



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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**Date**

November 16, 2015

**Action Requested**

Please Review

**To**

AB 1058 Funding Allocation Joint  
Subcommittee Members

**Deadline**

N/A

**From**

Hon. Irma Poole Asberry, Cochair  
Hon. Mark A. Juhas, Cochair  
Hon. Carolyn B. Kuhl, Cochair

**Contact**

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**Subject**

Options for Child Support Commissioner and  
Family Law Facilitator Funding Allocation  
Methodology

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**Background**

On April 17, 2015, the Judicial Council directed the formation of a joint subcommittee comprised of representatives from the Family and Juvenile Law Advisory Committee, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and the California Department of Child Support Services (DCSS) to reconsider the allocation methodology developed in 1997. This includes examining the myriad of factors that must be considered when allocating both base funding and federal drawdown funding at the beginning of the fiscal year to optimize program success and providing a mechanism for all funds to be spent by the end of each fiscal year. Each advisory committee represented on the joint subcommittee will review the information subsequent to November 19, and provide a report to the Judicial Council at the February 2016 Judicial Council meeting.

At the June 19, 2015 AB1058 Funding Allocation Joint Subcommittee meeting, a subcommittee was established to review the mid-year reallocation process and make recommendations to the joint subcommittee regarding this process.

At the August 25, 2015, meeting of the AB 1058 Funding Allocation Joint Subcommittee, the mid-year reallocation subcommittee reported back to the joint subcommittee its recommendation for a revised process of moving funds during a fiscal year to maximize use of AB1058 funds. The Joint Subcommittee also discussed data reliability and the use of filing data vs. DCSS caseload data. The joint subcommittee also discussed what other factors should be considered in any funding methodology and decided that the primary components in a revised funding methodology should include:

1. Comparative workload data based on DCSS caseload statistics;
2. Factoring in differences in local costs of labor;
3. A minimum funding floor for small courts; and
4. Gradual phase-in to minimize the impact of any shifts in funding.

The AB1058 Funding Allocation Subcommittee was established to explore and present specific options for the full joint subcommittee's consideration. It is anticipated that the subcommittee will report back to the joint subcommittee its recommendation at the November 19, 2015 meeting.

In order to help facilitate discussion on November 19, the following options are provided.

**Funding Options for Consideration by Joint Subcommittee**  
**Fiscal Year Base Funding Allocation Options:**

1. Implement a new caseload-based funding model that incorporates a local cost of labor index, a minimum funding floor for small courts, and that could be phased in gradually, easing the transition for courts. The subcommittee has identified the following options for transitioning from the historical allocation to a new workload-based funding model:
  - (a) a 3-year phase-in that is 33% workload-based (67% historical) in year 1, 67% workload-based in year 2, and 100% workload-based in year 3;
  - (b) a 4-year phase-in that is 25% workload-based (75% historical) in year 1, 50% workload-based in year 2, 75% workload-based in year 3, and 100% workload-based in year 4; and
  - (c) a 4-year phase-in that is 15% workload-based (85% historical) in year 1, 45% workload-based in year 2, 70% workload-based in year 3, and 100% workload-based in year 4.

The full subcommittee may also wish to consider whether to recommend implementation of the new allocation methodology immediately (i.e., FY 2016-17) or delay its start until FY 2017-18 in order to give the courts additional time to prepare for the transition.

2. In addition to approving a new funding methodology, direct Judicial Council staff to coordinate with California Department of Child Support Services on their current review of funding allocations for local child support agencies and report back to the Judicial Council on any changes to the new funding methodology that should be considered in light of the actions of DCSS.
3. Continue to allocate funding using the historical funding methodology, coordinate with California Department of Child Support Services (DCSS) on their current review of funding allocations for local child support agencies, and review the funding methodology for the child support commissioners and family law facilitators at the conclusion of the DCSS program review.
4. Continue to allocate funding using the historical funding methodology until increased funding for the program can be obtained.

**Fiscal Year Federal Drawdown Funding Options:**

1. Compute a revised allocation to courts of federal drawdown funds based on each court's pro rata share of total statewide caseload, to be allocated beginning the same fiscal year and following the same phase-in timeline adopted by the Judicial Council used to allocate the AB1058 base funding to all the courts. However, because federal drawdown funds require the commitment of a local match, each court that would receive additional federal funds under the revised allocation methodology would be required to indicate if it wanted all or some of the additional funding, and if so, to commit to the local required funding match, and to present a realistic plan for utilizing the additional funding in the coming fiscal year. Any funding not accepted by a court would be reallocated to courts that otherwise would be losing funding under the new methodology.
2. Continue to allocate funding using the historical funding methodology until increased funding for the program is obtained.

**Mid-year Reallocation Options:**

1. Adopt the recommendation of the AB1058 Midyear Reallocation Subcommittee.

2. Allocate a percentage of available funds at midyear to courts that indicate a use that would increase efficiencies that may be replicated statewide.
3. Continue the current midyear reallocation process.