

Governor's 2001-02 Budget Proposal For: **JUDICIARY/TRIAL COURT FUNDING**

JUDICIAL BRANCH

As described in the Governor's proposed budget, "Article VI of the Constitution creates the Supreme Court of California and the Courts of Appeal to exercise the judicial power of the state at the appellate level." Article VI also creates the Judicial Council of California that administers the state's judicial system. The Judicial Branch budget includes support for the Supreme Court, the Courts of Appeal, and the Judicial Council. The budget proposes \$351.29 million (\$297.9 million General Fund) for the Judicial Branch.

MAJOR PROPOSALS

- ◆ **Equal Access Fund.** \$15 million (General Fund), an increase of \$5 million, is proposed to expand the Equal Access Fund. The Fund proceeds are disbursed through the State Bar to nonprofit legal assistance organizations throughout the state to provide legal assistance to low income (125 percent of the poverty level or below) individuals involved in civil matters who are without representation.
- ◆ **Trial Court Fiscal Review.** \$1.9 million to initiate an external fiscal review of the trial courts (\$1.5 million for external auditors, \$382,000 for three additional internal audit positions). This request is in response to the provisions of the Lockyer-Isenberg Trial Court Funding Act of 1997 which gives the Administrative Office of the Courts (AOC) fiscal oversight responsibilities over the trial courts. This is part of the plan by the AOC to contract with external Certified Public Accountants to annually test the global conditions of the courts with and internal staff to review the courts on a five -year cycle.
- ◆ **Trial Court Employment Protection and Governance Act.** \$2.1 million (in combination with \$3.5 million from the Trial Court Budget) to implement the Trial Court Employment Protection and Governance Act. Under this law nearly all employees working in the trial courts will become court employees and will assume all aspects of employment from the counties.

TRIAL COURT FUNDING

The 2001-02 Governor's proposed budget funds the fourth year implementation of the Lockyer-Isenberg Trial Court Funding Act of 1997. The measure significantly reduces the level of county support required for superior and municipal courts by shifting much of the funding responsibility to the State. The proposed budget provides a total of \$2.170 billion (\$1.161 billion General Fund) for Trial Court Funding. This is an increase of approximately \$104 million (roughly \$20 million General Fund) over the 2000-01 authorized spending level.

MAJOR PROPOSALS

- ◆ **Courthouse Security.** \$22.5 million (General Fund) is proposed to fund increased costs for security at courthouses. This proposal would fund contract security services and additional security equipment (\$17.4 million in ongoing costs) The additional funding would be allocated to 38 courts. This is a follow-up to \$33.2 million funded for this purpose in 1998-99. Total program expenditures for security was \$243 million in 1998-99.
- ◆ **County Provided Services.** \$8.1 million (General Fund) is proposed to fund increased charges for county provided services. The funding would be allocated to 21 courts. This proposal is an extension of \$19.1 million in funding in 1999-00 and \$8.6 million in 2000-01 for these costs.
- ◆ **Court Appointed Special Advocates.** \$7.5 million (General Fund) is proposed to fund increased costs associated with the appointment of counsel and Court Appointed Special Advocates for Children in juvenile dependency hearings. These hearings occur when the court makes a finding related to the placement of juveniles. In an effort to ensure that the due process rights of parents involved in these hearings are protected, they are statutorily entitled to court appointed counsel. While the appointment of counsel for children had been generally discretionary, it did require the appointment of counsel when there is a judicial determination that the child would benefit from such an appointment. Under the provisions of Chapter 450, Statutes of 2000, all children to be appointed counsel in dependency hearings unless the court finds the child would not benefit from such an appointment. In addition the new law requires the appointment of a guardian ad litem for each dependant child. This person is a special guardian appointed by the court to prosecute or defend on behalf of the child and is considered to be an officer of the court to represent the best interests of the child.
- ◆ **Court Facility Improvement Projects.** \$4.6 million (General Fund) is proposed to fund court facility improvement projects. The propose funds would be used to address costs associated with either the court's share of county sponsored facilities construction or renovation projects or court sponsored projects.
- ◆ **One Day/One Trial Program.** \$4.2 million (General Fund) is proposed to provide the second year funding to complete the implementation of the one day/one trial program. This program would allow prospective jurors to be excused if they have not been selected to serve after the first day of reporting. The original proposal submitted in 2000-01 was a four-year program for \$16.4 million.
- ◆ **Trial Court Employment Protection and Governance Act.** \$3.5 million (in combination with \$2.1 million from the Judiciary budget) is proposed to implement the Trial Court Employment Protection and Governance Act. Under this law nearly all employees working in the trial courts will become court employees and will assume all aspects of employment from the counties.
- ◆ **Family and Juvenile Courts.** \$3 million (General Fund) is proposed to increase funding in Family and Juvenile Courts In the areas of: family law support staffing; family law evaluations and mediation; probate/guardianship investigations; and juvenile court support staffing.