



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-179

For business meeting on: September 19, 2023

Title

Equal Access Fund: Distribution of Funds for CARE Act Legal Representation

Recommended by

Judicial Council staff
Robert Oyung, Acting Chief Deputy Director
and Chief Operating Officer
Charlene Depner, Director, Center for
Families, Children & the Courts

Agenda Item Type

Action Required

Effective Date

September 19, 2023

Date of Report

September 7, 2023

Contact

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Executive Summary

The Legal Services Trust Fund Commission (commission) of the State Bar of California recommends that the Judicial Council, as authorized by the 2023 Budget Act, approve the distribution of \$22,852,000 to the commission for the implementation of the Community Assistance, Recovery, and Empowerment (CARE) Act. The commission will distribute a portion of these funds through the Equal Access Fund as grants to qualified legal services projects to provide legal counsel for representation in CARE Act proceedings, matters related to CARE agreements and CARE plans, or to county public defenders offices in the event that no qualified legal services program is available to provide representation; to qualified support centers or other entities that have expertise in providing legal training and technical assistance to legal aid providers or public defenders related to the implementation of the CARE Act; and to the State Bar of California for administration of this program.

Recommendation

The Legal Services Trust Fund Commission of the State Bar of California (commission) recommends that the Judicial Council, effective September 19, 2023, approve the distribution of

\$22,852,000 to the commission for the implementation of the Community Assistance, Recovery, and Empowerment Act (Link A), as authorized by the Budget Act of 2023 (Link B).

Relevant Previous Council Action

On January 20, 2023, the Judicial Council approved \$250,000 to the Legal Services Trust Fund Commission to distribute to qualified legal services projects and qualified support centers for planning efforts related to the CARE Act (Link C).

Analysis/Rationale

The Budget Act of 2023¹ provides that by October 1, 2023, the Judicial Council shall distribute the funds for CARE Act legal representation to the commission, which will distribute:

- \$20,400,000 through the Equal Access Fund as grants to qualified legal services projects to provide legal counsel pursuant to Welfare and Institutions Code section 5976(c) for representation in CARE Act proceedings, matters related to CARE agreements and CARE plans, or to county public defender offices in the event that no qualified legal services program is available to provide representation;
- \$1.02 million as grants to qualified support centers or other entities that have expertise in providing legal training and technical assistance to legal aid providers or public defenders related to the implementation of the CARE Act, or to qualified legal services projects and public defender offices to provide legal counsel pursuant to subdivision(c) of section 5976 of the Welfare and Institutions Code for representation in CARE Act proceedings, matters related to CARE agreements, and CARE plans; and
- \$1,432,000 to the State Bar of California for administration of this program. The commission must use a formula to determine grant amounts to award to qualified legal services projects in the counties of Glenn, Orange, Riverside, San Diego, Stanislaus, Tuolumne, Los Angeles, and the City and County of San Francisco. Any funds not awarded to legal services providers in each county shall be allocated to that county's public defender office to provide CARE Act services.

Qualified legal services projects, support centers, and public defender offices that receive these funds are required to comply with data collection and reporting requirements specified in the Budget Act. The commission, in consultation with the Judicial Council, will develop a data reporting framework to ensure consistent and comparable data reporting. The commission is responsible for (1) collecting outcome data from each county's public defender office, qualified legal services projects, and support centers; and (2) providing the Judicial Council an annual report that includes funding allocations, annual expenditures, and program outcomes by service

¹ Budget Act of 2023 (Assem. Bill 102; Stats. 2023, ch. 38),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB102

area and service provider. The commission shall coordinate with the Judicial Council to ensure that the data collection and reports comply with the Judicial Council's CARE Act reporting requirements.

Policy implications

The distribution of these funds helps implement Goal I of the Judicial Council's strategic plan—Access, Fairness, Diversity, and Inclusion—by increasing representation for low-income persons.

Comments

Circulation for public comment was not required for this report.

Alternatives considered

There are no alternatives to distributing the funds other than as approved by the commission. The Budget Act provides that the commission shall make the grant award determinations.

Fiscal and Operational Impacts

Judicial Council staff will work with the staff of the commission to oversee administration of the funds, data collection, and reporting. Staff will also provide support to the commission to facilitate administration of the funds.

Attachments and Links

1. Link A: Community Assistance, Recovery, and Empowerment (CARE) Court Program (Sen. Bill 1338; Stats. 2022, ch. 319),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1338
2. Link B: Budget Act of 2023 (Assem. Bill 102; Stats. 2023, ch. 38),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB102
3. Link C: Judicial Council Report, January 20, 2023, Item 23-053, *Equal Access Fund: CARE Act Planning Funds for Legal Services Organizations*,
<https://jcc.legistar.com/View.ashx?M=F&ID=11533936&GUID=EC0848A2-1C74-47A4-9BAA-787A7CC451BD>