



JOINT BUDGET COMMITTEE STAFF FY 2022-23 BUDGET BRIEFING SUMMARY

Colorado General Assembly
Joint Budget Committee

Judicial Department

The Judicial Department interprets and administers the law, resolves disputes, and supervises adult and juvenile offenders on probation. The Judicial Branch also includes seven independent agencies. The four largest agencies provide legal representation for children, juveniles, or indigent adult defendants in certain types of cases. The Independent Ethics Commission provides advice and guidance on ethics-related matters concerning public officers, members of the General Assembly, local government officials, and government employees. The Office of the Child Protection Ombudsman receives, investigates, and seeks resolution of complaints concerning child protection services and makes recommendations to improve such services. The Office Public Guardianship operates a pilot program in Denver that provides guardianship services for incapacitated and indigent adults who lack resources and family or friends who can serve as guardians. The Department's FY 2021-22 appropriation represents 2.3 percent of statewide operating appropriations and 3.9 percent of statewide General Fund appropriations.

FY 2021-22 APPROPRIATION AND FY 2022-23 REQUEST

JUDICIAL DEPARTMENT – COURTS AND PROBATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION:						
SB 21-205 (Long Bill)	620,904,408	401,278,678	168,830,865	46,369,865	4,425,000	3,950.1
Other legislation	6,892,365	1,547,733	5,344,632	0	0	7.7
TOTAL	\$627,796,773	\$402,826,411	\$174,175,497	\$46,369,865	\$4,425,000	3,957.8
FY 2022-23 REQUESTED APPROPRIATION:						
FY 2021-22 Appropriation	\$627,796,773	402,826,411	\$174,175,497	\$46,369,865	\$4,425,000	3,957.8
C&P R3 IT infrastructure upgrades	8,541,863	0	0	0	8,541,863	0.0
C&P R8-R12-NP1-5 Non-discretionary requests	5,716,419	4,926,216	(362,761)	1,152,964	0	0.3
C&P R6-R7-R11 Restoration requests	3,259,000	3,259,000	0	0	0	0.0
C&P R9-R10 Behavioral and mental health requests	2,378,014	392,514	1,985,500	0	0	1.0
C&P R2 IT staff	2,018,556	936,689	1,081,867	0	0	16.0
C&P R1 Fin services and human resources staff	1,586,826	1,508,826	78,000	0	0	16.0
C&P R4 Judicial training	408,706	408,706	0	0	0	4.5
C&P R5 Language access	324,978	324,978	0	0	0	4.0
Centrally appropriated line items	10,999,307	10,797,613	201,694	0	0	0.0
Annualize prior year legislation	515,716	5,565,056	(5,049,340)	0	0	11.7
Indirect cost assessment	144,491	0	144,491	0	0	0.0
Technical adjustments	0	(127,339)	0	127,339	0	0.0
Annualize prior year budget actions	(958,724)	(967,358)	8,634	0	0	0.0
TOTAL	\$662,731,925	\$429,851,312	\$172,263,582	\$47,650,168	\$12,966,863	4,011.3
INCREASE/(DECREASE)	\$34,935,152	\$27,024,901	(\$1,911,915)	\$1,280,303	\$8,541,863	53.5
Percentage Change	5.6%	6.7%	(1.1%)	2.8%	193.0%	1.4%

The Chief Justice reviews requests for the courts, who along with probation, submit independent budgets request that are not reviewed or approved by OSPB, although the common policy components generally align with OSPB

decisions for executive branch agencies. Therefore, only the General Assembly evaluates the merits of these requests relative to those of other state agencies.

C&P R3 IT INFRASTRUCTURE UPGRADES: The request includes an increase of \$8.5 million federal funds from federal ARPA funds for information technology infrastructure upgrades. The FY 2022-23 request represents the year 2 request for this four-phase project; the Courts anticipate submitting a FY 2021-22 supplemental that includes an increase of \$9.1 million, representing the year 1 request. The following table outlines the components of the request over four years.

COURTS R3 IT INFRASTRUCTURE UPGRADES					
COMPONENT	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	TOTAL
1. SDWAN Project	\$1,304,170	\$650,000	\$650,000	\$0	\$2,604,170
2. AV Infrastructure	2,500,000	3,600,000	3,600,000	3,600,000	13,300,000
3. Webex	482,160	482,160	482,160	482,160	1,928,640
4. Network Infrastructure	2,105,446	1,285,000	1,300,000	1,300,000	5,990,446
5. Data Center Hardware	2,061,126	0	1,000,000	0	3,061,126
6. Disaster Recovery / OIT Move	0	1,096,779	0	0	1,096,779
7. Security	620,226	1,427,924	1,483,739	1,691,468	5,223,357
TOTAL	\$9,073,128	\$8,541,863	\$8,515,899	\$7,073,628	\$33,204,518

C&P R8-R12-NP1-5 NON-DISCRETIONARY REQUESTS: This group of requests includes an increase of \$5.7 million total funds, including \$4.9 million General Fund, and 0.3 FTE, for non-discretionary, pass-through, or technical request items located in the Courts budget.

- *R8 Law Library Funding Adjustment* includes a net-zero adjustment to refinance \$250,000 cash funds with General Fund. The cash funds source are law license fees from the Office of Attorney Regulation Counsel. These cash funds were intended to temporarily support the Law Library in 2007; however, due to the economic downturn at that time, state funds were not available to backfill this support and the temporary support became long-term support. The request is to return the cash funds to a more appropriate use of that fee revenue and backfill with General Fund.
- *R12 Consolidation and Technical Adjustment of Long Bill Lines* includes a net increase of \$50,000 General Fund. This increased General Fund amount is intended to fund an administrative position to manage the Underfunded Facilities Grant Program. While the program may spend from the Program cash fund for administrative expenses, the Courts instead request a General Funded staff position in order to maximize the issuance of grants from the cash fund, which originates as General Fund. Additionally, this request moves FTE and consolidates line items to align with how the Courts actually administer/position staff and related appropriations.
- *NP1 County Initiated Courthouse Furnishings* includes a net increase of \$3.2 million General Fund for the State's share of county-initiated courthouse infrastructure projects. The FY 2022-23 request includes projects in six counties including Pitkin, Moffat, Otero, Adams, Arapahoe, and Mesa Counties. The Courts also request two-year spending authority for this line item due to the calendar-year basis of county budgets.
- *NP2 Correctional Treatment Board Request* includes a net increase of \$2.3 million total funds. This includes a \$1.3 million General Fund appropriation to the Correctional Treatment Cash Fund (CTCF) and \$1.0 million reappropriated funds spending authority from the CTCF.
- *NP3 District Attorney Mandated Costs* includes a net increase of \$83,000 General Fund for a 3.0 percent increase for statutorily-specified state costs for district attorneys.
- *NP4 County Court Judge FTE Adjustment* includes a net increase of \$59,000 General Fund and 0.3 FTE for the statutorily defined annual calculations of salary levels for Class C and D county court judges.

- *NP5 Carr Building Lease Adjustment* includes a net increase of \$51,000 total funds, including \$50,000 General Fund for the 1.8 percent annual increase in leased space payments for the Ralph L. Carr Judicial Center for all Judicial Department agencies.

C&P R6-R7-R11 RESTORATION REQUESTS: This group of requests includes an increase of \$3.3 million General Fund for the restoration of funding for items eliminated or reduced in FY 2020-21 due to the revenue downturn.

- *R6 Judicial Education Restoration* includes an increase of \$400,000 General Fund, which includes the restoration of \$350,000 for the annual Colorado Judicial Conference and \$50,000 for the Colorado Institute for Faculty Excellence (COIFE), a six-month program for education program and project planning and design.
- *R7 Problem Solving Court Operating Restoration* includes an increase of \$359,000 General Fund, which includes \$200,000 for statewide training and education and \$159,000 for local support, program development, and evaluation of outcomes.
- *R11 Underfunded Facilities GF Restoration* includes an increase of \$2.5 million General Fund for the General Fund appropriation to the program cash fund. The current appropriation is \$500,000.

C&P R9-R10 BEHAVIORAL AND MENTAL HEALTH REQUESTS: This group of requests includes a net increase of \$2.4 million total funds, including an increase of \$393,000 General Fund and \$2.0 million cash funds, for behavioral and mental health-related requests.

- *R9 Behavioral Health Court Liaison Program*, also known as the Bridges Program, includes an increase of \$393,000 General Fund and 1.0 FTE for a clinical supervisor position. In addition to the clinical supervisor position, the request includes (2) a program evaluation at a cost of \$250,000 over three years (\$50,000-\$150,000-\$50,000), and (3) a reinstatement of the 10.0 percent reduction in contractor rates instituted in FY 2020-21 and continued in FY 2021-22 at a cost of \$198,000, along with a 2.5 percent provider rate increase, adopted as common policy in FY 2021-22 but not provided for Behavioral Court Liaison providers, at a cost of \$48,000; both provider rate increases total \$247,000. The FY 2023-24 annualization cost for this item totals \$495,000.
- *R10 Mental Health and DA Pretrial Diversion Program* includes an increase of \$2.0 million cash funds from the Behavioral and Mental Health Cash Fund, created and funded with ARPA funds in S.B. 21-137 *Behavioral Health Recovery Act*, for the Pretrial Adult Diversion Program. Prior to FY 2020-21, this Program was General Funded at \$400,000 per year, was initially approved for an increase to \$874,000 General Fund, and was then reduced to \$100,000 General Fund for FY 2020-21. Additionally, the request includes the transfer of \$100,000 General Fund and 1.0 FTE from the Mental Health Diversion Program into General Courts Administration and termination of the Mental Health Diversion Program. The request for the Pretrial Diversion Program includes \$1.6 million for additional adult diversion funding and \$339,000 for the one-time cost for a case management system for the Pretrial Diversion Program.

C&P R2 IT STAFF: The request includes an increase of \$2.0 million total funds, including \$937,000 General Fund and \$1.1 million cash funds from the Judicial Department Information Technology Cash Fund, and 16.0 FTE. The project includes 9.0 FTE for audio-visual (AV) support staff; a senior engineer for the unified communication program; and 6.0 FTE for IT support technicians for judicial districts that do not currently have technical support. The project also includes \$500,000 in FY 2022-23 and \$1.0 million in FY 2023-24 for a consulting contract to help the Courts select a new case management system. The FY 2023-24 annualization for this item totals \$2.6 million.

C&P R1 FIN SERVICES AND HUMAN RESOURCES STAFF: The request includes an increase of \$1.6 million total funds, including \$1.5 million General Fund, and 16.0 FTE for additional financial services and human resources staff. Requested staff include: 6.0 FTE for contract management and purchasing; 1.0 FTE for a budget analyst; 2.0 FTE for accounting; 2.0 FTE for grant administrators; and 5.0 FTE for human resources. The FY 2023-24 annualization for this item totals just over \$1.6 million.

C&P R4 JUDICIAL TRAINING: The request includes an increase of \$409,000 General Fund and 4.5 FTE for training specialist positions. This includes 2.0 FTE for the Courts, 1.0 FTE for Probation, 1.0 FTE for distance learning, and 0.5 FTE for the Court Improvement Program (CIP) related to dependency and neglect for children, youth, and families courts. The FY 2023-24 annualization for this item totals \$418,000.

C&P R5 LANGUAGE ACCESS: The request includes an increase of \$325,000 General Fund and 4.0 FTE for court interpreters. Interpreters would be placed to serve four areas: the 5th, 9th, and 14th judicial districts in Northwestern Colorado; the 6th, 7th, and 22nd judicial districts in Southwest Colorado; the 13th and 17th judicial districts in Northeastern Colorado; and the 18th Judicial District that currently comprises Arapahoe, Douglas, Elbert, and Lincoln counties. The FY 2023-24 annualization for this item totals \$329,000.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$11.0 million total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$9,455,573	\$9,237,745	\$217,828	\$0	\$0	0.0
Health, life, and dental	3,053,548	3,005,108	48,440	0	0	0.0
Payment to risk management and property funds	880,624	880,624	0	0	0	0.0
Paid family leave	472,689	457,778	14,911	0	0	0.0
AED	450,630	451,475	(845)	0	0	0.0
SAED	450,630	451,475	(845)	0	0	0.0
CORE adjustment	266,907	266,907	0	0	0	0.0
OIT Budget package	55,716	55,716	0	0	0	0.0
Legal services	25,431	10,197	15,234	0	0	0.0
Short-term disability	20,807	20,776	31	0	0	0.0
DPA CSEAP resources	18,124	18,124	0	0	0	0.0
Vehicle lease payments	5,737	5,737	0	0	0	0.0
PERA Direct Distribution	(2,237,976)	(2,144,916)	(93,060)	0	0	0.0
Payments to OIT	(1,453,024)	(1,453,024)	0	0	0	0.0
Workers' compensation	(466,109)	(466,109)	0	0	0	0.0
TOTAL	\$10,999,307	\$10,797,613	\$201,694	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a net increase of \$516,000 total funds, to reflect the FY 2022-23 impact of bills passed in previous sessions. The adjustments include an increase of \$5.6 million General Fund and a decrease of \$5.0 million cash funds, including a decrease of \$5.3 million one-time cash funds which originated as federal American Rescue Plan Act or ARPA funds. Adjustments are summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB 20-1394 PERA Rate Adjust for Judges	\$2,696,865	\$2,696,865	\$0	\$0	\$0	0.0
SB18-200 PERA unfunded liability	1,390,546	1,358,383	32,163	0	0	0.0
HB 20-1026 Creation of 23rd Judicial District	740,000	740,000	0	0	0	0.0
HB 21-1280 Pre-trial Detention Reform	383,802	215,305	168,497	0	0	6.3
SB 21-271 Misdemeanor Reform	328,118	328,118	0	0	0	4.2
HB 21-1214 Record Seal Collateral Conseq Red	258,595	258,595	0	0	0	0.8
SB 21-173 Rights in Resid Lease Agreements	6,617	6,617	0	0	0	0.2
HB 21-1228 Domestic Violence Trng Court Pers	1,394	1,394	0	0	0	0.1
SB 21-292 Fed Funding Victim Services	(3,750,000)	0	(3,750,000)	0	0	0.0
HB 21-1329 American Rescue Plan	(1,500,000)	0	(1,500,000)	0	0	0.0
HB 21-1136 Jud Div Retirees Temp Comp	(36,301)	(36,301)	0	0	0	0.1
HB 21-1255 Protect Order Iss Dom Abuser	(3,920)	(3,920)	0	0	0	0.0
TOTAL	\$515,716	\$5,565,056	(\$5,049,340)	\$0	\$0	11.7

INDIRECT COST ASSESSMENT: The request includes a net increase of \$145,000 cash funds for indirect costs. Increases include \$16,000 from attorney registration fees in the Office of Attorney Regulation Counsel, \$25,000 from various IT-related cash funds including the Judicial Department Information Technology Cash Fund in the Administration and Technology subdivision, and \$103,000 from various cash fund including the Offender Services Fund and Correctional Treatment Cash Fund in Probation.

TECHNICAL ADJUSTMENTS: The request includes a net neutral funds adjustment related to increased indirect cost recoveries that offset General Fund.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes a net decrease of \$959,000 total funds, including a decrease of \$967,000 General Fund, for prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
C&P FY22 BA2 Restore FTE	\$611,908	\$611,908	\$0	\$0	\$0	0.0
Prior year salary survey	2	0	2	0	0	0.0
C&P FY22 R3 Courthouse Furnish & Infra	(1,100,723)	(1,100,723)	0	0	0	0.0
C&P FY22 BA3 Courthouse F&I Maint	(283,539)	(283,539)	0	0	0	0.0
C&P FY22 BA4 Magistrate request	(186,372)	(195,004)	8,632	0	0	0.0
TOTAL	(\$958,724)	(\$967,358)	\$8,634	\$0	\$0	0.0

FY 2021-22 APPROPRIATION AND FY 2022-23 REQUEST

JUDICIAL DEPARTMENT – OFFICE OF THE STATE PUBLIC DEFENDER						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION:						
SB 21-205 (Long Bill)	118,679,551	118,524,551	155,000	0	0	964.6
Other legislation	224,896	224,896	0	0	0	1.8
TOTAL	\$118,904,447	\$118,749,447	\$155,000	\$0	\$0	966.4
FY 2022-23 REQUESTED APPROPRIATION:						
FY 2021-22 Appropriation	\$118,904,447	118,749,447	\$155,000	\$0	\$0	966.4
OSPD R2-R3 Paralegal and discovery clerk staff requests	6,445,962	6,445,962	0	0	0	77.0
OSPD R1 Public defense in digital age - IT infrastructure	3,950,000	3,950,000	0	0	0	0.0
OSPD R1 Public defense in digital age - operating	1,534,683	1,534,683	0	0	0	6.4
OSPD R4 Restructured fiscal note HB 21-1280	188,657	188,657	0	0	0	0.0
Centrally appropriated line items	3,462,544	3,462,544	0	0	0	0.0
Annualize prior year budget actions	115,879	115,879	0	0	0	4.8
Annualize prior year legislation	93,685	93,685	0	0	0	0.2
TOTAL	\$134,695,857	\$134,540,857	\$155,000	\$0	\$0	1,054.8
INCREASE/(DECREASE)	\$15,791,410	\$15,791,410	\$0	\$0	\$0	88.4
Percentage Change	13.3%	13.3%	0.0%	0.0%	0.0%	9.1%

The Office of the State Public Defender submits an independent budget request that is not reviewed or approved by OSPB. Therefore, only the General Assembly evaluates the merits of these requests relative to those of other state agencies.

OSPD R2-R3 PARALEGAL AND DISCOVERY CLERK STAFF REQUESTS: The request includes an increase of \$6.4 million General Fund and 77.0 FTE for paralegal and discovery clerk staff. These requests are intended to provide a more affordable and efficient staffing model for managing increased discovery data at both the intake/administrative level and at the point of legal representation.

- R2 includes an increase of \$5.8 million for 66 paralegal positions (63.2 FTE) for phase I in FY 2022-23 and an additional increase of \$3.8 million for 38 paralegal positions (42.1 FTE) for phase II in FY 2023-24. Phase I distribution includes 10 paralegals for small offices of one per office; and 56 for large offices to cover higher level felony cases at a ratio of one paralegal to six attorneys. Phase II distribution includes 38 paralegals for large offices to cover all non-higher level felony cases at a ratio of one paralegal to six attorneys.
- R3 includes an increase of \$650,000 for 15 discovery clerk positions (13.8 FTE). Discovery clerks are entry level administrative positions responsible for ensuring discovery is assembled from all sources and placed into the OSPD's case management system for defense teams. The 15 positions are likely to be centrally located to provide efficient and maximum statewide coverage based on daily needs.

OSPD R1 PUBLIC DEFENSE IN DIGITAL AGE – IT INFRASTRUCTURE: This placeholder request includes an increase of \$4.0 million General Fund for the IT project portion of the R1 request for a comprehensive, scalable, reliable, and accessible data storage solution. Ongoing operating costs are estimated to be \$745,000.

OSPD R1 PUBLIC DEFENSE IN DIGITAL AGE – OPERATING: This placeholder request includes an increase of \$1.5 million General Fund and 6.4 FTE, and ongoing costs of just under \$1.5 million, for the operating portion of the R1 request. The R1 placeholder request currently identifies the following components:

- \$142,000 and 2.0 FTE related dedicated to managing the storage solution;
- \$356,000 and 5.0 FTE for IT help desk support;
- \$429,000 for digital litigation tools related to transcription and case management;
- \$265,000 for mobile phone connectivity for attorneys;
- \$179,000 for increased costs for the computer hardware replacement cycle related to upgraded specifications for enhanced data processing; and
- \$163,000 to double bandwidth increases to 800mbps for all offices related to increased data management.

OSPD R4 RESTRUCTURED FISCAL NOTE HB 21-1280: The request includes an increase of \$189,000 General Fund due to updated fiscal impacts related to the implementation of H.B. 21-1280, *Pre-trial Detention Reform*. The bill requires courts to hold an initial bond hearing within 48 hours, beginning April 1, 2022. The fiscal note assumed that hearings would be held on one weekend day. However, the State Court Administrator's Office has determined the need for hearings on both weekend days with the use of two magistrates on each day. This request reflects the additional fiscal impact to provide contract attorneys at \$75 an hour.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$3.5 million General Fund for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$2,463,110	\$2,463,110	\$0	\$0	\$0	0.0
Health, life, and dental	490,174	490,174	0	0	0	0.0
Leased space	215,589	215,589	0	0	0	0.0
Paid family leave	168,017	168,017	0	0	0	0.0
AED	72,133	72,133	0	0	0	0.0
SAED	72,133	72,133	0	0	0	0.0
Short-term disability	9,645	9,645	0	0	0	0.0

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Vehicle lease payments	(28,257)	(28,257)	0	0	0	0.0
TOTAL	\$3,462,544	\$3,462,544	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes a net increase of \$116,000 General Fund for prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OSPD FY22 BA1 OSPD staffing	\$122,669	\$122,669	\$0	\$0	\$0	3.7
OSPD FY22 BA2 IT	1,620	1,620	0	0	0	0.3
OSPD FY22 BA3 Social Workers	(8,410)	(8,410)	0	0	0	0.8
TOTAL	\$115,879	\$115,879	\$0	\$0	\$0	4.8

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a net increase of \$94,000 General Fund to reflect the FY 2022-23 impact of bills passed in previous sessions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB 21-1280 Pre-trial Detention Reform	\$93,133	\$93,133	\$0	\$0	\$0	0.0
SB 21-146 Improve Prison Release Outcomes	552	552	0	0	0	0.2
TOTAL	\$93,685	\$93,685	\$0	\$0	\$0	0.2

FY 2021-22 APPROPRIATION AND FY 2022-23 REQUEST

JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION:						
SB 21-205 (Long Bill)	110,541,578	102,490,161	879,569	7,171,848	0	81.4
Other legislation	142,992	142,992	0	0	0	1.4
TOTAL	\$110,684,570	\$102,633,153	\$879,569	\$7,171,848	\$0	82.8
FY 2022-23 REQUESTED APPROPRIATION:						
FY 2021-22 Appropriation	\$110,684,570	102,633,153	\$879,569	\$7,171,848	\$0	82.8
Joint OADC R4 - OCR R1 - ORPC R1 Contractor rate increase	5,645,945	5,255,848	0	390,097	0	0.0
OADC R1-R2-R3-R5 OADC staff requests	250,228	250,228	0	0	0	4.5
OCR R2-R4 OCR Staff and operating requests	411,992	186,516	0	225,476	0	1.0
ORPC R2-R3-R4 Staff and technical requests	285,735	285,735	0	0	0	2.0
OCPO R1-R9 Staff increase and infrastructure requests	147,836	147,836	0	0	0	0.5
IEC R1 IEC staffing	64,024	64,024	0	0	0	0.5
OPG R1 FTE request	456,326	0	456,326	0	0	4.0
Centrally appropriated line items	442,053	402,162	19,569	20,322	0	0.0
Annualize prior year legislation	36,674	32,688	2,072	1,914	0	0.1
Indirect cost assessment	14,382	0	14,382	0	0	0.0
Annualize prior year budget actions	4,528	4,528	0	0	0	0.0
Technical adjustments	3,144	3,144	0	0	0	0.0
TOTAL	\$118,447,437	\$109,265,862	\$1,371,918	\$7,809,657	\$0	95.4
INCREASE/(DECREASE)	\$7,762,867	\$6,632,709	\$492,349	\$637,809	\$0	12.6

JUDICIAL DEPARTMENT – INDEPENDENT AGENCIES

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Percentage Change	7.0%	6.5%	56.0%	8.9%	0.0%	15.2%

OADC – Office of the Alternate Defense Counsel; OCR – Office of the Child's Representative; ORPC – Office of the Respondent Parents' Counsel; OCPO – Office of the Child Protection Ombudsman; IEC – Independent Ethics Commission; OPG – Office of Public Guardianship.

The Judicial Independent Agencies submit independent budgets request that are not reviewed or approved by OSPB. Therefore, only the General Assembly evaluates the merits of these requests relative to those of other state agencies.

JOINT OADC R4 - OCR R1 - ORPC R1 CONTRACTOR RATE INCREASE: The request includes an increase of \$5.6 million total funds, including \$5.3 million General Fund for a 6.0 percent increase in legal contractor rates for the Office of the Alternate Defense Counsel, the Office of the Child's Representative, and the Office of the Respondent Parents' Counsel.

- OADC R4 includes an increase of \$2.5 million General fund on a base of \$42.3 million.
- OCR R1 includes an increase of \$1.5 million total funds, including \$1.4 million General Fund, on a base of \$25.2 million; to allow OCR to increase the attorney rate to \$85 an hour, the case consultant rate to \$47 an hour, and the paralegal rate to \$35 an hour.
- ORPC R1 includes an increase of \$1.6 million total funds, including \$1.3 million General Fund, on a base of \$26.6 million; to allow ORPC to increase the attorney rate to \$85 an hour, the licensed clinical social worker rate to \$56 an hour, the licensed social worker, investigator, and family advocate rates to \$47 an hour, and the paralegal and parent advocate rates to \$35 an hour.

OADC R1-R2-R3-R5 OADC STAFF REQUESTS: This includes four request items that include a total increase of \$250,000 General Fund and 4.5 FTE for staff requests in the Office of the Alternate Defense Counsel.

- *R1 Coordinator of Adjunct Services* includes a net neutral adjustment (from the legal contracts line item) totaling \$176,000, and adding 1.0 FTE, to fund a Coordinator of Adjunct Services to manage OADC support operations for non-attorney service contractors.
- *R2 Staff Accountant* includes an increase of \$110,000 General Fund and 1.0 FTE to add a staff accountant position.
- *R3 Information Systems Director* includes an increase of \$141,000 General Fund and 1.0 FTE to add an Information Systems Director position.
- *R5 The Greater Colorado Practitioner Fellowship and The Inclusivity Fellowship* includes a net neutral adjustment (from the legal contracts line item) totaling \$192,000, and adding 2.0 FTE, to establish two, ongoing, two-year fellowships. These include The Greater Colorado Practitioner Fellowship for rural communities and The Inclusivity Fellowship for Black, Indigenous, and people of color (BIPOC), for the purpose of targeted recruitment and to provide a stable, two-year training and career growth program that will increase the likelihood of long-term sustainability for BIPOC and rural practitioners.

OCR R2-R3-R4 OCR STAFF AND OPERATING REQUESTS: This group of requests from the Office of the Child's Representative include an increase of \$412,000 total funds, including \$187,000 General Fund and \$225,000 reappropriated funds from the Department of Human Services from federal IV-E funds.

- *R2 New Staff Attorney Position* includes \$182,000 reappropriated funds for a staff attorney position to support the work of guardians ad litem (GALs) in juvenile delinquency cases.
- *R3 Common Compensation Plan Salary Adjustments* includes \$112,000 total funds, including \$109,000 General Fund to align attorney staff in the El Paso County office consistent with comparable attorney positions in the Office of the State Public Defender. Additionally, the request aligns four positions in the Denver executive office.

- *R4 Increase Operating Expenditures* includes \$118,000 total funds, including \$78,000 General Fund to address a Westlaw price increase (\$37,800 General Fund), a website redesign (\$40,000 General Fund) and enhancements for the Colorado Attorney Reimbursement Electronic System (CARES), the Office's case management and billing IT system (\$40,000 reappropriated funds).

ORPC R2-R3-R4 STAFF AND TECHNICAL REQUESTS: The request includes an increase of \$286,000 General Fund and 2.0 FTE.

- *R2 Equity, Diversity, and Inclusion Coordinator* includes \$173,000 General Fund and 1.0 FTE for a staff position to promote and increase equity, diversity, and inclusion within the agency and among contractors and to help collect and disseminate information on disparate impact of dependency and neglect proceedings and outcomes for low-income and minority populations and people with disabilities.
- *R3 Social Work Outreach Coordinator* includes \$113,000 General Fund and 1.0 FTE for a staff position to support the expansion of its interdisciplinary, preventive legal services pilot program in Jefferson County.
- *R4 Align Appropriations with other Independent Agencies* is a net neutral technical budget adjustment that moves a net \$1.1 million total funds between the Court-appointed Counsel line item and the Mandated Costs line item, to be consistent with the budget practices in the Office of the Alternate Defense Counsel and the Office of the Child's Representative and improve comparability.

OCPO R1-R9 STAFF INCREASE AND INFRASTRUCTURE REQUESTS: This group of requests includes an increase of \$148,000 General Fund and 0.5 FTE for all budget request items from the Office of the Child Protection Ombudsman.

R1 through R7 request specified salary increases as outlined in the following table:

OCPO R1-R7 SPECIFIED SALARY INCREASE REQUESTS					
POSITION	REQUESTED INCREASE	CURRENT SALARY	REQUESTED SALARY	PERCENTAGE INCREASE	TOTAL INCR. REQUESTED ²
R1 Director of Client Services	\$12,287	\$77,713	\$90,000	15.8%	\$15,114
R2 Senior Analyst	6,505	68,495	75,000	9.5%	8,002
R3 Client Services Analyst ² (x3)	11,550	198,450	210,000	5.8%	14,208
R4 Director of Administrative Services	11,539	68,461	80,000	16.9%	14,194
R5 Director of Legislative Services	4,814	75,186	80,000	6.4%	5,922
R6 Deputy Ombudsman	7,321	104,583	111,904	7.0%	9,006
R7 Child Protection Ombudsman	9,486	135,524	145,002	7.0%	11,669
TOTAL	\$63,502	\$728,412	\$791,906	8.7%	\$78,115
¹ Client Services Analyst current salary average \$66,150; requested salary \$70,000.					
² Total increase includes adjustments for PERA, Medicare, AED, SAED, and Short-term Disability.					

R8 Public Information Coordinator includes \$60,000 General Fund for 0.5 FTE to add a part-time public information coordinator.

R9 Office Infrastructure includes \$9,300 General Fund to purchase four "benching workstations" to be situated in the center space of its office suite to better accommodate employees within its current space.

IEC R1 IEC STAFFING: The request includes an increase of \$64,000 General Fund and 0.5 FTE for a half-time, investigative and outreach/training staff person.

OPG R1 FTE REQUEST: The request includes an increase of \$456,000 cash funds from the Office of Public Guardianship Cash Fund and 4.0 FTE for a deputy director and three additional public guardian positions.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$442,000 total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$254,779	\$228,122	\$14,467	\$12,190	\$0	0.0
Health, life, and dental	130,590	119,635	2,879	8,076	0	0.0
Paid family leave	17,400	15,610	961	829	0	0.0
AED	17,275	17,035	621	(381)	0	0.0
SAED	17,275	17,035	621	(381)	0	0.0
Leased space	4,181	4,181	0	0	0	0.0
Short-term disability	553	544	20	(11)	0	0.0
TOTAL	\$442,053	\$402,162	\$19,569	\$20,322	\$0	0.0

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a net increase of \$37,000 total funds to reflect the FY 2022-23 impact of bills passed in previous sessions, summarized in the following table.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA unfunded liability	\$49,721	\$45,735	\$2,072	\$1,914	\$0	0.0
HB 21-1094 Foster Youth in Transition Program	(10,244)	(10,244)	0	0	0	0.0
HB 21-1313 Immigrant Children	(2,803)	(2,803)	0	0	0	0.1
TOTAL	\$36,674	\$32,688	\$2,072	\$1,914	\$0	0.1

INDIRECT COST ASSESSMENT: The request includes an increase of \$14,000 cash funds for indirect costs in the Office of Public Guardianship.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes a net increase of \$4,500 General Fund for the FY 2022-23 impact of the OCPO FY 2021-22 BA1 FTE budget item.

TECHNICAL ADJUSTMENTS: The request includes a net increase of \$3,100 General Fund for two technical, annualization adjustments for the OADC Municipal Court Programs.

SUMMARY OF ISSUES PRESENTED TO THE JOINT BUDGET COMMITTEE

OSPD DISCOVERY DATA & FILE MANAGEMENT: The Office of the State Public Defender has requested three budget items to fundamentally address the increased and increasing volume of discovery files and data related to its clients' legal cases. These request items include: (1) an IT infrastructure project for the effective long-term storage of that data, along with associated staff and operating costs to manage the data storage system; (2) the creation of a dedicated team of data discovery clerks to manage the administrative retrieval and upload of discovery data to internal case files; and (3) a shift to the significant use of paralegals to more efficiently review and organize significantly increased discovery files for legal defense teams.

COURTS IT INFRASTRUCTURE AND STAFF: The Courts request an IT infrastructure project totaling \$33.2 million over four years from federal ARPA funds. The request identifies \$8.5 million for FY 2022-23 and states that a supplemental will be submitted for FY 2021-22 for a first year of funding totaling \$9.1 million. Additionally, the

Courts have submitted a separate request for IT staff totaling \$2.0 million, including \$937,000 General Fund and \$1.1 million cash funds and an increase of 16.0 FTE primarily to support audio-visual (A/V) operations.

GENERAL SCALE OF INCREASE REQUESTS BY JUDICIAL AGENCY: This informational issue provides overview tables and charts to describe the scale of increase for requested budgets by Judicial Department agency in comparison to recent trends in funding history.

COURTS AND PROBATION RESTORATION AND NON-DISCRETIONARY REQUESTS: The Courts and Probation have submitted 10 requests that are described as restoration, technical, pass-through, or otherwise non-discretionary increases. These include three requests for General Fund for the restoration of amounts previously decreased in FY 2020-21; and seven requests that identify amounts that are technical, pass-through, or non-discretionary budget items. Initial analysis of the restoration requests suggest that only one of the three requests for General Fund restoration was entirely General Funded, another was partially General Funded, and the third is historically cash funded. Initial analysis of the non-prioritized requests suggest that none should be labeled as non-prioritized as they are not addressed at any other Committee decision point in any state agency budget requests.

FOR MORE INFORMATION

JBC STAFF ANALYST: Alfredo Kemm
(303) 866-4549
alfredo.kemm@state.co.us

TO READ THE ENTIRE BRIEFING: Go to <http://leg.colorado.gov/content/budget/budget-documents> to use the budget document search tool. Select this department's name under *Department/Topic*, "Briefing" under *Type*, and select a *Start date* and *End date* to show documents released in November and December of 2021.