
REPORT TO THE AB 1058 FUNDING ALLOCATION JOINT SUBCOMMITTEE

For business meeting on: May 11, 2017

Title	Agenda Item Type
AB 1058 Child Support Commissioner Subject Matter Expert Group Final Report	Information Only
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Submitted by	
AB 1058 Child Support Commissioner Subject Matter Expert Group Hon. Sue Alexander, Co-Chair Alameda Superior Court Commissioner Hon. Norma Castellanos-Perez Tulare Superior Court Commissioner Hon. Jeri Hamlin Colusa, Glenn, Plumas, and Tehama Superior Courts Commissioner Hon. Thomas Owen Del Norte Superior Court Commissioner	Hon. Michelle Short Los Angeles Superior Court Commissioner Hon. Adam Wertheimer San Diego Superior Court Commissioner Hon. Rebecca Wightman San Francisco Superior Court Commissioner

Introduction

At the February 26, 2016 Judicial Council meeting, two subject matter expert (SME) groups were formed, one comprised of child support commissioners (CSCs) and another comprised of family law facilitators (FLFs) to provide input and expertise to the joint subcommittee. The subcommittee cochairs directed both groups to submit a final report summarizing its input and recommendations to the subcommittee by May 1, 2017. This report is being provided pursuant to that directive.

Composition of the SME Group

The membership for the CSC SME group was selected by California Court Commissioner Association. While initially there were nine CSCs on the SME group, one of the members retired

in April of 2017, leaving the current composition at eight CSCs. These CSCs represent courts of various sizes both in population and geography throughout the state.

Activities of the SME Group

Since June of 2016, the SME group has held 1-2 monthly conference calls to discuss factors that may impact workload and to determine methods to gather statewide input. The group developed an exploratory survey which was distributed to all CSCs throughout the state in an attempt to identify unique factors that may impact workload. The surveys were not intended to measure workload, but rather were to uncover possible variables worth further consideration.

Additionally, at the 2016 AB 1058 Child Support Training Conference in Los Angeles, the SME group facilitated a focus group session at which the attending CSCs had an opportunity to provide more in-depth input about factors affecting workload as well as to ask questions about the funding allocation methodology review process.

The SME group also participated in two conference calls with the consultant from MAXIMUS (Daniel Bauer, Esq.) to develop guiding principles and driving factors to assist in his work. The group additionally participated in two Delphi sessions to provide time estimates of various CSC tasks to be used in his proposed funding models.

Recommendations

Based on the group's discussions regarding factors that impact the work of CSCs, the SME group offers the following recommendations:

- Use the 17-18 Fiscal year to create a method to capture Request for Orders (motions) and Ex-parte Requests as part of the basis for determining workload, not LCSA caseloads. Workload would also include chambers work such as reviewing and signing stipulations, defaults and uncontested matters. These functions would be weighted. DCSS system reports by managing county which may or may not be the same as the court location and doesn't track all litigant initiated motions and/or motions filed within existing family law cases. JBSIS tracks some of these functions but it is not one of the factors used for WAFM funding so the reporting is not reliable. Motions will be counted as one motion per issue raised, e.g., motion for modification of support, determination of arrears and release of CDL is three motions. Modify JBSIS reporting to match and confirm that every court is counting the same issues and includes both litigants filed and DCSS filed motions/pleadings.
- Weighting would need to also be determined. Various ways are being used such as RAS and SME data, stopwatch study by consultant and observational time studies conducted by the Office of Court Research. If possible, weighting should include consideration of the time involved in dealing with interpreters, telephone appearances, private attorneys and the like.

- Once a method is established, there should be a 2 to 3 year rolling workload analysis to account for changes. For 18-19, use the last three years unless a court entitled to an increase in base funding has consistently given base funding back. Federal draw down is a more difficult issue since it requires the courts to contribute a portion of trial court funding. Some courts have opted out of the federal draw down due to limited trial court funding to use for matching funds. The allocation of federal draw down may need to be based on the workload method of only those courts requesting the funds.
- Also use 17-18 as opportunity for Fam/Juv to consider proposed form, rule and legislative changes that may result in efficiencies and to determine the methodology to access the effects on the courts and federal performance measures.
- Establish a floor for small courts so they can keep the doors open. The SME working group did not have the data necessary to determine what the floor should be. The amounts allocated to the small courts (those previously designated as .3) varies as changes have been made over time. Information is needed from CEOs as to what the floor should be, taking into account the weighted data elements and basic staffing needs. The SME working group is willing to make a recommendation once the data is provided. Once the floor is determined, at least that amount should be provided to every court from base funding.
- Staffing needs need to be assessed. Larger courts need more staff per commissioner since more items identified for workload assessment that are done by staff in larger courts may be done by commissioners in smaller courts. The SME working group is aware there have been issues with RAS for staffing needs and WAFM for salary disparities. If these methods aren't used, a method is needed for dealing with these variations between courts.
- The SME working group recommends a multi-year phase in with a mandatory assessment of impacts on the courts and federal performance measures before any reallocation in excess of 50% (similar to WAFM). Always keep in mind the effect on the litigants – does the change improve, add barriers or have no effect on access.
- During the phase in, consideration should be given to:
 - Holding a portion of the funds at the state level for infrastructure needs that benefit the program such as assuring batch filing capabilities in every court, considering the rural courts that have unique infrastructure issues.

- Providing funds to implement proposed/approved efficiencies such as funding pilot projects, data collection and the like. If successful, provide funds for statewide implementation.
 - Assessing disruption to the courts
 - Reviewing any effects on federal performance measures. Continue to review annually to avoid unintended adverse consequences to federal performance measures.
 - Incentives for courts to adopt processes that meet identified systemic goals like reducing defaults and enhancing access.
 - Assessing for unintended consequences
 - Obtaining and providing information from/to state DCSS to assist in requesting additional funding
- If a court knows that it is not going to use all the funding allocated, notification should be made as soon as possible. Commitment of matching funds for federal draw down should be made at the time of the request. Assessment should be done in November and again at the mid-year reallocation which should continue as unexpected circumstances can occur and the goal is to spend the entire grant. Reallocations should be made as early as possible to be sure the full grant is expended. Courts should not be penalized for acknowledging that the full grant will not be used if done in time for reallocation. Consideration should be given to reducing grants for multiple years of leaving funds unspent. Accounting and budgeting should be transparent so courts can review how funds are spent for both educational and accountability purposes.