



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 18–19, 2019

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**Title**

Child Support: Base Funding Allocation for Fiscal Year 2019–20 for Child Support Commissioner and Family Law Facilitator Program

**Agenda Item Type**

Action Required

**Effective Date**

July 1, 2019

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

None

**Date of Report**

April 19, 2019

**Recommended by**

Trial Court Budget Advisory Committee  
Hon. Jonathan B. Conklin, Chair

**Contact**

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### Executive Summary

The Trial Court Budget Advisory Committee recommends approving the allocation of funding for the Child Support Commissioner and Family Law Facilitator Program for fiscal year 2019–20, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council. 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 Trial Court Budget Advisory Committee recommends that the Judicial Council, effective July 1, 2019:

1. Approve allocation for funding of child support commissioners for fiscal year (FY) 2019–20, subject to the state Budget Act; and
2. Approve the allocation for funding of family law facilitators for FY 2019–20, subject to the state Budget Act.

Tables detailing the recommended allocations of funding are contained in Attachments A and B.

### **Previous Council Action**

The Judicial Council is required to annually 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 (non-trial court funding). Any funds left unspent during the fiscal year revert to the state General Fund and cannot be used in subsequent years.

Additionally, in FY 2007–08, DCSS and the Judicial Council provided a mechanism for the courts to recover two-thirds of additional program costs beyond the contract maximum covered by local trial court funds. This federal drawdown option continues to be available for FY 2019–20.

On January 15, 2019, the Judicial Council approved the recommendations of the AB 1058 Funding Allocation Joint Subcommittee as follows:

1. Approve a new funding methodology for the AB 1058 child support commissioner program base funding that is workload-based and employs the same workload and cost structures as the Workload-Based Allocation and Funding Methodology (WAFM);
2. Begin reallocating AB 1058 child support commissioner program base grant funds based on that methodology in FY 2019–20;
3. Cap increases or decreases of funding at 5 percent and maintain current funding levels for smaller courts to ensure continued operation of their programs;
4. Based on recommendations of the Family and Juvenile Law Advisory Committee, allocate federal title IV-D (of the Social Security Act) drawdown funds (to be matched by the trial courts) to each court in proportion to the total funds up to the amount the court requests and is prepared to match; and
5. Maintain the historical funding methodology for the family law facilitator program until FY 2021–22.

### **Analysis/Rationale**

The Judicial Council is responsible for the allocation of base program funding at the beginning of each fiscal year. Funding for FY 2019–20 for the child support commissioner component of the program is anticipated to be \$31,616,936 base funding and \$13,038,953 for the federal

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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.”

drawdown option. Funding for the family law facilitator component is anticipated to be \$10,789,626 base funding and \$4,449,685 from the federal drawdown option, for a total program base allocation of \$44.6 million and a total federal drawdown allocation of \$15.2 million.

On January 15, 2019, the council approved a new funding methodology for base funding for the child support commissioner program, while maintaining the historical methodology for base funding for the family law facilitator program. The committee recommends that the Judicial Council adopt the allocations for the child support commissioner program detailed in Attachment A and the allocations for the family law facilitator program detailed in Attachment B, which follow the respective approved methodologies for each program as described below.

### **Child support commissioner program funding allocations, FY 2019–20**

The recently approved child support commissioner program base funding allocation methodology estimates the workload-based need for child support commissioners and the staff to support those commissioners, excluding the family law facilitator, using the same principles and model parameters as the Resource Assessment Study (RAS) model and the WAFM. Child support commissioner need is estimated by taking a three-year average of governmental child support filings (FY 2014–15 through FY 2016–17) and multiplying those filings by the case weight in the Family Law–Other Petitions category (46 minutes). The product is then divided by the judicial workload year value. The result is an estimate of the full-time equivalent (FTE) positions needed for the workload. A similar approach is taken to estimate the workload-based need for staff support, with estimates for managers/supervisors and administrative staff (human resources, information technology, finance) included by using the same ratios of line staff to supervisory/administrative staff as in the RAS model. A ratio of 1.25 court reporters to each judicial officer needed is used to establish a court reporter need, and the salary, benefits, and labor costs for each staff position (following the WAFM framework) are used to convert the FTE need to dollars. Finally, the Operating Expenses & Equipment factor used in WAFM was also applied on the staff side. Applying this methodology shows that the amount needed to fully fund the program greatly exceeds the funding available.

However, because this methodology would result in dramatic funding cuts or increases in most courts, which would impact the courts' ability to provide the services required to meet federal and state law and contractual provisions associated with the funding, the council approved the joint subcommittee's recommendation that the initial reallocation be capped at 5 percent of the total amount that each court's program can be cut or increased. Additionally, recognizing the important collaborations between small courts via intra-branch agreements to share child support commissioners to ensure each court's limited funding does not prevent it from being able to meet federal, state, and contractual requirements, the council approved the joint subcommittee's recommendation that these courts (cluster 1 courts and any courts with an existing intra-branch agreement with another court for AB 1058 services) be funded at no less than their current levels for FY 2019–20 and FY 2020–21.

With these new child support commissioner program base allocations, courts were directed to reassess their federal drawdown funding need and request a federal drawdown amount for FY 2019–20 by responding to a questionnaire distributed to the courts. At its January 15, 2019, meeting, the council adopted the joint subcommittee’s recommendation that federal drawdown funds be allocated proportionally to each court based on the new funding allocations up to the amount that a court requests and can match. The council further determined that if the request for federal drawdown funds exceeds the amount available to allocate, these funds should be allocated in proportion to a court’s base funding. This proportional allocation is continued until all drawdown funds are allocated to those courts that are willing and able to provide the matching funds.

The committee recommends that courts be allocated base and federal drawdown funding for the child support commissioner program for FY 2019–20 following these methodologies as shown on Attachment A.<sup>2</sup>

### **Family law facilitator program funding allocations, FY 2019–20**

Per the historic funding allocation methodology, a questionnaire is sent to each court requesting the information needed to evaluate appropriate funding levels for the family law facilitator base funds and family law facilitator federal drawdown funds. The committee recommends that courts be allocated base funding, less any amount a court indicated that it wishes to relinquish, for the family law facilitator program as in FY 2018–19. The committee also recommends that courts be allocated federal drawdown funding, less any amount a court indicated that it wishes to relinquish, for the family law facilitator program as in FY 2017–18, but that each court requesting increased base funding, federal drawdown funding, or both, be allocated additional funding in proportion to overall funding available for program funding.

On April 29, 2019, the Family and Juvenile Law Advisory Committee reviewed the allocation of the federal drawdown funding for both the Child Support Commissioner Program and Family Law Facilitator Program as directed by the Judicial Council. The Family and Juvenile Law Advisory Committee recommends adopting the federal drawdown allocations for FY 2019–20 as shown on Attachment A and Attachment B.

### **Comments**

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**

The committee considered taking no action but rejected this option as inconsistent with Judicial Council goals because it would result in the reversion of unspent funds to the General Fund. Taking no action would also deprive courts of the option of using federal financial participation to cover two-thirds of some of the existing court contributions to the program. A number of

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<sup>2</sup> As part of the questionnaire process, one court requested a reduced amount in base funding; \$37,042 will be made available during the FY 2019–20 midyear reallocation process.

courts commented in their questionnaires about the need for additional funding to support the program, but that courts are unable to contribute trial court funds to the continued shortfalls in program funding, and these concerns have been forwarded to DCSS.

### **Fiscal 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 and Links**

1. Attachment A: *Child Support Commissioner Program Allocation, FY 2019–2020*
2. Attachment B: *Family Law Facilitator Program Allocation, FY 2019–2020*

**Attachment A**
**Child Support Commissioner Program Allocation, FY 2019–2020**

		A	B	C	D	E	F
#	Court	Recommended Base Funding Allocation	Recommended Federal Drawdown Option Allocation	Total Allocation (A + B)	Federal Share 66% (Column B * .66)	Court Share 34% (Column B * .34)	Contract Amount (A + D)
1	Alameda	1,119,358	549,815	1,669,173	362,878	186,937	1,482,236
2	Alpine (see El Dorado)				-	-	0
3	Amador	140,250	45,736	185,986	30,186	15,550	170,436
4	Butte	250,000	0	250,000	-	-	250,000
5	Calaveras	132,667	10,000	142,667	6,600	3,400	139,267
6	Colusa	45,691	20,809	66,500	13,734	7,075	59,425
7	Contra Costa	835,291	0	835,291	-	-	835,291
8	Del Norte	50,404	29,023	79,427	19,155	9,868	69,559
9	El Dorado	203,169	100,382	303,551	66,252	34,130	269,421
10	Fresno	1,547,773	843,800	2,391,573	556,908	286,892	2,104,681
11	Glenn	120,030	63,012	183,042	41,588	21,424	161,618
12	Humboldt	117,835	59,801	177,636	39,469	20,332	157,304
13	Imperial	173,631	99,977	273,608	65,985	33,992	239,616
14	Inyo	79,264	45,640	124,904	30,123	15,518	109,387
15	Kern	704,023	405,377	1,109,400	267,548	137,828	971,571
16	Kings	289,538	166,716	456,254	110,033	56,683	399,571
17	Lake	148,425	37,000	185,425	24,420	12,580	172,845
18	Lassen	60,000	0	60,000	-	-	60,000
19	Los Angeles	5,554,479	3,198,270	8,752,749	2,110,858	1,087,412	7,665,337
20	Madera	205,992	83,000	288,992	54,780	28,220	260,772
21	Marin	120,757	34,980	155,737	23,087	11,893	143,844
22	Mariposa	75,216	0	75,216	-	-	75,216
23	Mendocino	162,914	51,250	214,164	33,825	17,425	196,739
24	Merced	516,419	297,354	813,773	196,253	101,100	712,672
25	Modoc		0	0	-	-	0
26	Mono	45,974	5,000	50,974	3,300	1,700	49,274
27	Monterey	375,757	100,556	476,313	66,367	34,189	442,124
28	Napa	100,465	0	100,465	-	-	100,465
29	Nevada	327,593	0	327,593	-	-	327,593
30	Orange	2,199,809	326,142	2,525,951	215,254	110,888	2,415,063
31	Placer	328,758	51,092	379,850	33,721	17,371	362,479
32	Plumas	95,777	0	95,777	-	-	95,777
33	Riverside	1,055,625	244,375	1,300,000	161,287	83,088	1,216,912
34	Sacramento	1,096,727	500,000	1,596,727	330,000	170,000	1,426,727
35	San Benito	135,384	30,000	165,384	19,800	10,200	155,184
36	San Bernardino	2,698,328	1,393,318	4,091,646	919,589	473,728	3,617,917
37	San Diego	1,755,653	1,010,905	2,766,558	667,198	343,708	2,422,851
38	San Francisco	863,471	441,796	1,305,267	291,585	150,211	1,155,056
39	San Joaquin	719,254	50,000	769,254	33,000	17,000	752,254
40	San Luis Obispo	220,725	127,093	347,818	83,882	43,212	304,607
41	San Mateo	372,835	214,678	587,513	141,688	72,991	514,523
42	Santa Barbara	458,012	149,724	607,736	98,818	50,906	556,830
43	Santa Clara	1,697,087	977,183	2,674,270	644,940	332,242	2,342,027
44	Santa Cruz	186,631	36,000	222,631	23,760	12,240	210,391
45	Shasta	417,575	205,874	623,449	135,877	69,997	553,452
46	Sierra (see Nevada)		0	0	-	-	0
47	Siskiyou	124,720	0	124,720	-	-	124,720
48	Solano	493,537	95,481	589,018	63,017	32,464	556,554
49	Sonoma	477,253	221,104	698,357	145,929	75,175	623,182
50	Stanislaus	737,802	260,000	997,802	171,600	88,400	909,402
51	Sutter	192,235	63,487	255,722	41,901	21,586	234,136
52	Tehama	98,961	56,982	155,943	37,608	19,374	136,569
53	Trinity (see Shasta)		0	0	-	-	0
54	Tulare	534,195	68,348	602,543	45,110	23,238	579,305
55	Tuolumne	158,566	78,346	236,912	51,708	26,638	210,274
56	Ventura	555,211	106,527	661,738	70,308	36,219	625,519
57	Yolo	199,702	33,000	232,702	21,780	11,220	221,482
58	Yuba	203,149	50,000	253,149	33,000	17,000	236,149
	<b>TOTAL</b>	<b>31,579,897.00</b>	<b>13,038,953</b>	<b>44,618,850</b>	<b>8,605,709</b>	<b>4,433,244</b>	<b>40,185,606</b>

CSC Base Funds	31,579,897	\$37,039	31,616,936
CSC Federal Drawdown	13,038,953		13,038,953
Total Funding Available	44,618,850		\$44,655,889

Attachment B							
Family Law Facilitator Program Allocation, FY 2019–20							
		A	B	C	D	E	F
#	Court	Recommended Base Funding Allocation	Recommended Federal Drawdown Option Allocation	Total Allocation (A + B)	Federal Share 66% (Column B * .66)	Court Share 34% (Column B * .34)	Contract Amount (A + D)
1	Alameda	362,939	247,743	610,682	163,510	84,233	526,449
2	Alpine (see Amador)			-	-	-	-
3	Amador	46,885	4,701	51,586	3,103	1,598	49,988
4	Butte	101,754	61,250	163,004	40,425	20,825	142,179
5	Calaveras	70,655	8,000	78,655	5,280	2,720	75,935
6	Colusa	35,600	8,900	44,500	5,874	3,026	41,474
7	Contra Costa	345,518	0	345,518	-	-	345,518
8	Del Norte	50,002	5,971	55,973	3,941	2,030	53,943
9	El Dorado	106,037	50,384	156,421	33,253	17,131	139,290
10	Fresno	394,558	186,596	581,154	123,153	63,443	517,711
11	Glenn	75,808	0	75,808	-	-	75,808
12	Humboldt	89,185	9,774	98,959	6,451	3,323	95,636
13	Imperial	52,865	36,086	88,951	23,817	12,269	76,682
14	Inyo	57,185	27,171	84,356	17,933	9,238	75,118
15	Kern	355,141	200,000	555,141	132,000	68,000	487,141
16	Kings	58,493	32,000	90,493	21,120	10,880	79,613
17	Lake	57,569	26,836	84,405	17,712	9,124	75,281
18	Lassen	65,000	0	65,000	-	-	65,000
19	Los Angeles	1,890,029	803,431	2,693,460	530,264	273,167	2,420,293
20	Madera	80,794	25,383	106,177	16,753	8,630	97,547
21	Marin	136,581	0	136,581	-	-	136,581
22	Mariposa	45,390	0	45,390	-	-	45,390
23	Mendocino	60,462	30,000	90,462	19,800	10,200	80,262
24	Merced	98,847	67,473	166,320	44,532	22,941	143,379
25	Modoc	70,941	1,247	72,188	823	424	71,764
26	Mono	48,246	1,350	49,596	891	459	49,137
27	Monterey	120,688	57,179	177,867	37,738	19,441	158,426
28	Napa	61,820	40,000	101,820	26,400	13,600	88,220
29	Nevada	116,010	0	116,010	-	-	116,010
30	Orange	537,209	114,738	651,947	75,727	39,011	612,936
31	Placer	89,626	0	89,626	-	-	89,626
32	Plumas	55,827	7,803	63,630	5,150	2,653	60,977
33	Riverside	665,441	218,500	883,941	144,210	74,290	809,651
34	Sacramento	309,597	211,331	520,928	139,478	71,853	449,075
35	San Benito	60,289	29,151	89,440	19,240	9,911	79,529
36	San Bernardino	459,342	313,548	772,890	206,942	106,606	666,284
37	San Diego	605,937	253,614	859,551	167,385	86,229	773,322
38	San Francisco	245,257	113,795	359,052	75,105	38,690	320,362
39	San Joaquin	214,154	78,238	292,392	51,637	26,601	265,791
40	San Luis Obispo	67,010	32,246	99,256	21,282	10,964	88,292
41	San Mateo	126,800	86,554	213,354	57,126	29,428	183,926
42	Santa Barbara	170,705	77,323	248,028	51,033	26,290	221,738
43	Santa Clara	445,545	210,712	656,257	139,070	71,642	584,615
44	Santa Cruz	74,335	43,000	117,335	28,380	14,620	102,715
45	Shasta	185,447	111,913	297,360	73,863	38,050	259,310
46	Sierra (see Nevada)			-	-	-	-
47	Siskiyou	74,650	35,000	109,650	23,100	11,900	97,750
48	Solano	129,070	39,710	168,780	26,209	13,501	155,279
49	Sonoma	138,141	65,519	203,660	43,243	22,276	181,384
50	Stanislaus	219,062	120,000	339,062	79,200	40,800	298,262
51	Sutter	66,292	31,409	97,701	20,730	10,679	87,022
52	Tehama	27,294	3,535	30,829	2,333	1,202	29,627
53	Trinity (see Shasta)			-	-	-	-
54	Tulare	307,882	132,293	440,175	87,313	44,980	395,195
55	Tuolumne	64,534	30,084	94,618	19,855	10,229	84,389
56	Ventura	252,718	77,864	330,582	51,390	26,474	304,108
57	Yolo	76,604	35,377	111,981	23,349	12,028	99,953
58	Yuba	65,856	44,953	110,809	29,669	15,284	95,525
	<b>TOTAL</b>	<b>10,789,626</b>	<b>4,449,685</b>	<b>15,239,311</b>	<b>2,936,792</b>	<b>1,512,893</b>	<b>13,726,418</b>

FLF Base Funds	10,789,626
FLF Federal Drawdown	4,449,685
Total Funding Available	15,239,311