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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 23-24, 2016

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| <b>Title</b>  | <b>Agenda Item Type</b>                       |
| Juvenile Dependency: Court-Appointed<br>Dependency Counsel Workload and Funding<br>Methodology Small Courts Recommendations   | Action Required                               |
|   | <b>Effective Date</b><br>June 24, 2016        |
| <b>Rules, Forms, Standards, or Statutes Affected</b>  | <b>Date of Report</b><br>June 3, 2016         |
| None  |   |
| <b>Recommended by</b>   | <b>Contact</b>                                |
| Court-Appointed Counsel Funding Allocation<br>Methodology Joint Subcommittee of the<br>Trial Court Budget and Family and<br>Juvenile Law Advisory Committees<br>Hon. Jerilyn L. Borack, Cochair<br>Hon. Mark Ashton Cope, Cochair | Don Will, 415-865-7557<br>don.will@jud.ca.gov |

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## Executive Summary

On April 15, 2016 the Judicial Council approved 9 of the 10 recommendations in the report of the Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee of the Trial Court Budget and Family and Juvenile Law Advisory Committees on Court-Appointed Dependency Counsel Workload and Funding Methodology. The Council requested the subcommittee to review recommendation 7, related to allocation methodology for small counties, and report to the Council in June 2016 whether there are additional alternatives that it might consider. The subcommittee now provides the Council with four alternative options for adjustments to the allocation methodology for small counties, which the Council may adopt as a group or separately.

## Recommendation

The subcommittee reviewed its original recommendation related to small court funding in the Dependency Counsel Workload and Funding Methodology and recommends that the Council, effective June 24, 2016, consider all of the alternative options listed in recommendation 1, and adopt all or some of those options to modify the Workload and Funding Methodology for small courts. In addition, the subcommittee recommends that the Council consider adopting recommendation 2, which does not modify the methodology but will provide additional data on funding issues in small courts.

1. Approve all or any of the following alternative options related to the Dependency Counsel Workload and Funding Methodology in small courts:
  - a. That base funding be established for small courts that ensures funding of a minimum required service of providing qualified attorneys in the small courts.
  - b. That the attorney workload model be modified to reflect additional costs incurred in small courts: lack of access to qualified attorneys, attorneys travelling long distances from out of county, large numbers of conflicts, lack of economies of scale for attorneys in employing support staff or investigators, lack of access to expert witnesses.
  - c. That the funding reallocation process be suspended for small courts until a more accurate model for calculating workload is developed.
  - d. That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases (original recommendation 7).
2. That small courts pursue pilot projects to decrease attorney costs, including: coordinating calendars in courts that share attorneys, developing conflict attorney panels that could serve several courts, developing expert witness panels that could serve several courts, expanding remote appearances by attorneys.

### **Previous Council Action**

The Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee of the Trial Court Budget and the Family and Juvenile Law Advisory Committees was charged by the Judicial Council on April 17, 2015 with reviewing the workload model for court-appointed dependency counsel. On April 15, 2016 the Judicial Council approved 9 of the 10 recommendations made by the subcommittee (Attachment C). The Council directed the subcommittee to review recommendation 7, related to allocation methodology for small counties, and report to the Council in June 2016 whether there are additional alternatives that it might consider.

### **Rationale for Recommendation**

The joint subcommittee reviewed caseload data from the smaller courts in California and then conducted four focus groups by telephone: two for judges and court executives from small courts and two for attorneys from small courts. The conference calls were well attended and included judge or court executive participation from Amador, Del Norte, Glenn, Humboldt, Inyo, Lake, Marin, Mariposa, Mendocino, Mono, Nevada, Plumas, Siskiyou, Tehama, Tuolumne, and Yuba Superior Courts. In addition, a session at the Cow Counties Institute (June 2) to review and comment on the subcommittee recommendations included judges from Calaveras, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Mariposa, Modoc, Mono, Nevada, Placer, and

Siskiyou Superior Courts. This information gathering was in addition to the surveys, focus groups, data analysis and public comments reviewed in the April 15, 2016 report to the Council.

Based on review of the caseload data and commentary from the focus groups, the joint subcommittee defined small courts for the purposes of these recommendations as courts with fewer than 400 child welfare cases annually. There are 9 courts with a 2 judgeships and a caseload of under 100 children. This report calls these two groups the “very small courts”. There are also 9 courts with caseloads between 100 and 150 children. Judgeships in these courts range from 2 to 6, with one larger court in this group. There are four courts in the third group with 150 to 300 cases. One of these is a 2 judge court. Finally there are 5 courts with 300 to 400 cases (Appendix A).

### **Recommendation 1**

1. Approve all or any of the following alternative options related to the Dependency Council Workload and Funding Methodology in small courts.

#### **Rationale for alternative option (a)**

- a. That base funding be established for small courts that ensures funding of a minimum required service of providing qualified attorneys in the small courts.

Judges and attorneys from the 11 very small courts frequently made that point that attorneys are required to be present in court on a weekly or twice-weekly basis. These courts will commonly have a dependency calendar one-half day per week, and then hear contested matters one-half day per week. A detention calendar requires the presence of three attorneys in the courtroom: for minors, primary parent and secondary parent.

A very general estimate of the cost to the court of having three attorneys in court for two calendars per week would range from .2 to .4 FTE per attorney or .6 to 1.2 FTE overall. Using the workload model, the total attorney cost ranges from \$102,450 to \$204,904 in each court using the statewide median salary. Using the median salary for the very small courts, the cost ranges from \$77,130 to \$154,253 per court.

The total budgeted cost for the very small courts (excluding Alpine and Sierra) in 2015-2016 is \$648,876. The total workload model cost is \$682,874. The total cost of implementing the estimated cost of staffing calendars in very small courts, as described above, is approximately \$694,179 to \$1,388,277.

## **Rationale for alternative option (b)**

- b. That the attorney workload model be modified to reflect additional costs incurred in small courts: lack of access to qualified attorneys, attorneys travelling long distances from out of county, large numbers of conflicts, lack of economies of scale for attorneys in employing support staff or investigators, lack of access to expert witnesses.

The subcommittee conducted discussions with attorneys, judges and court executive officers representing 21 of the very small and small courts. Discussion participants raised several issues about the application of the new workload model to small courts:

- i. Small courts are required to have attorneys available for calendars every week, whether or not cases are on the calendar.
- ii. The pool of available qualified attorneys in most small courts is very small, often no more than 3-4 attorneys. Courts are required to use contracts or retainers to ensure that enough attorneys to staff the courtroom are available.
- iii. Because the county population is small and almost all attorneys work in other case types as well as dependency, qualified attorneys often have conflicts on cases requiring the court to seek additional counsel.
- iv. There are few qualified attorneys and they charge rates higher than those calculated in the workload model for small counties. Use of the Bureau of Labor Statistics index significantly underestimates salary costs.
- v. Counties are large and attorneys frequently travel long distances to appear on cases. This travel time and expense is part of the attorney's overhead and often a court cost.
- vi. Mandatory detention hearings, which must take place within 24 hours of the petition being filed, frequently require that attorneys travel long distances to court to appear in one hearing.
- vii. Attorneys do not have a dependency caseload that justifies hiring support staff or investigators, so the overhead costs of office support, travel and meeting with clients are higher than estimated in the workload model.

This recommendation calls for an in-depth study of dependency court practice and representation in the small courts. The goal of this study would be to identify the core set of tasks and costs required to support a basic level of dependency counsel in small courts. It is related to recommendation 10 of the Judicial Council report on workload methodology, which asks the Family and Juvenile Law Advisory Committee to “consider a comprehensive update of the attorney workload data and time standards in the current workload model.” A study of small court needs could seek in addition to identify efficiencies being used and identified in the discussions for this report, such as coordinating calendars across county lines, allowing video appearances by attorneys in certain circumstances, creating panels of

conflict attorneys that could be used by several courts and creating similar panels of expert witnesses.

### **Rationale for alternative option (c)**

- c. That the funding reallocation process be suspended for small courts until a more accurate model for calculating workload is developed.

This recommendation was raised in every discussion, including the Judicial Council’s discussion of the workload methodology report on April 15, 2016. Appendix B shows the net cost of freezing the reallocation in 2016-2017, and also the net cost of funding small courts at the full workload standard.

Net cost of freezing reallocation in 2016-2017:

|              |           |
|--------------|-----------|
| Groups 1 -2: | \$107,269 |
| Group 3:     | \$278,660 |
| Group 4:     | \$0       |
| Group 5:     | \$496,280 |
| Total:       | \$882,209 |

### **Rationale for alternative option (d)**

- d. That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases (original recommendation 7).

The rationale for this alternative option is included in the April 15, 2016 report to the Judicial Council in Appendix C.

### **Recommendation 2**

- 2. That small courts pursue pilot projects to decrease attorney costs, including: coordinating calendars in courts that share attorneys, developing conflict attorney panels that could serve several courts, developing expert witness panels that could serve several courts, expanding remote appearances by attorneys.

### **Rationale for recommendation 2**

Discussion participants raised possibilities for easing the court and attorney workload in small courts. Piloting and evaluating these projects could identify savings that could both assist the small courts and be used in modifying the workload model.

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

The joint subcommittee heard comments from judges, court executives, and attorneys through the process described in Rationale for Recommendation section above. Additional comment was received by letter from two superior courts and two dependency attorney firms. Comments have been in support of adopting all four of the alternative options proposed in Recommendation 1. The only addition to the alternative options raised in comments is that the subcommittee explicitly consider verifying caseload numbers in small courts during its process of reviewing the workload model.

The alternatives discussed by the subcommittee are presented under the alternative options to Recommendation 1.

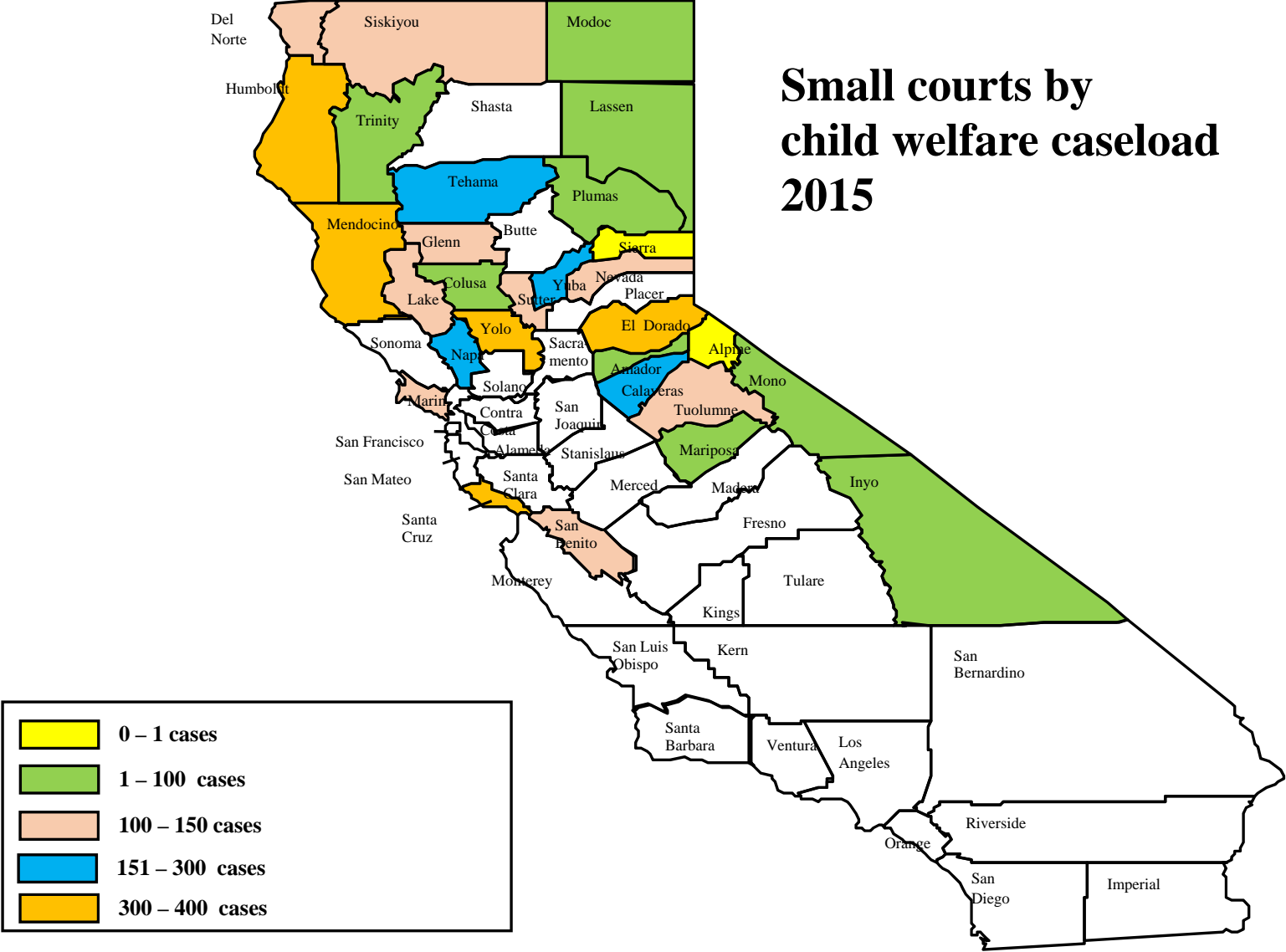
## **Attachments**

1. Appendix A: Small Courts: Filings and Caseloads
2. Appendix B: Small Courts: Budget Projections
3. Appendix C: Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology

**Attachment A: Small Courts: Filings and Caseloads**

| COUNTY       | Judges | Original Filings |              |              |                         | Child Welfare Case Counts |                    |                    |                                  |
|--------------|--------|------------------|--------------|--------------|-------------------------|---------------------------|--------------------|--------------------|----------------------------------|
|              |        | FY12             | FY13         | FY14         | Average<br>(12, 13, 14) | Total July<br>2013        | Total July<br>2014 | Total July<br>2015 | Average<br>(2013, 2014,<br>2015) |
| Alpine       | 2      | 0                | 0            | 0            | 0                       | 0                         | 1                  | 1                  | 1                                |
| Sierra       | 2      | 1                | 3            | 5            | 3                       | 1                         |                    |                    | 1                                |
| Mono         | 2      | 3                | 2            | 6            | 4                       | 8                         | 10                 | 9                  | 9                                |
| Modoc        | 2      | 17               | 14           | 16           | 16                      | 17                        | 17                 | 17                 | 17                               |
| Inyo         | 2      | 7                | 7            | 13           | 9                       | 22                        | 15                 | 15                 | 17                               |
| Mariposa     | 2      | 30               | 13           | 3            | 15                      | 31                        | 22                 | 22                 | 25                               |
| Colusa       | 2      | 39               | 24           | 22           | 28                      | 43                        | 39                 | 39                 | 40                               |
| Plumas       | 2      | 28               | 24           | 52           | 35                      | 48                        | 51                 | 51                 | 50                               |
| Amador       | 2      | 37               | 44           | 75           | 52                      | 49                        | 69                 | 69                 | 62                               |
| Lassen       | 2      | 39               | 54           | 45           | 46                      | 69                        | 68                 | 69                 | 69                               |
| Trinity      | 2      | 40               | 65           | 40           | 48                      | 73                        | 76                 | 76                 | 75                               |
| San Benito   | 2      | 47               | 62           | 40           | 50                      | 104                       | 102                | 102                | 103                              |
| Glenn        | 2      | 43               | 67           | 37           | 49                      | 92                        | 109                | 110                | 104                              |
| Marin        | 12     | 69               | 65           | 81           | 72                      | 108                       | 104                | 102                | 105                              |
| Del Norte    | 2      | 61               | 47           | 78           | 62                      | 120                       | 107                | 108                | 112                              |
| Nevada       | 6      | 59               | 53           | 38           | 50                      | 111                       | 115                | 116                | 114                              |
| Siskiyou     | 4      | 73               | 78           | 72           | 74                      | 107                       | 131                | 131                | 123                              |
| Tuolumne     | 4      | 49               | 88           | 64           | 67                      | 103                       | 133                | 133                | 123                              |
| Lake         | 4      | 72               | 43           | 67           | 61                      | 138                       | 138                | 136                | 137                              |
| Sutter       | 5      | 86               | 69           | 114          | 90                      | 164                       | 129                | 128                | 140                              |
| Calaveras    | 2      | 93               | 140          | 74           | 102                     | 117                       | 193                | 192                | 167                              |
| Napa         | 6      | 83               | 106          | 80           | 90                      | 141                       | 184                | 184                | 170                              |
| Yuba         | 5      | 216              | 212          | 281          | 236                     | 157                       | 190                | 192                | 180                              |
| Tehama       | 4      | 130              | 161          | 113          | 135                     | 195                       | 232                | 232                | 220                              |
| Humboldt     | 8      | 137              | 168          | 244          | 183                     | 298                       | 334                | 330                | 321                              |
| Mendocino    | 8      | 157              | 180          | 132          | 156                     | 302                       | 334                | 335                | 324                              |
| Santa Cruz   |        | 157              | 198          | 135          | 163                     | 347                       | 335                | 336                | 339                              |
| Yolo         |        | 196              | 240          | 209          | 215                     | 322                       | 361                | 362                | 348                              |
| El Dorado    |        | 211              | 172          | 157          | 180                     | 366                       | 359                | 361                | 362                              |
| <b>Total</b> |        | <b>2,180</b>     | <b>2,399</b> | <b>2,293</b> | <b>2,291</b>            | <b>3,653</b>              | <b>3,958</b>       | <b>3,958</b>       | <b>3,857</b>                     |

# Small courts by child welfare caseload 2015





**Attachment B: Budget Projections for Small Courts**

| Court        | Child Welfare Caseload '13-'15 | Number of Judges | New Workload Model | Allocation of \$114.7 Million under Recommended Workload Model |                    |                    |                    | Allocation of \$137 Million under Recommended Workload Model |                    |                    |
|--------------|--------------------------------|------------------|--------------------|--|--------------------|--------------------|--------------------|--|--------------------|--------------------|
|              |                                |                  |                    | 2015-16  | 2016-17            | 2017-18            | 2018-19            | 2016-17  | 2017-18            | 2018-19            |
|              |                                |                  |                    | A  | C                  | G                  | H                  | I  | J                  | K                  |
| Alpine       | 1                              | 2                | \$429              | \$0  | \$139              | \$216              | \$251              | \$238  | \$271              | \$300              |
| Sierra       | 1                              | 2                | \$5,894            | \$13,759   | \$10,241           | \$5,495            | \$3,449            | \$10,241   | \$5,495            | \$4,123            |
| Mono         | 9                              | 2                | \$22,521           | \$13,956   | \$13,678           | \$13,484           | \$13,180           | \$16,693   | \$15,818           | \$15,754           |
| Modoc        | 17                             | 2                | \$24,769           | \$16,090   | \$14,944           | \$15,264           | \$14,496           | \$14,944   | \$17,718           | \$17,327           |
| Inyo         | 17                             | 2                | \$34,022           | \$72,277   | \$53,677           | \$29,907           | \$19,911           | \$53,677   | \$29,907           | \$23,799           |
| Mariposa     | 25                             | 2                | \$60,583           | \$38,070   | \$36,317           | \$36,112           | \$35,455           | \$44,589   | \$42,432           | \$42,379           |
| Colusa       | 40                             | 2                | \$62,728           | \$38,471   | \$40,131           | \$38,236           | \$36,711           | \$47,834   | \$44,562           | \$43,880           |
| Plumas       | 50                             | 2                | \$88,798           | \$154,059  | \$117,372          | \$70,482           | \$51,968           | \$117,372  | \$70,482           | \$62,116           |
| Amador       | 62                             | 2                | \$131,221          | \$115,233  | \$100,320          | \$79,779           | \$76,796           | \$100,320  | \$98,370           | \$91,792           |
| Lassen       | 69                             | 2                | \$141,608          | \$106,891  | \$95,415           | \$90,126           | \$82,875           | \$95,415   | \$103,422          | \$99,057           |
| Trinity      | 75                             | 2                | \$116,623          | \$93,829   | \$74,930           | \$73,177           | \$68,252           | \$74,930   | \$84,397           | \$81,580           |
| San Benito   | 103                            | 2                | \$239,365          | \$89,163   | \$94,035           | \$126,136          | \$140,086          | \$143,575  | \$155,378          | \$167,440          |
| Glenn        | 104                            | 2                | \$152,719          | \$90,417   | \$78,071           | \$86,523           | \$89,377           | \$103,516  | \$103,618          | \$106,830          |
| Marin        | 105                            | 12               | \$310,818          | \$388,488  | \$312,366          | \$213,883          | \$181,903          | \$312,366  | \$248,914          | \$217,423          |
| Del Norte    | 112                            | 2                | \$181,773          | \$214,730  | \$173,165          | \$121,912          | \$106,381          | \$173,165  | \$143,546          | \$127,154          |
| Nevada       | 114                            | 6                | \$255,211          | \$226,123  | \$194,585          | \$154,986          | \$149,359          | \$194,585  | \$191,206          | \$178,525          |
| Siskiyou     | 123                            | 4                | \$194,013          | \$245,373  | \$195,955          | \$133,832          | \$113,544          | \$195,955  | \$155,581          | \$135,716          |
| Tuolumne     | 123                            | 4                | \$238,008          | \$110,593  | \$110,215          | \$131,011          | \$139,291          | \$153,777  | \$158,644          | \$166,491          |
| Lake         | 137                            | 4                | \$205,243          | \$296,119  | \$228,829          | \$148,755          | \$120,116          | \$228,829  | \$148,755          | \$143,571          |
| Sutter       | 140                            | 5                | \$328,137          | \$143,904  | \$149,815          | \$179,908          | \$192,039          | \$210,601  | \$218,189          | \$229,538          |
| Calaveras    | 167                            | 2                | \$302,092          | \$123,940  | \$137,463          | \$165,475          | \$176,797          | \$193,581  | \$200,757          | \$211,320          |
| Napa         | 170                            | 6                | \$418,719          | \$212,285  | \$226,970          | \$241,548          | \$245,051          | \$292,333  | \$287,303          | \$292,902          |
| Yuba         | 180                            | 5                | \$425,452          | \$200,855  | \$241,216          | \$248,976          | \$248,991          | \$304,018  | \$294,552          | \$297,612          |
| Tehama       | 220                            | 4                | \$399,836          | \$163,859  | \$178,125          | \$217,738          | \$234,000          | \$253,701  | \$264,766          | \$279,693          |
| Humboldt     | 321                            | 8                | \$502,996          | \$543,896  | \$446,059          | \$326,313          | \$294,373          | \$446,059  | \$390,164          | \$351,855          |
| Mendocino    | 324                            | 8                | \$550,914          | \$711,060  | \$564,591          | \$382,745          | \$322,417          | \$564,591  | \$443,520          | \$385,375          |
| Santa Cruz   | 339                            |                  | \$932,583          | \$863,289  | \$737,650          | \$575,213          | \$545,785          | \$737,650  | \$704,363          | \$652,360          |
| Yolo         | 348                            |                  | \$797,156          | \$404,107  | \$430,832          | \$459,431          | \$466,527          | \$555,703  | \$546,650          | \$557,626          |
| El Dorado    | 362                            |                  | \$790,649          | \$788,644  | \$662,309          | \$499,977          | \$462,719          | \$662,309  | \$605,023          | \$553,074          |
| <b>Total</b> |                                |                  | <b>\$7,914,878</b> | <b>\$6,479,482</b>   | <b>\$5,719,416</b> | <b>\$4,866,640</b> | <b>\$4,632,103</b> | <b>\$6,302,566</b>   | <b>\$5,773,803</b> | <b>\$5,536,610</b> |

| Court | Child Welfare Caseload '13-'15 | Number of Judges | New Workload Model | 2015-16 | Allocation of \$114.7 Million under Recommended Workload Model |         |         | Allocation of \$137 Million under Recommended Workload Model |         |         |
|-------|--------------------------------|------------------|--------------------|---------|--|---------|---------|--|---------|---------|
|       |                                |                  |                    |         | 2016-17  | 2017-18 | 2018-19 | 2016-17  | 2017-18 | 2018-19 |
|       |                                |                  | A                  | C       | G  | H       | I       | J  | K       | L       |

|  | Cost of freezing reallocation | Cost of full funding |
|--|-------------------------------|----------------------|
|--|-------------------------------|----------------------|

|                   |           |             |
|-------------------|-----------|-------------|
| <b>Groups 1-2</b> | \$107,269 | \$184,608   |
| <b>Group 3</b>    | \$278,660 | \$595,326   |
| <b>Group 4</b>    | \$0       | \$762,325   |
| <b>Group 5</b>    | \$496,280 | \$746,531   |
| <b>Totals:</b>    |           |             |
| <b>Groups 1-3</b> | \$385,929 | \$779,934   |
| <b>Groups 1-4</b> | \$385,929 | \$1,542,259 |
| <b>Groups 1-5</b> | \$882,209 | \$2,288,791 |



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 14–15, 2016

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**Title**

Juvenile Dependency: Court-Appointed  
Dependency Counsel Workload and Funding  
Methodology

**Agenda Item Type**

Action Required

**Effective Date**

April 15, 2016

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

None

**Date of Report**

April 1, 2016

**Recommended by**

Court-Appointed Counsel Funding Allocation  
Methodology Joint Subcommittee of the  
Trial Court Budget and Family and  
Juvenile Law Advisory Committees  
Hon. Jerilyn L. Borack, Cochair  
Hon. Mark Ashton Cope, Cochair

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### Executive Summary

The joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee reviewed a workload model approved by the Judicial Council in the *DRAFT Pilot Program and Court-Appointed Counsel* report of 2007 for possible updates and revisions. After extensive review and public comment, the subcommittee recommends several adjustments to the workload model.

### Recommendation

The Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee of the Trial Court Budget and the Family and Juvenile Law Advisory Committees was charged by the Judicial Council on April 17, 2015 with reviewing the workload model for court-appointed dependency counsel and including eight specific issues in its review. The subcommittee

recommends that the council, effective April 15, 2016, approve its recommendations regarding those eight issues, along with two additional issues, as follows:

***Issues in Judicial Council Charge***

1. *Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries (7.a. in Judicial Council report of April 17, 2015).*

**Recommendation:**

That attorney salaries used in workload model estimates be based on two factors: (1) the median salary for the first-tier range for county counsel in all counties; and (2) the Bureau of Labor Statistics (BLS) Category 92 index that is used in the Workload Allocation Funding Model (WAFM).

2. *Whether the attorney salaries used in the model should be updated (7.b.).*

**Recommendation:**

That attorney salaries used in the model be updated for each county using the statewide median county counsel salary and the BLS Category 92 index.

3. *Whether the calculation for benefits costs in the model is accurate or if it should be changed (7.c.).*

**Recommendation:**

That benefits costs not be calculated directly by any formula, but that the costs be estimated as 15 percent of total costs or 33 percent of salary costs.

4. *Whether the calculation for overhead costs in the model is accurate or if it should be changed (7.d.).*

**Recommendation:**

That the calculation for overhead costs be revised as follows:

- a. Salaries for line attorneys are calculated using the sources described in recommendations 1 and 2 and constitute 45 percent of the total cost.
- b. All nonsalary costs (benefits and overhead) constitute 55 percent of the total cost and are estimated on a statewide level as follows:
  - i. Social worker/investigator/paralegal staff, 10%
  - ii. Other salaried workers, 15%
  - iii. Benefits, 15%
  - iv. Operating costs, 15%

5. *Whether the state child welfare data reported through the University of California, Berkeley, accurately represent court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data be used (7.e.).*

**Recommendation:**

That annual child caseload will be determined for each court using a weighted metric derived from a court's percentage of total original dependency filings and the court's percentage total

of child welfare caseload; that the child caseload metric be weighted by 30 percent of court filings and 70 percent of child welfare caseload; and that the caseload metric use a rolling average composed of the previous three years.

6. *Whether the ratio used to estimate parent clients in the model is accurate or should be changed (7.f.).*

**Recommendation:**

That the ratio used to estimate parent clients continue to be estimated using the multiplier of 0.8 parent case per 1.0 child case.

7. *Whether a modified methodology be used for funding small courts (7.g.).*

**Recommendation:**

That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases.

8. *Whether dependency counsel funding should be a court or a county obligation (7.h.).*

**Recommendation:**

That dependency counsel funding be established in statute as a court function.

***Additional Workload Model Issues***

9. *The subcommittee determined that to review and update the workload model, it needed to consider the caseload standard of 188 cases per attorney when the attorney is supported by a 0.5 full-time equivalent investigator or social worker.*

**Recommendation:**

That the caseload standard be set at the alternate standard that is included in the 2007 workload model: 141 cases per attorney without considering investigator or social worker support.

10. *The subcommittee determined that the current workload model is based on data on attorney workload from 2002 and that many of its assumptions are outdated and not supported by current data.*

**Recommendation:**

That the Family and Juvenile Law Advisory Committee consider a comprehensive update of the attorney workload data and time standards in the current workload model. Because any updates to the workload data and time standards will uniformly affect all trial courts, this pending work should not slow or delay the remaining three-year phase-in period previously approved by the Judicial Council for implementing the new dependency counsel funding methodology. Rather this recommendation recognizes that a comprehensive update could not be completed within the time frame set by the Judicial Council for final report from the joint committees.

## Previous Council Action

Court-appointed dependency counsel became a state fiscal responsibility in 1989 through the Brown-Presley Trial Court Funding Act (Sen. Bill 612 & Assem. Bill 1197; Stats. 1988, chs. 945 & 944), which added section 77003 to the Government Code, defined “court operations” in that section as including court-appointed dependency counsel, and made an appropriation to fund trial court operations.

On April 27, 2001, the Judicial Council incorporated caseload standards, training requirements, and guidelines for appointment of counsel for children into California Rules of Court, rule 5.660, and directed Judicial Council staff to undertake a study to identify caseload standards for attorneys representing both parents and children. (Judicial Council of Cal., mins. p. 8; *Counsel for Children (amend Cal. Rules of Court, rule 1438)*.) As a result, in 2002, the Judicial Council contracted with the American Humane Association to conduct a quantitative caseload study of court-appointed dependency counsel based on an assessment of the duties required as part of representation and the amount of time needed to perform those tasks. The study was overseen by the Judicial Council court-appointed counsel Caseload Study Working Group.

In 2007, based on analysis conducted through the caseload study and through the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program, implemented by the Judicial Council in 2004 (Judicial Council of Cal., mins. (June 15, 2004), p. 6; *Court-Appointed Counsel: Caseload Standards, Service Delivery Models, and Contract Administration*), the Judicial Council adopted a court-appointed counsel caseload standard of 188 clients per attorney, with 0.5 investigator complement. Based on that caseload standard, the council adopted a caseload funding model that calculates funding requirements for each trial court. The council also requested the Trial Court Budget Working Group to develop an allocation methodology to allocate any state appropriations limit funding or other new funding to courts by need. (Judicial Council of Cal., mins. (October 26, 2007); *DRAFT Pilot Program and Court-Appointed Counsel*.)

In 2008, the Judicial Council submitted a report to the California Legislature entitled *Dependency Counsel Caseload Standards*. The report acknowledged the need to reduce attorney caseloads to improve the quality of representation for children and parents, thereby enhancing the likelihood of improved permanency and well-being outcomes for children and families. In addition, it highlighted the need for significant additional funding to implement the standards.

In 2010, the council adopted the Trial Court Budget Working Group recommendation to establish a court-appointed counsel funding baseline of \$103.7 million through a two-year phased reduction. In 2015, the Judicial Council approved recommendations of the Trial Court Budget Advisory Committee to reallocate funding for court-appointed dependency counsel among the trial courts based on the caseload funding model. The purpose was to provide a more equitable allocation of funding among the courts. Rather than using historical funding levels dating back to the adoption of state trial court funding, the new funding methodology is based on

the caseload-based calculation of funding for each court provided by the workload model approved by the Judicial Council through the *DRAFT Pilot Program and Court-Appointed Counsel* report.

Another recommendation approved by the Judicial Council at this time was that a joint working group of the Trial Court Budget and the Family and Juvenile Law Advisory Committees be formed to review that workload model for possible updates and revisions. (Judicial Council of Cal., mins. (April 17, 2015); *Juvenile Dependency: Court-Appointed–Counsel Funding Reallocation.*)

### **Rationale for Recommendation**

The Judicial Council adopted a caseload funding model for court-appointed dependency counsel in 2007. The model includes the following components:

- A caseload standard of 188 clients per attorney with a 0.5 investigator/social worker/paralegal complement;
- Attorney salary ranges by economic regions; and
- A method for calculating overhead costs for attorney representation.

This model has been used since 2008 to estimate the number of full-time-equivalent (FTE) dependency attorneys required to meet the statewide needs of parents and children in dependency and to calculate the total statewide funding need for court-appointed counsel.

In fiscal year 2014–2015, the Trial Court Budget Advisory Committee appointed a working group to examine the allocation of dependency counsel funding among the courts. Although the caseload funding model calculates a funding need for each court, the actual budgets for each court have been based almost entirely on historical funding levels since the implementation of trial court funding. Based on the work of the working group, the committee recommended to the Judicial Council that court budgets for dependency counsel be based on funding need as calculated by the existing caseload funding model and recommended a four-year, phased in reallocation of funding to meet that goal. The Judicial Council approved these recommendations in April 2015.

During this process, many working group and, later, committee members pointed out in discussion that the existing caseload funding model was outdated, using data collected between 2002 and 2007, and included many assumptions about attorney workload, pay ranges, and overhead calculations that needed to be revisited. These points were echoed in considerable public comment. As a result, the committee recommended that a joint subcommittee of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be appointed to review and recommend changes to the existing workload model by April 2016. The Judicial Council agreed and directed that the subcommittee include these items in their review:

- Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries
- Whether the attorney salaries used in the model should be updated
- Whether the calculation for benefits costs in the model is accurate or if it should be changed
- Whether the calculation for overhead costs in the model is accurate or if it should be changed
- Whether the state child welfare data reported through UC Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data should be used
- Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed
- Whether a modified methodology should be used for funding small courts
- Whether dependency counsel funding should be a court or county obligation

The joint subcommittee held seven meetings, two in person, between July 2015 and February 2016. To support the discussions of the workload model, Judicial Council staff conducted two statewide surveys of attorney providers, four focus groups of dependency line attorneys inquiring into their workload and concerns, a web-based survey of county counsel salary ranges, and data analysis of attorney workload data derived from the case management system used by the attorneys in the DRAFT program. Extensive public comment was provided at the subcommittee meetings and also at a stakeholders meeting held at a statewide conference and attended by attorneys and subcommittee members.

The subcommittee noted at the outset that the existing caseload funding model was based on very extensive original research, much of it conducted by research contractors, and it had neither time nor resources to conduct similar studies. The subcommittee also noted that much of the data it had access to were administrative data on attorney practice, which reflect current practice in the state but not necessarily best or efficient practice. The subcommittee made an effort to remedy this deficiency by reviewing best-practice standards from the American Bar Association and conducting the qualitative research described above. The subcommittee also recommends that the research and analysis required to create a workload model that is rooted in good practice continue as part of the work of the Family and Juvenile Law Advisory Committee.

Public comment was provided by letter before every subcommittee meeting and directly at the meetings held in person in San Francisco. Comment was also provided at a stakeholder meeting at the Beyond the Bench multidisciplinary dependency conference on December 1, 2015, which was attended by several subcommittee members. Public comments are summarized below under the discussion of each recommendation. The majority of public comment was provided by working dependency attorneys or managers of dependency attorney firms; but juvenile court judges not on the subcommittee also provided comment either through letters or at meetings.



The great majority of comments, both written and at meetings, acknowledged the work of the subcommittee and the Judicial Council, noted that the revised methodology is much more representative of attorney workload and costs, and asked that the Judicial Council approve the recommendations.

### **Recommendations 1–2: Attorney Salaries**

1. That attorney salaries used in workload model estimates be based on two factors: (1) the median salary for the first-tier range for county counsel in all counties; and (2) the Bureau of Labor Statistics (BLS) Category 92 index that is used in the Workload Allocation Funding Model (WAFM).
2. That attorney salaries used in the model be updated for each county using the statewide median county counsel salary and the BLS Category 92 index.

### **Rationale for recommendations 1–2**

In the existing workload model, attorney salaries are the key cost variable. The caseload estimate for a court (recommendations 5–6) in conjunction with the caseload standard (recommendation 9) yields the number of FTE attorneys required to represent the parents and children in that court. The attorney salary for the court is then used to calculate the total cost of the representation, and additional costs (other staff, benefits, operating costs) are calculated as a percentage of the total attorney cost.

The subcommittee reviewed the Judicial Council and legislative reports establishing the workload model, and current data on attorney salaries and allocation of other costs. The original survey of entry-to-midlevel county counsel salaries in all counties was updated using county salary listings and job announcements posted on the internet (Appendix A). Staff also conducted a survey of court-appointed dependency provider organizations and solo practitioners to obtain current information on salaries and overhead costs. The subcommittee also reviewed the Bureau of Labor Statistics governmental salary index for California that is used in the WAFM process.

The subcommittee reviewed salary averages from the county counsel and current provider surveys and compared them to the regional salaries now used in the workload model. The committee also reviewed the impact of indexing salaries to the BLS index or to a consolidated form of the economic regions used by the Employment Development Department.

The subcommittee compared information reported on salary, benefits, and operating costs to the original caseload funding model and also reviewed how those allocations differ by organizational model and size.

Recommendation 1 addresses the sources of data used to calculate attorney salaries. The existing workload model used several sources to estimate the cost of attorney compensation. These sources included a survey of county counsel salaries, a survey of DRAFT provider salaries and costs, and a consultant study that grouped courts by cost-of-living factors into economic regions. Courts were grouped into four economic regions, and salary ranges were set in lower, midrange,

and upper-level tiers. These economic regions are not used in any other Judicial Council budget or workload process. The salaries set through this process have not changed since 2007.

Since the time the dependency workload model was finalized in 2007, the Judicial Council has adopted the Workload-based Allocation and Funding Model that established a standardized methodology for indexing the cost of living throughout the state.<sup>1</sup> Courts now use the Bureau of Labor Statistics current index for local and state government personnel costs for California counties.

The subcommittee determined that two data sources should be used: current county counsel salaries at the median of the first two salary ranges reported by counties, and the Bureau of Labor Statistics current index. County counsel represent the child welfare department in dependency proceedings and are roughly parallel in skills and experience to court-appointed dependency counsel. County counsel salary information is publically available and can be used to update the workload model on a regular basis.

Using the BLS index used in the WAFM model provides a way to adjust the median salary to each county's governmental salary market consistent with full-time equivalent court personnel adjustments in WAFM. The BLS index is also updated each year and publically available, so the workload model can be updated regularly.

### **Comments from interested parties**

Almost all commentators spoke to the same issue in setting attorney salaries for the methodology. Commentators agreed that the county counsel salary across counties was the appropriate benchmark because county counsel in dependency court requires a similar standard of experience, training, and practice. Commentators urged that the salary midpoint for each county be calculated by using all ranges of county counsel salaries in each county, or in one case all nonsupervisory ranges of salaries, rather than the midpoint of the first two tiers of salaries.

The ability to retain and develop experienced attorneys in each county was the main rationale given for setting salaries at a higher point. Commentators provided examples of attorneys who began in court-appointed dependency counsel and then moved to the county counsel's office or to another area of law in order to make an adequate salary. The juvenile court judges who commented also spoke to the difficulty of managing courtrooms and cases when attorneys are experiencing high turnover and are inexperienced.

The subcommittee concluded that more research into the actual salary and benefits being provided to those county counsel assigned to juvenile dependency would be useful but that time did not allow for this study before the final recommendations were due. Recommendation 10 contemplates continued research and refinement of the recommended methodology.

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<sup>1</sup> Judicial Council of Cal., Workgroup Rep., *Report of the Trial Court Funding Workgroup* (April 26, 2013), [www.courts.ca.gov/documents/jc-20130426-itemO.pdf](http://www.courts.ca.gov/documents/jc-20130426-itemO.pdf).

## **Alternatives considered and policy implications**

The subcommittee considered a number of alternatives to these recommendations.

*Update the salaries in the existing workload model.* The existing workload model sets salary ranges in four economic regions. The economic regions were derived from a consultant study that categorizes the courts into regions that are no longer used for Judicial Council planning and budgeting, and that was conducted for a different purpose than dependency counsel workload. The subcommittee determined that metrics ought to be whenever possible consistent with those used in WAFM.

*Set salaries within county counsel salaries above the midpoint of the first two ranges.* Each county's salary, for the purposes of calculating a statewide median, was set at the midpoint between the entry-level range and the top of the second-level range. Some subcommittee members and public commentators strongly recommended setting the salary at the upper level of the second range or within the third range. Discussion centered around two points: that court-appointed dependency counsel should have experience and qualifications equal to county counsel in the third salary range, and that court-appointed dependency counsel salaries must remain competitive with county counsel salaries.

*Conduct a more thorough survey of county counsel salaries and benefits.* Posted salary ranges are broad and may not be indicative of the actual salaries and experience levels of county counsel in dependency court. At its November meeting, the subcommittee asked staff to conduct a survey of actual salaries and benefits of county counsel in dependency court. After some outreach to counties, staff concluded that the information the subcommittee wanted could not be gathered in time to review and use in developing recommendations. The subcommittee notes that this survey should be carried out by Judicial Council staff when possible and the results used by the Family and Juvenile Law Advisory Committee to examine recommendations 1 and 2 in the course of further study of the workload model.

## **Recommendations 3–4: Benefits and Overhead Calculations**

3. That benefits costs not be calculated directly by any formula, but that the costs be estimated as 15 percent of total costs or 33 percent of salary costs.
4. That the calculation for overhead costs be revised as follows:
  - a. Salaries for line attorneys are calculated using the sources described in recommendations 1 and 2 and constitute 45 percent of the total cost.
  - b. All nonsalary costs (benefits and overhead) constitute 55 percent of the total cost and are estimated on a statewide level as follows:
    - i. Social worker/investigator/paralegal staff, 10%
    - ii. Other salaried workers, 15%
    - iii. Benefits, 15%
    - iv. Operating costs, 15%

### **Rationale for recommendations 3–4**

Models of dependency counsel provision among attorneys and organizations are numerous around the state. They range from solo practitioners who charge hourly fees to complex nonprofit, for-profit, and governmental organizations. The current workload model sets a total funding need for each court by using a standard cost model based on midsize to large attorney firms.<sup>2</sup> This cost model has the following assumptions:

1. The number of attorneys required is derived from a caseload of 188 cases per 1.0 attorney FTE with social worker/investigator staff support.
2. Attorney salaries are set at the middle level of the regional salary tiers.
3. Supervising attorneys are included at 0.15 per 1.0 attorney FTE.
4. Supervisor salaries are set at the upper level of the regional salary tiers.
5. Social worker/investigators are included at 0.5 per 1.0 attorney FTE.
6. Investigator salaries are set at \$55,000 annually, regardless of economic region.
7. Support staff is included at 0.33 per each 1.0 attorney FTE.
8. Support staff salaries are set at \$30,000 annually, regardless of economic region.
9. Benefits are estimated at 25 percent of all salaries.
10. Other operating costs are estimated at an additional 7 percent of total personnel.

The subcommittee's finding from the survey of attorney firm managers on their budget and organization was that court-appointed dependency counsel use very different organizational models. No single method of calculating financial need for court-appointed counsel accounts for all the variance in organizational models and local costs. Nor is the workload model meant to be prescriptive for attorney firms. Rather, the model should provide a means for calculating a total financial need that courts and attorney firms can then implement through a variety of service models.

For that reason, the subcommittee does not recommend methods of calculating benefits, rent, supervisory costs, or other factors that are highly specific or dependent on local factors and organizational models. Instead, line attorney salaries calculated using the method described in Recommendations 1–2 above provide a base funding that accounts, through application of the BLS index, for local costs. Setting a proportion for all other costs at 55 percent of the total means that benefits, rent, and all other costs are also driven by the BLS index and thus adjusted for local costs.

The subcommittee arrived at the percentages for estimated benefits and overhead costs by reviewing the attorney organization survey and comparing reported allocations of direct costs

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<sup>2</sup> Judicial Council of Cal., Center for Families, Children & the Courts, *Dependency Counsel Caseload Standards: A Report to the California Legislature* (Apr. 2008), p. 19, in materials to subcommittee's June 19, 2015, meeting, [www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf](http://www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf).

and overhead to the assumptions implicit in the workload model. The following table compares the reviewed data with the final recommendation.

**Table 1. Percentage Allocation of Direct and Indirect Costs: Attorney Organization Survey, Existing Caseload Funding Model, and Recommendation**

|                               | Staffed attorney firm: Large (n=5; %) | Staffed attorney firm: Midsized (n=5; %) | Governmental Agency (n=4; %) | Existing Caseload Model (2007; %) | Recommendation (2016; %) |
|-------------------------------|---------------------------------------|--|------------------------------|-----------------------------------|--------------------------|
| Line attorneys                | 39                                    | 41                                       | 42                           | 47                                | 45                       |
| Social workers/ investigators | 5                                     | 5  | 5                            | 13                                | 10                       |
| Other salaried                | 25                                    | 18                                       | 15                           | 5                                 | 15                       |
| Benefits                      | 13                                    | 7  | 20                           | 15                                | 15                       |
| Contract attorneys            | 1                                     | 7  | 4                            | 0                                 | 0                        |
| Operating costs               | 17                                    | 18                                       | 12                           | 20                                | 15                       |
|                               |                                       |  |                              |                                   |                          |

**Comments from interested parties**

Attorneys from two Bay Area counties provided comments on the overhead calculations. They recommended that the methodology make allowance for overhead costs for administrative staff and, especially, rent, which are extremely high in the Bay Area. One comment pointed out that commercial rent in San Francisco has increased by 100 percent since 2006.

The subcommittee determined, in this and other instances, that organizational models and local costs vary greatly and that it would not recommend methods of calculating overhead costs that are highly specific or dependent on local factors and organizational models.

**Alternatives considered and policy implications**

The subcommittee considered two alternatives to its recommendations.

***Conduct a more thorough survey of county counsel.*** Please see recommendations 1–2 above. The subcommittee agreed that it did not have accurate information on the full compensation package, including benefits, that county counsel receive, and that this information was needed to evaluate whether recommendations on salaries and benefits would create a pay structure that was competitive with that of the counties. As above, the subcommittee notes that this survey should be carried out by Judicial Council staff when possible and the results used by the Family and Juvenile Law Advisory Committee to examine recommendations 1 and 2 in the course of further study of the workload model.

*Set overhead calculation rates to closely reflect local rates.* This alternative was raised by subcommittee members and public commentators. Discussion acknowledged that certain cities in California have market rates for rent and other costs that are unaffordable to court-appointed counsel, and yet the location of the court constrains where attorneys can locate their offices. Members ultimately decided that a statewide data source on overhead rates would still be required to ensure consistency of reporting across counties and that the Bureau of Labor Statistics governmental salary index would serve this purpose.

### **Recommendations 5–6: Caseload**

5. That annual child caseload will be determined for each court using a weighted metric derived from a court’s percentage of total original dependency filings and the court’s percentage total of child welfare caseload; that the child caseload metric be weighted by 30 percent of court filings and 70 percent of child welfare caseload; and that the caseload metric use a rolling average composed of the previous three years.
6. That the ratio used to estimate parent clients continue to be estimated using the multiplier of 0.8 parent case per 1.0 child case.

### **Rationale for recommendations 5–6**

For the purposes of the workload model, juvenile dependency caseload should estimate the number of cases that require the appointment of a court-appointed attorney in each court. This number should include both children and parents who require representation. The two statewide data collection systems that report dependency case numbers at least annually are the California Department of Social Services Child Welfare Services/Case Management System (CWS/CMS) and the Judicial Branch Statistical Information System (JBSIS).

Both systems define a case as an individual child or youth. A child in foster care is counted as a single case; a group of three siblings in foster care is counted as three cases. All courts report original and subsequent dependency filings to JBSIS. Through CWS/CMS, each county child welfare agency records each case under the supervision of the child welfare agency, including cases on voluntary supervision and supervision after dismissal of dependency. Five years ago, at the request of the Judicial Council, CWS/CMS reports began including a filter so that only cases under court supervision would be counted. (This filter is discussed below.) CWS/CMS reports total cases annually and provides a point-in-time snapshot of cases quarterly. It contracts with the University of California, Berkeley, Center for Social Services Research to analyze the statewide data, prepare longitudinal files, and post state- and county-level reports on the UC Berkeley website. The current workload model uses the CWS/CMS point-in-time reports.

No statewide source of data exists for the number of parents represented in each court. The current workload model uses a multiplier of 0.82 parents represented per child case. This ratio was calculated using data from a 2002 time study of attorneys.<sup>3</sup>

The subcommittee reviewed a comparative analysis of court filings from JBSIS and child welfare data from CWS/CMS (Appendix B). The analysis reviewed by the subcommittee included information about the stability of each data source from year to year, a correlation of the two data sources, and differences in how courts rank by total proportion of original dependency filings reported versus child welfare cases reported.<sup>4</sup>

The subcommittee also heard a presentation from the managers of the California Department of Social Services CWS/CMS system and the UC Berkeley Center for Social Services Research on the state child welfare case management system and reports. Much of the discussion centered on the fact that the court-supervision data field was not one of the required fields in the CWS/CMS system and, in the managers' opinion, was likely to be used inconsistently across counties.

The research and discussion underlying the current workload model on whether caseloads should be weighted by sibling groups and current data on nonminor dependents were also reviewed. Finally, data available from DRAFT program counties were presented to show the variance in the proportion of both child and parent cases in each county.<sup>5</sup>

Advantages of using the counts from the child welfare system include using data from a statewide uniform case management system with a common set of data entry standards and using data that can be reported longitudinally (thus providing a snapshot of cases under supervision at a given time). Disadvantages include the fact that local courts have no control over ensuring the accuracy of the data being reported.

Advantages of using the counts from the JBSIS filings include the control and accountability that derive from using court data to determine court dependency counsel budgets. Disadvantages include the fact that filing counts do not provide a snapshot caseload measure but only a count of case entries.

The subcommittee recommends that the workload model continue to use the child welfare caseload numbers, but that these numbers be combined with JBSIS dependency filings to gain

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<sup>3</sup> In 2002, the Judicial Council contracted with the American Humane Association to conduct a quantitative caseload study of trial-level court-appointed dependency counsel based on an assessment of the duties required as part of representation and the amount of time needed to perform those duties.

<sup>4</sup> Full materials are available in subcommittee materials for the July 16, 2015, meeting at [www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf](http://www.courts.ca.gov/documents/famjuv-tcbac-20150716-materials.pdf).

<sup>5</sup> The Dependency Representation, Administration, Funding, and Training program is one in which the Judicial Council is responsible for direct attorney contracting and service administration for dependency counsel services in select counties.

the advantages from both data sources. The subcommittee reviewed a range of models combining child welfare and JBSIS counts and recommends a combination of 70 percent child welfare filings and 30 percent JBSIS filings.

The subcommittee also reviewed data on the number of parent cases in the system and found that, consistent with public comment, the ratio of parent-to-child clients varies widely among courts. However, the overall ratio in courts able to provide complete caseload data remained approximately 0.8 parent to 1.0 child client—the ratio set in the 2007 report.

### **Comments from interested parties**

Commentators representing four firms urged that caseload calculations for the allocation methodology be based on actual case counts provided by attorneys in the state. One added that accurate client reporting should be mandated around the state. San Francisco commentators noted that their accurate count of parents and children was much higher than the estimated count the new methodology will produce.

Those who commented on the caseload calculations noted that basing the caseload estimation in part on filings data from the Judicial Branch Statistical Information System would not provide an accurate estimate of workload. One reason given was that filings are counted once, at the beginning of the case, and do not estimate the longevity of a case, which in foster care can extend for 18 years or more. Commentators also noted that the JBSIS statistics used do not take into account petitions based on (variously) Welfare and Institutions Code sections 331, 342, 387 and 388, all of which can result in new dependency cases. One commentator recommended that the subcommittee choose the model that took into account a proportion of 10 percent JBSIS filings data, rather than the 30 percent that the subcommittee approved.

The ratio used to estimate the number of parent clients being served was commented on, with one attorney firm noting that the ratio of parents to children in the firm's county was 1.5 to 1. Another commentator recommended that actual caseload counts be collected by county specifically for the purpose of setting this ratio and periodically adjusting it.

The subcommittee took note of these comments in its decision to base caseloads on a mixed model that takes both court-reported dependency filings and child welfare total population into account. The difficulties experienced in ensuring consistent data reporting in these two statewide systems would be greatly compounded by distributing the responsibility for caseload reporting to all attorneys in the state.

### **Alternatives considered and policy implications**

These recommendations generated the most discussion and proposed alternatives. Subcommittee members and public commentators made the point that available statewide data to count dependency cases are limited to the California Department of Social Services child welfare case counts and the JBSIS filings counts, and that both of these sources are open to question. The child welfare data do not include parents who require dependency representation, and the



indicator in the case management system to identify court-ordered dependents from the full census of children under supervision is inconsistently applied by the counties. JBSIS data do not include parents. They count children who enter the system as dependents, but not longitudinally, so a total census of dependents in the county is unavailable.

In addition, neither data source makes allowances for differences in practice among courts and counties. Many differences were pointed out. Some counties have the resources to conduct lengthy investigations before deciding to file a dependency petition and others do not, so that some counties file fewer cases but the cases have more issues, are likely to stay longer in care, and are more time-consuming. Some counties have a much higher proportion of nonminor dependents than others, and some counties have very high levels of out-of-county placement. Some counties have a much higher proportion of parents represented. These and other factors make it difficult to know if the amount of work represented by a child in dependency is the same from court to court.

***Create a new system of case counting in which dependency attorneys or courts would report their exact child and parent caseloads.*** The current system that attorneys use to report their clients in the DRAFT program could be expanded to provide full coverage of cases in California. At this time, given the staffing available to the trial courts and the Judicial Council, managing such a system is not feasible. Asking trial courts to confirm the attorney case counts would add an additional layer of reporting and require additional resources.

***Create a means of making the current statewide data sources more specific to the workload represented by dependency cases in the court.*** Alternatives proposed included weighting nonminor dependent cases or the ratio of parents to children represented on a county-by-county basis. The subcommittee discussed these issues at length and decided that there was no clear justification for attempting to account for individual child welfare department practice.

***Use a higher or lower proportion of JBSIS filings in the recommended model.*** The subcommittee reviewed relative proportions of cases in courts, ranging from the existing model's use of child welfare case counts exclusively, to a model that used only JBSIS filings. It also reviewed analysis showing the change in relative proportions of case counts at 10 percent, 30 percent, and 50 percent JBSIS filings. It discussed and heard comment that recommended the lower proportion of filings because the child welfare census numbers give a better approximation of workload. Members also noted that the greatest proportion of workload in a dependency case is in the first year, so that a higher proportion of filings is also justified. The subcommittee decided that the 70 percent to 30 percent proportion of child welfare cases to filings most accurately weighed the relative strengths of both systems.

## **Recommendation 7: Small courts**

7. That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases.

### **Rationale for recommendation 7**

The subcommittee reviewed data that confirmed that caseload fluctuations of greater than 10 percent, which can be absorbed within the budgets of larger courts, can represent a large proportion of a small court's entire dependency budget.<sup>6</sup>

The subcommittee discussed whether a minimum level of funding should be provided for small courts. Because most small courts are currently able to establish contracts or hourly pay agreements for dependency counsel, minimum funding did not seem necessary. Caseload fluctuations could be addressed by an application process for additional funds. The subcommittee reviewed data on caseload fluctuations in courts divided into two ranges: those with a census of 0–99 children in dependency and those with 100–199 children. The data showed that about one-half of courts in both groups experience an increase of more than 10 percent in child caseload annually.<sup>7</sup> These increases are frequently balanced by subsequent decreases in the following year (Appendix C).<sup>8</sup> Assuming that courts can absorb up to a 10 percent caseload increase, these increases yielded, in FY 2014–2015, approximately 91 child cases over and above a 10 percent increase. Applying the multiplier for parents of 1.8 brings the total to 164 cases that would be eligible for special funding. Applying a statewide average cost per case of \$875 per year yields a total of \$143,500 to be reserved in the court-appointed counsel statewide budget for this purpose.

The subcommittee discussed making the application process as simple as possible for courts, with minimal requirements for staff to evaluate. The following criteria are suggested to make the staff review of proposals straightforward:

- That small courts be defined as those courts with 200 or fewer children in dependency. Twenty-two courts met this definition in FY 2014–2015.
- That short-term caseload increase be defined as an increase of greater than 10 percent in current child caseload as measured against the child caseload average of the preceding two years.
- That funding be defined as the average funding per case in the court, calculated by this workload model and available funding, applied to the number of cases that have increased over 10 percent of the court's average.
- That “program” in the recommendation be defined as a program administered by Judicial Council staff that consists of a process for a court to demonstrate its increased caseload,

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<sup>6</sup> Of the five smallest courts experiencing increases, the estimate of the increase as a proportion of their budget as calculated by the workload model (not actual budget) was 82% for Sierra, 30% for Inyo, 20% for Amador, 19% for Plumas, and 2% for Trinity.

<sup>7</sup> Child caseloads are the only figure available on a statewide basis in a timely enough way to both verify a court's request and provide assistance within the fiscal year.

<sup>8</sup> Long-term increases in caseload will be accounted for each year when the workload model is run on data from the prior year and new budget figures are generated.

the staff to verify that the increase meets the 10 percent guideline above, and provision to the court of the annual average cost per case for the cases meeting the guidelines.

The subcommittee notes that the approximately \$150,000 that it estimates is required to support this recommendation is more than the \$100,000 that the Judicial Council approved for small court cost overruns in its April 2015 reallocation model. The subcommittee also recommends that the Trial Court Budget Advisory Committee consider a process as part of the court-appointed dependency counsel budget to replenish the \$150,000 if it is expended before the end of the fiscal year.

### **Alternatives considered and policy implications**

The subcommittee discussed, but did not recommend for the reasons given above, setting a minimum budget amount for small courts.

Through public comment, a proposal was recommended that the Judicial Council establish a contract for regional attorney services so that the many small courts in the northern region of the state would have access to trained dependency attorneys when they did experience the need for additional counsel. The subcommittee notes that this proposal could be reviewed by the Family and Juvenile Law Advisory Committee as part of its further work on dependency counsel, should the Judicial Council approve recommendation 10 of this report.

### **Recommendation 8: Court or county obligation**

8. That dependency counsel funding be established in statute as a court function.

#### **Rationale for recommendation 8**

The subcommittee reviewed the legislative history of court-appointed dependency counsel funding in the trial courts. As a result of the enactment of Senate Bill 1195 (Stats. 1986, ch. 1122), the California Senate Select Committee on Children & Youth convened a task force (the SB 1195 Task Force) to make recommendations to the Legislature to improve coordination among child abuse reporting statutes, child welfare services, and juvenile court proceedings. At the same time, the Legislature was engaged in the Trial Court Funding Program, a multiyear process to promote a more uniform level of judicial services throughout California and to relieve some of the fiscal pressures on county governments. (See Trial Court Funding Act of 1985; Stats. 1985, ch. 1607.)

Among its proposals to amend juvenile court law, the task force recommended that both children and parents should receive legal representation once court intervention was determined necessary to protect a child.<sup>9</sup> The Legislature took the first step toward providing legal representation in dependency proceedings in Senate Bill 243 (Stats. 1987, ch. 1485), which added section 317 to the Welfare and Institutions Code to require appointment of counsel both for an indigent parent

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<sup>9</sup> SB 1195 Task Force, *Child Abuse Reporting Laws, Juvenile Court Dependency Statutes, and Child Welfare Services* (Jan. 1988) at pp. 2, 8–9.

whose child has been placed in out-of-home care and for a child who, in the opinion of the court, would benefit from that appointment.<sup>10</sup> (*Id.*, § 21.) The operation of this dual mandate was deferred to January 1, 1989, and conditioned on the enactment of legislation providing funding for trial court operations and defining “court operations” to include the services of court-appointed dependency counsel. (*Id.*, § 53.)

That same year, the Legislature enacted Senate Bill 709 (Stats. 1987, ch. 1211), which made operative the Trial Court Funding Act. Section 41 of SB 709 defined “court operations” eligible for state block grants contingent on the availability of funding to include “court-appointed counsel in juvenile court dependency proceedings.” In 1988, the Brown-Presley Trial Court Funding Act (Assem. Bill 1197 [Stats. 1988, ch. 944]; Sen. Bill 612 [Stats. 1988, ch. 945]) amended the trial court funding structure and secured state appropriations to reimburse the costs of trial court operations, including dependency counsel, at the option of each county.

In the years leading up to the Lockyer-Isenberg Trial Court Funding Act (Assem. Bill 233; Stats. 1997, ch. 850), the Legislature steadily increased funding for court operations. It also took steps to strengthen the voice of children in dependency proceedings. Perhaps most significant was the recognition of children as full parties to dependency proceedings and the entitlement of all represented parties to competent counsel in 1995. (Sen. Bill 783; Stats. 1994, ch. 1073.) The Lockyer-Isenberg Act, which established mandatory, direct state trial court funding, retained court-appointed dependency counsel in the definition of “court operations” in section 77003 of the Government Code. It remains there today.

In 2013, the joint judicial branch–executive branch Trial Court Funding Workgroup recommended that the judicial branch continue its work to ensure that litigants across the state have equal access to justice and that funding is allocated in a fair and equitable manner that promotes greater access consistent with workload.<sup>11</sup> The workgroup’s final report highlighted, as an example of structural improvement, the progress made by the judicial branch’s court-appointed dependency counsel programs in reducing disparate caseloads and providing education to attorneys across the state.<sup>12</sup>

### **Alternatives considered and policy implications**

The subcommittee considered the alternative of recommending legislative changes to transfer funding responsibility for dependency counsel services to the counties. In 2015, the Legislature affirmed its commitment to state funding of court-appointed dependency counsel by devoting a separate item to it in the Budget Act of 2015 and increasing the statewide appropriation by \$11 million to its highest level in history. Given the emphasis placed by both the executive and

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<sup>10</sup> In 2000, Senate Bill 2160 amended section 317(c) to require appointment of counsel for a child unless the court finds on the record that the child will not benefit from the appointment. (Sen. Bill 2160; Stats. 2000, ch. 450, § 1.)

<sup>11</sup> Trial Court Funding Workgroup, *Report to the Judicial Council of California and Governor Edmund G. Brown, Jr.* (Apr. 2013), pp. 8–9, 38–43.

<sup>12</sup> *Id.*, at p. 16.

legislative branches of California government on promoting equal access to justice, allocating trial court funding equitably, and adopting uniform standards and procedures, responsibility for dependency counsel services will not likely be returned to the counties.<sup>13</sup>

### **Recommendation 9: Caseload per Attorney**

9. That the caseload standard be set at the alternate standard that is included in the 2007 workload model: 141 cases per attorney without considering investigator or social worker support.

#### **Rationale for recommendation 9**

The 2007 workload model set a basic caseload standard of 141 cases per dependency attorney. This standard was qualified by noting that many attorneys have access to paralegal, investigator, or social worker staff for appropriate case work. The 2007 workload model estimates that a one-half-time social worker/investigator should enable an attorney to carry a caseload of 188 clients.

The subcommittee reviewed the original analysis that supports the 141/188 caseload and an analysis of current workload data. The subcommittee's conclusion is that attorney workload has changed substantially since the original workload study was conducted in 2002, and that more research needs to be done on attorney workload before a new caseload standard can be set. However, it also appeared to the subcommittee that applying the 188-caseload standard statewide, as the current model does, unfairly disadvantaged the many attorneys who are solo practitioners or who do not have access to investigators and social workers. Therefore, the subcommittee recommends that the basic caseload standard of 141 set in the original report be used for statewide workload calculations. This approach is consistent with the subcommittee's approach to overhead costs in recommendations 3 and 4, which makes line attorney cost the basis for total costs.

#### **Comments from interested parties**

Many commentators urged that the subcommittee adopt the caseload standard of 100 cases per attorney recommended by the American Bar Association and the National Association of Counsel for Children. One comment urged the use of the State Bar *Guidelines on Indigent Defense Services Delivery Systems*.

A common general comment on attorney caseload was that dependency law and practice have become more complex and time-consuming since the original methodology was developed in 2002. Nonminor dependents, specialty courts including family drug courts, the growth of dependency mediation, increasing complexity of parentage, and new child welfare methods such as family finding and safety organized practice have all increased the time required by the attorney for each case.

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<sup>13</sup> In 40 states and the District of Columbia, children's dependency counsel costs (fees and expenses) are paid by the state or the court. In only 12 states is the county responsible for at least some of these costs. (Child Welfare Information Gateway, *Representation of Children in Child Abuse and Neglect Proceedings* (2014), at pp. 4-5.)

The recommended methodology, like the existing methodology, uses the number of cases in the county to estimate the number of attorneys required and ultimately the total funding need of the court. Commentators pointed out that courts and counties use different models of case referral and filing. Some counties file cases on a relatively large proportion of cases referred and investigated. Other counties are more likely to divert families into intensive voluntary services without filing a dependency petition. The result in some counties can be a relatively low number of cases filed, but a high proportion of those cases are cases likely to represent substantial workload on the part of the attorney and the court. For this reason, commentators recommended that attorney workload not be based wholly on caseload but that it take other factors into account.

Other local factors that commentators thought should be incorporated into the workload methodology included the proportion of nonminor dependents in the county, the proportion of out-of-county placements, and the proportion of cases in postpermanency.

The subcommittee determined, in this and other instances, that organizational models and local costs vary greatly and that it would not recommend methods of calculating maximum attorney caseload that are highly specific or dependent on local factors.

#### **Alternatives considered and policy implications**

The subcommittee discussed setting the recommended attorney caseload at a level other than that recommended in the original caseload study. For the reasons given in the rationales for this recommendation and recommendation 10, the subcommittee noted that to develop a new caseload standard from the data currently available is impossible.

#### **Recommendation 10: Comprehensive Update of Workload Data and Time Standards**

10. That the Family and Juvenile Law Advisory Committee consider a comprehensive update of the attorney workload data and time standards in the current workload model. Because any updates to the workload data and time standards will uniformly affect all trial courts, this pending work should not slow or delay the remaining three-year phase-in period previously approved by the Judicial Council for implementing the new dependency counsel funding methodology. Rather this recommendation recognizes that a comprehensive update could not be completed within the time frame set by the Judicial Council for final report from the joint committees.

#### **Rationale for recommendation 10**

The beginning of this section notes the subcommittee's recognition that the time and resources necessary to repeat the research conducted in 2002 and subsequent years, and produce a comprehensive update of the workload model, were unavailable. However, through both its review of available administrative data and the focus groups and surveys of attorneys, the subcommittee found that the current workload model does not adequately capture the work of dependency attorneys.

The subcommittee compared the quantitative data on attorney workload that underlies the current workload model to data on a large group of attorneys practicing in 2014 and 2015. This data review showed serious shortcomings in the existing caseload funding model. In particular, the model appears to greatly underestimate the amount of attorney time that is required for cases that are in the post-permanency phase (most children in these cases will not be reunified with their parents). Whereas the existing model estimates that 5 percent of an attorney's time will be spent on these cases, children's attorneys in the DRAFT program report spending almost 30 percent of their time on those cases. The existing model also significantly underestimates the proportion of time that attorneys are required to spend in court. Analysis of attorney's time logs shows attorneys consistently spending two to four times as long in court as the model estimates is required.

The subcommittee also reviewed the many changes that have taken place in dependency law and practice since the initial research for the existing model was conducted in 2002–2004. Changes that have increased attorney workload but that are not reflected in the existing model include the eligibility of nonminors for dependency and representation, the expansion of dependency drug courts, cases involving dual-status proceedings, cases involving special immigrant juvenile status proceedings, and the greatly increased focus on family finding.

The subcommittee noted that it was able—through surveys, focus groups, data review, and public comment—to review a wealth of information on dependency practice as it exists today. However, this practice represents what is possible given current attorney resources, rather than what would represent effective practice. For this reason the subcommittee recommends that updated research on attorney time allocation be linked to a process of expert review to develop a new attorney workload model that reflects statewide standards of practice.

## **Attachments**

1. Appendix A: Associate, Assistant, or Deputy County Counsel Salary Information
2. Appendix B: Model Combining Filings and Child Welfare Case Numbers
3. Appendix C: Year-to-year changes in court caseload
4. Appendix D: Total Funding Need for Court-Appointed Dependency Counsel Based on the New Workload Methodology

## Appendix A

### Associate, Assistant or Deputy County Counsel Salary Information BLS index applied to median salary

County website searches October 2015

| COUNTY         | Class I or II | Class I or II | Midrange | BLS Index<br>2011-2013 | Index<br>applied to | Workload          |
|----------------|---------------|---------------|----------|------------------------|---------------------|-------------------|
|                | Min           | Max           |          |                        | median<br>salary    | Model<br>Estimate |
| Alameda        | 73,611        | 175,115       | 124,363  | 1.42                   | 111,072             | 95,892            |
| Alpine         |               |               |          | 0.82                   | 64,406              | 79,539            |
| Amador         | 72,838        | 104,878       | 88,858   | 0.99                   | 77,602              | 79,539            |
| Butte          | 50,714        | 78,815        | 64,764   | 0.92                   | 71,895              | 67,143            |
| Calaveras      | 60,307        | 73,286        | 66,797   | 0.86                   | 66,976              | 79,539            |
| Colusa         |               |               |          | 0.70                   | 55,066              | 67,143            |
| Contra Costa   | 87,010        | 126,079       | 106,545  | 1.25                   | 97,693              | 114,800           |
| Del Norte      | 56,117        | 72,888        | 64,503   | 0.79                   | 61,849              | 67,143            |
| El Dorado      | 90,210        | 129,480       | 109,845  | 0.99                   | 77,581              | 79,539            |
| Fresno         | 49,608        | 81,146        | 65,377   | 1.00                   | 77,958              | 67,143            |
| Glenn          |               |               |          | 0.68                   | 53,149              | 79,539            |
| Humboldt       | 51,246        | 77,525        | 64,386   | 0.76                   | 59,361              | 67,143            |
| Imperial       | 59,400        | 88,236        | 73,818   | 0.77                   | 60,208              | 67,143            |
| Inyo           | 68,304        | 87,240        | 77,772   | 0.83                   | 65,027              | 79,539            |
| Kern           | 57,830        | 81,179        | 69,505   | 1.05                   | 82,229              | 79,539            |
| Kings          | 60,050        | 85,114        | 72,582   | 0.89                   | 69,296              | 67,143            |
| Lake           | 47,838        | 67,314        | 57,576   | 0.76                   | 59,366              | 79,539            |
| Lassen         | 59,376        | 71,688        | 65,532   | 0.80                   | 62,573              | 67,143            |
| Los Angeles    | 65,591        | 80,084        | 72,838   | 1.34                   | 104,396             | 95,892            |
| Madera         | 63,646        | 89,401        | 76,524   | 0.94                   | 73,078              | 79,539            |
| Marin          | 83,044        | 119,392       | 101,218  | 1.30                   | 101,386             | 114,800           |
| Mariposa       | 59,785        | 79,936        | 69,861   | 0.74                   | 57,845              | 67,143            |
| Mendocino      | 57,075        | 72,842        | 64,958   | 0.86                   | 67,141              | 79,539            |
| Merced         | 58,282        | 87,526        | 72,904   | 0.91                   | 70,923              | 67,143            |
| Modoc          |               |               |          | 0.61                   | 47,477              | 67,143            |
| Mono           | 108,684       | 108,684       | 108,684  | 1.20                   | 93,721              | 79,539            |
| Monterey       | 61,560        | 100,920       | 81,240   | 1.19                   | 93,005              | 95,892            |
| Napa           | 80,101        | 116,917       | 98,509   | 1.21                   | 94,625              | 95,892            |
| Nevada         | 78,254        | 105,553       | 91,904   | 0.97                   | 75,516              | 79,539            |
| Orange         | 70,404        | 85,116        | 77,760   | 1.30                   | 101,519             | 95,892            |
| Placer         | 85,051        | 114,192       | 99,622   | 1.14                   | 89,376              | 95,892            |
| Plumas         | 52,140        | 91,788        | 71,964   | 0.70                   | 55,081              | 67,143            |
| Riverside      | 68,936        | 121,620       | 95,278   | 1.07                   | 83,700              | 95,892            |
| Sacramento     | 92,498        | 106,363       | 99,430   | 1.28                   | 99,947              | 79,539            |
| San Benito     | 56,856        | 84,036        | 70,446   | 0.97                   | 76,096              | 79,539            |
| San Bernardino | 59,717        | 100,110       | 79,914   | 1.05                   | 82,067              | 79,539            |
| San Diego      | 62,754        | 96,075        | 79,414   | 1.17                   | 91,590              | 95,892            |
| San Francisco  | 107,952       | 148,200       | 128,076  | 1.61                   | 126,133             | 114,800           |



## Associate, Assistant or Deputy County Counsel Salary Information

### BLS index applied to median salary

County website searches October 2015

| COUNTY          | Class I or II<br>Min | Class I or II<br>Max | Midrange | BLS Index<br>2011-2013 | Index<br>applied to<br>median<br>salary | Workload<br>Model<br>Estimate |
|-----------------|----------------------|----------------------|----------|------------------------|---|-------------------------------|
| San Joaquin     | 63,379               | 93,677               | 78,528   | 1.11                   | 86,861                                  | 79,539                        |
| San Luis Obispo | 67,870               | 95,514               | 81,692   | 1.07                   | 83,780                                  | 79,539                        |
| San Mateo       | 86,194               | 148,468              | 117,331  | 1.45                   | 113,129                                 | 114,800                       |
| Santa Barbara   | 107,742              | 145,422              | 126,582  | 1.16                   | 90,285                                  | 95,892                        |
| Santa Clara     | 101,419              | 129,164              | 115,291  | 1.47                   | 114,839                                 | 114,800                       |
| Santa Cruz      | 65,064               | 109,968              | 87,516   | 1.17                   | 91,510                                  | 95,892                        |
| Shasta          | 64,524               | 89,040               | 76,782   | 0.85                   | 66,352                                  | 67,143                        |
| Sierra          |                      |                      |          | 0.71                   | 55,856                                  | 67,143                        |
| Siskiyou        | 44,244               | 63,812               | 54,028   | 0.71                   | 55,531                                  | 67,143                        |
| Solano          | 68,866               | 113,279              | 91,072   | 1.22                   | 95,677                                  | 95,892                        |
| Sonoma          | 83,986               | 112,162              | 98,074   | 1.17                   | 91,243                                  | 95,892                        |
| Stanislaus      | 57,658               | 97,802               | 77,730   | 1.02                   | 79,977                                  | 79,539                        |
| Sutter          | 73,961               | 99,654               | 86,808   | 0.95                   | 74,181                                  | 79,539                        |
| Tehama          | 62,172               | 83,580               | 72,876   | 0.80                   | 62,593                                  | 67,143                        |
| Trinity         |                      |                      |          | 0.65                   | 51,119                                  | 67,143                        |
| Tulare          | 57,632               | 79,913               | 68,773   | 0.82                   | 64,264                                  | 67,143                        |
| Tuolumne        | 57,969               | 81,370               | 69,669   | 0.91                   | 71,035                                  | 79,539                        |
| Ventura         | 65,307               | 116,912              | 91,109   | 1.23                   | 95,917                                  | 95,892                        |
| Yolo            | 66,965               | 100,074              | 83,520   | 1.01                   | 79,009                                  | 79,539                        |
| Yuba            | 61,638               | 71,148               | 66,393   | 0.94                   | 73,509                                  | 79,539                        |
| Median salary   | 64,085               | 94,595               | 78,150   |                        |   |                               |

## Appendix B

### Model Combining Filings and Child Welfare Case Numbers

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| COUNTY          | Average Filings | Average CW  | Filings % | Cases % |
|-----------------|-----------------|-------------|-----------|---------|
|                 | 12-14           | Cases 12-14 |           |         |
| Alameda         | 628             | 1,769       | 1.63%     | 2.44%   |
| Alpine          | 0               | 0           | 0.00%     | 0.00%   |
| Amador          | 37              | 55          | 0.10%     | 0.08%   |
| Butte           | 268             | 561         | 0.70%     | 0.77%   |
| Calaveras       | 105             | 135         | 0.27%     | 0.19%   |
| Colusa          | 28              | 35          | 0.07%     | 0.05%   |
| Contra Costa    | 728             | 1,214       | 1.89%     | 1.67%   |
| Del Norte       | 50              | 111         | 0.13%     | 0.15%   |
| El Dorado       | 197             | 353         | 0.51%     | 0.49%   |
| Fresno          | 874             | 1,950       | 2.27%     | 2.69%   |
| Glenn           | 53              | 100         | 0.14%     | 0.14%   |
| Humboldt        | 146             | 302         | 0.38%     | 0.42%   |
| Imperial        | 211             | 372         | 0.55%     | 0.51%   |
| Inyo            | 9               | 19          | 0.02%     | 0.03%   |
| Kern            | 844             | 1,805       | 2.19%     | 2.49%   |
| Kings           | 196             | 478         | 0.51%     | 0.66%   |
| Lake            | 53              | 133         | 0.14%     | 0.18%   |
| Lassen          | 53              | 71          | 0.14%     | 0.10%   |
| Los Angeles     | 16,700          | 29,089      | 43.38%    | 40.08%  |
| Madera          | 227             | 373         | 0.59%     | 0.51%   |
| Marin           | 63              | 106         | 0.16%     | 0.15%   |
| Mariposa        | 25              | 30          | 0.07%     | 0.04%   |
| Mendocino       | 158             | 298         | 0.41%     | 0.41%   |
| Merced          | 406             | 688         | 1.05%     | 0.95%   |
| Modoc           | 14              | 15          | 0.04%     | 0.02%   |
| Mono            | 4               | 10          | 0.01%     | 0.01%   |
| Monterey        | 160             | 367         | 0.41%     | 0.51%   |
| Napa            | 87              | 151         | 0.23%     | 0.21%   |
| Nevada          | 66              | 117         | 0.17%     | 0.16%   |
| Orange          | 1,389           | 3,051       | 3.61%     | 4.20%   |
| Placer          | 515             | 392         | 1.34%     | 0.54%   |
| Plumas          | 33              | 55          | 0.08%     | 0.08%   |
| Riverside       | 3,035           | 5,254       | 7.88%     | 7.24%   |
| Sacramento      | 1,121           | 2,637       | 2.91%     | 3.63%   |
| San Benito      | 58              | 110         | 0.15%     | 0.15%   |
| San Bernardino  | 2,544           | 4,700       | 6.61%     | 6.48%   |
| San Diego       | 1,609           | 3,862       | 4.18%     | 5.32%   |
| San Francisco   | 570             | 1,296       | 1.48%     | 1.79%   |
| San Joaquin     | 599             | 1,486       | 1.56%     | 2.05%   |
| San Luis Obispo | 269             | 443         | 0.70%     | 0.61%   |
| San Mateo       | 204             | 485         | 0.53%     | 0.67%   |

|               |        |        |         |         |
|---------------|--------|--------|---------|---------|
| Santa Barbara | 263    | 630    | 0.68%   | 0.87%   |
| Santa Clara   | 545    | 1,495  | 1.42%   | 2.06%   |
| Santa Cruz    | 203    | 357    | 0.53%   | 0.49%   |
| Shasta        | 256    | 611    | 0.66%   | 0.84%   |
| Sierra        | 3      | 3      | 0.01%   | 0.00%   |
| Siskiyou      | 76     | 118    | 0.20%   | 0.16%   |
| Solano        | 246    | 440    | 0.64%   | 0.61%   |
| Sonoma        | 259    | 628    | 0.67%   | 0.87%   |
| Stanislaus    | 390    | 630    | 1.01%   | 0.87%   |
| Sutter        | 82     | 155    | 0.21%   | 0.21%   |
| Tehama        | 143    | 207    | 0.37%   | 0.29%   |
| Trinity       | 47     | 77     | 0.12%   | 0.11%   |
| Tulare        | 605    | 1,088  | 1.57%   | 1.50%   |
| Tuolumne      | 73     | 126    | 0.19%   | 0.17%   |
| Ventura       | 598    | 1,040  | 1.55%   | 1.43%   |
| Yolo          | 204    | 336    | 0.53%   | 0.46%   |
| Yuba          | 169    | 159    | 0.44%   | 0.22%   |
| <hr/> Total   | 38,497 | 72,577 | 100.00% | 100.00% |

| COUNTY          | 10%                            | Change<br>from<br>100% CW | 30%                            | Change<br>from<br>100% CW | 50%<br>Filings | Change<br>from<br>100% CW |
|-----------------|--------------------------------|---------------------------|--------------------------------|---------------------------|----------------|---------------------------|
|                 | Filings<br>Propor. of<br>state |                           | Filings<br>Propor. of<br>state |                           |                |                           |
| Alameda         | 2.36%                          | -3.3%                     | 2.19%                          | -9.9%                     | 2.03%          | -16.5%                    |
| Alpine          | 0.00%                          | -10.0%                    | 0.00%                          | -30.0%                    | 0.00%          | -50.0%                    |
| Amador          | 0.08%                          | 2.6%                      | 0.08%                          | 7.7%                      | 0.09%          | 12.8%                     |
| Butte           | 0.76%                          | -1.0%                     | 0.75%                          | -2.9%                     | 0.73%          | -4.9%                     |
| Calaveras       | 0.19%                          | 4.6%                      | 0.21%                          | 13.8%                     | 0.23%          | 23.1%                     |
| Colusa          | 0.05%                          | 5.0%                      | 0.05%                          | 15.1%                     | 0.06%          | 25.2%                     |
| Contra Costa    | 1.69%                          | 1.3%                      | 1.74%                          | 3.9%                      | 1.78%          | 6.6%                      |
| Del Norte       | 0.15%                          | -1.5%                     | 0.15%                          | -4.4%                     | 0.14%          | -7.3%                     |
| El Dorado       | 0.49%                          | 0.5%                      | 0.49%                          | 1.5%                      | 0.50%          | 2.6%                      |
| Fresno          | 2.65%                          | -1.5%                     | 2.56%                          | -4.6%                     | 2.48%          | -7.7%                     |
| Glenn           | 0.14%                          | 0.0%                      | 0.14%                          | 0.1%                      | 0.14%          | 0.1%                      |
| Humboldt        | 0.41%                          | -0.9%                     | 0.41%                          | -2.7%                     | 0.40%          | -4.6%                     |
| Imperial        | 0.52%                          | 0.7%                      | 0.52%                          | 2.1%                      | 0.53%          | 3.5%                      |
| Inyo            | 0.03%                          | -1.5%                     | 0.03%                          | -4.6%                     | 0.02%          | -7.7%                     |
| Kern            | 2.46%                          | -1.2%                     | 2.40%                          | -3.6%                     | 2.34%          | -5.9%                     |
| Kings           | 0.64%                          | -2.3%                     | 0.61%                          | -6.8%                     | 0.58%          | -11.3%                    |
| Lake            | 0.18%                          | -2.5%                     | 0.17%                          | -7.5%                     | 0.16%          | -12.4%                    |
| Lassen          | 0.10%                          | 4.0%                      | 0.11%                          | 12.0%                     | 0.12%          | 19.9%                     |
| Los Angeles     | 40.41%                         | 0.8%                      | 41.07%                         | 2.5%                      | 41.73%         | 4.1%                      |
| Madera          | 0.52%                          | 1.5%                      | 0.54%                          | 4.4%                      | 0.55%          | 7.3%                      |
| Marin           | 0.15%                          | 1.1%                      | 0.15%                          | 3.4%                      | 0.15%          | 5.7%                      |
| Mariposa        | 0.04%                          | 6.1%                      | 0.05%                          | 18.3%                     | 0.05%          | 30.5%                     |
| Mendocino       | 0.41%                          | 0.0%                      | 0.41%                          | -0.1%                     | 0.41%          | -0.2%                     |
| Merced          | 0.96%                          | 1.1%                      | 0.98%                          | 3.3%                      | 1.00%          | 5.6%                      |
| Modoc           | 0.02%                          | 8.0%                      | 0.03%                          | 24.0%                     | 0.03%          | 40.1%                     |
| Mono            | 0.01%                          | -2.8%                     | 0.01%                          | -8.5%                     | 0.01%          | -14.2%                    |
| Monterey        | 0.50%                          | -1.8%                     | 0.48%                          | -5.4%                     | 0.46%          | -9.0%                     |
| Napa            | 0.21%                          | 0.8%                      | 0.21%                          | 2.5%                      | 0.22%          | 4.1%                      |
| Nevada          | 0.16%                          | 0.6%                      | 0.16%                          | 1.8%                      | 0.17%          | 3.1%                      |
| Orange          | 4.14%                          | -1.4%                     | 4.03%                          | -4.3%                     | 3.91%          | -7.1%                     |
| Placer          | 0.62%                          | 14.8%                     | 0.78%                          | 44.4%                     | 0.94%          | 73.9%                     |
| Plumas          | 0.08%                          | 1.1%                      | 0.08%                          | 3.4%                      | 0.08%          | 5.6%                      |
| Riverside       | 7.30%                          | 0.9%                      | 7.43%                          | 2.7%                      | 7.56%          | 4.4%                      |
| Sacramento      | 3.56%                          | -2.0%                     | 3.42%                          | -6.0%                     | 3.27%          | -9.9%                     |
| San Benito      | 0.15%                          | 0.0%                      | 0.15%                          | 0.1%                      | 0.15%          | 0.1%                      |
| San Bernardino  | 6.49%                          | 0.2%                      | 6.52%                          | 0.6%                      | 6.54%          | 1.0%                      |
| San Diego       | 5.21%                          | -2.1%                     | 4.98%                          | -6.4%                     | 4.75%          | -10.7%                    |
| San Francisco   | 1.76%                          | -1.7%                     | 1.69%                          | -5.1%                     | 1.63%          | -8.5%                     |
| San Joaquin     | 2.00%                          | -2.4%                     | 1.90%                          | -7.2%                     | 1.80%          | -12.0%                    |
| San Luis Obispo | 0.62%                          | 1.4%                      | 0.64%                          | 4.3%                      | 0.65%          | 7.2%                      |
| San Mateo       | 0.65%                          | -2.1%                     | 0.63%                          | -6.2%                     | 0.60%          | -10.3%                    |

|               |       |       |       |       |       |        |
|---------------|-------|-------|-------|-------|-------|--------|
| Santa Barbara | 0.85% | -2.1% | 0.81% | -6.3% | 0.78% | -10.6% |
| Santa Clara   | 2.00% | -3.1% | 1.87% | -9.4% | 1.74% | -15.6% |
| Santa Cruz    | 0.50% | 0.7%  | 0.50% | 2.1%  | 0.51% | 3.5%   |
| Shasta        | 0.82% | -2.1% | 0.79% | -6.3% | 0.75% | -10.5% |
| Sierra        | 0.00% | 15.1% | 0.01% | 45.4% | 0.01% | 75.7%  |
| Siskiyou      | 0.17% | 2.2%  | 0.17% | 6.5%  | 0.18% | 10.8%  |
| Solano        | 0.61% | 0.5%  | 0.62% | 1.6%  | 0.62% | 2.7%   |
| Sonoma        | 0.85% | -2.2% | 0.81% | -6.7% | 0.77% | -11.1% |
| Stanislaus    | 0.88% | 1.7%  | 0.91% | 5.1%  | 0.94% | 8.4%   |
| Sutter        | 0.21% | 0.0%  | 0.21% | -0.1% | 0.21% | -0.2%  |
| Tehama        | 0.29% | 3.1%  | 0.31% | 9.2%  | 0.33% | 15.3%  |
| Trinity       | 0.11% | 1.6%  | 0.11% | 4.9%  | 0.11% | 8.2%   |
| Tulare        | 1.51% | 0.5%  | 1.52% | 1.5%  | 1.54% | 2.4%   |
| Tuolumne      | 0.18% | 0.9%  | 0.18% | 2.8%  | 0.18% | 4.7%   |
| Ventura       | 1.45% | 0.8%  | 1.47% | 2.5%  | 1.49% | 4.2%   |
| Yolo          | 0.47% | 1.4%  | 0.48% | 4.3%  | 0.50% | 7.2%   |
| Yuba          | 0.24% | 10.1% | 0.28% | 30.2% | 0.33% | 50.4%  |
| <hr/> Total   |       |       |       |       |       |        |

## Appendix C

### Year-to-year changes in court caseload

|                 | Child Welfare Caseload |      |      | Change 2013 -- 2015 |           |           |           |
|-----------------|------------------------|------|------|---------------------|-----------|-----------|-----------|
|                 | 2013                   | 2014 | 2015 | 2013-2014           | 2014-2015 | 2013-2014 | 2014-2015 |
|                 | n                      | n    | n    | n                   | n         | %         | %         |
| Sierra          | 1                      | 1    | 4    | 0                   | 3         | 0%        | 300%      |
| Modoc           | 11                     | 20   | 15   | 9                   | -5        | 82%       | -25%      |
| Mono            | 11                     | 9    | 10   | -2                  | 1         | -18%      | 11%       |
| Inyo            | 23                     | 14   | 26   | -9                  | 12        | -39%      | 86%       |
| Colusa          | 32                     | 44   | 31   | 12                  | -13       | 38%       | -30%      |
| Mariposa        | 37                     | 20   | 17   | -17                 | -3        | -46%      | -15%      |
| Amador          | 42                     | 62   | 85   | 20                  | 23        | 48%       | 37%       |
| Plumas          | 45                     | 45   | 65   | 0                   | 20        | 0%        | 44%       |
| Trinity         | 75                     | 79   | 89   | 4                   | 10        | 5%        | 13%       |
| Lassen          | 78                     | 75   | 61   | -3                  | -14       | -4%       | -19%      |
| Glenn           | 86                     | 106  | 103  | 20                  | -3        | 23%       | -3%       |
| Calaveras       | 105                    | 183  | 176  | 78                  | -7        | 74%       | -4%       |
| Marin           | 108                    | 116  | 129  | 8                   | 13        | 7%        | 11%       |
| Siskiyou        | 109                    | 125  | 130  | 16                  | 5         | 15%       | 4%        |
| Tuolumne        | 113                    | 111  | 132  | -2                  | 21        | -2%       | 19%       |
| Nevada          | 119                    | 112  | 99   | -7                  | -13       | -6%       | -12%      |
| Del Norte       | 122                    | 100  | 117  | -22                 | 17        | -18%      | 17%       |
| San Benito      | 126                    | 105  | 99   | -21                 | -6        | -17%      | -6%       |
| Lake            | 128                    | 145  | 142  | 17                  | -3        | 13%       | -2%       |
| Napa            | 140                    | 168  | 185  | 28                  | 17        | 20%       | 10%       |
| Sutter          | 152                    | 138  | 154  | -14                 | 16        | -9%       | 12%       |
| Yuba            | 153                    | 188  | 234  | 35                  | 46        | 23%       | 24%       |
| Tehama          | 205                    | 213  | 251  | 8                   | 38        | 4%        | 18%       |
| Humboldt        | 280                    | 348  | 412  | 68                  | 64        | 24%       | 18%       |
| Mendocino       | 293                    | 337  | 313  | 44                  | -24       | 15%       | -7%       |
| Yolo            | 310                    | 358  | 360  | 48                  | 2         | 15%       | 1%        |
| Madera          | 336                    | 427  | 359  | 91                  | -68       | 27%       | -16%      |
| Monterey        | 349                    | 407  | 433  | 58                  | 26        | 17%       | 6%        |
| Santa Cruz      | 358                    | 303  | 341  | -55                 | 38        | -15%      | 13%       |
| Imperial        | 360                    | 412  | 515  | 52                  | 103       | 14%       | 25%       |
| El Dorado       | 382                    | 366  | 352  | -16                 | -14       | -4%       | -4%       |
| Placer          | 382                    | 429  | 421  | 47                  | -8        | 12%       | -2%       |
| Solano          | 411                    | 444  | 532  | 33                  | 88        | 8%        | 20%       |
| San Mateo       | 469                    | 515  | 541  | 46                  | 26        | 10%       | 5%        |
| Kings           | 483                    | 500  | 653  | 17                  | 153       | 4%        | 31%       |
| San Luis Obispo | 486                    | 451  | 421  | -35                 | -30       | -7%       | -7%       |
| Butte           | 498                    | 525  | 656  | 27                  | 131       | 5%        | 25%       |
| Shasta          | 614                    | 636  | 576  | 22                  | -60       | 4%        | -9%       |
| Sonoma          | 617                    | 607  | 599  | -10                 | -8        | -2%       | -1%       |

|                |       |       |       |      |      |      |      |
|----------------|-------|-------|-------|------|------|------|------|
| Stanislaus     | 634   | 728   | 621   | 94   | -107 | 15%  | -15% |
| Santa Barbara  | 666   | 599   | 577   | -67  | -22  | -10% | -4%  |
| Merced         | 725   | 743   | 660   | 18   | -83  | 2%   | -11% |
| Ventura        | 957   | 1149  | 1060  | 192  | -89  | 20%  | -8%  |
| Tulare         | 1020  | 1121  | 1257  | 101  | 136  | 10%  | 12%  |
| Contra Costa   | 1223  | 1200  | 1221  | -23  | 21   | -2%  | 2%   |
| San Francisco  | 1280  | 1315  | 1263  | 35   | -52  | 3%   | -4%  |
| San Joaquin    | 1437  | 1627  | 1643  | 190  | 16   | 13%  | 1%   |
| Santa Clara    | 1461  | 1598  | 1669  | 137  | 71   | 9%   | 4%   |
| Alameda        | 1702  | 1860  | 1817  | 158  | -43  | 9%   | -2%  |
| Kern           | 1789  | 1647  | 1800  | -142 | 153  | -8%  | 9%   |
| Fresno         | 1823  | 2027  | 2200  | 204  | 173  | 11%  | 9%   |
| Sacramento     | 2346  | 2879  | 3091  | 533  | 212  | 23%  | 7%   |
| Orange         | 3090  | 2959  | 2906  | -131 | -53  | -4%  | -2%  |
| San Diego      | 3832  | 3726  | 3653  | -106 | -73  | -3%  | -2%  |
| San Bernardino | 4618  | 5040  | 5687  | 422  | 647  | 9%   | 13%  |
| Riverside      | 4931  | 5536  | 5669  | 605  | 133  | 12%  | 2%   |
| Los Angeles    | 28556 | 30776 | 30631 | 2220 | -145 | 8%   | 0%   |
| Total          | 70923 | 75965 | 77453 | 5042 | 1488 | 7%   | 2%   |

**Attachment D. Total Funding Need for Court-Appointed Dependency Counsel Based on the New Workload Methodology Recommended by the CAC Funding Allocation Methodology Joint Subcommittee**

|                | Average Filings 12/13 to 14/15 | Average CW Cases 2012, 2013, 2014 | Filings % | Cases % | Sum of Weighted % | Partially Redistributed Caseload | BLS Index 2011-2013 | Annual Salary          | Caseload Multiplied by Estimated Child-to-Parent Case Ratio | Attorneys Needed Per Caseload | Total Salaries | Total Funding Need |
|----------------|--------------------------------|-----------------------------------|-----------|---------|-------------------|----------------------------------|---------------------|------------------------|---|-------------------------------|----------------|--------------------|
| Court          | A                              | B                                 | C         | D       | E<br>(.3C+.7D)    | F<br>(B*E)                       | G                   | H<br>(G*Median Salary) | I<br>(F*1.8)  | J<br>(I/141)                  | K<br>(H*J)     | L<br>(K/.45)       |
| Alameda        | 628                            | 1,769                             | 1.63%     | 2.44%   | 2.19%             | 1,593                            | 1.42                | \$ 111,096             | 2,868   | 20.34                         | \$ 2,259,356   | \$ 5,020,790       |
| Alpine         | 0                              | 0                                 | 0.00%     | 0.00%   | 0.00%             | 0                                | 0.83                | \$ 64,768              | 0   | 0.00                          | \$ 193         | \$ 429             |
| Amador         | 37                             | 55                                | 0.10%     | 0.08%   | 0.08%             | 59                               | 1.00                | \$ 78,084              | 107   | 0.76                          | \$ 59,049      | \$ 131,221         |
| Butte          | 268                            | 561                               | 0.70%     | 0.77%   | 0.75%             | 544                              | 0.91                | \$ 71,014              | 980   | 6.95                          | \$ 493,379     | \$ 1,096,397       |
| Calaveras      | 105                            | 135                               | 0.27%     | 0.19%   | 0.21%             | 154                              | 0.89                | \$ 69,284              | 277   | 1.96                          | \$ 135,942     | \$ 302,092         |
| Colusa         | 28                             | 35                                | 0.07%     | 0.05%   | 0.05%             | 40                               | 0.71                | \$ 55,398              | 72  | 0.51                          | \$ 28,228      | \$ 62,728          |
| Contra Costa   | 728                            | 1,214                             | 1.89%     | 1.67%   | 1.74%             | 1,262                            | 1.25                | \$ 97,907              | 2,271   | 16.11                         | \$ 1,577,010   | \$ 3,504,467       |
| Del Norte      | 50                             | 111                               | 0.13%     | 0.15%   | 0.15%             | 106                              | 0.77                | \$ 60,353              | 191   | 1.36                          | \$ 81,798      | \$ 181,773         |
| El Dorado      | 197                            | 353                               | 0.51%     | 0.49%   | 0.49%             | 358                              | 1.00                | \$ 77,829              | 645   | 4.57                          | \$ 355,792     | \$ 790,649         |
| Fresno         | 874                            | 1,950                             | 2.27%     | 2.69%   | 2.56%             | 1,860                            | 0.99                | \$ 77,269              | 3,348   | 23.74                         | \$ 1,834,469   | \$ 4,076,599       |
| Glenn          | 53                             | 100                               | 0.14%     | 0.14%   | 0.14%             | 100                              | 0.69                | \$ 53,620              | 181   | 1.28                          | \$ 68,723      | \$ 152,719         |
| Humboldt       | 146                            | 302                               | 0.38%     | 0.42%   | 0.41%             | 294                              | 0.77                | \$ 60,304              | 529   | 3.75                          | \$ 226,348     | \$ 502,996         |
| Imperial       | 211                            | 372                               | 0.55%     | 0.51%   | 0.52%             | 380                              | 0.78                | \$ 61,170              | 684   | 4.85                          | \$ 296,865     | \$ 659,699         |
| Inyo           | 9                              | 19                                | 0.02%     | 0.03%   | 0.03%             | 18                               | 0.83                | \$ 65,055              | 33  | 0.24                          | \$ 15,310      | \$ 34,022          |
| Kern           | 844                            | 1,805                             | 2.19%     | 2.49%   | 2.40%             | 1,741                            | 1.05                | \$ 82,433              | 3,133   | 22.22                         | \$ 1,831,751   | \$ 4,070,558       |
| Kings          | 196                            | 478                               | 0.51%     | 0.66%   | 0.61%             | 446                              | 0.88                | \$ 68,798              | 802   | 5.69                          | \$ 391,396     | \$ 869,768         |
| Lake           | 53                             | 133                               | 0.14%     | 0.18%   | 0.17%             | 123                              | 0.75                | \$ 58,783              | 222   | 1.57                          | \$ 92,359      | \$ 205,243         |
| Lassen         | 53                             | 71                                | 0.14%     | 0.10%   | 0.11%             | 79                               | 0.80                | \$ 62,798              | 143   | 1.01                          | \$ 63,724      | \$ 141,608         |
| Los Angeles    | 16,700                         | 29,089                            | 43.38%    | 40.08%  | 41.07%            | 29,807                           | 1.34                | \$ 104,763             | 53,653  | 380.52                        | \$ 39,864,194  | \$ 88,587,098      |
| Madera         | 227                            | 373                               | 0.59%     | 0.51%   | 0.54%             | 389                              | 0.93                | \$ 73,011              | 701   | 4.97                          | \$ 362,850     | \$ 806,333         |
| Marin          | 63                             | 106                               | 0.16%     | 0.15%   | 0.15%             | 110                              | 1.28                | \$ 99,927              | 197   | 1.40                          | \$ 139,868     | \$ 310,818         |
| Mariposa       | 25                             | 30                                | 0.07%     | 0.04%   | 0.05%             | 35                               | 0.78                | \$ 60,851              | 63  | 0.45                          | \$ 27,262      | \$ 60,583          |
| Mendocino      | 158                            | 298                               | 0.41%     | 0.41%   | 0.41%             | 298                              | 0.83                | \$ 65,165              | 536   | 3.80                          | \$ 247,911     | \$ 550,914         |
| Merced         | 406                            | 688                               | 1.05%     | 0.95%   | 0.98%             | 711                              | 0.90                | \$ 70,118              | 1,280   | 9.08                          | \$ 636,674     | \$ 1,414,831       |
| Modoc          | 14                             | 15                                | 0.04%     | 0.02%   | 0.03%             | 19                               | 0.60                | \$ 46,925              | 33  | 0.24                          | \$ 11,146      | \$ 24,769          |
| Mono           | 4                              | 10                                | 0.01%     | 0.01%   | 0.01%             | 9                                | 1.15                | \$ 89,801              | 16  | 0.11                          | \$ 10,135      | \$ 22,521          |
| Monterey       | 160                            | 367                               | 0.41%     | 0.51%   | 0.48%             | 347                              | 1.19                | \$ 93,336              | 625   | 4.43                          | \$ 413,702     | \$ 919,337         |
| Napa           | 87                             | 151                               | 0.23%     | 0.21%   | 0.21%             | 155                              | 1.22                | \$ 95,399              | 278   | 1.98                          | \$ 188,424     | \$ 418,719         |
| Nevada         | 66                             | 117                               | 0.17%     | 0.16%   | 0.16%             | 119                              | 0.97                | \$ 75,721              | 214   | 1.52                          | \$ 114,845     | \$ 255,211         |
| Orange         | 1,389                          | 3,051                             | 3.61%     | 4.20%   | 4.03%             | 2,922                            | 1.30                | \$ 101,662             | 5,259   | 37.30                         | \$ 3,791,605   | \$ 8,425,788       |
| Placer         | 515                            | 392                               | 1.34%     | 0.54%   | 0.78%             | 565                              | 1.17                | \$ 91,570              | 1,018   | 7.22                          | \$ 660,985     | \$ 1,468,855       |
| Plumas         | 33                             | 55                                | 0.08%     | 0.08%   | 0.08%             | 57                               | 0.70                | \$ 54,714              | 103   | 0.73                          | \$ 39,959      | \$ 88,798          |
| Riverside      | 3,035                          | 5,254                             | 7.88%     | 7.24%   | 7.43%             | 5,394                            | 1.08                | \$ 84,361              | 9,709   | 68.86                         | \$ 5,808,972   | \$ 12,908,827      |
| Sacramento     | 1,121                          | 2,637                             | 2.91%     | 3.63%   | 3.42%             | 2,479                            | 1.28                | \$ 100,174             | 4,463   | 31.65                         | \$ 3,170,823   | \$ 7,046,273       |
| San Benito     | 58                             | 110                               | 0.15%     | 0.15%   | 0.15%             | 110                              | 0.98                | \$ 76,874              | 198   | 1.40                          | \$ 107,714     | \$ 239,365         |
| San Bernardino | 2,544                          | 4,700                             | 6.61%     | 6.48%   | 6.52%             | 4,729                            | 1.06                | \$ 82,626              | 8,511   | 60.37                         | \$ 4,987,726   | \$ 11,083,836      |
| San Diego      | 1,609                          | 3,862                             | 4.18%     | 5.32%   | 4.98%             | 3,613                            | 1.17                | \$ 91,784              | 6,503   | 46.12                         | \$ 4,233,397   | \$ 9,407,548       |
| San Francisco  | 570                            | 1,296                             | 1.48%     | 1.79%   | 1.69%             | 1,230                            | 1.68                | \$ 131,331             | 2,213   | 15.70                         | \$ 2,061,479   | \$ 4,581,064       |
| San Joaquin    | 599                            | 1,486                             | 1.56%     | 2.05%   | 1.90%             | 1,379                            | 1.10                | \$ 86,183              | 2,483   | 17.61                         | \$ 1,517,371   | \$ 3,371,936       |



**Attachment D. Total Funding Need for Court-Appointed Dependency Counsel Based on the New Workload Methodology Recommended by the CAC Funding Allocation Methodology Joint Subcommittee**

|                 | Average Filings 12/13 to 14/15 | Average CW Cases 2012, 2013, 2014 | Filings %      | Cases %        | Sum of Weighted % | Partially Redistributed Caseload | BLS Index 2011-2013 | Annual Salary       | Caseload Multiplied by Estimated Child-to-Parent Case Ratio | Attorneys Needed Per Caseload | Total Salaries       | Total Funding Need    |
|-----------------|--------------------------------|-----------------------------------|----------------|----------------|-------------------|----------------------------------|---------------------|---------------------|---|-------------------------------|----------------------|-----------------------|
| Court           | A                              | B                                 | C              | D              | E (.3C+.7D)       | F (B*E)                          | G                   | H (G*Median Salary) | I (F*1.8)   | J (I/141)                     | K (H*J)              | L (K/.45)             |
| San Luis Obispo | 269                            | 443                               | 0.70%          | 0.61%          | 0.64%             | 462                              | 1.07                | \$ 83,774           | 832   | 5.90                          | \$ 494,147           | \$ 1,098,105          |
| San Mateo       | 204                            | 485                               | 0.53%          | 0.67%          | 0.63%             | 455                              | 1.44                | \$ 112,902          | 820   | 5.81                          | \$ 656,224           | \$ 1,458,275          |
| Santa Barbara   | 263                            | 630                               | 0.68%          | 0.87%          | 0.81%             | 590                              | 1.17                | \$ 91,117           | 1,061   | 7.53                          | \$ 685,944           | \$ 1,524,319          |
| Santa Clara     | 545                            | 1,495                             | 1.42%          | 2.06%          | 1.87%             | 1,355                            | 1.44                | \$ 112,572          | 2,438   | 17.29                         | \$ 1,946,825         | \$ 4,326,278          |
| Santa Cruz      | 203                            | 357                               | 0.53%          | 0.49%          | 0.50%             | 365                              | 1.15                | \$ 90,124           | 657   | 4.66                          | \$ 419,662           | \$ 932,583            |
| Shasta          | 256                            | 611                               | 0.66%          | 0.84%          | 0.79%             | 573                              | 0.85                | \$ 66,767           | 1,031   | 7.31                          | \$ 488,157           | \$ 1,084,793          |
| Sierra          | 3                              | 3                                 | 0.01%          | 0.00%          | 0.01%             | 4                                | 0.73                | \$ 57,147           | 7   | 0.05                          | \$ 2,652             | \$ 5,894              |
| Siskiyou        | 76                             | 118                               | 0.20%          | 0.16%          | 0.17%             | 126                              | 0.69                | \$ 54,275           | 227   | 1.61                          | \$ 87,306            | \$ 194,013            |
| Solano          | 246                            | 440                               | 0.64%          | 0.61%          | 0.62%             | 447                              | 1.20                | \$ 94,008           | 805   | 5.71                          | \$ 536,886           | \$ 1,193,081          |
| Sonoma          | 259                            | 628                               | 0.67%          | 0.87%          | 0.81%             | 586                              | 1.17                | \$ 91,131           | 1,055   | 7.48                          | \$ 681,835           | \$ 1,515,189          |
| Stanislaus      | 390                            | 630                               | 1.01%          | 0.87%          | 0.91%             | 662                              | 1.02                | \$ 79,432           | 1,191   | 8.45                          | \$ 670,811           | \$ 1,490,691          |
| Sutter          | 82                             | 155                               | 0.21%          | 0.21%          | 0.21%             | 155                              | 0.95                | \$ 74,571           | 279   | 1.98                          | \$ 147,662           | \$ 328,137            |
| Tehama          | 143                            | 207                               | 0.37%          | 0.29%          | 0.31%             | 226                              | 0.80                | \$ 62,373           | 407   | 2.88                          | \$ 179,926           | \$ 399,836            |
| Trinity         | 47                             | 77                                | 0.12%          | 0.11%          | 0.11%             | 80                               | 0.65                | \$ 51,107           | 145   | 1.03                          | \$ 52,480            | \$ 116,623            |
| Tulare          | 605                            | 1,088                             | 1.57%          | 1.50%          | 1.52%             | 1,104                            | 0.83                | \$ 64,475           | 1,986   | 14.09                         | \$ 908,308           | \$ 2,018,463          |
| Tuolumne        | 73                             | 126                               | 0.19%          | 0.17%          | 0.18%             | 130                              | 0.83                | \$ 64,582           | 234   | 1.66                          | \$ 107,103           | \$ 238,008            |
| Ventura         | 598                            | 1,040                             | 1.55%          | 1.43%          | 1.47%             | 1,067                            | 1.21                | \$ 94,948           | 1,920   | 13.62                         | \$ 1,292,876         | \$ 2,873,057          |
| Yolo            | 204                            | 336                               | 0.53%          | 0.46%          | 0.48%             | 351                              | 1.03                | \$ 80,152           | 631   | 4.48                          | \$ 358,720           | \$ 797,156            |
| Yuba            | 169                            | 159                               | 0.44%          | 0.22%          | 0.28%             | 207                              | 0.93                | \$ 72,573           | 372   | 2.64                          | \$ 191,453           | \$ 425,452            |
| <b>Total</b>    | <b>38,497</b>                  | <b>72,577</b>                     | <b>100.00%</b> | <b>100.00%</b> | <b>100.00%</b>    | <b>72,577</b>                    |                     |                     | <b>130,639</b>  | <b>927</b>                    | <b>\$ 88,117,709</b> | <b>\$ 195,817,132</b> |

Median annual salary of county attorneys     \$    78,150