	0.54%	\$36,498	\$85,820
Marin	0.38%	\$25,338	0.12%	\$8,061	\$33,458
Mariposa	0.07%	\$4,873	0.01%	\$930	\$5,810
Mendocino	0.44%	\$29,632	0.12%	\$8,283	\$37,974
Merced	1.20%	\$80,281	0.31%	\$20,464	\$100,891
Modoc	0.04%	\$2,820	0.01%	\$930	\$3,579
Mono	0.06%	\$3,949	0.07%	\$4,474	\$8,455
Monterey ²	1.23%	\$82,133	0.51%	\$34,327	\$109,659
Napa	0.42%	\$28,322	0.08%	\$5,581	\$33,943
Nevada	0.25%	\$16,608	0.08%	\$5,537	\$22,185
Orange	6.05%	\$405,674	14.02%	\$939,021	\$1,351,441
Placer	1.03%	\$69,293	0.66%	\$44,161	\$113,771
Plumas	0.07%	\$4,598	0.03%	\$2,082	\$6,694
Riverside	6.27%	\$420,155	5.68%	\$380,658	\$803,548
Sacramento	3.99%	\$267,540	5.02%	\$336,143	\$606,098
San Benito	0.18%	\$11,887	0.18%	\$11,782	\$23,754
San Bernardino	7.25%	\$485,638	3.47%	\$232,585	\$719,894
San Diego	6.59%	\$441,784	24.64%	\$1,650,727	\$2,104,370
San Francisco	2.30%	\$153,819	0.40%	\$26,842	\$179,070
San Joaquin	2.63%	\$176,325	1.53%	\$102,185	\$279,244
San Luis Obispo	0.71%	\$47,245	0.65%	\$43,718	\$84,630
San Mateo	1.18%	\$79,051	0.81%	\$54,215	\$133,656
Santa Barbara	1.08%	\$72,423	1.19%	\$79,905	\$152,902
Santa Clara	3.70%	\$247,709	1.10%	\$73,660	\$321,899
Santa Cruz	0.71%	\$47,472	0.73%	\$48,989	\$96,812
Shasta	1.01%	\$67,946	1.15%	\$76,716	\$133,570
Sierra	0.01%	\$760	0.00%	\$133	\$849
Siskiyou	0.22%	\$14,730	0.07%	\$4,961	\$19,727
Solano ²	1.64%	\$110,025	0.30%	\$20,286	\$130,458
Sonoma	1.22%	\$81,492	0.96%	\$64,491	\$146,447
Stanislaus	2.58%	\$172,780	1.96%	\$131,109	\$297,292
Sutter	0.45%	\$29,838	0.34%	\$22,900	\$52,902
Tehama	0.33%	\$21,915	0.37%	\$25,114	\$47,209
Trinity ²	0.09%	\$5,983	0.03%	\$2,303	\$8,302
Tulare	1.78%	\$118,972	1.68%	\$112,860	\$232,642
Tuolumne	0.22%	\$14,705	0.27%	\$17,850	\$32,684
Ventura	1.53%	\$102,256	2.55%	\$170,707	\$274,189
Yolo	0.91%	\$60,744	0.92%	\$61,346	\$122,531
Yuba	0.32%	\$21,708	0.21%	\$14,307	\$36,118
Total	100%	\$6,700,000	100%	\$6,700,000	\$13,400,000

1) Allocates the additional 50% of \$26.9 million in second half of fiscal year funding based only on the percentage of statewide petitions for resentencing and reclassification from July 1, 2015 to November 31, 2015 only. Felony Filings data would not be used.

2) Data collected is subject to revision. Some data is missing for the court.



Judicial Council of California

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

www.courtinfo.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 28, 2015

Title	Agenda Item Type
Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 32)	Information Only
	Date of Report
	July 14, 2015
Submitted by	Contact
Jody Patel, Chief of Staff Pam Reynolds, Manager Leadership Services Division	Pam Reynolds, 916-263-1462 pam.reynolds@jud.ca.gov

Executive Summary

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 32nd report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, one superior court—Fresno County—has issued a new notice.

Previous Council Action

In 2010, the Legislature enacted a Judiciary Budget Trailer Bill with fee increases and fund transfers for the courts that also added section 68106 to the Government Code.¹ Section 68106 requires trial courts to notify the public and the Judicial Council in advance of any closures or reductions in service, and the council in turn to post all such notices on its website and report them to the Legislature. Since the enactment of section 68106, a total of 48 courts have issued

¹ Sen. Bill 857; Stats. 2010, ch. 720, § 13. Attachment A contains the full text of Government Code section 68106, as amended effective January 1, 2011, and June 27, 2012.

notice under its requirements.² The Judicial Council has received 31 prior informational reports listing such notices as they have been received.

Notice Received From One Court Since Last Report

This is the 32nd report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received one new notice of closure or reduced hours from one trial court:

1. The Superior Court of **Fresno** County will temporarily close the Family Support Courtrooms, located at the B. F. Sisk Courthouse, to allow for training of Superior Court and Department of Child Support Services staff. (Attachment B)

Departments 301 will be closed on the following days during the weeks of October 5th and 12th:

- Monday, October 5, 2015
- Tuesday, October 6, 2015
- Thursday, October 8, 2015
- Thursday, October 15, 2015
- Friday, October 16, 2015

Departments 302 will be closed on the following days during the weeks of October 5th and 12th:

- Tuesday, October 6, 2015
- Wednesday, October 7, 2015
- Thursday, October 8, 2015
- Wednesday, October 14, 2015
- Thursday, October 15, 2015
- Friday, October 16, 2015

Mandate in Government Code Section 68106

In providing fee increases and fund transfers for the courts in the Judiciary Budget Trailer Bill in 2010, the Legislature expressly declared its intention that trial courts remain open to the public on all days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. Statements in Government Code section 68106 affirmed this intent, and the recent amendment of the statute strengthened it.

Section 68106 imposes the following requirements on trial courts and the Judicial Council:

² All courts' notices are listed and posted at www.courts.ca.gov/12973.htm. Some courts have given more than one notice.

- Trial courts must provide written notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices, although "[n]othing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions."³ The trial court is to provide this notice "by conspicuous posting within or about its facilities, on its public Internet Web site, by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council"⁴ The notice must describe the scope of the closure or reduction in hours, state the financial constraints or other reasons that make the closure or reduction necessary, and invite public comment.⁵ Courts expressly are *not* obligated to respond to comments received.⁶ If a court changes its plan "as a result of the comments received or for any other reason" during the 60-day notice period, it must "immediately provide notice to the public" by posting and distributing "a revised notice" using the procedure previously described, including distribution to the council.⁷ The change in plan does not require notification, however, beyond the original 60-day period.⁸
- The Judicial Council must, within 15 days of receiving a notice from a trial court, "conspicuously" post the notice "on its Internet Web site" and forward a copy to the chairs and vice-chairs of both houses' Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.⁹

Implementation Efforts

Judicial Council staff notified all trial court presiding judges and court executive officers of the enactment of this statutory mandate, and the Judicial Council Legal Services (LS) staff provided legal guidance to help courts comply with the requirements of the statute. Trial courts have been requested to e-mail such notices to Debora Morrison, LS Senior Attorney, who has provided legal review of the courts' notices since Government Code section 68106 first took effect in 2010.

To fulfill the Judicial Council's obligations under section 68106, the Judicial Council staff has placed on the home page of the California Courts website a prominent link to the Reduced Court Services page (www.courts.ca.gov/12973.htm), which contains a summary of Government Code section 68106 and all notices received from trial courts about closures of courtrooms or clerks' offices or reductions in clerks' office hours. Since the previous report to the council, the notices from the courts detailed above have been added to the web page. The Judicial Council staff has also forwarded the notices from these courts to the designated legislative leaders.

³ Gov. Code, § 68106(c).

⁴ *Id.*, § 68106(b)(1).

⁵ *Id.*, § 68106(b)(1), (2)(A).

⁶ *Id.*, § 68106(b)(2)(B).

⁷ *Id.*, § 68106(b)(3).

⁸ *Id.*, § 68106(b)(2)(A).

⁹ *Id.*, § 68106(b)(3).

Attachments

Attachment A: Government Code section 68106

Attachment B: Notice from the Superior Court of Fresno, July 1, 2015

Government Code section 68106:

(a) (1) In making appropriations for the support of the trial courts, the Legislature recognizes the importance of increased revenues from litigants and lawyers, including increased revenues from civil filing fees. It is therefore the intent of the Legislature that courts give the highest priority to keeping courtrooms open for civil and criminal proceedings. It is also the intent of the Legislature that, to the extent practicable, in the allocation of resources by and for trial courts, access to court services for civil litigants be preserved, budget cuts not fall disproportionately on civil cases, and the right to trial by jury be preserved.

(2) Furthermore, it is the intent of the Legislature in enacting the Budget Act of 2010, which includes increases in civil and criminal court fees and penalties, that trial courts remain open to the public on all days except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115.

(b)(1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115. The notification shall include the scope of the closure or reduction in hours, and the financial constraints or other reasons that make the closure or reduction necessary.

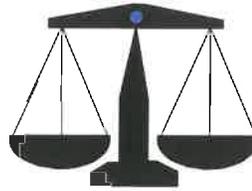
(2)(A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public comments received. If the court plan for closing a courtroom, or closing or reducing the hours of clerks' offices, changes as a result of the comments received or for any other reason, the court shall immediately provide notice to the public by posting a revised notice within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council. Any change in the court's plan pursuant to this paragraph shall not require notification beyond the initial 60-day period.

(B) This paragraph shall not be construed to obligate courts to provide responses to the comments received.

(3) Within 15 days of receipt of a notice from a trial court, the Judicial Council shall conspicuously post on its Internet Web site and provide the chairs and vice chairs of the Committees on Judiciary, the Chair of the Assembly Committee on Budget, and the Chair of the Senate Committee on Budget and Fiscal Review a copy of any notice received pursuant to this subdivision. The Legislature intends to review the information obtained pursuant to this section to ensure that California trial courts remain open and accessible to the public.

(c) Nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.

SUPERIOR COURT, COUNTY OF FRESNO



NOTICE- PROPOSED EFFECTIVE DATE
10/5/2015 through 10/9/2015 and
10/12/2015 through 10/16/2015

RE: Intent to Temporarily Close the Family Support Courtrooms

The Court intends to temporarily close the Family Support Courtrooms, located at the B.F Sisk Courthouse, to allow for training of Superior Court and Department of Child Support Services staff.

Departments 301 will be closed on the following days during the weeks of October 5th and 12th:

Monday, October 5, 2015	Thursday, October 15, 2015
Tuesday, October 6, 2015	Friday, October 16, 2015
Thursday, October 8, 2015	

Departments 302 will be closed on the following days during the weeks of October 5th and 12th:

Tuesday, October 6, 2015	Wednesday, October 14, 2015
Wednesday, October 7, 2015	Thursday, October 15, 2015
Thursday, October 8, 2015	Friday, October 16, 2015

The Family Support Clerk's Office will remain open.

Comments may be submitted to infodesk@fresno.courts.ca.gov

*Government Code Section 68106 requires trial courts to provide notice to the public at least sixty (60) days before closing any courtroom or closing/ reducing the hours of the clerks' offices by conspicuous posting within its facilities and on its public website.