



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: March 15, 2019

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**Title**

Child Support: Midyear Funding Reallocation  
for Fiscal Year 2018–2019 for the Child  
Support Commissioner and Family Law  
Facilitator Program

**Agenda Item Type**

Action Required

**Effective Date**

March 15, 2019

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

January 17, 2019

**Recommended by**

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

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2018–2019. The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council. At midyear, under an established procedure described in the standard agreement with each superior court, the Judicial Council redistributes to courts with a documented need for additional funds any available funds from courts that are projected not to spend their full grants that year. The courts are also offered an option to use local court funds up to an approved amount to draw down, or qualify for, federal matching funds.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective March 15, 2019:

1. Approve the reallocation for funding of child support commissioners for FY 2018–2019, subject to the state Budget Act;
2. Approve the reallocation for funding of family law facilitators for FY 2018–2019, subject to the state Budget Act;

Tables detailing the recommended reallocations of funding are attached at pages 6–7.

### **Previous Council Action**

The Judicial Council is required annually to allocate non trial court funding to the Child Support Commissioner and Family Law Facilitator Program, and has done so since 1997.<sup>1</sup> 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 budget for DCSS. Any funds left unspent during the fiscal year revert to the state General Fund and cannot be used in subsequent years.

Under an established procedure described in the standard agreement with each superior court, the Judicial Council at midyear redistributes to courts with a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants. In addition, in FY 2007–2008, DCSS and the Judicial Council of California provided a mechanism for the courts to recover two-thirds of additional program costs beyond the contract maximum covered by use of local trial court funds.

### **Rationale for Recommendation**

#### **Midyear reallocation, FY 2018–2019**

The midyear reallocation process is a review of each court’s program funding in the current fiscal year, conducted through a questionnaire distributed to each court to allow courts to indicate whether or not they anticipate having additional funds that can be reallocated to courts who have demonstrated a need for additional funds. Historically, the midyear reallocation is to meet one-time, nonrecurring special needs, such as equipment purchases or temporary help to clear work backlogs. This year a number of courts indicated a need for additional funds just to maintain current service levels due to increased costs of doing business. In FY 2007–2008, an additional procedure—the federal drawdown option—was put in place to assist in covering the cost of maintaining current program service levels through the use of local trial court funds spent beyond the current contract maximum and used as a match to obtain additional federal funds for

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<sup>1</sup> 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 [Family Code] Division 14 (commencing with Section 10000) and related allowable costs.” A copy of the original Judicial Council Report from 1997 is attached that provided the foundation for funding the child support commissioner and family law facilitator program.

the program. Federal drawdown funds voluntarily returned by some courts are also available to be redistributed to courts who have requested additional federal drawdown funds. Therefore, the committee recommends reallocation of the limited amount of funds available based on a proportional formula to all courts who have indicated a need.

Base funds and funds under the federal drawdown option, allocated at the beginning of this fiscal year but returned by courts unable to use all of these funds, are proposed for reallocation during this midyear process. As a result of the midyear reallocation process, for the Child Support Commissioner Program, a total of \$2,085,136 is available because five courts have volunteered to return \$225,862 in base funds and nine courts have volunteered to return \$1,859,274 in federal drawdown option funds. A total of thirteen courts have requested an additional \$643,802 in base funds and ten courts have requested \$516,916. For the Family Law Facilitator Program, a total of \$541,924 is available because five courts have volunteered to return \$76,436 in base funds and eight courts have volunteered to return \$465,488 in federal drawdown option funds.

Under an established procedure described in the standard agreement with each superior court, a questionnaire is sent to each court requesting the information needed to evaluate appropriate funding levels. In addition to compiling questionnaire responses, Judicial Council staff gathers information for each court based on individual circumstances and calculates projected spending based on invoices received to date for the current fiscal year. The Family and Juvenile Law Advisory Committee then recommends proposed funding changes. Because the Child Support Commissioner and Family Law Facilitator Program has been flat funded since 2008, available funds voluntarily returned by courts are proportionately redistributed to all requesting courts with documented needs.

This midyear reallocation process ensures that the highest proportion of total funds allocated to the courts is spent where funding is needed. This process also minimizes the amount of unspent funds that revert to the state General Fund.

In addition to the information obtained through the questionnaire, at the beginning of the fiscal year, the Superior Court of Santa Cruz, contacted program staff regarding the Judicial Council's allocations for FY 2018-2019. The court indicated that there was some confusion in completing the questionnaire for its initial funding request for FY 2018-2019. When the court completed the questionnaire it inadvertently reduced its request for federal drawdown funding for both the Child Support Program and the Family Law Facilitator Program. Those funds were then allocated to other courts by the Judicial Council. The court requested that during the midyear reallocation process, the federal drawdown funds be restored. In 2017–2018, the Superior Court of Santa Cruz was allocated \$56,250 in federal drawdown funds for the Child Support Commissioner Program and \$35,154 in federal drawdown funds for the Family Law Facilitator. After doing a detailed analysis of need, the court has requested a partial restoration of \$30,130 for the Child Support Commissioner Program and a restoration of the entire \$35,154 for the Family Law Facilitator

Program. Because other courts have requested a decrease in participation in the federal drawdown option for FY 2018–2019, funds are available to restore the federal drawdown funds in the amount requested by the Superior Court of Santa Cruz with additional funds available to allocate to other requesting courts.

In order to ensure that the Superior Court of Santa Cruz can meet the federal performance standards, the committee recommends a partial restoration of federal drawdown funds of \$30,130 be allocated to the Child Support Commissioner Program and full restoration of federal drawdown funds of \$35,154 for the Family Law Facilitator Program for the Superior Court of Santa Cruz before the remaining funds voluntarily returned by other courts during the midyear reallocation process be reallocated to the courts requesting additional funds.

During the midyear reallocation process, a total of \$2,085,136 from all child support program grant sources was available for reallocation to the child support commissioner component of the program. A total of 40 courts requested no change to their child support commissioner base allocations, 39 requested no change to their federal drawdown option, five courts offered to return base funds, and nine courts offered to return federal drawdown option funds. Thirteen courts requested an additional \$643,802 in base funds and ten courts requested an additional \$516,916 in federal drawdown funds. The request for base funds exceeds the funds available for reallocation, so the available base funds have been proportionately allocated among the courts requesting additional funds based on each court's share of the total base funding. Because the federal drawdown funds voluntarily returned by courts exceed the request for additional federal drawdown funds, all courts requesting additional federal drawdown funds have been allocated funds consistent with their requests. \$1,342,358 in federal drawdown funds remain unallocated. The questionnaires completed by the courts show that additional funds are necessary to meet the needs of the program, but that courts do not have sufficient funds from other sources to contribute to the program in order to drawdown the federal funds. Courts will have the opportunity to request these available funds during the second reallocation process before the end of the fiscal year.

A total of \$541,924 from all Family Law Facilitator Program grant sources was available for reallocation to the family law facilitator component of the program. A total of 40 courts requested no change to their family law facilitator base allocations, 44 requested no change to their federal drawdown option, five courts offered to return base funds, and eight courts offered to return federal drawdown funds. Thirteen courts requested an additional \$1,109,593 in base funds and fourteen courts requested an additional \$876,133 in federal drawdown funds. Because the request for both base and federal drawdown funds exceed the funds available for reallocations, the available base and federal drawdown funds have been proportionately allocated among the courts requesting additional funds proportionate to their share of the total base funding.

Under the established allocation procedures for this program, the request was reviewed by the Family and Juvenile Law Advisory Committee. The committee recommends the Judicial Council adopt the allocations for the Child Support Commissioner Program detailed on the table on page 6 and the allocations for the Family Law Facilitator Program detailed on the table at page 7.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for public comment; however, a detailed funding questionnaire was completed by all 58 courts and used to develop the allocation recommendations.

#### **Alternatives considered for reallocating funding, FY 2018–2019**

The committee considered not restoring the federal drawdown participation for the Superior Court of Santa Cruz Child Support Program in the specific amount requested, but rather reallocate funding to that court as part of the overall FY 2018–2019 funding reallocation. This option was rejected because although this reallocation would allow some funds to be restored to this court, it would be insufficient to allow the court to meet federal performance standards because of a technical error.

The committee considered reallocating available base and federal drawdown funds relinquished by courts for both the Child Support Commissioner Program and Family Law Facilitator Program only to courts who have spent all of the funds allocated to them in the three most recent fiscal years. The committee rejected this option because although it provides some additional funds to courts who have consistently spent all of the funds allocated to them it, it is more appropriate to reallocate the funds among all courts who have indicated a need for additional funds.

### **Implementation Requirements, Costs, and Operational Impacts**

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. Child Support Commissioner Program Midyear Reallocation, FY 2018–2019, at page 6
2. Family Law Facilitator Program Midyear Reallocation, FY 2018–2019, at page 7

**Attachment A**

Child Support Commissioner Program Midyear Reallocation, FY 2018–2019											
		A	B	C	D	E	F	G	H	I	J
#	CSC Court	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Mid-Year Changes to Base Allocation	Mid-Year Changes to Federal Drawdown Option	Recommended Base Funding Allocation (A + C)	Recommended Federal Drawdown Option Allocation (B + D)	Federal Share 66% (Column F * .66)	Court Share 34% (Column F * .34)	Total Allocation (E + F)	Contract Amount (E + G)
1	Alameda	1,066,055	713,526	17,019	(488,932)	1,083,074	224,594	148,232	76,362	1,307,668	1,231,306
2	Alpine	-	-	-	-	-	-	-	-	-	-
3	Amador	140,250	45,736	-	-	140,250	45,736	30,186	15,550	185,986	170,436
4	Butte	300,000	-	(25,000)	-	275,000	-	-	-	275,000	275,000
5	Calaveras	132,667	39,992	-	(29,992)	132,667	10,000	6,600	3,400	142,667	139,267
6	Colusa	45,691	20,809	(8,484)	-	37,207	20,809	13,734	7,075	58,016	50,941
7	Contra Costa	873,000	-	10,000	-	883,000	-	-	-	883,000	883,000
8	Del Norte	48,004	32,298	-	-	48,004	32,298	21,317	10,981	80,302	69,321
9	El Dorado	203,169	100,382	-	-	203,169	100,382	66,252	34,130	303,551	269,421
10	Fresno	1,617,646	762,100	-	-	1,617,646	762,100	502,986	259,114	2,379,746	2,120,632
11	Glenn	120,030	63,012	-	-	120,030	63,012	41,588	21,424	183,042	161,618
12	Humboldt	121,036	59,801	-	(59,801)	121,036	-	-	-	121,036	121,036
13	Imperial	165,363	136,662	3,036	31,901	168,399	168,563	111,252	57,311	336,962	279,651
14	Inyo	79,264	48,930	-	-	79,264	48,930	32,294	16,636	128,194	111,558
15	Kern	670,498	438,444	12,309	161,556	682,807	600,000	396,000	204,000	1,282,807	1,078,807
16	Kings	302,609	171,250	-	-	302,609	171,250	113,025	58,225	473,859	415,634
17	Lake	155,126	30,770	-	-	155,126	30,770	20,308	10,462	185,896	175,434
18	Lassen	60,000	-	-	-	60,000	-	-	-	60,000	60,000
19	Los Angeles	5,289,980	2,780,860	97,114	100,000	5,387,094	2,880,860	1,901,368	979,492	8,267,954	7,288,462
20	Madera	215,291	76,056	3,952	34,900	219,243	110,956	73,231	37,725	330,199	292,474
21	Marin	126,208	5,620	2,317	21,101	128,525	26,721	17,636	9,085	155,246	146,161
22	Mariposa	75,216	-	(17,560)	-	57,656	-	-	-	57,656	57,656
23	Mendocino	170,269	40,079	-	-	170,269	40,079	26,452	13,627	210,348	196,721
24	Merced	539,732	266,673	-	-	539,732	266,673	176,004	90,669	806,405	715,736
25	Modoc	-	-	-	-	-	-	-	-	-	-
26	Mono	45,974	2,926	844	1,074	46,818	4,000	2,640	1,360	50,818	49,458
27	Monterey	375,757	180,525	-	(103,412)	375,757	77,113	50,895	26,218	452,870	426,652
28	Napa	105,000	-	(15,000)	-	90,000	-	-	-	90,000	90,000
29	Nevada	327,593	-	-	-	327,593	-	-	-	327,593	327,593
30	Orange	2,299,118	66,155	(159,818)	-	2,139,300	66,155	43,662	22,493	2,205,455	2,182,962
31	Placer	343,600	5,151	-	10,000	343,600	15,151	10,000	5,151	358,751	353,600
32	Plumas	95,777	18,163	-	-	95,777	18,163	11,988	6,175	113,940	107,765
33	Riverside	1,005,357	569,001	-	-	1,005,357	569,001	375,541	193,460	1,574,358	1,380,898
34	Sacramento	1,044,502	500,000	-	-	1,044,502	500,000	330,000	170,000	1,544,502	1,374,502
35	San Benito	135,384	30,000	-	-	135,384	30,000	19,800	10,200	165,384	155,184
36	San Bernardino	2,569,836	1,393,318	47,178	104,509	2,617,014	1,497,827	988,566	509,261	4,114,841	3,605,580
37	San Diego	1,791,621	1,002,066	-	(151,515)	1,791,621	850,551	561,364	289,187	2,642,172	2,352,985
38	San Francisco	902,452	441,796	-	(441,796)	902,452	-	-	-	902,452	902,452
39	San Joaquin	685,004	50,000	-	-	685,004	50,000	33,000	17,000	735,004	718,004
40	San Luis Obispo	230,689	145,000	-	-	230,689	145,000	95,700	49,300	375,689	326,389
41	San Mateo	389,666	239,077	-	-	389,666	239,077	157,791	81,286	628,743	547,457
42	Santa Barbara	478,689	243,496	8,788	-	487,477	243,496	160,707	82,789	730,973	648,184
43	Santa Clara	1,773,701	739,480	-	-	1,773,701	739,480	488,057	251,423	2,513,181	2,261,758
44	Santa Cruz	195,056	18,655	3,581	11,475	198,637	30,130	19,886	10,244	228,767	218,523
45	Shasta	416,675	205,874	-	(205,874)	416,675	-	-	-	416,675	416,675
46	Sierra	-	-	-	-	-	-	-	-	-	-
47	Siskiyou	130,350	-	-	-	130,350	-	-	-	130,350	130,350
48	Solano	515,817	95,481	-	-	515,817	95,481	63,017	32,464	611,298	578,834
49	Sonoma	498,798	199,559	9,157	40,400	507,955	239,959	158,373	81,586	747,914	666,328
50	Stanislaus	771,110	209,665	-	-	771,110	209,665	138,379	71,286	980,775	909,489
51	Sutter	192,235	63,487	-	-	192,235	63,487	41,901	21,586	255,722	234,136
52	Tehama	94,249	132,000	-	-	94,249	132,000	87,120	44,880	226,249	181,369
53	Trinity	-	-	-	-	-	-	-	-	-	-
54	Tulare	558,311	68,732	-	(2,348)	558,311	66,384	43,813	22,571	624,695	602,124
55	Tuolumne	158,566	78,346	-	-	158,566	78,346	51,708	26,638	236,912	210,274
56	Ventura	575,604	425,000	10,567	(375,604)	586,171	49,396	32,601	16,795	635,567	618,772
57	Yolo	190,192	33,000	-	-	190,192	33,000	21,780	11,220	223,192	211,972
58	Yuba	203,149	50,000	-	-	203,149	50,000	33,000	17,000	253,149	236,149
	<b>TOTAL</b>	<b>31,616,936</b>	<b>13,038,953</b>	<b>-</b>	<b>(1,342,358)</b>	<b>31,616,936</b>	<b>11,696,595</b>	<b>7,719,754</b>	<b>3,976,841</b>	<b>43,313,531</b>	<b>39,336,690</b>

CSC Base Funds

31,616,936

31,616,936

-

Final CSC Base Funds

CSC Federal Drawdown

13,038,953

12,364,906

674,047

Final CSC FDD

Total Funding Allocated

44,655,889

43,981,842

674,047

Total Funding Allocated

Attachment B											
		Family Law Facilitator Program Midyear Reallocation, FY 2018–2019									
		A	B	C	D	E	F	G	H	I	J
#	Court	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Mid-Year Changes to Base Allocation	Mid-Year Changes to Federal Drawdown Option	Recommended Base Funding Allocation (A + C)	Recommended Federal Drawdown Option Allocation (B + D)	Federal Share 66% (Column F * .66)	Court Share 34% (Column F * .34)	Total Allocation (E + F)	Contract Amount (E + G)
1	Alameda	362,939	176,319		-	362,939	176,319	116,371	59,948	539,258	479,310
2	Alpine		-		-	-		-	-	-	-
3	Amador	46,885	4,701		-	46,885	4,701	3,103	1,598	51,586	49,988
4	Butte	101,754	47,433		-	101,754	47,433	31,306	16,127	149,187	133,060
5	Calaveras	70,655	8,000	2,259.00	10,000	72,914	18,000	11,880	6,120	90,914	84,794
6	Colusa	35,600	8,900		-	35,600	8,900	5,874	3,026	44,500	41,474
7	Contra Costa	345,518	-		-	345,518		-	-	345,518	345,518
8	Del Norte	50,002	5,971		-	50,002	5,971	3,941	2,030	55,973	53,943
9	El Dorado	106,037	50,384		-	106,037	50,384	33,253	17,131	156,421	139,290
10	Fresno	394,558	186,596		-	394,558	186,596	123,153	63,443	581,154	517,711
11	Glenn	75,808	35,172	(11,591.00)	(35,172)	64,217	-	-	-	64,217	64,217
12	Humboldt	89,185	9,774	(14,185.00)	(9,774)	75,000	-	-	-	75,000	75,000
13	Imperial	52,865	34,661	1690	9,735	54,555	44,396	29,301	15,095	98,951	83,856
14	Inyo	57,185	27,171		-	57,185	27,171	17,933	9,238	84,356	75,118
15	Kern	355,141	200,000	11353	65,397	366,494	265,397	175,162	90,235	631,891	541,656
16	Kings	58,493	26,904		-	58,493	26,904	17,757	9,147	85,397	76,250
17	Lake	57,569	26,836		-	57,569	26,836	17,712	9,124	84,405	75,281
18	Lassen	65,000	-		-	65,000	-	-	-	65,000	65,000
19	Los Angeles	1,890,029	803,431		(175,746)	1,890,029	627,685	414,272	213,413	2,517,714	2,304,301
20	Madera	80,794	25,383		-	80,794	25,383	16,753	8,630	106,177	97,547
21	Marin	136,581	-		-	136,581	-	-	-	136,581	136,581
22	Mariposa	45,390	-	(13,660.00)	-	31,730	-	-	-	31,730	31,730
23	Mendocino	60,462	29,290		-	60,462	29,290	19,331	9,959	89,752	79,793
24	Merced	98,847	46,536		-	98,847	46,536	30,714	15,822	145,383	129,561
25	Modoc	70,941	1,247		-	70,941	1,247	823	424	72,188	71,764
26	Mono	48,246	1,350		150	48,246	1,500	990	510	49,746	49,236
27	Monterey	120,688	57,179	3858	22,224	124,546	79,403	52,406	26,997	203,949	176,952
28	Napa	61,820	29,290		-	61,820	29,290	19,331	9,959	91,110	81,151
29	Nevada	116,010	-		-	116,010	-	-	-	116,010	116,010
30	Orange	537,209	66,935		(42,044)	537,209	24,891	16,428	8,463	562,100	553,637
31	Placer	89,626	-	(7,000.00)	-	82,626	-	-	-	82,626	82,626
32	Plumas	55,827	7,803		-	55,827	7,803	5,150	2,653	63,630	60,977
33	Riverside	665,441	356,279		-	665,441	356,279	235,144	121,135	1,021,720	900,585
34	Sacramento	309,597	202,993	9897	57,011	319,494	260,004	171,603	88,401	579,498	491,097
35	San Benito	60,289	29,151		-	60,289	29,151	19,240	9,911	89,440	79,529
36	San Bernardino	459,342	305,595	14685	84,586	474,027	390,181	257,519	132,662	864,208	731,546
37	San Diego	605,937	253,614		(45,455)	605,937	208,159	137,385	70,774	814,096	743,322
38	San Francisco	245,257	113,795		-	245,257	113,795	75,105	38,690	359,052	320,362
39	San Joaquin	214,154	71,332		39,435	214,154	110,767	73,106	37,661	324,921	287,260
40	San Luis Obispo	67,010	32,246		-	67,010	32,246	21,282	10,964	99,256	88,292
41	San Mateo	126,800	86,812		-	126,800	86,812	57,296	29,516	213,612	184,096
42	Santa Barbara	170,705	77,323	5457	31,434	176,162	108,757	71,780	36,977	284,919	247,942
43	Santa Clara	445,545	210,712		-	445,545	210,712	139,070	71,642	656,257	584,615
44	Santa Cruz	74,335	-	2376	48,842	76,711	48,842	32,236	16,606	125,553	108,947
45	Shasta	185,447	111,913	(30,000.00)	(111,913)	155,447	-	-	-	155,447	155,447
46	Sierra	-	-		-						
47	Siskiyou	74,650	30,000	2386	13,746	77,036	43,746	28,872	14,874	120,782	105,908
48	Solano	129,070	39,710		(19,054)	129,070	20,656	13,633	7,023	149,726	142,703
49	Sonoma	138,141	65,519		-	138,141	65,519	43,243	22,276	203,660	181,384
50	Stanislaus	219,062	102,115		-	219,062	102,115	67,396	34,719	321,177	286,458
51	Sutter	66,292	31,409		-	66,292	31,409	20,730	10,679	97,701	87,022
52	Tehama	27,294	3,535		-	27,294	3,535	2,333	1,202	30,829	29,627
53	Trinity	-	-		-						
54	Tulare	307,882	132,293	9842	56,695	317,724	188,988	124,732	64,256	506,712	442,456
55	Tuolumne	64,534	30,084		-	64,534	30,084	19,855	10,229	94,618	84,389
56	Ventura	252,718	168,612	8079	(26,330)	260,797	142,282	93,906	48,376	403,079	354,703
57	Yolo	76,604	35,377	2449	14,106	79,053	49,483	32,659	16,824	128,536	111,712
58	Yuba	65,856	42,000	2105	12,127	67,961	54,127	35,724	18,403	122,088	103,685
	TOTAL	10,789,626	4,449,685	-	-	10,789,626	4,449,685	2,936,793	1,512,892	15,239,311	13,726,419

FLF Base Funds
10,789,626
-

FLF Federal Drawdown
4,449,685

Total Funding Allocated
15,239,311