



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2014

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Title	Agenda Item Type
Juvenile Dependency: Proposed Allocation for Fiscal Year 2014–2015 for Court Appointed Special Advocate Local Assistance	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	October 27, 2014
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	October 14, 2014
Hon. Kimberly J. Nystrom-Geist, Chair	Contact
Hon. Jerilyn L. Borack, Chair	Amy Nuñez, 415-865-7564 <a href="mailto:amy.nunez@jud.ca.gov">amy.nunez@jud.ca.gov</a>

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year 2014–2015. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at the August 2013 business meeting. Allocations will fund 45 programs serving 50 counties. The committee also recommends a modification to the allocation methodology to temporarily reserve funding for counties which were served by a CASA program at the time of the last grant allocation, but are currently developing new programs and do not have a designated CASA program.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective October 27, 2014:

1. Recommend a change to the CASA grants allocation methodology to reserve base funding for counties without a designated CASA program at the time of the grant allocation, who are seeking a designated program, with the following restrictions:
  - a. A CASA program received funding to serve the county in the prior allocation cycle;
  - b. The amount of funding is set at the base allocation received in the prior cycle (no incentive funds would be reserved);
  - c. The program is designated by the superior court as the CASA program in the first six months after approval of the statewide allocations; and
  - d. If a program has not been designated by the superior court as a CASA program within six months of the statewide allocation approval, the funding reserved for the county will be distributed to all CASA programs pro rata (each program receives a percentage of reserved funding equal to the percentage they receive of total base funding).
2. Allocate \$2.21 million for CASA local assistance grants to 45 CASA programs serving 50 counties, including funds reserved for a CASA program in Riverside County, using the council's funding methodology and incorporating the changes in recommendation 1.

### **Previous Council Action**

Legislation (Stats. 1988, ch. 723) amended Welfare and Institutions Code section 100 et seq. to require the Judicial Council to establish guidelines encouraging the development of local CASA programs that assist abused and neglected children who are the subject of judicial proceedings. The legislation also called for the establishment of a CASA grant program to be administered by the Judicial Council and required CASA programs to provide local matching—or in-kind funds—equal to program funding received from the Judicial Council. At the February 9, 1999 meeting, the Judicial Council delegated approval of the allocation of the Judicial Council CASA grant funds to the Executive and Planning Committee (E&P).

In August 2003, at the recommendation of the Family and Juvenile Law Advisory Committee, E&P approved a formula-based method for distributing Judicial Council CASA program funding to California CASA programs. The new funding approach replaced the previous competitive request for proposals process with predetermined program awards. When the allocation process transitioned to a formula-based method, the baseline awards were determined by averaging the amounts of the previous two years of funding. In 2011, E&P decided that the approval of budget allocations for CASA programs be made by the Judicial Council.

At the August 23, 2013 meeting, the Judicial Council approved a funding methodology that is formula based and utilizes program data submitted by local programs which evaluates efficiency

and program growth.<sup>1</sup> Programs are required, through both a contract and an evaluation process, to demonstrate that they meet a number of program objectives, including compliance with rule 5.655 of the California Rules of Court, local rules of court, volunteer recruitment, volunteer training, board development, sound fiscal management, and other requirements as outlined in the National CASA Standards. This new methodology (1) establishes equitable allocations for CASA programs and eliminates wide funding variations resulting from historical funding formulas and grant applications; (2) supplements funding to local programs that work toward efficiency, effectiveness, and program growth; and (3) increases the number of dependency youth served by CASA programs and potentially, the number of courts.

### **Rationale for Recommendation**

The state judicial branch budget for Judicial Council CASA grants for fiscal year (FY) 2014–2015 is \$2.213 million. The committee was informed that the Superior Court of Riverside County currently does not have an organization designated as a CASA program eligible to receive Judicial Council funding. Riverside had an eligible CASA program in the prior allocation cycle, and is actively developing a new program. The committee determined that it should recommend a change to the Judicial Council’s allocation methodology in order to assist superior courts seeking to develop new CASA programs when the prior program ceases to serve children in the county. The committee recommends that in order for funding to be allocated to a county without an eligible CASA program, the following criteria must be met:

- An eligible CASA program operating in the county must have received Judicial Council CASA program grant funding in the prior allocation cycle; and
- A new CASA program must be designated by the superior court and is eligible to receive funding within six months of the Judicial Council allocation of funding.

The committee also recommends that only the baseline funding for a CASA program, and not any incentive funding, be reserved in this manner. Finally, the committee recommends that if a program is not eligible to receive funding with six months of the Judicial Council allocation of funding, the funding reserved will be allocated to all CASA programs pro rata.

The committee’s rationale for these recommendations includes its recognition of the importance of the CASA program to children and youth in the dependency system, and the very unfortunate situation which develops when a CASA program ceases operating and children are left without a CASA volunteer. In these cases, the committee wishes to enable superior courts and communities to develop new CASA programs as rapidly as possible. In addition, the committee recognizes that start-up costs for a new CASA program are considerable and may include a number of months in which the program staff must set up processes for compliance with rule 5.655 of the California Rules of Court and national CASA standards before beginning to train

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<sup>1</sup> Judicial Council of California, August 23, 2013: Juvenile Dependency: Court Appointed Special Advocate Program Funding Methodology. Go to: <http://www.courts.ca.gov/documents/jc-20130823-itemM.pdf>.

and supervise volunteers. Not having access to CASA grants funding in the first year of operation will make it difficult to establish a new program.

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

For recommendation 1, the committee considered three options in addition to the option recommended:

1. Recommend no change to the CASA grants allocation methodology. No funding would be allocated or reserved for a county without a CASA program designated by the superior court. All funding will be distributed to existing CASA programs.
2. Recommend a change to CASA grants allocation methodology to reserve limited start-up funding (\$10,000) when a CASA program received funding in the prior allocation cycle.
3. Recommend a change to the CASA grants allocation methodology to reserve an amount of base funding that is proportional to the number of months a new CASA program is in operation.

The committee did not recommend these options for the reasons discussed in the Rationale for Recommendation section above. Option 1 does not address the committee’s concern that children previously served by a CASA program have that service restored in a timely manner. Options 2 and 3 do not sufficiently address the considerable start-up costs a CASA program will incur before it begins serving children in numbers comparable to the previous program.

### **Implementation Requirements, Costs, and Operational Impacts**

There are no implementation requirements and costs other than the estimated \$2.213 million state judicial branch funding to be distributed to CASA programs.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The proposed CASA funding methodology aligns with multiple strategic and operational goals established by the Judicial Council, specifically Goals II and III.

Goal II specifies that “[t]he judiciary must maintain its status as an independent, separate, and co-equal branch of government. . . . The judiciary will unify in its advocacy for resources and policies that support and protect independent and impartial judicial decisionmaking in accordance with the constitution and the law. The branch will maintain the highest standards of accountability for its use of public resources, and adherence to its statutory and constitutional mandates.” The proposed methodology includes revisions that incentivize efficient and effective use of Judicial Council funding distributed to CASA programs each fiscal year.

Goal III notes that “effective administration of justice requires deliberate attention to recruiting, developing, and retaining high-quality staff at all levels, as well as to developing and

implementing appropriate accountability and compliance measures.” Recruitment of court-appointed special advocates requires extensive screening and training of individuals. This is one of the proposed incentives in the CASA funding methodology rewards programs that retain these qualified, experienced volunteers.

### **Attachment**

1. Attachment A: Proposed Allocation Alternatives for FY 2014–2015 Judicial Council Local Assistance

**Attachment A: Proposed Allocation Alternatives for FY 2014-2015  
Judicial Council Local Assistance, Including Riverside County**

<b>Local CASA Programs by County(ies)</b>	<b>Base Allocations</b>	<b>Incentive 2A*</b>	<b>Incentive 2B*</b>	<b>Total Incentives</b>	<b>Total JC Local Assistance Grant</b>
Alameda	\$50,000	0	0	\$0	\$50,000
Amador	\$26,000	1	1	\$20,500	\$46,500
Butte/Glenn	\$51,000	1	0	\$10,250	\$61,250
Contra Costa	\$50,000	1	0	\$10,250	\$60,250
Del Norte	\$26,000	1	1	\$20,500	\$46,500
El Dorado	\$34,000	1	1	\$20,500	\$54,500
Fresno/Madera	\$75,000	1	0	\$10,250	\$85,250
Humboldt	\$26,000	1	0	\$10,250	\$36,250
Imperial	\$34,000	1	1	\$20,500	\$54,500
Inyo/Mono	\$39,000	1	1	\$20,500	\$59,500
Kern	\$50,000	1	0	\$10,250	\$60,250
Kings	\$34,000	0	0	\$0	\$34,000
Lassen	\$26,000	1	1	\$20,500	\$46,500
Los Angeles	\$50,000	1	0	\$10,250	\$60,250
Marin	\$34,000	1	1	\$20,500	\$54,500
Mariposa	\$26,000	1	1	\$20,500	\$46,500
Mendocino/Lake	\$51,000	1	0	\$10,250	\$61,250
Merced	\$34,000	0	0	\$0	\$34,000
Modoc	\$26,000	0	1	\$10,250	\$36,250
Monterey	\$42,000	1	0	\$10,250	\$52,250
Napa	\$34,000	0	1	\$10,250	\$44,250
Nevada	\$26,000	0	1	\$10,250	\$36,250
Orange	\$50,000	0	0	\$0	\$50,000
Placer	\$42,000	0	1	\$10,250	\$52,250
Plumas	\$26,000	1	1	\$20,500	\$46,500
Riverside	\$50,000	0	0	\$0	\$50,000
Sacramento	\$50,000	0	0	\$0	\$50,000
San Benito	\$26,000	0	1	\$10,250	\$36,250
San Bernardino	\$50,000	0	0	\$0	\$50,000
San Diego	\$50,000	0	1	\$10,250	\$60,250
San Francisco	\$42,000	0	0	\$0	\$42,000
San Joaquin	\$42,000	0	0	\$0	\$42,000
San Luis Obispo	\$42,000	0	1	\$10,250	\$52,250
San Mateo	\$42,000	0	1	\$10,250	\$52,250
Santa Barbara	\$42,000	0	1	\$10,250	\$52,250
Santa Clara	\$50,000	1	1	\$20,500	\$70,500
Santa Cruz	\$34,000	0	1	\$10,250	\$44,250
Shasta/Tehama	\$51,000	0	0	\$0	\$51,000
Siskiyou	\$26,000	1	0	\$10,250	\$36,250
Solano	\$42,000	0	0	\$0	\$42,000
Sonoma	\$42,000	0	0	\$0	\$42,000

**Attachment A: Proposed Allocation Alternatives for FY 2014-2015  
Judicial Council Local Assistance, Including Riverside County**

Stanislaus	\$42,000	0	0	\$0	\$42,000
Tulare	\$42,000	1	0	\$10,250	\$52,250
Ventura	\$42,000	0	0	\$0	\$42,000
Yolo	\$34,000	0	0	\$0	\$34,000
	\$1,803,000	20	20	\$410,000	\$2,213,000

\*Incentive 2A funding is earned by the top 20 programs with the highest volunteer retention rate. Incentive 2B funding is earned by the top 20 programs with the highest dependency proportion served.

Total Local Assistance Grant	\$2,213,000
Total Base Amounts	\$1,803,000
<b>Incentive Award for Top 20 Programs @ \$10,250 (x 40)</b>	\$410,000
<b>Total expenditures= Base + 40 incentives</b>	\$2,213,000

