



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

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**Title**

Child Support: Midyear Funding Reallocation for Fiscal Year 2014–2015 and Base Funding Allocation for Fiscal Year 2015–2016 for the Child Support Commissioner and Family Law Facilitator Program

**Agenda Item Type**

Action Required

**Effective Date**

April 17, 2015

**Date of Report**

April 8, 2015

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

None

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**Recommended by**

Family and Juvenile Law Advisory Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

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## Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2014–2015. The committee also recommends that the Judicial Council approve the allocation of funding for this same program for FY 2015–2016, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). Finally, the committee seeks approval to reconsider the allocation methodology developed in 1997 for implementation in future allocations. The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council. At midyear, under an established procedure described in the standard agreement with each superior court, the Judicial Council redistributes to courts with a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants that year. The courts are also offered an option to use local court funds up to an approved amount to draw down, or qualify for, federal matching funds. Finally, the committee

recommends that the Judicial Council approve, with oversight provided by the Executive and Planning Committee, the formation of a joint sub-committee that will include representatives from the Family and Juvenile Law Advisory Committee, including the cochairs or their designees, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

## **Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective April 17, 2015:

1. Approve the reallocation for funding of child support commissioners for FY 2014–2015, subject to the state Budget Act;
2. Approve the reallocation for funding of family law facilitators for FY 2014–2015, subject to the state Budget Act;
3. Approve allocation for funding of child support commissioners for FY 2015–2016, subject to the state Budget Act; and
4. Approve the allocation for funding of family law facilitators for FY 2015–2016, subject to the state Budget Act.
5. Direct the committee to pursue, with oversight provided by the Executive and Planning Committee, formation of a joint sub-committee that will include representatives from the Family and Juvenile Law Advisory Committee, including the cochairs or their designees, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

Tables detailing the recommended reallocations and allocations of funding are attached at pages 8–11.

## **Previous Council Action**

The Judicial Council is required annually to allocate nontrial court funding to the Child Support Commissioner and Family Law Facilitator Program, and has done so since 1997.<sup>1</sup> A cooperative

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<sup>1</sup> AB 1058 added article 4 to chapter 2, of part 2, of division 9 of the Family Code, which at section 4252(b)(6) requires the Judicial Council to “[e]stablish procedures for the distribution of funding to the courts for child support commissioners, family law facilitators pursuant to [Family Code] Division 14 (commencing with Section 10000) and related allowable costs.” A copy of the original Judicial Council Report from 1997 is attached that provided the foundation for funding the Child Support Commissioner and Family Law Facilitator Program.

agreement between the California Department of Child Support Services (DCSS) and the Judicial Council provides the funds for this program and requires the council to annually approve the funding allocation. Two-thirds of the funds are federal, and one-third comes from the state General Fund (nontrial court funding). Any funds left unspent during the fiscal year revert to the state General Fund and cannot be used in subsequent years.

Under an established procedure described in the standard agreement with each superior court, the Judicial Council at midyear redistributes to courts with a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants. In addition, in FY 2007–2008, DCSS and the Judicial Council of California provided a mechanism for the courts to recover two-thirds of additional program costs beyond the contract maximum covered by use of local trial court funds. This federal drawdown option continues to be available for FY 2015–2016.

## **Rationale for Recommendation**

### **Midyear reallocation, FY 2014–2015**

The midyear reallocation process is a review of each court's program funding in the current fiscal year, conducted through a questionnaire distributed to each court to allow courts to indicate whether or not they anticipate having additional funds that can be reallocated to courts that have demonstrated a need for additional funds. Historically, the midyear reallocation is to meet one-time, nonrecurring special needs, such as equipment purchases or temporary help to clear work backlogs. This year, a number of courts indicated a need for additional funds just to maintain current service levels due to increased costs of doing business. In FY 2007–2008, an additional procedure—the federal drawdown option—was put in place to assist in covering the cost of maintaining current program service levels through the use of local trial court funds spent beyond the current contract maximum and used as a match to obtain additional federal funds for the program. Federal drawdown funds voluntarily returned by some courts are also available to be redistributed to courts that have requested additional federal drawdown funds. Therefore, the committee recommends reallocation of the limited amount of funds available based on a proportional formula to all courts that have indicated a need.

Base funds and funds under the federal drawdown option, allocated at the beginning of this fiscal year but returned by courts unable to use all of these funds, are proposed for reallocation during this midyear process. As a result of the midyear reallocation process, for the Child Support Commissioner Program, a total of \$1,425,701 is available because one court has volunteered to return \$7,780 in base funds, nine courts have volunteered to return a combined \$847,792 in federal drawdown option funds, and \$570,129 is available in previously unallocated base funds. For the Family Law Facilitator Program, a total of \$362,393 is available because one court has volunteered to return \$23,624 in base funds and three courts have volunteered to return a combined \$148,726 in federal drawdown option funds, as well as \$190,043 in previously unallocated base funds.

Under an established procedure described in the standard agreement with each superior court, a questionnaire is sent to each court requesting the information needed to evaluate appropriate funding levels. In addition to compiling questionnaire responses, Judicial Council staff gathers information on each court's historical spending patterns and calculates projected spending based on invoices received to date for the current fiscal year. The Family and Juvenile Law Advisory Committee then recommends proposed funding changes. The criteria for consideration of court requests are caseload, funds available for redistribution, historical spending patterns, special needs, and staffing levels. Funds returned by courts with a historical pattern of underspending, funds voluntarily returned, and any previously unallocated funds are redistributed to courts with documented needs.

This midyear reallocation process ensures that the highest proportion of total funds allocated to the courts is spent where funding is needed. This process also minimizes the amount of unspent funds that revert to the state General Fund.

A total of \$1,425,701 from all child support program grant sources was available for reallocation to the child support commissioner component of the program. A total of 32 courts requested no change to their child support commissioner base allocations, 22 requested no change to their federal drawdown option, one court offered to return base funds, and nine courts offered to return federal drawdown option funds.

A total of \$362,393 from all Family Law Facilitator Program grant sources was available for reallocation to the family law facilitator component of the program. A total of 26 courts requested no change to their family law facilitator base allocations, 22 requested no change to their federal drawdown option, one court offered to return base funds, and three courts offered to return federal drawdown funds.

All allocations to courts requesting additional funding have been based on proportionately allocating the available base and federal drawdown funds among the courts requesting additional funds proportionate to their share of the total base funding. Under the established allocation procedures for this program, the request was reviewed by the Family and Juvenile Law Advisory Committee. The committee recommends the Judicial Council adopt the allocations for the Child Support Commissioner Program detailed on the table on page 8 and the allocations for the Family Law Facilitator Program detailed on the table at page 9.

### **Base funding, FY 2015–2016**

The Judicial Council is also responsible for the allocation of base program funding at the beginning of each fiscal year. In 1997, the Judicial Council established staffing standards for child support commissioners under Family Code section 4252(b)(3). Staffing standards are based on the number of local child support agency cases that have established child support orders. In addition, under an established procedure described in the standard agreement with each superior court, questionnaires are sent annually to each court requesting the information needed to evaluate appropriate funding levels in case of any exceptional needs.

Funding for FY 2015–2016 for the child support commissioner component of the program will be \$32.1 million base allocation and \$12.2 million from the federal drawdown option; funding for the family law facilitator component will be \$10.9 million base allocation and \$4.2 million from the federal drawdown option, for a total program base allocation of \$43.1 million and a total federal drawdown allocation of \$16.4 million. Statewide program funding for FY 2015–2016 is the same amount as for FY 2014–2015.

In 2014–2015, the Superior Court of Contra Costa County voluntarily terminated participation in federal drawdown funding and relinquished those available funds. This has resulted in one less court day per week and has a substantial impact on this court’s ability to meet required federal performance standards. For FY 2015–2016, the Superior Court of Contra Costa County has requested a partial restoration of federal drawdown participation for the Child Support Commissioner Program. In prior years, the Judicial Council has restored funds voluntarily relinquished by courts, when funds were available to do so. This practice helps ensure that courts will return funds that they don’t use but can be used by other courts without concern that those funds will not be available in future fiscal years, if needed. In 2013–2014, the Superior Court of Contra Costa County was allocated \$302,793 in federal drawdown. After doing a detailed analysis of need, the court has requested a partial restoration of \$161,403. Because other courts have requested a decrease in participation in the federal drawdown option for FY 2015–2016, funds are available to restore the federal drawdown funds in the amount requested by the Superior Court of Contra Costa County with additional funds available to allocate to other requesting courts.

In order to ensure that the Superior Court of Contra Costa County can meet the federal performance standards, the committee recommends a partial restoration of federal drawdown funds of \$161,403 be allocated to the Child Support Commissioner Program for the Superior Court of Contra Costa County for FY 2015–2016.

The committee recommends that courts be allocated base funding and federal drawdown funding at the same level, less any amount a court indicated that they wish to relinquish, for both the Child Support Commissioner Program and Family Law Facilitator Program as in FY 2014–2015. The committee further recommends that additional available base and federal drawdown funds, less the amount recommended to be provided to the Superior Court of Contra Costa County, be allocated among all the courts requesting additional funds proportionate to their share of the total base funding. This would provide courts with funds consistent with the funding they received in the prior fiscal year and provide all courts that have requested additional funds with some additional funds. The committee recommends the Judicial Council adopt the allocations for the Child Support Commissioner Program detailed on the table on page 10 and the allocations for the Family Law Facilitator Program detailed on the table at page 11.

#### **Funding Allocation Work Group and revised timing of allocations**

Historically, the Judicial Council has considered midyear reallocations in conjunction with next fiscal year allocations at the April Judicial Council meeting. This has allowed courts time to

spend allocated funds, determine if projections were correct, and either return funds not anticipated to be spent or request additional funding. However, given this timing the reallocations have resulted in some funds reverting to the General Fund each year. Placing this item for discussion earlier in the fiscal year would provide a better balance of identification of funds, time for spending by the courts that receive reallocations, and minimize the risk that funds would go unspent. The committee recommends that the reallocation of base funding and federal draw down funding for FY 2015–2016 be placed on the February 2016 Judicial Council agenda.

The committee will also seek approval from the Judicial Council Rules and Projects Committee to add reconsideration of the AB 1058 Child Support Commissioner and Family Law Facilitator Program fiscal allocation methodology to the current annual agenda and for the coming year. In addition, if directed, the committee will pursue—with oversight by the Judicial Council Executive and Planning Committee—formation of a joint sub-committee that will include representation from the Family and Juvenile Law Advisory Committee, including the cochairs or their designees, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and the California Department of Child Support Services. The joint sub-committee would be charged with examining the myriad of factors that must be considered when allocating funding to both optimize program success and provide for mechanisms for all funds to be spent by the end of each fiscal year. The joint sub-committee would be asked to report back to the Family and Juvenile Law Advisory Committee, the Trial Court Budget Advisory Committee, and the Workload Assessment Advisory Committee by December 31, 2015.

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

This proposal was not circulated for public comment; however, a detailed funding questionnaire was completed by all 58 courts and used to develop the allocation recommendations.

#### **Alternatives considered for allocating base funding, FY 2015–2016**

The committee considered not restoring the federal drawdown participation for the Superior Court of Contra Costa County’s Child Support Commissioner Program in the specific amount requested and instead allocating funding to that court as part of the overall FY 2015–2016 funding allocation. This option was rejected because, although this allocation would allow some funds to be restored to this court, it is inconsistent with prior Judicial Council action of restoring funds voluntarily relinquished where those funds are available. In addition, the funds available through this allocation would be insufficient to make the changes necessary to meet the federal performance standards.

The committee considered allocating additional available base and federal drawdown funds relinquished by courts for both the Child Support Commissioner Program and Family Law Facilitator Program only to courts that have spent all of the funds allocated to them in the three most recent fiscal years. The committee rejected this option because, although it provides some additional funds to courts that have consistently spent all of the funds allocated to them, it is more appropriate to allocate the funds among all courts that have indicated a need for additional funds.

The committee considered placing the reallocation of base funding and federal drawdown funding for FY 2015–2016 on the December 2015 or April 2016 Judicial Council agenda. The committee rejected placing it on the December 2015 agenda as it would require the courts to notify staff in October of anticipated excess funds. As this is early in the fiscal year, this could result in some funds that could have been reallocated not being identified and reverting to the General Fund. The committee also rejected placing it on the April 2016 agenda. Although continuing to place the issue of midyear reallocation on the April agenda would allow for identification of most funds needing to be reallocated, it will result in courts receiving additional funds later in the fiscal year which may result in funds going unspent and reverting to the General Fund.

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

To draw down federal funds, federal provisions require payment of a state share of one-third of total expenditures. Therefore, each participating court will need to provide the one-third share of the court's total cost to draw down two-thirds of total expenditures from federal participation.

### **Attachments**

1. Child Support Commissioner Program Midyear Reallocation, FY 2014–2015, at page 8
2. Family Law Facilitator Program Midyear Reallocation, FY 2014–2015, at page 9
3. Child Support Commissioner Program Allocation, FY 2015–2016, at page 10
4. Family Law Facilitator Program Allocation, FY 2015–2016, at page 11
5. Judicial Council report from 1997 for Child Support Commissioner and Facilitator Allocation Funding, at page 12

**CHILD SUPPORT COMMISSIONER PROGRAM MIDYEAR REALLOCATION, FY 2014-15**

	A	B	C	D	E	F	G	H	I	J
County	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Mid-Year Changes to Base Allocation	Mid-Year Changes to Federal Drawdown Option	Recommended Base Allocation (A+C)	Recommended Federal Drawdown Option Allocation (B+D)	Federal Share 66% (Column Fx.66)	Court Share 34% (Column Fx.34)	Total Allocation (Column E+F)	Contract Amount (Column E+G)
1 Alameda	1,055,625	477,580		53,992	1,055,625	531,572	350,838	180,734	1,587,197	1,406,463
2 Alpine					-	-	-	-	-	-
3 Amador	142,508	64,474			142,508	64,474	42,553	21,921	206,982	185,061
4 Butte	363,685	50,315	(7,780)	(50,315)	355,905	-	-	-	355,905	355,905
5 Calaveras	133,526	37,209			133,526	37,209	24,558	12,651	170,735	158,084
6 Colusa	45,987	19,133			45,987	19,133	12,628	6,505	65,120	58,615
7 Contra Costa	1,014,068				1,014,068	-	-	-	1,014,068	1,014,068
8 Del Norte	48,315	21,859			48,315	21,859	14,427	7,432	70,174	62,742
9 El Dorado/Alpine	206,440	93,395		(51,340)	206,440	42,055	27,756	14,299	248,495	234,196
10 Fresno	1,557,552	704,659			1,557,552	704,659	465,075	239,584	2,262,211	2,022,627
11 Glenn	118,593	53,653	6,338	6,686	124,931	60,339	39,824	20,515	185,270	164,755
12 Humboldt	122,985	55,639		(55,639)	122,985	-	-	-	122,985	122,985
13 Imperial	163,746	74,082			163,746	74,082	48,894	25,188	237,828	212,640
14 Inyo	78,314	18,328	4,186	4,653	82,500	22,981	15,167	7,814	105,481	97,667
15 Kern	645,590	292,074	34,503	33,291	680,093	325,365	214,741	110,624	1,005,458	894,834
16 Kings	294,155	133,080	15,721		309,876	133,080	87,833	45,247	442,956	397,709
17 Lake	157,624	22,018		8,657	157,624	30,675	20,246	10,430	188,299	177,870
18 Lassen	94,874	42,923			94,874	42,923	28,329	14,594	137,797	123,203
19 Los Angeles	5,093,465	2,168,640		257,839	5,093,465	2,426,479	1,601,476	825,003	7,519,944	6,694,941
20 Madera	215,224	97,370			215,224	97,370	64,264	33,106	312,594	279,488
21 Marin	124,696		6,664	6,994	131,360	6,994	4,616	2,378	138,354	135,976
22 Mariposa	76,427	34,576		(23,191)	76,427	11,385	7,514	3,871	87,812	83,941
23 Mendocino	173,010	78,273		(43,273)	173,010	35,000	23,100	11,900	208,010	196,110
24 Merced	548,422	248,113			548,422	248,113	163,755	84,358	796,535	712,177
25 Modoc	-	-			-	-	-	-	-	-
26 Mono	44,688				44,688	-	-	-	44,688	44,688
27 Monterey	371,256	167,961	19,842		391,098	167,961	110,854	57,107	559,059	501,952
28 Napa	179,966	81,420	9,618	9,785	189,584	91,205	60,195	31,010	280,789	249,779
29 Nevada/Sierra	332,867	150,595			332,867	150,595	99,393	51,202	483,462	432,260
30 Orange	2,271,576	802,864		(498,955)	2,271,576	303,909	200,580	103,329	2,575,485	2,472,156
31 Placer	367,149	81,015	19,622	(27,355)	386,771	53,660	35,416	18,244	440,431	422,187
32 Plumas	93,732	12,968	5,009	5,431	98,741	18,399	12,143	6,256	117,140	110,884
33 Riverside	968,009	437,940	51,735	49,568	1,019,744	487,508	321,755	165,753	1,507,252	1,341,499
34 Sacramento	1,031,990	466,886	55,154	52,798	1,087,144	519,684	342,991	176,693	1,606,828	1,430,135
35 San Benito	136,260	20,513			136,260	20,513	13,539	6,974	156,773	149,799
36 San Bernardino	2,544,692	1,151,255			2,544,692	1,151,255	759,828	391,427	3,695,947	3,304,520
37 San Diego	1,770,159	800,845	94,605	90,065	1,864,764	890,910	588,001	302,909	2,755,674	2,452,765
38 San Francisco	891,641	479,952	47,653	45,713	939,294	525,665	346,939	178,726	1,464,959	1,286,233
39 San Joaquin	689,435	70,348		35,505	689,435	105,853	69,863	35,990	795,288	759,298
40 San Luis Obispo	225,765	102,140	12,066	12,097	237,831	114,237	75,396	38,841	352,068	313,227
41 San Mateo	395,940	179,129		20,688	395,940	199,817	131,879	67,938	595,757	527,819
42 Santa Barbara	460,907	208,521	24,633		485,540	208,521	137,624	70,897	694,061	623,164
43 Santa Clara	1,707,810	505,408	91,273	86,917	1,799,083	592,325	390,935	201,391	2,391,408	2,190,018
44 Santa Cruz	187,809	76,730		5,270	187,809	82,000	54,120	27,880	269,809	241,929
45 Shasta /Trinity	423,384	191,545			423,384	191,545	126,420	65,125	614,929	549,804
46 Sierra	-	-			-	-	-	-	-	-
47 Siskiyou	233,265	105,533	12,467	12,475	245,732	118,008	77,885	40,123	363,740	323,617
48 Solano	524,122	153,727			524,122	153,727	101,460	52,267	677,849	625,582
49 Sonoma	488,152	220,846	26,089	25,343	514,241	246,189	162,485	83,704	760,430	676,726
50 Stanislaus	783,525	195,073			783,525	195,073	128,748	66,325	978,598	912,273
51 Sutter	195,330	55,441			195,330	55,441	36,591	18,850	250,771	231,921
52 Tehama	92,238	41,730		5,356	92,238	47,086	31,077	16,009	139,324	123,315
53 Trinity	-	-			-	-	-	-	-	-
54 Tulare	552,849	179,730		(77,779)	552,849	101,951	67,288	34,663	654,800	620,137
55 Tuolumne	161,119	72,893			161,119	72,893	48,109	24,784	234,012	209,228
56 Ventura	563,318	254,855	30,106	18,669	593,424	273,524	180,526	92,998	866,948	773,950
57 Yolo	193,254	87,432			193,254	87,432	57,705	29,727	280,686	250,959
58 Yuba	198,813	89,947	10,625	(19,945)	209,438	70,002	46,201	23,801	279,440	255,639
<b>Totals</b>	<b>31,555,851</b>	<b>12,232,635</b>	<b>570,129</b>	<b>-</b>	<b>32,125,980</b>	<b>12,232,635</b>	<b>8,073,539</b>	<b>4,159,096</b>	<b>44,358,615</b>	<b>40,199,519</b>

CSC Base Funds 32,125,980  
 CSC Federal Drawdown 8,073,539  
 Total Funding Available 40,199,519



**FAMILY LAW FACILITATOR PROGRAM MIDYEAR REALLOCATION, FY 2014-15**

	A	B	C	D	E	F	G	H	I	J
County	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Mid-Year Changes to Base Allocation	Mid-Year Changes to Federal Drawdown Option	Recommended Base Allocatio (Column A+C)	Recommended Federal Drawdown Option Allocation (Column B+D)	Federal Share 66% (Column Fx.66)	Court Share 34% (Column Fx.34)	Total Allocation (Column E+F)	Contract Amount (Column E+G)
1 Alameda	369,025	156,997		7,915	369,025	164,912	108,842	56,070	533,937	477,867
2 Alpine/Ed Dorado					-	-	-	-	-	-
3 Amador/Calaveras					-	-	-	-	-	-
4 Butte	103,647	44,095			103,647	44,095	29,103	14,992	147,742	132,750
5 Calaveras/Amador	119,392	10,925			119,392	10,925	7,211	3,715	130,317	126,603
6 Colusa	52,326	22,261	2,356	1,122	54,682	23,383	15,433	7,950	78,065	70,115
7 Contra Costa	342,973		15,440	7,356	358,413	7,356	4,855	2,501	365,769	363,268
8 Del Norte	49,723	5,138	2,238	1,066	51,961	6,204	4,095	2,109	58,165	56,056
9 El Dorado/Alpine	105,446	44,862	4,747	2,262	110,193	47,124	31,102	16,022	157,317	141,295
10 Fresno	390,532	166,148			390,532	166,148	109,658	56,490	556,680	500,190
11 Glenn	75,385	32,071	3,394	1,617	78,779	33,688	22,234	11,454	112,467	101,013
12 Humboldt	88,688	37,730	3,993		92,681	37,730	24,902	12,828	130,411	117,583
13 Imperial	52,326	22,261	2,356	1,122	54,682	23,383	15,433	7,950	78,065	70,115
14 Inyo	56,866	24,194	2,560	1,220	59,426	25,414	16,773	8,641	84,840	76,199
15 Kern	351,518	149,548	15,825	7,539	367,343	157,087	103,677	53,410	524,430	471,020
16 Kings	58,001	24,677	2,611		60,612	24,677	16,287	8,390	85,289	76,899
17 Lake	58,640	24,948		(14,948)	58,640	10,000	6,600	3,400	68,640	65,240
18 Lassen	111,304	47,352			111,304	47,352	31,252	16,100	158,656	142,556
19 Los Angeles	1,870,754	746,897		40,123	1,870,754	787,020	519,433	267,587	2,657,774	2,390,187
20 Madera	82,062	34,913			82,062	34,913	23,043	11,870	116,975	105,105
21 Marin	139,122	59,187		(59,187)	139,122	-	-	-	139,122	139,122
22 Mariposa	46,234		(23,624)		22,610	-	-	-	22,610	22,610
23 Mendocino	61,300	26,080		1,315	61,300	27,395	18,081	9,314	88,695	79,381
24 Merced	100,217	42,636			100,217	42,636	28,140	14,496	142,853	128,357
25 Modoc	72,130	1,889			72,130	1,889	1,247	642	74,019	73,377
26 Mono	47,891	1,255			47,891	1,255	828	427	49,146	48,719
27 Monterey	119,672	50,913	5,387	2,567	125,059	53,480	35,297	18,183	178,539	160,356
28 Napa	61,300	26,080	2,761	1,315	64,061	27,395	18,081	9,314	91,456	82,142
29 Nevada/Sierra	118,168	50,273			118,168	50,273	33,180	17,093	168,441	151,348
30 Orange	534,214	227,274		(74,591)	534,214	152,683	100,771	51,912	686,897	634,985
31 Placer	89,126	37,917	4,012	1,912	93,138	39,829	26,287	13,542	132,967	119,425
32 Plumas	56,866	7,254			56,866	7,254	4,788	2,466	64,120	61,654
33 Riverside	658,653	280,217	29,651	14,126	688,304	294,343	194,266	100,077	982,647	882,570
34 Sacramento	306,439	130,372	13,795	6,572	320,234	136,944	90,383	46,561	457,178	410,617
35 San Benito	61,300	26,080			61,300	26,080	17,213	8,867	87,380	78,513
36 San Bernardino	454,656	193,428			454,656	193,428	127,662	65,766	648,084	582,318
37 San Diego	602,559	225,226	27,126	12,923	629,685	238,149	157,178	80,971	867,834	786,863
38 San Francisco	243,890	103,761	10,979	5,231	254,869	108,992	71,935	37,057	363,861	326,804
39 San Joaquin	217,745	68,636			217,745	68,636	45,300	23,336	286,381	263,045
40 San Luis Obispo	66,516	28,298	2,994	1,427	69,510	29,725	19,619	10,107	99,235	89,129
41 San Mateo	129,159	54,948		2,770	129,159	57,718	38,094	19,624	186,877	167,253
42 Santa Barbara	168,964	71,882	7,606		176,570	71,882	47,442	24,440	248,452	224,012
43 Santa Clara	441,000	187,620	19,853	9,458	460,853	197,078	130,071	67,007	657,931	590,924
44 Santa Cruz	73,576	31,302		1,578	73,576	32,880	21,701	11,179	106,456	95,277
45 Shasta/Trinity	160,170	68,142	7,211	3,435	167,381	71,577	47,241	24,336	238,958	214,622
46 Sierra/Nevada										
47 Siskiyou	75,822	32,258			75,822	32,258	21,290	10,968	108,080	97,112
48 Solano	131,471	55,933			131,471	55,933	36,916	19,017	187,404	168,387
49 Sonoma	137,123	58,339	6,173	2,941	143,296	61,280	40,445	20,835	204,576	183,741
50 Stanislaus	223,137	94,930			223,137	94,930	62,654	32,276	318,067	285,791
51 Sutter	65,735	27,967	2,959	1,410	68,694	29,377	19,389	9,988	98,071	88,083
52 Tehama	27,802	3,286			27,802	3,286	2,169	1,117	31,088	29,971
53 Trinity/Shasta										
54 Tulare	312,151	117,503			312,151	117,503	77,552	39,951	429,654	389,703
55 Tuolumne	65,735	27,967			65,735	27,967	18,458	9,509	93,702	84,193
56 Ventura	250,857	106,724	11,293	5,380	262,150	112,104	73,989	38,115	374,254	336,139
57 Yolo	75,822	32,258	3,413	1,626	79,235	33,884	22,363	11,521	113,119	101,598
58 Yuba	65,184	27,733	2,934	1,398	68,118	29,131	19,226	9,905	97,249	87,344
<b>Totals</b>	<b>10,800,314</b>	<b>4,180,585</b>	<b>190,043</b>	<b>-</b>	<b>10,990,357</b>	<b>4,180,585</b>	<b>2,759,186</b>	<b>1,421,399</b>	<b>15,170,942</b>	<b>13,749,543</b>

FLF Base Funds 10,990,357  
 FLF Federal Drawdown 4,180,585  
 Total Funding Available 15,170,942

**CHILD SUPPORT COMMISSIONER PROGRAM ALLOCATION, FY 2015-16**

	A	B	C	D	E	F
COURT	Recommended Base Fundibng Allocation	Recommended Federal Drawdown Option	Federal Share 66% (Column Bx.66)	Court Share 34% (Column B x.34)	Total Allocation (Column A+B)	Contract Amount (Column A+C)
Unallocated fund						
1 Alameda	1055625	521847	344,419	177,428	1,577,472	1,400,044
2 Alpine	0	0	-	-	-	-
3 Amador	142508	42553	28,085	14,468	185,061	170,593
4 Butte	363685	36315	23,968	12,347	400,000	387,653
5 Calaveras	133526	37209	24,558	12,651	170,735	158,084
6 Colusa	45987	19133	12,628	6,505	65,120	58,615
7 Contra Costa	1014068	42524	28,066	14,458	1,056,592	1,042,134
8 Del Norte	48315	21859	14,427	7,432	70,174	62,742
9 El Dorado/Alpine	206440	93395	61,641	31,754	299,835	268,081
10 Fresno	1601818	769974	508,183	261,791	2,371,792	2,110,001
11 Glenn	121963	58626	38,693	19,933	180,589	160,656
12 Humboldt	122985	55639	36,722	18,917	178,624	159,707
13 Imperial	163746	74082	48,894	25,188	237,828	212,640
14 Inyo	80540	21612	14,264	7,348	102,152	94,804
15 Kern	663938	319146	210,636	108,510	983,084	874,574
16 Kings	302515	145415	95,974	49,441	447,930	398,489
17 Lake	157624	28628	18,894	9,734	186,252	176,518
18 Lassen	94874	42923	28,329	14,594	137,797	123,203
19 Los Angeles	5238223	2168640	1,431,302	737,338	7,406,863	6,669,525
20 Madera	215224	64264	42,414	21,850	279,488	257,638
21 Marin	128240	5229	3,451	1,778	133,469	131,691
22 Mariposa	76427	34576	22,820	11,756	111,003	99,247
23 Mendocino	173010	35000	23,100	11,900	208,010	196,110
24 Merced	548422	248113	163,755	84,358	796,535	712,177
25 Modoc	0	0	-	-	-	-
26 Mono	45960	1874	1,237	637	47,834	47,197
27 Monterey	381807	167961	110,854	57,107	549,768	492,661
28 Napa	185081	88967	58,718	30,249	274,048	243,799
29 Nevada/Sierra	332867	150595	99,393	51,202	483,462	432,260
30 Orange	2336135	452086	298,377	153,709	2,788,221	2,634,512
31 Placer	377583	65822	43,443	22,379	443,405	421,026
32 Plumas	96396	16899	11,153	5,746	113,295	107,549
33 Riverside	995520	478533	315,832	162,701	1,474,053	1,311,352
34 Sacramento	1061319	510162	336,707	173,455	1,571,481	1,398,026
35 San Benito	136260	20513	13,539	6,974	156,773	149,799
36 San Bernardino	2544692	1151255	759,828	391,427	3,695,947	3,304,520
37 San Diego	1820467	875076	577,550	297,526	2,695,543	2,398,017
38 San Francisco	916982	517342	341,446	175,896	1,434,324	1,258,428
39 San Joaquin	689435	99259	65,511	33,748	788,694	754,946
40 San Luis Obispo	232181	111607	73,661	37,946	343,788	305,842
41 San Mateo	395940	195733	129,184	66,549	591,673	525,124
42 Santa Barbara	474006	208521	137,624	70,897	682,527	611,630
43 Santa Clara	1756347	577024	380,836	196,188	2,333,371	2,137,183
44 Santa Cruz	193147	84606	55,840	28,766	277,753	248,987
45 Shasta /Trinity	423384	191545	126,420	65,125	614,929	549,804
46 Sierra	0	0	-	-	-	-
47 Siskiyou	239894	115315	76,108	39,207	355,209	316,002
48 Solano	524122	101654	67,092	34,562	625,776	591,214
49 Sonoma	502025	241316	159,269	82,047	743,341	661,294
50 Stanislaus	783525	195073	128,748	66,325	978,598	912,273
51 Sutter	195330	55441	36,591	18,850	250,771	231,921
52 Tehama	94859	45598	30,095	15,503	140,457	124,954
53 Trinity	0	0	-	-	-	-
54 Tulare	552849	117352	77,452	39,900	670,201	630,301
55 Tuolumne	161119	72893	48,109	24,784	234,012	209,228
56 Ventura	579328	278477	183,795	94,682	857,805	763,123
57 Yolo	193254	87432	57,705	29,727	280,686	250,959
58 Yuba	204463	70002	46,201	23,801	274,465	250,664
<b>Totals</b>	<b>32,125,980</b>	<b>12,232,635</b>	<b>8,073,539</b>	<b>4,159,096</b>	<b>44,358,615</b>	<b>40,199,519</b>

CSC Base Funds 32,125,980  
 CSC Federal Drawdown 8,073,539  
 Total Funding Available 40,199,519

**FAMILY LAW FACILITATOR PROGRAM ALLOCATION, FY 2015-16**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>COURT</b>	Recommended Base Funding Allocation	Recommended Federal Drawdown Option	Federal Share 66% (Column B x .66)	Court Share 34% (Column B x .34)	Total Allocation (Column A + B)	Contract Amount (Column A + C)
1 Alameda	369025	161948	107,336	55,294	531,656	476,361
2 Alpine/Ed Dorado	-	0	-	-	-	-
3 Amador/Calaveras	-	0	-	-	-	-
4 Butte	103,647	44095	29,103	14,992	147,742	132,750
5 Calaveras/Amador	119,392	10925	7,211	3,715	130,317	126,603
6 Colusa	53,758	22261	14,692	7,569	76,180	68,611
7 Contra Costa	352,361	4602	3,456	1,780	358,651	356,870
8 Del Norte	51,084	5805	3,892	2,005	57,134	55,129
9 El Dorado/Alpine	108,332	46277	30,671	15,800	155,128	139,328
10 Fresno	401,222	171388	113,593	58,517	574,532	516,014
11 Glenn	77,449	33082	21,926	11,295	110,902	99,606
12 Humboldt	91,116	37730	24,902	12,828	129,118	116,290
13 Imperial	53,758	22963	15,219	7,840	76,979	69,139
14 Inyo	58,423	24957	16,541	8,521	83,659	75,138
15 Kern	361,140	154265	102,244	52,671	517,134	464,463
16 Kings	59,589	25455	16,871	8,691	85,329	76,638
17 Lake	58,640	24948	16,466	8,482	83,588	75,106
18 Lassen	79,131	47352	31,252	16,100	126,483	110,383
19 Los Angeles	1,921,963	746897	492,952	253,945	2,674,605	2,420,660
20 Madera	82,062	23043	15,208	7,835	105,105	97,270
21 Marin	139,122	0	-	-	139,122	139,122
22 Mariposa	46,234	0	-	-	46,234	46,234
23 Mendocino	61,300	26903	17,830	9,185	88,316	79,130
24 Merced	100,217	42636	28,140	14,496	142,853	128,357
25 Modoc	72,130	1247	823	424	73,377	72,953
26 Mono	49,203	1255	828	427	50,604	50,177
27 Monterey	122,948	52519	34,808	17,932	176,055	158,124
28 Napa	62,978	26904	17,830	9,185	90,182	80,997
29 Nevada/Sierra	118,168	50273	33,180	17,093	168,441	151,348
30 Orange	548,837	234442	155,384	80,046	785,908	705,861
31 Placer	91,566	39113	25,923	13,354	131,117	117,763
32 Plumas	56,866	7254	4,788	2,466	64,120	61,654
33 Riverside	676,683	289055	184,943	95,274	938,870	843,596
34 Sacramento	314,827	134484	89,133	45,917	450,819	404,902
35 San Benito	61,300	26080	17,213	8,867	87,380	78,513
36 San Bernardino	467,102	199528	132,244	68,125	668,867	600,741
37 San Diego	619,053	233311	154,721	79,705	855,329	775,624
38 San Francisco	250,566	107033	70,940	36,545	358,800	322,255
39 San Joaquin	217,745	68636	45,300	23,336	286,381	263,045
40 San Luis Obispo	68,337	29190	19,347	9,967	97,855	87,888
41 San Mateo	129,159	56681	37,567	19,353	186,079	166,726
42 Santa Barbara	173,589	71882	47,442	24,440	245,990	221,550
43 Santa Clara	453,072	193537	128,273	66,080	648,779	582,699
44 Santa Cruz	75,590	32289	21,401	11,025	108,241	97,217
45 Shasta/Trinity	164,554	70291	44,974	23,168	228,312	205,144
46 Sierra/Nevada	-	0	-	-	-	-
47 Siskiyou	75,822	32258	21,290	10,968	108,080	97,112
48 Solano	131,471	36916	24,365	12,551	168,387	155,836
49 Sonoma	140,877	60179	39,885	20,547	201,730	181,183
50 Stanislaus	223,137	94930	62,654	32,276	318,067	285,791
51 Sutter	67,534	28849	19,121	9,850	96,707	86,857
52 Tehama	27,802	3286	2,169	1,117	31,088	29,971
53 Trinity/Shasta	-	0	-	-	-	-
54 Tulare	312,151	121691	80,697	41,571	434,420	392,848
55 Tuolumne	65,735	27967	18,458	9,509	93,702	84,193
56 Ventura	257,724	110090	72,965	37,588	369,048	331,460
57 Yolo	77,898	33275	22,054	11,361	111,546	100,185
58 Yuba	66,968	28608	18,961	9,768	95,897	86,129
<b>Totals</b>	<b>10,990,357</b>	<b>4,180,585</b>	<b>2,759,186</b>	<b>1,421,399</b>	<b>15,170,942</b>	<b>13,749,543</b>

FLF Base Funds 10,990,357  
 FLF Federal Drawdown 4,180,585  
 Total Funding Available 15,170,942

**ADMINISTRATIVE OFFICE OF THE COURTS**  
Report Summary

**Family and Juvenile Law Advisory Committee**

May 2, 1997

**SUBJECT: Child Support Commissioner and Facilitator Allocation  
Funding (Action Required)**

Family Code section 4252 requires the Judicial Council to establish minimum qualifications, caseload, case processing, and staffing standards for child support commissioners. A cooperative agreement between the council and the Department of Social Services provides funding for child support commissioners and facilitators; the council is required to allocate this funding among the courts.

Attached to this memorandum is the report prepared by the Family and Juvenile Law Advisory Committee, which makes recommendations on these and related matters involving child support commissioners and facilitators.

**Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council:

1. Approve the attached Title IV-D report (see Attachment B) on Commissioner Workload, Qualifications, and Allocation; Support Staff Minimum Levels; and Future Statistical Studies, which includes the following actions:
  - a. Establish the minimum qualifications for a commissioner, requiring five years' practice and experience in family law matters that may include Title IV-D child support matters (see pp. 1-2 of the Title IV-D report);
  - b. Require that commissioners receive ongoing education pursuant to a plan to be jointly developed by the Family and Juvenile Law Advisory Committee and the Center for Judicial Education and Research (see p. 2 of the Title IV-D report);
  - c. Establish a workload of 250 cases per week for a commissioner hearing Title IV-D child support matters (see pp. 4-9 and 16-17 of the Title IV-D report);

- d. Establish a minimum support staff figure of one courtroom clerk, one bailiff, four file clerks, and one court reporter (see pp. 5 and 11–12 of the Title IV-D report);
  - e. Allocate the funding for the 50 commissioner positions based on the active pending caseload of Title IV-D child support cases in each county (see p. 10 of the Title IV-D report and Attachment A to this memorandum);
  - f. Allocate the funding for the facilitator position using the same criteria as the allocation for the commissioner funding (see Attachment A to this memorandum); and
  - g. Direct the Family and Juvenile Law Advisory Committee to develop statistics that would facilitate the prediction of caseload and the resources needed to work with this caseload (see pp. 15–16 of the Title IV- D report).
2. Direct the Family and Juvenile Law Advisory Committee to monitor the allocation of commissioners and facilitators and to recommend to the council reallocations as necessary to meet the needs of changes in caseload; and
  3. Direct the Family and Juvenile Law Advisory Committee to prepare the commissioner qualifications, educational requirements for commissioners and facilitators, caseload processing standards, and support staff levels as draft standards of judicial administration for submission to the Rules and Projects Committee to be circulated for comment.

**THE JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS  
303 Second Street, South Tower  
San Francisco, California 94107  
415-396-9130**

**TO:** Members of the Judicial Council

**FROM:** Family and Juvenile Law Advisory Committee  
Hon. Leonard Edwards and Hon. Mary Ann Grilli, Co-Chairs  
Michael A. Fischer and Diane Nunn, Committee Counsel

**DATE:** May 2, 1997

**SUBJECT:** Child Support Commissioner and Facilitator Allocation  
Funding (Action Required)

**Background**

Statutes 1996, chapter 957 (Assem. Bill 1058 (Speier)) added Family Code section 4252 to read, in part:

- (b) The Judicial Council shall do all of the following:
  - (1) Establish minimum qualifications for child support commissioners.
  - ...
  - (2) Establish caseload, case processing, and staffing standards for child support commissioners on or before April 1, 1997, which shall set forth the maximum number of cases that each child support commissioner can process. These standards shall be reviewed and, if appropriate, revised by the Judicial Council every two years.

Attached to this memorandum is the report prepared by the Family and Juvenile Law Advisory Committee, which makes recommendations on these and other related matters implementing AB 1058. This bill made several changes to Title IV-D Child Support Enforcement.

## Title IV-D Child Support Enforcement

Title IV-D of the Federal Social Security Act provides that as a condition for receiving federal funding for welfare, each state must have a state plan for child support enforcement. The requirements imposed by this title are detailed. Each state's program is to be run by a single state agency. In California, the single state agency is the Department of Social Services, which uses each county's district attorney's office to handle the actual enforcement duties.

In addition to imposing requirements on the program, the federal government provides funding in the form of "federal financial participation" (FFP), which covers two-thirds of all eligible costs. The remaining one-third of the cost is to be paid for by either the state or a local entity. FFP is available only if an agency contracts by means of a "cooperative agreement" with the single state agency or with the local district attorney's office.

In approximately 22 counties, there are cooperative agreements between the local district attorney's office and the court to provide for funding for the court's activities in hearing and processing Title IV-D child support actions. Two-thirds of the cost of these agreements come from the federal government and one-third from the district attorney's office.

### Effect of AB 1058

AB 1058 was the result of the recommendation of the Governor's Child Support Court Task Force. The primary funding recommendation of that group was the requirement that each county provide a commissioner to hear Title IV-D child support actions (Fam. Code, § 4251) and each county provide an office of family law facilitator (Fam. Code, § 10002). The requirement of a commissioner was imposed because FFP is not available for either a judge or the support staff for a judge hearing Title IV-D child support actions while the funding is available for a commissioner and the commissioner's support staff.

In addition, there is funding provided by the Department of Social Services through a cooperative agreement with the Judicial Council to provide funding for both the commissioner and the facilitator. The establishment of funding through the council is preferable to the present situation where the source of the funding—the local district attorney's office—is one of the litigators in the court being funded.

AB 1058 also makes a number of changes to the practice of child support enforcement and requires the council to adopt implementing rules and forms. (This is the subject of another report, Family Law Rules and Forms, being considered by the council at this meeting.)

### Advisory committee recommendation

This report was prepared by the Family Law Subcommittee of the Judicial Council's Family and Juvenile Law Advisory Committee. The members of Family Law Subcommittee are listed in Appendix A to the report. The subcommittee was assisted by a subcommittee established of some Family Law Subcommittee members with additional advisory members. The members of this AB 1058 subcommittee are listed in Appendix B to the attached Title IV-D report. Comments on allocation and workload were solicited from the courts by means of two questionnaires, one sent in February 1997 and one sent in April 1997.

The Family and Juvenile Law Advisory Committee is holding a telephone meeting on May 5 to consider any requested revisions to the allocation schedule that were received from the courts. The affected courts have been invited to participate in that meeting. Any recommended modifications to the allocation will be presented to the council by means of a fax on May 12 in order to be considered in advance of the council meeting.

The recommendations made in the Title IV-D report are summarized in the recommendation section of this memorandum. It should be noted that some of the recommendations could appropriately be made into standards of judicial administration. Because this project will be fully launched on July 1, 1997, the committee is recommending that formal proposal and action on proposed standards be deferred until feedback from the to-be-hired commissioners and facilitators is obtained. A report seeking formal public comment on the standards will be presented to the Rules and Projects Committee by the advisory committee in December 1997, based on the experience of the commissioners and facilitators during the first months of the program.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council:

1. Approve the attached Title IV-D report (see Attachment B) on Commissioner Workload, Qualifications, and Allocation; Support Staff Minimum Levels; and Future Statistical Studies, which includes the following actions:
  - a. Establish the minimum qualifications for a commissioner, requiring five years' practice and experience in family law matters that may include Title IV-D child support matters (see pp. 1-2 of the Title IV-D report);
  - b. Require that commissioners receive ongoing education pursuant to a plan to be jointly developed by the Family and Juvenile Law Advisory Committee



and the Center for Judicial Education and Research (see p. 2 of the Title IV-D report);

- c. Establish a workload of 250 cases per week for a commissioner hearing Title IV-D child support matters (see pp. 4–9 and 16–17 of the Title IV-D report);
  - d. Establish a minimum support staff figure of one courtroom clerk, one bailiff, four file clerks, and one court reporter (see pp. 5 and 11–12 of the Title IV-D report);
  - e. Allocate the funding for the 50 commissioner positions based on the active pending caseload of Title IV-D child support cases in each county (see p. 10 of the Title IV-D report and Attachment A to this memorandum);
  - f. Allocate the funding for the facilitator position using the same criteria as the allocation for the commissioner funding (see Attachment A to this memorandum); and
  - g. Direct the Family and Juvenile Law Advisory Committee to develop statistics that would facilitate the prediction of caseload and the resources needed to work with this caseload (see pp. 15–16 of the Title IV- D report).
2. Direct the Family and Juvenile Law Advisory Committee to monitor the allocation of commissioners and facilitators and to recommend to the council reallocations as necessary to meet the needs of changes in caseload; and
  3. Direct the Family and Juvenile Law Advisory Committee to prepare the commissioner qualifications, educational requirements for commissioners and facilitators, caseload processing standards, and support staff levels as draft standards of judicial administration for submission to the Rules and Projects Committee to be circulated for comment.

#### Attachments

**ATTACHMENT A**

County	FY 1995-96 Active Caseload*	Comm. FTE Alloc.	Commissioner – June 1997	Commissioner – FY 1997-98	Facilitator – June 1997	Facilitator – FY 1997-98
Alameda	48,103	1.9	\$95,000	\$1,140,000	\$94,050	\$308,560
Alpine	111	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Amador	1,608	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Butte	8,582	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Calaveras	1,919	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Colusa	821	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Contra Costa	38,666	1.5	\$75,000	\$900,000	\$74,250	\$243,600
Del Norte	3,024	0.3	\$15,000	\$180,000	\$14,850	\$48,720
El Dorado	8,720	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Fresno	61,224	2.3	\$115,000	\$1,380,000	\$113,850	\$373,520
Glenn	1,715	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Humboldt	6,158	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Imperial	7,907	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Inyo	1,540	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Kern	50,318	1.9	\$95,000	\$1,140,000	\$94,050	\$308,560
Kings	9,132	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Lake	3,377	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Lassen	1,529	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Los Angeles	226,752	8.8	\$440,000	\$5,280,000	\$435,600	\$1,429,120
Madera	5,765	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Marin	3,840	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Mariposa	794	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Mendocino	4,110	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Merced	13,858	0.5	\$25,000	\$300,000	\$24,750	\$81,200
Modoc	739	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Mono	224	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Monterey	13,470	0.5	\$25,000	\$300,000	\$24,750	\$81,200
Napa	4,231	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Nevada	5,261	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Orange	73,686	2.8	\$140,000	\$1,680,000	\$138,600	\$454,720
Placer	6,030	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Plumas	762	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Riverside	80,119	3.1	\$155,000	\$1,860,000	\$153,450	\$503,440
Sacramento	35,237	1.3	\$65,000	\$780,000	\$64,350	\$211,120
San Benito	2,400	0.3	\$15,000	\$180,000	\$14,850	\$48,720

\* This figure is based on data reported by district attorney offices to the Department of Social Services.

**ATTACHMENT A**

County	FY 1995-96 Active Caseload	Comm. FTE Alloc.	Commissioner – June 1997	Commissioner – FY 1997-98	Facilitator – June 1997	Facilitator – FY 1997-98
San Bern.	41,584	1.6	\$80,000	\$960,000	\$79,200	\$259,840
San Diego	54,751	2.1	\$105,000	\$1,260,000	\$103,950	\$341,040
San Fran.	28,302	1.1	\$55,000	\$660,000	\$54,450	\$178,640
San Joaquin	32,532	1.2	\$60,000	\$720,000	\$59,400	\$194,880
San Luis Ob.	6,991	0.3	\$15,000	\$180,000	\$14,850	\$48,720
San Mateo	14,447	0.5	\$25,000	\$300,000	\$24,750	\$81,200
Santa Barb.	21,364	0.8	\$40,000	\$480,000	\$39,600	\$129,920
Santa Clara	49,128	1.9	\$95,000	\$1,140,000	\$94,050	\$308,560
Santa Cruz	5,196	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Shasta	15,807	0.6	\$30,000	\$360,000	\$29,700	\$97,440
Sierra	160	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Siskiyou	4,015	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Solano	16,348	0.6	\$30,000	\$360,000	\$29,700	\$97,440
Sonoma	18,320	0.7	\$35,000	\$420,000	\$34,650	\$113,680
Stanislaus	25,495	0.9	\$45,000	\$540,000	\$44,550	\$146,160
Sutter	5,211	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Tehama	4,321	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Trinity	1,075	0.3	\$15,000	\$180,000	\$14,850	\$48,7
Tulare	26,837	1.0	\$50,000	\$600,000	\$49,500	\$162,400
Tuolumne	3,139	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Ventura	35,077	1.3	\$65,000	\$780,000	\$64,350	\$211,120
Yolo	9,051	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Yuba	6,271	0.3	\$15,000	\$180,000	\$14,850	\$48,720
<b>Total</b>	<b>1,154,154</b>	<b>49.4</b>	<b>\$2,470,000</b>	<b>\$29,640,000</b>	<b>\$2,445,300</b>	<b>\$8,022,560</b>

Title IV-D Child Support Enforcement  
Commissioner Workload, Qualifications,  
and Allocation  
Support Staff Minimum Levels  
Future Statistical Studies

Judicial Council of California  
Family and Juvenile Law Advisory Committee Draft  
April 1997

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## I. Introduction

This report is prepared pursuant to Family Code section 4252, which provides, in part:

(b) The Judicial Council shall do all of the following:  
(1) Establish minimum qualifications for child support commissioners.

...

(2) Establish caseload, case processing, and staffing standards for child support commissioners on or before April 1, 1997, which shall set forth the maximum number of cases that each child support commissioner can process. These standards shall be reviewed and, if appropriate, revised by the Judicial Council every two years.

This report was prepared by the Family Law Subcommittee of the Judicial Council's Family and Juvenile Law Advisory Committee, the body charged with implementing Statutes of 1996, chapter 957 (Assembly Bill 1058). The report has been approved by the Judicial Council. The members of the Family Law Subcommittee are listed in Appendix A. The subcommittee was assisted by the AB 1058 subcommittee, which consisted of some Family Law Subcommittee members and additional advisory members. The members of this AB 1058 subcommittee are listed in Appendix B.

This report is preliminary in nature, and the statistics currently available concerning workload for family law commissioners is sparse. The cooperative agreement between the Judicial Council and the Department of Social Services, which is the primary implementation document for AB 1058, provides that the council is to recommend to the Department of Social Services methods to gather statistical information that can be used to predict future needs of the child support enforcement system. This report also serves this recommending function, in part. It is anticipated that the council will provide more specific data concerning workload in time for the fiscal year 1998-99 budget process.

## II. Minimum qualifications for commissioner

A judge of the superior court must have at least 10 years of practice prior to the appointment. (See Cal. Const., art. 6, § 15.) A judge of the municipal court requires five years of practice and can, if assigned as a judge of the superior court hear family law matters.

The appointment of commissioners to hear family law matters is sometimes viewed critically because it can lead to the appearance of providing less importance to those cases than to the cases heard by a judge. It should be noted, though, that in many superior courts currently using commissioners for family law matters, the commissioner is a highly qualified individual who not only has the same length of practice experience as a superior court judge, but also has extensive family law experience and expertise, both before taking the bench and afterwards. These commissioners are highly specialized and experienced family law adjudicators.

Whatever the policy reasons for and against the appointment of commissioners, however, the federal government will not provide funding for superior court judges who hear child support matters, nor will it provide funding for the support staff for that judge. It will, however, provide two-thirds of the funding for a commissioner hearing child support matters, and it will provide funding for that commissioner's support staff as well. Thus, AB 1058 requires the use of commissioners to hear these matters.

Since a municipal court judge is assignable to hear family law matters, it would be appropriate to set the same requirement for a commissioner, with the added provision of experience in family law matters that may include Title IV-D child support matters. This will also permit the more rural counties to find a commissioner. A court is, of course, free to impose additional qualification standards.

In addition, AB 1058 requires that commissioners receive ongoing education (Fam. Code, § 4252(b)(2)). The Family and Juvenile Law Advisory Committee is studying the form and content of appropriate education for these commissioners and will be developing a program for them in conjunction with the Center for Judicial Education and Research. Each commissioner hired under this program will be required to participate in such education programs as are specified by these two groups.

### III. Department of Social Services 1994 Survey

In April 1994, the Department of Social Services surveyed counties to determine how much time was spent hearing Title IV-D child support matters. In the counties that responded to the survey, it was indicated that approximately 750 hours per week was spent by judges and commissioners in hearing these matters.

The workload figures did not include reports from the counties listed in Table 1. These non-reporting counties had a total active caseload in 1994 of 197,787 cases.

Table 1 - Counties Not Responding to 1994 Workload Report

County Name	1994 Active Caseload
Butte	9,757
Glenn	1,209
Kings	7,489
Lassen	671
Los Angeles	156,835
Mariposa	618
San Benito	1,471
Santa Cruz	5,217
Shasta	11,564
Trinity	829
Tuolumne	2,127
Total Caseload	197,787

The total active caseload for *all* counties for 1994 was 814,165, so the workload of 750 hours represents a workload for an active caseload of 616,378 (814,165 – 197,787). Assuming that workload is best related to the active caseload, this results in a workload for all counties of 991 hours in 1994. Extrapolating this data to the end of June 1996 (with a total active caseload of 1,157,174) results in a workload of 1409 hours per week. A child support commissioner must also be involved in reviewing and signing default orders, overseeing the processing of papers, and participating in general court activities. Accordingly, the commissioner's case-related time available is 30 hours a week, which involves six hours of hearings each day. The 1,409 hours thus needed, based strictly on the 1994 figures, would result in a need for 47 commissioners.

These figures, though, are likely to be understated for several reasons:

- 25 percent of the counties responding to the 1994 survey reported that there was a delay in the court's ability to hear Title IV-D cases, and in only two of the 12 counties reporting a delay was the length of the delay less than four weeks.
- The figures are totals and do not take into account the extra time required because some courts do not have a full-time workload for a commissioner. In the smaller counties, a commissioner might not have sufficient workload for a full or even a half day of hearings, or must travel to several counties resulting in a loss of potential hearing time.



- The figures do not take into account the added hearing time and contested proceedings that are likely to result from the reforms enacted by AB 1058<sup>1</sup> and federal welfare reform (The Personal Responsibility and Work Opportunity Reconciliation Act of 1996).<sup>2</sup>

#### IV. Informal 1997 Telephone Survey

The Administrative Office of the Courts conducted a telephone survey of eight courts that already employ a child support commissioner. These counties stated that they were handling, on average, 323 child support enforcement cases a week per full-time commissioner. Most of the counties did not have statistics concerning how many of the cases involved establishing a child support obligation, how many involved enforcement action, and how many involved modification of an existing order. Sacramento County noted that approximately one-half of its cases are establishment, one-quarter are modifications, and one-quarter are enforcement. That county also noted that modifications take two to three times as long as the other two types of cases. The number of cases per week handled in each county is shown in Table 2. Some counties also establish default judgments by declaration while others calendar the default matters for a hearing. This can result in different amounts of time spent in establishing a default.

Table 2 - Number of Cases Handled Per Week

County	No. of Cases Per Week
Fresno	225–250
Los Angeles	300–500
Sacramento	325
San Diego	500
San Francisco	200
San Mateo	500
Solano	150–300
Stanislaus	200
Average	323

Each county was also asked about the support staff that was used in each courtroom or otherwise in the clerk's office to support the work of the courtroom.

<sup>1</sup> Because the proposed default judgment is now served with the petition, it is anticipated that more answers are likely to be filed since the noncustodial parent is likely to be better aware of the amount that is probably to be ordered in his or her case. In addition, the availability of the facilitation office also means that persons who wish to contest the proceedings will now be better informed of the procedures and how to use them.

<sup>2</sup> Under this act, the recipient parent has a greater incentive to cooperate in the establishment of a support obligation and, thus, more cases are likely to be filed seeking support.

The numbers reported by each court, based on support staff per full-time-equivalent (FTE) commissioner position is given in Table 3.

Table 3 - Support Staff Per Full-Time-Equivalent Commissioner Position

County	Courtroom Clerks	Bailiffs	File Clerks
Fresno	2	1	5
Los Angeles	2	1	8
Sacramento	2	1	4
San Francisco	1	1	5
San Mateo	1	1	4
Solano	1	1	4
Average	1.5	1	5

As can be seen from Table 3, the workload of a child support commissioner courtroom is very paper intensive resulting in the need for extensive support staff. For example, there are three orders that generally result from each establishment case – the child support order itself, the health insurance assignment, and the wage assignment. In addition to the support staff listed in Table 3, some courts also have secretaries from the district attorney’s family support division who type up orders in the courtroom at the conclusion of each hearing.

There is reporting of the proceedings in all courtrooms surveyed. With the recent decision of the superior court in *California Court Reporters Association, et. al v. Judicial Council, et al.*, enjoining the council from authorizing or causing the expenditure of public funds on electronic recording, each court is likely to require the use of a court reporter as well.

The workload figures given in Table 2, above, vary from court to court based on a variety of factors. In most courts, the cases are reviewed in advance of the hearing. In some cases, the commissioners reported that the workload was heavy and some took cases home to review them the evening before the hearing.

In some of the courts, there is a significant number of non-English-speaking defendants. The council is considering a recommendation to survey the language needs of the courts in these cases. For the present, the number of different languages and the relative unavailability of interpreters result in fewer cases being handled per day. In addition, since the custodial parent is now able to be a party in this action, the burden of providing interpreting services for a number of different languages and dialects is likely to increase.

Another variable factor is the level of acrimony in each case either between the parents or between the payor parent and the district attorney’s office. Practices in

district attorney family support divisions vary from county to county concerning how aggressively cases are handled. While more aggressively handled cases may result in a greater number of cases being settled without court process, those cases that do go to court may take more court time. This is another issue that will be recommended for future study to determine the effect on case processing.

The workload figures gathered to date all involve activities prior to the implementation of Assembly Bill 1058. Several issues involved in that legislation are likely to have an effect on the commissioners' workload, although it is not yet known what the effect will be. The following parts of Assembly Bill 1058 will be recommended for further study to determine the effect on workload:

- The custodial parent as a party
- Presumed level of support
- Easy set-aside of defaults (as to the order amount)
- Greater knowledge of litigants due to the facilitation offices
- Administrative issuance of earnings assignments and writs of execution<sup>3</sup>

Another workload issue that is not reflected in the above processing information concerns defaults. In Solano County, statistics kept by the Child Support Referee indicate that (1) during the first 14 months of the program in that county, nearly 800 cases per month went by default requiring a signed order, and (2) processing these cases took approximately six hours per month of referee time. In Los Angeles, approximately 4,000 cases per month go to judgment by default, all needing some commissioner review and a signature. The council is considering collecting statistics on this subject and studying the matter further to determine the most efficient manner of handling these cases.

#### V. Court estimates of need

A questionnaire was sent to each county by the Administrative Office of the Courts asking them several questions concerning AB 1058, including questions concerning the commissioner workload and support staff. A copy of the questionnaire is attached as Attachment C. The results of the questionnaire concerning commissioners are summarized below.

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<sup>3</sup> While there will be less paperwork per case for the courts, there are likely to be an increased number of hearings resulting from this procedure.

A. Number of cases per commissioner

Courts were asked to estimate the maximum number of cases a commissioner can handle and whether there should be a different standard for establishment, modification, and enforcement cases. Twenty-one counties responded giving an actual number of cases that can be handled per commissioner. These responses are summarized in Table 4, below, and show that on average the responding counties believe a commissioner should be able to process 242 cases per week.

Table 4 - Maximum Number of Cases per Week

County	Maximum Number of Cases per Week
Alameda	200
Contra Costa	200
Fresno	300 <sup>4</sup>
Imperial	300
Kings	240
Los Angeles	340
Madera	200
Marin	200
Merced	150
Napa	100
Orange	200
Placer	225
Sacramento	267
San Benito	400
San Francisco	160
San Joaquin	250
Santa Clara	250
Santa Cruz	200
Sonoma	375
Tulare	250
Ventura	275
Average	242

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<sup>4</sup> This assumes DA support staff to work with the parents to attempt to reach agreement prior to the court hearing.

Counties generally expressed great uncertainty as to the number of cases a commissioner could handle on average. A preliminary list of variables that are not yet known are as follows:

- How many cases will be contested, especially given the new provisions of AB 1058 (e.g., providing a copy of the proposed judgment with the petition)
- How many parties are represented by counsel (and the effect of the family law facilitators)
- Effect of number of support staff provided for commissioner including document examiner and clerks
- The level of acrimony between the parents in a case
- Whether a commissioner is part time or full time
- Policies of the district attorney family support division
- The mix of establishment, modification, and enforcement cases
- Effect of custody and visitation issues and restraining orders now that the custodial parent is a party under AB 1058
- Impact of State Licensing Information Match (SLIM), especially drivers' licenses.<sup>5</sup>

Counties were also asked whether establishment hearings should be given a different weight than enforcement hearings. In the initial hearing in a case, there are several issues involved, including whether the respondent/defendant is the parent of the child and what the proper amount of support is under the guideline. These issues are normally not part of an enforcement action. Of those courts responding to this question:

- Eleven stated that establishment, modification, and enforcement actions should all be given the same weight

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<sup>5</sup> Stanislaus County reports an increase of five cases per week attributable to the SLIM program, and San Diego County notes that 15 out of the 50 cases on calendar per day have involved SLIM issues over the last six months. Sacramento County also notes an increase in cases due to the SLIM program. These figures may drop off once the initial cases are handled but it may take several years until this occurs.

- Six courts stated establishment takes the greatest amount of time
- Two courts said enforcement takes the greatest amount of time
- Two courts noted that enforcement and modification take more time than establishment
- One court said modification took the greatest amount of time.

The various responses show that without substantial data-gathering, it is not known whether establishment, enforcement, or modification takes more time. This data cannot be determined at present and must also await an accurate method to determine what mix of workload any particular court is likely to receive in any particular year from its Title IV-D cases. However, the collection of data on this subject in the future could prove fruitful as a means of more accurately determining the number and, especially, the distribution of commissioners.

**B. Number of commissioners needed and able to be accommodated**

Each court was also asked how many commissioners it believed was needed to handle its Title IV-D workload taking into account not only the workload itself but the ability of the court to accommodate the commissioners and support staff. The results are summarized in the third column of Table 5. Those courts whose entry is blank did not submit an estimate.

The numbers presented in Table 5 represent estimates of court executives and in many cases are based on the understanding of what the procedures will require rather than experience under the new system. Also, some courts either did not include a request or did not respond to the questionnaire. The second column of Table 5 takes the full requests received, extrapolates a statewide figure using active Title IV-D caseload, and then reallocates the number of commissioners to each county based on the statewide figure. In addition, a minimum value of .3 commissioner is used for the smallest counties.

The total commissioners thus allocated in this method work out to be approximately 49.4. (Fifty commissioners are provided for in the budget.)

Table 5 – Commissioners Requested and Potential Allocation

County	Caseload <sup>6</sup>	Alloc. <sup>7</sup>	Request	County	Caseload	Alloc.	Request
Alameda	48,103	1.9	0.60	Orange	73,686	2.8	2.00
Alpine	111	0.3		Placer	6,030	0.3	0.60
Amador	1,608	0.3	0.30	Plumas	762	0.3	0.25
Butte	8,582	0.3	1.00	Riverside	80,119	3.1	3.00
Calaveras	1,919	0.3	0.30	Sacramento	35,237	1.3	2.00
Colusa	821	0.3		San Benito	2,400	0.3	0.05
Contra Costa	38,666	1.5	1.00	San Bern.	41,584	1.6	1.00
Del Norte	3,024	0.3		San Diego	54,751	2.1	1.00
El Dorado	8,720	0.3	0.40	San Fran.	28,302	1.1	1.00
Fresno	61,224	2.3	3.00	San Joaquin	32,532	1.2	1.00
Glenn	1,715	0.3		San Luis Obispo	6,991	0.3	0.50
Humboldt	6,158	0.3		San Mateo	14,447	0.5	0.65
Imperial	7,907	0.3	0.60	Santa Barb.	21,364	0.8	0.50
Inyo	1,540	0.3		Santa Clara	49,128	1.9	2.00
Kern	50,318	1.9		Santa Cruz	5,196	0.3	0.50
Kings	9,132	0.3	1.00	Shasta	15,807	0.6	2.00
Lake	3,377	0.3	0.12	Sierra	160	0.3	
Lassen	1,529	0.3		Siskiyou	4,015	0.3	0.30
Los Angeles	226,752	8.8	9.00	Solano	16,348	0.6	
Madera	5,765	0.3	0.55	Sonoma	18,320	0.7	0.87
Marin	3,840	0.3	0.50	Stanislaus	25,495	0.9	2.00
Mariposa	794	0.3		Sutter	5,211	0.3	
Mendocino	4,110	0.3		Tehama	4,321	0.3	0.50
Merced	13,858	0.5	0.60	Trinity	1,075	0.3	
Modoc	739	0.3		Tulare	26,837	1.0	1.00
Mono	224	0.3	0.20	Tuolumne	3,139	0.3	0.40
Monterey	13,470	0.5		Ventura	35,077	1.3	1.00
Napa	4,231	0.3	0.60	Yolo	9,051	0.3	0.50
Nevada	5,261	0.3	0.40	Yuba	6,271	0.3	

<sup>6</sup> Caseload is based on active caseload reported by the district attorney and consists of the cases for which a non-custodial parent has been located and a support order established or reserved. It is submitted that this figure represents the most useful figure for estimating workload of a court because active cases represent not only those cases that will generate enforcement action, but represents a good method of determining the number of new establishment cases a court is likely to get in any particular year. The statewide total is 1,157,254.

The allocation figure is based on total caseload of the counties responding to the questionnaire divided by the total number of positions requested. In addition, a minimum of .3 commissioner has been established for the very smallest counties which takes into account the issues concerning less than full calendars and the need for travel between counties.

It is anticipated that the allocation of commissioners will generally be based on this table. In some cases, a county may not need the full number of positions allocated to it. In that event, it is recommended that the amount not utilized by that county be allocated to another county that needs the additional amount, subject to an overall allocation of 50 total FTE positions. Other modifications may be made based on supplemental data received.

C. Support staff, equipment, and facilities

The workload of a commissioner under Title IV-D is very paper intensive. Considerably more paper goes through the court and needs to be processed than in the average case. And the amount of paper is likely to increase as additional federal requirements are imposed and the requirements of AB 1058 appear.

As indicated above, the average full-time equivalent commissioner position utilizes the following support staff: courtroom clerks – 1.5; bailiffs – 1; file clerks – 5, court reporters<sup>8</sup> – 1.5. These numbers appear appropriate. Nonetheless, it would appear that some courts are able to function with somewhat less than the number of support staff indicated here perhaps due both to the types of cases brought by the district attorney and the degree of assistance provided to the litigants by various existing organizations. Thus an appropriate minimum level of support staff would consist of the following:

- one courtroom clerk
- one bailiff
- four file clerks
- one court reporter

Different courts will require different amounts of support because establishment, modification, and enforcement cases tend to generate different amounts of paperwork. In some of the counties, currently, the number of support positions is less than specified above, and in others the numbers are greater. The reasons for this disparity in need for support staff may be explained by the differences in the

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<sup>8</sup> Pursuant to the decision in *California Court Reporters Association, et al. v. Judicial Council, et al.*, each court is likely to require the services of one-and-one-half court reporters. Since the Judicial Council will be distributing the money to the trial courts, this distribution will be subject to the council's directive that the courts not utilize any of the state money for electronic recording. Discussions with present Title IV-D commissioners, funded through the district attorney offices, indicated that the use of electronic recording is very efficient in these courtrooms and that the commissioner would require more than one court reporter because court reporters require more frequent breaks than the commissioner does.



makeup of cases. It is not yet known how significant these differences are and, consequently, this issue will be studied further.

It should be noted, though, that the amount provided for each full-time equivalent commissioner position, namely \$600,000 per year including the salary of the commissioner, while more than the amount provided generally for each judicial position, is still less than the amount provided for in some counties for the existing Title IV-D commissioner position funded through the district attorney's office. These counties will suffer a reduction in service (which is likely to result in fewer cases processed) unless some method is developed to provide them with the funding they currently receive. (See letter from Sacramento Courts Executive Officer Michael Roddy attached as Attachment D.)

The council will be studying the amount of support staff used in various counties in an effort to provide a more definite figure to the Legislature on the amount of support staff needed to properly handled the Title IV-D caseload in a county.

#### VI. District attorney Title IV-D caseload

The Title IV-D caseload of the district attorneys' family support divisions throughout the state provides the cases that become the calendars to be heard by the child support commissioners. There are statistics concerning how many existing active cases each county has and the number of new establishment cases each county brings each year.<sup>9</sup> These number are presented in Table 6, which shows the total active caseload, the number of new establishment actions, and the percentage of total cases that the establishment represents. The variation in percentage of new establishment cases from county to county is probably due to one or more of the following causes:

- The population make-up of the county
- The internal workings of the district attorney's office
- The ability of the court to hear cases
- The local legal culture
- Whether the county has recently begun to aggressively seek new establishment cases

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<sup>9</sup> The statistics are preliminary data supplied by the Department of Social Services and based on the July 1995 to June 1996 fiscal year.

Table 6 - Total Active Title IV-D Caseload and New Cases

County	Cases	New	New %	County	Cases	New	New %
Alameda	48,103	5,213	10.8%	Orange	73,686	9,772	13.3%
Alpine	111	0	0.0%	Placer	6,030	1,624	26.9%
Amador	1,608	298	18.5%	Plumas	762	112	14.7%
Butte	8,582	482	5.6%	Riverside	80,119	14,752	18.4%
Calaveras	1,919	363	18.9%	Sacramento	35,237	8,231	23.4%
Colusa	821	97	11.8%	San Benito	2,400	301	12.5%
Contra Costa	38,666	4,857	12.6%	San Bern.	41,584	4,240	10.2%
Del Norte	3,024	219	7.2%	San Diego	54,751	16,240	29.7%
El Dorado	8,720	1,145	13.1%	San Francisco	28,302	3,665	12.9%
Fresno	61,224	9,399	15.4%	San Joaquin	32,532	6,891	21.2%
Glenn	1,715	423	24.7%	San Luis Ob.	6,991	2,021	28.9%
Humboldt	6,158	1,060	17.2%	San Mateo	14,447	4,621	32.0%
Imperial	7,907	2,010	25.4%	Santa Barbara	21,364	5,286	24.7%
Inyo	1,540	148	9.6%	Santa Clara	49,128	6,923	14.1%
Kern	50,318	4,695	9.3%	Santa Cruz	5,196	751	14.5%
Kings	9,132	1,365	14.9%	Shasta	15,807	1,271	8.0%
Lake	3,377	893	26.4%	Sierra	160	41	25.6%
Lassen	1,529	200	13.1%	Siskiyou	4,015	840	20.9%
Los Angeles	226,752	28,373	12.5%	Solano	16,348	3,295	20.2%
Madera	5,765	757	13.1%	Sonoma	18,320	2,568	14.0%
Marin	3,840	1,097	28.6%	Stanislaus	25,495	5,051	19.8%
Mariposa	794	147	18.5%	Sutter	5,211	626	12.0%
Mendocino	4,110	622	15.1%	Tehama	4,321	240	5.6%
Merced	13,858	2,218	16.0%	Trinity	1,075	92	8.6%
Modoc	739	90	12.2%	Tulare	26,837	7,414	27.6%
Mono	224	36	16.1%	Tuolumne	3,139	409	13.0%
Monterey	13,470	3,493	25.9%	Ventura	35,077	8,066	23.0%
Napa	4,231	572	13.5%	Yolo	9,051	1,266	14.0%
Nevada	5,261	365	6.9%	Yuba	6,271	687	11.0%
				Total	1,157,154	187,933	16.2%

The existing caseload of active Title IV-D matters presents a workload for the court in two ways. One way is enforcement actions taken by the district attorney or resistance to enforcement actions taken by the paying parent. Counties are not currently required to report on enforcement action taken by those counties. Table 7 includes statistics from those counties voluntarily providing information regarding enforcement actions and includes court-related enforcement.<sup>10</sup>

<sup>10</sup> These items include criminal failure to support, contempt, writs of execution, judgment debtor examinations, and other unspecified enforcement actions.

Table 7 - Enforcement Actions (continued)

County	Total Cases	Enforcement actions	Enforcement actions as percentage of total cases
San Joaquin	32,532	108	0.3%
San Luis Obispo	6,991	2,853	40.8%
San Mateo	14,447	67	0.5%
Santa Barbara	21,364	90	0.4%
Santa Clara	49,128	3,283	6.7%
Shasta	15,807	280	1.8%
Solano	16,348	43	0.3%
Sonoma	18,320	17,811	97.2%
Stanislaus	25,495	4,543	17.8%
Tuolumne	3,139	52	1.7%
Ventura	35,077	2,318	6.6%
Yuba	6,271	172	2.7%
Total	928,864	214,727	23.1%

Table 7 indicates that the present caseload figures collected on enforcement actions are not useful in predicting workload. More detailed information about the type of enforcement proceeding, and the court time associated with that proceeding, is needed in order to use enforcement data as a partial predictor of workload.

The second aspect of the existing Title IV-D caseload consists of modifications. Federal law requires review and consideration of modification for existing child support orders periodically or upon request of either party. The effect of this provision on a court's workload is unknown although it is anticipated that it will be substantial. The council is recommending that the courts maintain statistics on this subject to assist in future workload recommendations.

#### VII. Suggestions for future data-gathering

There are a number of caseload-related statistics that could be useful in attempting to more accurately predict caseload and number of commissioners for each county. These have been mentioned throughout this report and are summarized here. The council will be developing, through its Family and Juvenile Law Advisory Committee, a recommended method for collecting and analyzing these statistics. A report from the committee on this subject is expected this year.

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The subjects for study include the following:

- The number of hearings set in the court for establishment cases, enforcement cases,<sup>12</sup> and modification cases.
- The average amount of court time utilized for each contested establishment, enforcement, and modification case.
- The percentage of hearings set that result in contested proceedings in establishment, enforcement, and modification cases.
- The number of default establishment cases processed and the amount of court and support staff time spent processing the defaults.
- The effect on the number of contested cases and the length of time for hearing cases regarding either the level of acrimony involved in the case or the language needs of one or more of the participants in the case.
- The amount of support staff required to handle the paperwork generated by the Title IV-D caseload.

#### VIII. Analysis and recommendations

The key statistic, which is presently missing, is determining the number of hearings or other court-related time that each active Title IV-D case generates each year and the number of hearings or other court-related time that each establishment action generates. The council is directing the Family and Juvenile Law Advisory Committee to develop a system to collect these statistics over the next 18 months in order to better determine the actual need for commissioners.

Nonetheless, if either the existing experience indicated in the informal telephone survey of 323 cases per commissioner per week, or the court questionnaire recommended value of 243 cases per commissioner per week, is used, this results in the following number of minutes per case:

Number of cases per week	30 hours per week case time	40 hours per week case time
243 cases	7.4 minutes/case	9.8 minutes/case
323 cases	5.5 minutes/case	7.4 minutes/case

<sup>12</sup> For enforcement cases, the study should include a breakdown of the various types of enforcement actions. This recommendation is part of every suggestion including collection of enforcement case data made in this report.

It should be noted that several of those courts surveyed by telephone indicated that the workload expressed in the survey was a very heavy workload. Given the importance of these cases to both the individual payor and the recipient, it would seem appropriate to ensure that an adequate amount of time is provided for hearing each case, and that a workload of 250 cases per commissioner per week is not unreasonable. This will still result in less than 10 minutes being provided for each case that goes to court hearing.

Because there is no method at present for determining the number of calendared hearings likely to result from a given active caseload, it is suggested that the workload of 250 cases per commissioner per week be used as a method of defining the workload of the commissioner (rather than a means of allocating commissioners or determining the need on a county-by-county basis). The analysis conducted above indicates that there is a need for at least 50 commissioners within the existing Title IV-D child support enforcement system. It is expected that the allocation noted above will, except in the very small counties where the allocation amount is .3 commissioner, result in a workload that will exceed 250 cases per week. Commissioners will be asked to keep workload statistics so that both the need for and the appropriate allocation of commissioners can be kept current with the caseload demands.

Appendix A  
Family Law Subcommittee Members

Hon. Mary Ann Grilli, Chair  
Judge of the Santa Clara County Superior Court

Hon. William Anderson, Jr.  
Commissioner of the Riverside County Superior Court

Hon. Morrison England, Jr.  
Judge of the Sacramento Municipal Court

Hon. Paul Gutman  
Judge of the Los Angeles County Superior Court

Hon. Susan Harlan  
Judge of the Amador County Superior Court

Mr. Paul Hokokian  
Deputy District Attorney, Fresno County

Ms. Deanna L. Jang  
Attorney at Law, San Francisco

Mr. John Paulson  
Attorney at Law, Auburn

Ms. Sherri Pedersen  
Executive Office, Monterey County Superior Court

Mr. Ronald Rosenfeld  
Attorney at Law, Beverly Hills

Ms. Jan Shaw  
Director, Mediation Investigative Services, Orange County

Hon. Marguerite L. Wagner  
Judge of the San Diego County Superior Court

Ms. Kate S. Yavenditti  
Attorney at Law, San Diego

Appendix B  
AB 1058 Subcommittee Members

Hon. Mary Ann Grilli  
Judge of the Santa Clara County Superior Court

Ms. Leora Gerschenson  
Attorney at Law, San Francisco

Mr. Paul Hokokian  
Deputy District Attorney, Fresno County

Mr. Charles Mandel  
Assistant District Attorney, Los Angeles County

Hon. Lynne Meredith  
Commissioner of the Stanislaus County Superior Court

Mr. Lee Morhar  
Attorney, Department of Social Services

Mr. George Nielsen  
Assistant District Attorney, San Francisco City and County

Ms. Christine Patton  
Court Executive, Santa Cruz County Trial Courts

Hon. Harry Powazek  
Commissioner of the San Diego County Superior Court

Ms. Jan Shaw  
Director, Mediation Investigative Services, Orange County

Hon. Neil Shepherd  
Commissioner of the Sacramento County Superior Court

Ms. Kate S. Yavenditti  
Attorney at Law, San Diego





## Judicial Council of California

Administrative Office of the Courts

303 Second Street, South Tower • San Francisco, California 94107 • Phone 415/396-9130 FAX 415/396-9358

TO: Family Law Supervising Judges  
Superior Court Executive Officers

FROM: Family Law Subcommittee  
Family and Juvenile Advisory Committee  
Michael A. Fischer, Committee Counsel

DATE: February 11, 1997

SUBJECT: Family Law Commissioners and Facilitators

This memorandum sets forth information regarding the Family Law Commissioner and Facilitator program as established by Assembly Bill No. 1058, describing the program requirements and the funding that will be made available to the courts at the end of this fiscal year and which is expected to be made available for ensuing fiscal years. We are also asking your input concerning various aspects of the program. *The portions of this memorandum that ask for your response are printed in bold-italic type. A sheet for submitting your responses is attached.*

### Funding for commissioners

Family Code section 4251 requires that each superior court shall provide sufficient commissioners to hear child support matters commencing July 1, 1997. The cooperative agreement between the Department of Social Services (DSS) and the Judicial Council provides for full state funding by DSS (with 2/3 of the funds provided by the federal government) for 50 commissioners statewide to hear child support enforcement matters. The hiring and assignment of the commissioners will be handled by each court.

In addition to funding for commissioners, there is funding for support staff as well. A total of \$50,000 per month for each commissioner position is allocated to cover commissioner and logistical support. The typical IV-D child support enforcement courtroom has a very high volume of paper and the amount allocated for each commissioner position takes the need for additional logistical support into account.

The Family and Juvenile Advisory Committee will be making recommendations to the council on the following issues involving commissioners:

- Minimum qualifications for commissioners (Family Code section 4252(b)(1))
- Caseload, case processing and staffing standards for commissioners setting forth the maximum number of cases that each commissioner can process (Family Code section 4252(b)(3))
- Offer technical assistance to counties regarding issues relating to implementation and operation of the system including sharing of resources between counties (Family Code section 4252(b)(5))
- Establishing procedures for the distribution of funding (Family Code section 4252(b)(6))

*We are asking your input on the following questions:*

1. *What should be the minimum qualifications for commissioners?*
2. *What is the maximum number of cases a commissioner can process and should there be a different weight for the establishment of a child support obligation and an enforcement action?*
3. *How many commissioners (expressed in terms of whole or fractional full-time equivalents) do you estimate your county may require and can accommodate? Please note that because of the funding source for the commissioners, the commissioners can only be used for Title IV-D child support enforcement.*
4. *What technical assistance will you require?*
5. *If your county cannot utilize a full-time commissioner, would you wish to share a commissioner and staff with another county, hire a commissioner and staff part-time, or hire a commissioner and staff full-time and pay out of other court money for the other cost of the commissioner and staff? If you wish to share a commissioner with another county, how may the council assist in this process?*
6. *What other issues do you see in regard to funding distribution and the commissioner and logistical support?*

#### Office of Family Law Facilitator

Family Code section 10002 requires that each superior court shall maintain an office of the family law facilitators, staffed by an attorney licensed to practice law in this state who has family law mediation or litigation experience. The court appoints the facilitator.

Section 10004 sets forth the services that the office is to provide. There are optional duties that the superior court may assign to the facilitator listed in section 10005

The cooperative agreement between the council and DSS provides funding for this office. Each court will have some funds provided to them although the exact amount is not yet know. The money for this fiscal year for these offices, statewide, is \$2,475,000. We anticipate that next year funding will be approximately \$7,500,000.

Section 10010 requires that the council adopt minimum standards for the office of family law facilitator.

*We are asking for your input on the following questions:*

- 7. Should funding for the facilitator officers be allocated on a caseload related basis and, if not, on what basis should the funding be allocated?*
- 8. Many counties will not receive sufficient funding for a full time facilitator office. Would your county, in this case, wish to establish a joint facilitator office with adjacent counties and, if so, how may the council assist in this process?*
- 9. What minimum standards for the office of family law facilitator do you recommend (including, if applicable, specific standards for small counties)?*
- 10. What one-time startup costs do you envision for your court's office?*
- 11. What other assistance may the council provide you in implementing the facilitator office?*

#### Training of commissioners and staff

Family Code section 4252(b)(2) requires the council establish minimum educational and training requirements for the commissioners and other court personnel. The council's agreement with DSS requires the council to provide this training which, we envision, will commence shortly after the start of the next fiscal year. We will be providing you more information on this as the program is developed.

#### Rules and forms

Forms to implement the new procedures under this legislation are presently being circulated for comment. We anticipate adoption of these forms by the council at its May, 1997 meeting. We also anticipate that some forms may be adopted on an interim basis shortly. You may also wish to work with your local district attorney child support enforcement division to adopt these forms as local forms pending council action. If you have any questions concerning this process please let us know

#### Conclusion

Please return the enclosed question response sheet to us by February 28, 1997. If you have any question please contact Michael Fischer at (415) 396-9130.

## Assembly Bill No. 1508 Questionnaire

Please return this document to: Administrative Office of the Courts  
AB 1058 Subcommittee

by mail to: 303 Second Street, South Tower  
San Francisco, CA 94107

-or-

by fax to: (415) 396-9358

**PLEASE RETURN BY FEBURARY 28, 1997.**

1. What should be the minimum qualifications for commissioners?
2. What is the maximum number of cases a commissioner can process and should there be a different weight for the establishment of a child support obligation and an enforcement action?
3. How many commissioners (expressed in terms of whole or fractional full-time equivalents) do you estimate your county may require and can accommodate? Please note that because of the funding source for the commissioners, the commissioners can only be used for Title IV-D child support enforcement.

**4. What technical assistance will you require?**

**5. If your county cannot utilize a full-time commissioner, would you wish to share a commissioner and staff with another county, hire a commissioner and staff part-time, or hire a commissioner and staff full-time and pay out of other court money for the other cost of the commissioner and staff? If you wish to share a commissioner with another county, how may the council assist in this process?**

**6. What other issues do you see in regard to funding distribution and the commissioner and logistical support?**

7. Should funding for the facilitator officers be allocated on a caseload related basis and, if not, on what basis should the funding be allocated?
  
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9. What minimum standards for the office of family law facilitator do you recommend (including, if applicable, specific standards for small counties)?

10. What one-time startup costs do you envision for your court's office?

11. What other assistance may the council provide you in implementing the facilitator office?



# Sacramento Superior and Municipal Courts

Michael Roddy  
Court Executive Officer

April 4, 1997

Michael Fischer  
Administrative Office of the Courts  
303 Second Street, South Tower  
San Francisco, CA 94107

RE: Family Law Commissioner and Facilitator Program

Dear Mr. Fischer:

In your memorandum dated February 20, 1997, you stated there is a total of \$50,000 funding per month (\$600,000 per year) for each court commissioner position allocated under the Family Law Commissioner and Facilitator program established by Assembly Bill 1058. This funding is to cover the commissioner salary and benefits and logistical support. Based on the actual costs incurred by the Sacramento Court for this program, this amount of funding is inadequate to meet current program expenditures.

The Sacramento Superior and Municipal Court has had a family law commissioner and staff dedicated to Title IV-D child support enforcement since 1993. This program has been funded with federal funds through our county District Attorney (Bureau of Family Support). The Court and the District Attorney entered into a cooperative agreement to reimburse the Court for the cost for personal services (salaries and benefits) and operating costs (supply and services) chargeable to the program. To support this existing program with one commissioner, budgeted expenditures for FY 97-98 are \$877,000. See Attachment for details of budgeted FY 97-98 costs. As you can see, the \$600,000 allocated by AOC for FY 97-98 is \$277,000 less than the current amount needed to operate the program.

This is not only a Sacramento County problem. I have discussed this matter with several other administrators whose courts have established child support enforcement programs. They also indicate that the estimated funding of \$600,000 per year per commissioner will be inadequate to fully offset existing personnel and services and supplies costs attributable to child support enforcement court operations.

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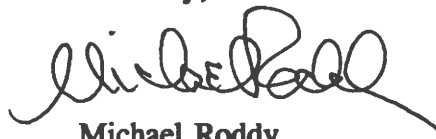
Mr. Michael Fischer  
April 4, 1997  
Page 2

For the Sacramento Superior and Municipal Court to fully analyze the potential impacts of implementing a child enforcement program pursuant to AB 1058, we need the following information:

1. Will the AOC allocate additional funds to Sacramento Superior and Municipal Courts to cover the actual costs of the program?
2. If no additional funding above the \$600,000 limit is possible, how will this shortfall be handled through the trial court budget process? AB 1058 states that salary costs for the commissioner and support staff shall not be considered a part of allowable court operations for trial court funding. Neither the courts nor the county wants to pare this very successful program. Collections of financial support for children have nearly doubled since the hiring of the family law commissioner in Sacramento (from 27.45 million in FY 91-92 to \$51.8 million in FY 95-96). Yet, if we maintain this program at its current level, the \$277,000 shortfall would be borne entirely by Sacramento County with no reimbursement from state trial court funding. This seems inconsistent with the intent of AB 1058.

We would appreciate a prompt response. The time frame for implementing the changes imposed by AB1058 is growing shorter. If you need any further information, do not hesitate to call Chuck Robuck (916) 440-5219.

Sincerely,



Michael Roddy  
Executive Officer

**Attachment**

cc: Hon. William R. Ridgeway, Presiding Judge  
Hon. Charles Kobayashi, Presiding Judge, Family Court Services  
Michael Curtis, Assistant Executive Officer  
Robbie Johnson, Director of Family Law and Probate  
Robert Thomas, County Executive  
Kiri Torre, Administrative Office of the Courts  
Martin Moshier, Administrative Officer of the Courts

kjs/mr040497.a

**Costs & Revenue**

**1. STAFFING COSTS**

Based on FY 97-98 Personnel Budget Report dtd 1/3/97

FTE	Position	Salary	Incentive	Retirement	FICA	Insurance	Total Salary/Benefit	% charged to BFS	FY 97-98 BFS TOTAL
<b><u>ADMIN. SUPPORT</u></b>									
.15	Director Family Court Services/Probate	60,651	2,032	6,569	4,796	5,628	79,676	15%	11,951
.15	Supervising Ct. Clerk	46,475	0	5,033	3,556	5,907	60,971	15%	9,146
.20	Ct Process Analyst	41,120	0	3,948	3,146	6,459	54,673	20%	10,935
<b><u>COURTROOM</u></b>									
1.00	Commissioner	94,026	3,150	11,603	5,445	5,628	119,852	100%	119,852
1.00	Ct Clerk	37,957	0	3,644	2,904	6,279	50,784	100%	50,784
1.00	Ct Clerk	39,464	0	4,274	3,018	6,281	53,037	100%	53,037
1.00	Eelectronic Recording Monitor	32,237	0	3,419	2,466	6,300	44,422	100%	44,422
<b><u>PROCESS SUPPORT</u></b>									
1.00	Ct Clerk (Lead Worker)	37,957	0	3,644	2,904	6,279	50,784	100%	50,784
1.00	DC III (Sustain Input Clk)	30,948	0	3,352	2,368	6,281	42,949	100%	42,949
1.00	DC III (Limited term)	32,625	0	3,533	2,496	6,294	44,948	100%	44,948
1.00	DC IV (Limited term)	30,348	0	3,287	2,322	6,279	42,236	100%	42,236
1.00	County Temp						25,462	100%	25,462
1.00	Agency Temp						17,916	100%	17,916
1.00	Agency Temp						21,586	100%	21,586
1.00	Records	27,571	0	2,647	2,110	6,281	38,609	100%	38,609
.10	Accounting Tech	36,572	0	3,511	2,798	5,924	48,805	10%	4,881
.10	Account Clerk III	32,086	0	3,616	2,455	6,290	44,447	10%	4,445
.25	Warrants	30,948	0	3,352	2,368	6,281	42,949	25%	10,737
									604,679
<b>12.95</b>	<b>TOTAL FY 97-98 BFS STAFFING COSTS</b>								<b>\$605,000</b>

**2. COURT SECURITY**

1.50 Deputy Sheriff's (incl. .5 for Hall Security)

(amount shown is based on 96-97 hrly rate of \$53.60 (no COLA added for 97-98) times 2,700 hrs.

(which is based on 1,800 billable hours per year per bailiff FTE)

(rounded)

**\$145,000**

**3. SUPPLIES AND SERVICES**

(Based on 96-97 revised BFS spreadsheet which includes \$27,000 direct 2000's + \$100,000 allocated indirect)

**127,000**

**TOTAL ESTIMATED FY 97-98 BFS COSTS AND REVENUE**

**\$877,000**