



JUDICIAL COUNCIL OF CALIFORNIA

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AB1058 FUNDING ALLOCATION JOINT SUBCOMMITTEE

MINUTES OF OPEN MEETING

September 10, 2018
10:00 a.m. - 4:00 p.m.

Advisory Body Members Present: Hon. Mark Ashton Cope, Cochair, Hon. Joyce D. Hinrichs, Cochair, Hon. Mark A. Juhas, Cochair, Hon. Sue Alexander, Mr. Mark Beckley, Hon. Jonathan B. Conklin, Ms. Rebecca Fleming, Ms. Catherine Hohenwarter, Hon. Patricia M. Lucas, Hon. B. Scott Thomsen

Advisory Body Members Absent: Hon. Lorna A. Alksne, Ms. Sheran Morton

Others Present: Ms. Charlene Depner, Ms. Tracy Kenny, Ms. Anna Maves, Ms. Cassandra McTaggart, Ms. Leah Rose-Goodwin, Mr. Gary Slossberg, Mr. Don Will

OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Judge Juhas called the meeting to order at 10:11 a.m. Ms. Maves took roll call.

Approval of Minutes

The minutes of August 20, 2018 were approved by acclamation.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Item 1

Welcome and Approval of the Minutes

Presenters: Hon. Mark Ashton Cope, Cochair, Judge, Superior Court of Riverside County
Hon. Joyce D. Hinrichs, Cochair, Judge, Superior Court of Humboldt County
Hon. Mark A. Juhas, Cochair, Judge, Superior Court of Los Angeles County

Item 2

Public Comment

Facilitators: Hon. Mark Ashton Cope, Cochair, Judge, Superior Court of Riverside County
Hon. Joyce D. Hinrichs, Cochair, Judge, Superior Court of Humboldt County
Hon. Mark A. Juhas, Cochair, Judge, Superior Court of Los Angeles County

Three public comments were offered by the following members of the public: Child Support Commissioner Rebecca Wightman (San Francisco), Family Law Facilitator Lollie Roberts (Sacramento), and Family Law Facilitator Melanie Snider (Butte, Lake, and Tehama).

Item 3

Presentation on Updates to the Proposed AB1058 Child Support Commissioner Funding Models

Presenters: Leah Rose-Goodwin, Manager, Judicial Council Office of Court Research

Don Will, Deputy Director, Judicial Council Center for Families, Children & the Courts

Ms. Rose-Goodwin reviewed Model 1, which follows a process similar to that of the Workload-Based Allocation and Funding Methodology (WAFM) in determining the funding for each court. As she explained, Model 1 uses the Judicial Needs Study to determine the Child Support Commissioner staffing need and the Resource Assessment Study (RAS) to determine non-CSC staffing need, translates the staffing needs to dollars based on a statewide salary average (adjusted for each county's cost of labor per the Bureau of Labor Statistics (BLS)), adds in benefits and operating expenses and equipment totals per full-time equivalent staff member (FTE), and a court reporter at a 1:1 ration to CSCs. The total funding need per Model 1 of \$67,695,798 far exceeds the available funding for the program of \$31,616,936, so each court's allocation would be prorated down to the available funding.

Mr. Will presented on the three additional models which use Model 1 as a base and then apply various adjustments to limit the cuts to courts. Model 2 applies a 5% cap on funding decreases from each court's prior year's allocation. Model 3 maintains the current funding for all Cluster 1 courts. Model 4, which the Joint Subcommittee requested be developed for this meeting, includes both the adjustment of the 5% cap and maintains the current funding for the Cluster 1 courts.

Item 4

Discussion and Development of Recommendation Regarding the AB1058 Child Support Commissioner Funding Model

Facilitators: Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Rebecca Fleming, Court Executive Officer, Superior Court of Santa Clara County

The Joint Subcommittee began by reviewing the objectives and goals developed at the prior meetings. The objectives and goals were approved without objection by the Joint Subcommittee.

The members discussed the merits of each of the models presented and thereafter approved following motions without objection:

- Motion to approve the underlying assumptions for determining funding need as reflected in Model 1. Child support commissioner need is determined for each court by taking a 3 year average of JBSIS filings times case weights in the Judicial Needs Study for other family law case types divided by judicial officer minutes in a year. The child support commissioner need for each court is then multiplied by 85% of a judge salary to determine the child support commissioner salary need. The salary need is added to salary-driven benefits and non-salary driven benefits to determine the total CSC funding needs for each court. Staffing need is determined by taking a three year average of JBSIS filings times case weights for IN RAS for non-management staff divided by number of staff minutes in a year. The staffing need is multiplied by salary/FTE from 7A times BLS for each court to determine non-child support commissioner salary need for each court. Total non-child support commissioner funding need for each court is determined by adding non-child support salary need to salary-driven benefits, non-salary driven benefits and court reporter costs. Finally to determine total funding need for each court, the total non-child support commissioner funding need is added to total child support funding need and OE & E. Because there are insufficient funds to meet the total program need, any allocations identified for each court needs to be prorated.
- Motion to build a model using a 1:1.25 CSC to court reporter ratio to more accurately reflect program need and to be consistent with the ratio used in WAFM
- Motion to have the model spreadsheet reflect the funding level for every court, even courts who have an intra-branch agreement to share services and one court is designated as the primary court to receive all of the funding and submit invoices for reimbursement on behalf of both courts.
- Motion to maintain the current funding levels of the Cluster 1 courts and any courts that have an existing agreement for shared services and direct the Family and Juvenile Law Advisory Committee to develop data and information to identify basic funding need for small courts to maintain minimum services for the CSC program by FY 2020-2021.

- Motion to limit any decrease or increase in existing base funding to no more than 5% from what the court received in funding from the prior fiscal year with implementation of this methodology for FY 2019-2020 with a reallocation of funds every two years
- Motion to direct the Trial Court Budget Advisory Committee's (TCBAC) Funding Methodology Subcommittee (FMS) to hear all future proposed revisions to the funding methodology and to direct FMS to consult with Family and Juvenile Law Advisory Committee in considering these proposals

One motion was made, but not approved, by the Joint Subcommittee. This motion was to include courts with shared services agreements in the model variance that limited any increase or decrease in funding of up to 5% of the total allocation for the combined total of the prior year's allocations for all courts in the agreement, rather than maintaining those courts' prior year allocations. This motion failed.

Item 5

Recommendation Regarding the Family Law Facilitator Funding Model

Facilitators: Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Rebecca Fleming, Court Executive Officer, Superior Court of Santa Clara County

The members considered whether to make any changes to the funding model for the Family Law Facilitator (FLF) program. Noting concerns raised at previous meetings regarding possible adverse consequences to the implementation of the new self-help funding in the courts if the FLF funding model were to be changed, the Joint Subcommittee approved the following motion without objection:

- Motion to leave the current funding methodology in place until at least fiscal year 2021-2022 after the conclusion of the review of the impacts of the new self-help funding is undertaken and to develop better workload data from FLF offices.

Item 6

Discussion and Development of Recommendation Regarding the AB 1058 Federal Drawdown Funds

Facilitators: Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Rebecca Fleming, Court Executive Officer, Superior Court of Santa Clara County

The members discussed the options for allocating the federal drawdown (FDD) funds and approved the following motion without objection:

- Motion to allow courts to decide whether to opt-in to the FDD program for the CSC program in advance of the FY allocations and to fund courts proportional to their new base funding allocations up to the amount of FDD funds they have requested and can provide the required matching funds.
- Motion to maintain the current FDD program for the FLF program without change

Item 7

Review and Discussion of Judicial Council Recommendations

Facilitators: Judicial Council Staff

Staff reviewed the motions approved by the members. Staff was directed to prepare a draft Report to the Judicial Council regarding the Joint Subcommittee's recommendations and to circulate it amongst the members via e-mail and to have conference call meeting in early October to allow members to propose changes to the report. After being approved by the Joint Subcommittee, the report would be forwarded to the three advisory committees (F&J, TCBAC, and the Workload Assessment Advisory Committee) for their consideration, prior to being submitted to the Judicial Council for its consideration.

ADJOURNMENT

Concluding Remarks and Adjourn at 1:56 p.m..

DRAFT