

**COLORADO GENERAL ASSEMBLY  
JOINT BUDGET COMMITTEE**



**SUPPLEMENTAL REQUESTS FOR FY 2013-14**

**JUDICIAL BRANCH**

**JBC Working Document - Subject to Change  
Staff Recommendation Does Not Represent Committee Decision**

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## **JUDICIAL BRANCH**

### **Department Overview**

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The Colorado Constitution vests the judicial power of the State in the Judicial Branch, which consists of the Colorado Supreme Court, the Court of Appeals, district courts, the Denver probate and juvenile courts, county courts, and municipal courts. With two exceptions, the State provides funding for staff, operating expenses, and furnishings for these courts. For municipal courts and Denver's county court, these operational costs are funded by their respective local governments. In addition, all counties are required to provide and maintain adequate court facilities for their respective district and county courts.

In addition to funding for court operations, the State provides funding for probation services. These services, which are administered by state employees in each judicial district, include supervising juvenile and adult offenders who are sentenced to probation, preparing presentence investigation reports for the courts, and providing victim notification and assistance.

The Judicial Branch also includes four independent agencies. The Office of the State Public Defender (OSPD) and the Office of Alternate Defense Counsel (OADC) provide legal representation for indigent criminal defendants. These cases are first assigned to the OSPD, and then referred to the OADC if the OSPD has an ethical conflict of interest. The Office of the Child's Representative provides legal services to children. Finally, the Independent Ethics Commission hears complaints and issues findings and advisory opinions on ethics-related matters that arise concerning public officers, members of the General Assembly, local government officials, or government employees.

## Summary: FY 2013-14 Appropriation and Recommendation

<b>Judicial Department: Recommended Changes for FY 2013-14</b>						
	<b>Total Funds</b>	<b>General Fund</b>	<b>Cash Funds</b>	<b>Reappropriated Funds</b>	<b>Federal Funds</b>	<b>FTE</b>
<b>FY 2013-14 Appropriation</b>						
SB 13-230 (Long Bill)	\$546,480,115	\$378,170,241	\$138,070,313	\$25,814,561	\$4,425,000	4,302.1
Other legislation	<u>5,973,845</u>	<u>4,909,209</u>	<u>1,064,636</u>	<u>0</u>	<u>0</u>	<u>56.6</u>
<b>Current FY 2013-14 Appropriation</b>	<b>\$552,453,960</b>	<b>\$383,079,450</b>	<b>\$139,134,949</b>	<b>\$25,814,561</b>	<b>\$4,425,000</b>	<b>4,358.7</b>
<b>Recommended Changes</b>						
Current FY 2013-14 Appropriation	\$552,453,960	\$383,079,450	\$139,134,949	\$25,814,561	\$4,425,000	4,358.7
JUD 1: Exonerated persons - legal fees	<u>7,801</u>	7,801	0	0	0	0.0
JUD 2: Restorative justice - CF spending authority	<u>187,000</u>	0	187,000	0	0	0.0
JUD 3: Adult diversion - travel expenses	<u>0</u>	0	0	0	0	0.0
JUD 4: Increased CF and grant spending authority	<u>140,000</u>	0	140,000	0	0	0.0
JUD 5: Probation and related services clean-up	<u>0</u>	0	0	0	0	0.0
JUD 6: Reduction and transfer to OCR - attorney fees	<u>(45,000)</u>	(45,000)	0	0	0	0.0
JUD 7: Court-appointed counsel costs	<u>0</u>	0	0	0	0	0.0
OSPD 1: Attorney registration fees	<u>19,332</u>	19,332	0	0	0	0.0
OADC 1: Caseload increase	<u>3,041,461</u>	3,041,461	0	0	0	0.0
OADC 2: Court appointed counsel system updates	<u>117,730</u>	117,730	0	0	0	0.0
OCR 1: Court appointed counsel caseload/workload increase	<u>842,013</u>	842,013	0	0	0	0.0
OCR 2: Counsel for children transfer	<u>45,000</u>	45,000	0	0	0	0.0
OCR 3: Operating - server purchase	<u>28,960</u>	28,960	0	0	0	0.0
Statewide common policy supplemental requests	<u>51,748</u>	<u>51,748</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
<b>Recommended FY 2013-14 Appropriation</b>	<b>\$556,890,005</b>	<b>\$387,188,495</b>	<b>\$139,461,949</b>	<b>\$25,814,561</b>	<b>\$4,425,000</b>	<b>4,358.7</b>
<b>Recommended Increase/(Decrease)</b>	<b>\$4,436,045</b>	<b>\$4,109,045</b>	<b>\$327,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	0.8%	1.1%	0.2%	0.0%	0.0%	0.0%
<b>FY 2013-14 Executive Request</b>	<b>\$556,200,891</b>	<b>\$387,191,495</b>	<b>\$139,471,949</b>	<b>\$25,112,447</b>	<b>\$4,425,000</b>	<b>4,360.7</b>
Request Above/(Below) Recommendation	(\$689,114)	\$3,000	\$10,000	(\$702,114)	\$0	2.0

### Request/Recommendation Descriptions

**JUD 1 Exonerated persons - legal fees:** The request includes \$7,801 General Fund to pay court-ordered legal fees related for an individual compensated as an “exonerated person” pursuant to H.B. 13-1230. The recommendation includes the requested increase.

**JUD 2 Restorative justice - CF spending authority:** The request includes \$187,000 cash funds from the Restorative Justice Surcharge Fund to fulfill the legislative requirements in H.B. 13-1254. The recommendation includes the requested increase.

**JUD 3 Adult diversion – travel expenses:** The request includes an additional \$3,000 General Fund to cover the travel expenses of a member of the Diversion Funding Committee (created by H.B. 13-1156) who lives in La Junta. The recommendation includes the requested increase, along with a corresponding decrease of \$3,000 General Fund in the amount allocated for adult diversion programs.

**JUD 4 Increased CF and grant spending authority:** The request includes a \$150,000 increase in cash funds appropriations from various fees and cost recoveries and an increase of 2.0 FTE supported by federal grants. The recommendation includes an increase of \$144,000 from fees and cost recoveries, a decrease of \$4,000 from the Judicial Stabilization Cash Fund, and no change in FTE.

**JUD 5 Probation and related services clean-up:** The request includes a series of adjustments intended to ensure that appropriations from the Correctional Treatment Cash Fund (CTCF) are consistent with legislative intent and to maximize the amount from the CTCF that is available for the treatment of offenders. The recommendation does not include any of the requested adjustments.

**JUD 6 Reduction and transfer to OCR - attorney fees:** In March 2013, the State Court Administrator's Office and the Office of the Child's Representative (OCR) agreed that the OCR would assume oversight and responsibility for legal counsel appointments for children who are subject to dependency and neglect actions. The request includes a \$45,000 General Fund reduction in the appropriation to the State Court Administrator's Office and a corresponding \$45,000 increase in the appropriation to the OCR [see OCR supplemental #2]. The recommendation includes the requested adjustments.

**JUD 7 Court-appointed counsel costs:** This request has been withdrawn.

**OSPD 1 Attorney registration fees:** The request includes \$19,332 General Fund to cover an increase in attorney registration fee rates. The recommendation includes the requested increase.

**OADC 1 Caseload increase:** The request includes \$3,041,461 General Fund to cover OADC caseload increases. The recommendation includes the requested increase.

**OADC 2 Court appointed counsel system updates:** The request includes a one-time appropriation of \$117,730 General Fund for the OADC to overhaul its court appointed counsel information system. The recommendation includes the requested amount.

**OCR 1 Court appointed counsel caseload/workload increase:** The request includes \$842,013 General Fund to cover projected increases in the number of OCR appointments, as well as increases in the number of contractor hours required per appointment. The recommendation includes the requested increase.

**OCR 2 Counsel for children transfer:** The request includes a \$45,000 General Fund reduction in the appropriation to the State Court Administrator's Office [see courts/probation supplemental #6] and a corresponding \$45,000 increase in the appropriation to the OCR. The recommendation includes the requested adjustments.

**OCR 3 Operating - server purchase:** The request includes a one-time appropriation of \$28,960 General Fund to purchase three servers. The recommendation includes the requested amount.

## Prioritized Supplemental Requests

### SUPPLEMENTAL REQUEST, COURTS/PROBATION (JUD) PRIORITY #1 EXONERATED PERSONS – LEGAL FEES

	Request	Recommendation
<b>Total</b>	<b><u>\$7,801</u></b>	<b><u>\$7,801</u></b>
FTE	0.0	0.0
General Fund	7,801	7,801
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of new data.	

**Department Request:** The Department requests \$7,801 General Fund to pay court-ordered legal fees for an individual compensated as an “exonerated person” pursuant to H.B. 13-1230.

**Staff Recommendation:** Staff recommends that the Committee approve the request.

**Staff Analysis:**

House Bill 13-1230

House Bill 13-1230 created a state compensation program for persons who are found actually innocent of felony crimes after serving time in jail, prison, or juvenile placement. If found actually innocent, the exonerated person is eligible to receive the following benefits:

- monetary compensation in the amount of \$70,000 for each year incarcerated, plus an additional \$25,000 for each year he or she served on parole and \$50,000 for each year he or she was incarcerated and awaited execution;

- tuition waivers at state institutions of higher education, if the exonerated person was incarcerated for at least three years;
- compensation for child support payments and associated interest owed by the exonerated person that were incurred during his or her incarceration;
- reasonable attorney fees; and
- the amount of any fine, penalty, court costs, or restitution imposed as a result of the exonerated person's wrongful conviction.

The act requires the State Court Administrator to make an annual payment of \$100,000 to an exonerated person (this amount will be adjusted annually to account for inflation) until the total amount of compensation owed by the State is paid. The act included an appropriation of \$100,000 General Fund to the Judicial Department for FY 2013-14 for the State Court Administrator to compensate eligible persons.

Department Request

The court recently issued an order finding that Robert Dewey is actually innocent [2013-CV-30043 out of Mesa County] and ordering compensation pursuant to Article 65 of Title 13, C.R.S. The court order included payment of legal fees in the amount of \$7,800.15. The Department requests an appropriation of \$7,801 to pay the legal fees as ordered by the court.

Staff Recommendation

Staff recommends approving the request to allow the Department to comply with the court order.

**SUPPLEMENTAL REQUEST, JUD PRIORITY #2**  
**RESTORATIVE JUSTICE – CF SPENDING AUTHORITY**

	Request	Recommendation
<b>Total</b>	<b><u>\$187,000</u></b>	<b><u>\$187,000</u></b>
FTE	0.0	0.0
General Fund	0	0
Cash Funds	187,000	187,000
Reappropriated Funds	0	0
Federal Funds	0	0

<p><b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b>                  [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]</p>	<b>YES</b>
<p>The Department submitted this request under the "new data" criteria. Staff agrees that this request meets supplemental criteria, but believes that it is due to a technical error in the original appropriation.</p>	

**Department Request:** The Department requests an appropriation of \$187,000 cash funds from the Restorative Justice Surcharge Fund to fulfill the legislative requirements in H.B. 13-1254.

**Staff Recommendation:** Staff recommends that the Committee approve the request.

**Staff Analysis:**

House Bill 13-1254

House Bill 13-1254 made several changes concerning restorative justice programs, including:

- expanding the membership of the Restorative Justice Coordinating Council (Council) in the State Court Administrator's Office;
- requiring the Council to develop a uniform restorative justice satisfaction evaluation and to collect information regarding all existing restorative justice programs and practices, and report that data to the Judiciary Committees by January 31, 2014; and
- creating a pilot program in four judicial districts to facilitate and encourage diversion of juveniles from the juvenile justice system to restorative justice practices.

The act established \$10 surcharge on each person convicted of a crime and each juvenile adjudicated of a crime. The surcharge revenue (less five percent that is retained by the clerk of the court for administrative costs) is credited to a newly created Restorative Justice Surcharge Fund. Moneys in the Fund are subject to annual appropriation for distribution to judicial districts that offer restorative justice programs and for the Council's administrative expenses. The act included an appropriation of \$32,892 and 0.5 FTE to the Judicial Department for FY 2013-14, including \$20,629 General Fund and \$12,263 cash funds from the new fund. A one-time General Fund appropriation was provided for FY 2013-14 to cover the first six months of expenses until the new fund balance was sufficient to cover program expenses.

The act stated that, "The restorative justice pilot project sites shall receive funds from the restorative justice surcharge fund...". The act also stated that the Judicial Department shall not expend any moneys from the new fund until it has enough money to pay the expenses necessary to administer the fund.

Department Request

The Department began collecting the revenues in August 2013 and is projecting total revenues of \$499,821 in FY 2013-14 and \$566,256 in FY 2014-15. When compared to the Legislative Council Staff fiscal note for the act, these recent projections are higher for FY 2013-14 (by \$88,473) and lower for FY 2014-15 (by \$176,537).

The Department is requesting authorization to spend an additional \$187,000 from the new cash fund in FY 2013-14 and an additional \$481,000 for FY 2014-15 for the Council's research and data collection efforts and to distribute funds to the four participating judicial districts. The Department provided the following details concerning projected expenditures from the new fund for FY 2013-14 and FY 2014-15 based on the most recent revenue estimates.



**Estimated Expenditures to Implement H.B. 13-1254**

	FY 2014	FY 2015
Payroll & benefits, 0.2 FTE	12,073	14,488
RJCC expenses:		
Supplies & Operating	2,190	8,190
Survey	3,000	8,000
Website	500	9,000
Data Collection Program (1)	10,000	9,000
Technology (2)	20,000	24,000
Research (3)	25,000	30,000
Council Training Event	3,000	8,000
Education & Outreach	500	1,000
Conferences & Training	2,000	4,000
Travel	3,000	9,000
RJ Programs Support:		
10th District	40,000	83,000
12th District	43,000	121,000
19th District	17,000	87,000
20th District	18,000	80,000
Total	199,263	495,678
Less: Current Spending Authority	12,263	14,678
Additional Request	187,000	481,000

(1) Data Collection will be done with a cloud-based database software that will be installed on tablets used at each of the four pilot sites. The software allows for online surveys, data collection and analysis at both the program and the state level.

(2) Technology includes the tablets and software needed to ensure functionality at the pilot sites and RJ process locations. Remote locations may require a hot spot to ensure online access. A projector may be acquired for training purposes.

(3) Research will be conducted by a competitively-selected vendor in order to respond to the legislative mandates and questions.

Staff Recommendation

Staff recommends approving the request. The expenditure estimates provided by the Department are consistent with the requirements set forth in H.B. 13-1254 and will allow the Department to comply with the research and reporting requirements in the act.

Please note that the Department submitted this request under the "new data" criteria. Staff agrees that this request meets supplemental criteria, but believes that it is due to a technical error in the original appropriation. The fiscal note prepared by Legislative Council Staff and the Fiscal Analysis prepared by JBC staff failed to acknowledge that the Department would need additional

spending authority from the Restorative Justice Surcharge Fund in FY 2013-14 or FY 2014-15 to distribute funds to the pilot sites and support data collection efforts at the sites.

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**SUPPLEMENTAL REQUEST, JUD PRIORITY #3  
ADULT DIVERSION – TRAVEL EXPENSES**

	Request	Recommendation
<b>Total</b>	<b><u>\$3,000</u></b>	<b><u>\$0</u></b>
FTE	0.0	0.0
General Fund	3,000	0
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of new data.	

**Department Request:** The Department requests an additional \$3,000 General Fund for both FY 2013-14 and FY 2014-15 to cover the travel expenses of a member of the Diversion Funding Committee (created by H.B. 13-1156) who lives in La Junta.

**Staff Recommendation:** Staff recommends approving the request to provide funding to cover travel expenses for a Committee member. However, staff also recommends reducing the appropriation for adult pretrial diversion programs by \$3,000 General Fund based on staff's understanding of the legislative intent related to funding for H.B. 13-1156.

**Staff Analysis:**

House Bill 13-1156

House Bill 13-1156 repealed the adult deferred prosecution sentencing option and replaced it with an adult pretrial diversion program. The act required the State Court Administrator to create a five-member Diversion Funding Committee<sup>1</sup> to:

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<sup>1</sup> The Diversion Funding Committee consists of: (a) the Attorney General or his or her designee; (b) the Executive Director of the statewide organization representing district attorneys or his or her designee; (c) the State Public Defender or his or her designee; (d) the Director of the Division of Criminal Justice in the Department of Public Safety; and (e) the State Court Administrator or his or her designee.

- develop funding guidelines and an application process for district attorneys to request state funds to support an adult pretrial diversion program;
- review funding requests; and
- allocate state funding for adult pretrial diversion programs that meet the established statutory guidelines.

The act requires the Judicial Department to execute the contract and allocate the funding requests approved by the Committee. The act requires a district attorney that receives funding pursuant to the act to collect data and provide a status report to the Judicial Department concerning its adult pretrial diversion program. The act requires the Judicial Department to provide an annual status report to the Joint Budget Committee beginning January 31, 2015. The act included an appropriation of \$425,000 General Fund and 0.5 FTE to the Judicial Department for FY 2013-14, allocated as follows:

- \$33,072 and 0.5 FTE for personal services;
- \$475 for operating expenses;
- \$1,230 for one-time capital outlay expenses; and
- \$390,223 for allocation to district attorney adult pretrial diversion programs.

The Diversion Funding Committee has met and developed guidelines and application forms. Application forms have been distributed to district attorneys. Applications for state funding are due January 14, 2014; no applications had been received as of January 8. The Committee is scheduled to meet February 13 to review applications and allocate available funding for diversion programs.

#### Department Request

The Department requests an additional \$3,000 General Fund for both FY 2013-14 and FY 2014-15 to cover the travel expenses of a member of the Diversion Funding Committee who lives in La Junta. The request for \$3,000 is based on mileage reimbursement for 12 trips to Denver (\$2,142), meals and lodging for three overnight stays in Denver (\$615), and parking and other incidental expenses (\$243).

#### Staff Recommendation

Staff recommends approving the request to provide funding to cover travel expenses for a Committee member. However, staff also recommends reducing the appropriation for adult pretrial diversion programs for FY 2013-14 by \$3,000 General Fund (from \$390,223 to \$387,223). It is staff's understanding that the General Assembly intended to appropriate a total of \$425,000 for FY 2013-14 for H.B. 13-1156. The portion of that amount that was allocated for pretrial diversion programs for FY 2013-14 was simply based on the difference between \$425,000 and the administrative costs for FY 2013-14. Staff assumes that if the fiscal note had anticipated the need for travel reimbursements, the General Assembly would have adjusted the allocation of the \$425,000 appropriated for FY 2013-14 accordingly.

Based on the appropriation clause that was added to the bill in House Appropriations, the Legislative Council Staff fiscal note reflected the same amount of state funding for adult pretrial

diversion programs in FY 2013-14 and FY 2014-15. However, the fiscal note indicated that the General Assembly would determine on an annual basis the amount of money to appropriate for adult pretrial diversion programs. For purposes of informing the Joint Budget Committee's decision concerning the level of state funding for this program for FY 2014-15, staff plans to provide the Committee with information about the number of applications that were submitted by district attorneys in January, the number of applications that were determined to meet the guidelines established in the act, and the total amount of state funding that was requested for those programs that meet the guidelines.

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**SUPPLEMENTAL REQUEST, JUD PRIORITY #4  
INCREASED CF AND GRANT SPENDING AUTHORITY**

	Request	Recommendation
<b>Total</b>	<b><u>\$150,000</u></b>	<b><u>\$140,000</u></b>
FTE	2.0	0.0
General Fund	0	0
Cash Funds	150,000	140,000
Reappropriated Funds	0	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES, in part</b>
JBC staff and the Department agree that two components of this request are the result of new data; staff disagrees that the third component of this request is the result of new data.	

**Department Request:** The Department requests adjustments to three line items. The requested adjustments increase cash funds appropriations from various fees and cost recoveries by a total of \$150,000, and increase of 2.0 FTE supported by federal grants.

**Staff Recommendation:** Staff recommends that the Committee approve the request in part. Specifically, staff recommends increasing cash funds appropriations from fees and cost recoveries by a total of \$144,000, and decreasing cash funds appropriations from the Judicial Stabilization Cash Fund by \$4,000. Staff does not recommend any FTE change.

**Staff Analysis:** The request includes three distinct components, described separately below.

*1. Appellate Court Programs*

This line item includes funding for both personal services and operating expenses for the Colorado Supreme Court and the Colorado Court of Appeals. This line item is supported by General Fund (\$10,248,849), the Judicial Stabilization Cash Fund (\$1,264,390), and various fees and cost recoveries (\$68,000).

The Department requests a \$10,000 increase in the cash funds appropriation from various fees and cost recoveries based on higher anticipated revenues from these sources. The Department indicates that actual fees and cost recovery revenues have exceeded the appropriation in the last two fiscal years, by \$2,323 and \$4,169, respectively. The Department anticipates that these revenues will exceed the FY 2013-14 appropriation by up to \$10,000, so it requests a \$10,000 increase in cash funds spending authority for both FY 2013-14 and FY 2014-15 to allow it to spend the full amount collected each year. When these revenues exceed the appropriation, the excess revenues generally revert to the General Fund.

#### Staff Recommendation

Staff recommends increasing the appropriation from fees and cost recoveries to allow the Department to spend the full amount anticipated to be collected. However, staff recommends an increase of only \$4,000 based on the actual amount of fees and cost recoveries collected in FY 2012-13. The Department has provided subsequent information indicating that the \$10,000 requested likely overstates expected excess revenues by \$6,000.

In addition, staff recommends reducing the cash funds appropriation from the Judicial Stabilization Cash Fund (JSCF) by the same amount (\$4,000), resulting in no net change in the overall appropriation for appellate programs. Based on information provided by the Department to date, it does not appear that the increased revenues directly correspond to increased expenditures. Thus, staff believes that it is appropriate to simply implement a fund source adjustment, rather than increasing the overall appropriation.

Please note that the Committee could choose to reduce the General Fund appropriation by \$4,000, rather than the cash fund appropriation from the JSCF. Staff's recommendation is in response to the Department's concern about reduced JSCF revenues and a significant request for General Fund in FY 2014-15 to address that concern (\$5,750,000).

#### *2. Offender Treatment and Services*

This line item provides funding for the purchase of treatment and services for offenders on probation, as well as funding that is transferred to other state agencies to provide treatment for substance abuse and co-occurring disorders for adult and juvenile offenders. Cash fund sources that support this line item include the following:

- the Offender Services Fund (\$9,097,255);
- drug offender surcharge fee revenues credited to the Correctional Treatment Cash Fund (\$3,916,028);
- the Sex Offender Surcharge Fund (\$302,029); and
- various fees and cost recoveries (\$210,000).

Reappropriated funds include General Fund moneys that are appropriated to the Correctional Treatment Cash Fund (\$11,700,000), and moneys that are transferred from the Department of Human Services out of the Persistent Drunk Driver Cash Fund to pay a portion of the costs for intervention and treatment services for persistent drunk drivers who are unable to pay

(\$779,846). This line item also includes \$667,197 General Fund, consisting of \$367,197 for the provision of treatment and services for offenders who participate in veterans trauma courts and \$300,000 for day reporting services.

The Department requests a \$140,000 increase in the cash funds appropriation from various fees and cost recoveries (for both FY 2013-14 and FY 2014-15) based on higher anticipated revenues from these sources. For this line item, these revenues reflect reimbursements collected from offenders on probation for services such as electronic home monitoring, drug testing, substance use treatment, and sex offender treatment. When these revenues exceed the appropriation, the excess revenues revert to the General Fund.

Staff Recommendation

Staff recommends approving this portion of the request to allow the Department to spend the full amount anticipated to be collected and to provide additional treatment and services for offenders on probation. The following table provides a history of actual fee and cost recovery revenues for this line item, along with the adjusted appropriation for FY 2013-14.

<b>History of Fees and Cost Recoveries: Offender Treatment and Services</b>			
<b>Fiscal Year</b>	<b>Cost Recovery Revenue</b>	<b>Annual \$ Change</b>	<b>Annual % Change</b>
2003-04	\$91,842		
2004-05	89,870	(1,972)	-2.1%
2005-06	80,367	(9,503)	-10.6%
2006-07	94,502	14,135	17.6%
2007-08	109,291	14,789	15.6%
2008-09	113,345	4,054	3.7%
2009-10	111,698	(1,647)	-1.5%
2010-11	123,184	11,486	10.3%
2011-12	169,026	45,842	37.2%
2012-13	258,361	89,335	52.9%
2013-14 Request	350,000	91,639	35.5%

The Department indicates that in 2010, a process was formalized and implemented statewide to collect these fees from probationers and to record and code these cost recoveries in a consistent manner. As a result, revenues attributed to this line item have increased significantly in the last three fiscal years. If these revenues do not increase by the full \$140,000, the Department will only spend revenues that are actually available.

*3. General Courts Administration*

This line item provides funding for personal services and operating expenses for the Office of the State Court Administrator's central administrative functions (*e.g.*, human resources, accounting and budget, courts and probation administration and technical assistance, etc.). This line item also supports staff that develop, maintain, and provide technical support for information technology systems used by court and probation staff in all 22 judicial districts, as well as



systems used by other agencies and individuals to file information with the courts and access court information.

This line item is supported by General Fund (\$12,274,637); cash funds from the Judicial Department Information Technology Cash Fund (\$5,447,927), the Judicial Stabilization Cash Fund (\$210,667); the Correctional Treatment Cash Fund (\$91,078), the Restorative Justice Surcharge Fund (\$12,263), and various sources of cash funds (\$143,630); and reappropriated funds from indirect cost recoveries (\$1,916,259).

The Department is requesting that the FTE associated with this line item increase by 2.0 FTE (from 208.5 to 210.5); the Department is not asking for any funding adjustments for this line item. The Department indicates that 2.0 FTE are necessary to more accurately reflect the number of staff who administer federal grants and who are supported by associated indirect cost recoveries.

Staff Recommendation

Staff does not recommend approving this portion of the request. First, staff does not believe that this portion of the request meets supplemental criteria. Based on discussions with Department staff, it appears that the increase in the number of staff that administer federal grants has occurred over several years. Second, the number of actual FTE supported by this line item has fallen short of the FTE indicated in the appropriation in fiscal years 2010-11, 2011-12, and 2012-13 by 10.1, 15.7, and 15.2, respectively. Due to vacancy savings associated with staff turnover (particularly for IT positions), it does not appear likely that the actual number of FTE will exceed the amount indicated in the appropriation for FY 2013-14. For FY 2014-15, staff will recommend an adjustment to the FTE associated with this line item if it appears likely that an adjustment is warranted.

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**SUPPLEMENTAL REQUEST, JUD PRIORITY #5**  
**PROBATION AND RELATED SERVICES CLEAN-UP**

	Request	Recommendation
<b>Total</b>	<b><u>(\$702,114)</u></b>	<b><u>\$0</u></b>
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Reappropriated Funds	(702,114)	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>NO</b>
The Department submitted this request under the new data criteria. JBC staff does not believe that this request meets supplemental criteria.	

**Department Request:** The Department requests adjustments to three line items to redirect appropriations from the CTCF to treatment and services.

**Staff Recommendation:** Staff recommends that the Committee deny the request.

**Staff Analysis:**

House Bill 12-1310/ Correctional Treatment Cash Fund

House Bill 12-1310 consolidated the major sources of state funding for substance abuse treatment into the Drug Offender Surcharge Fund, and renamed this fund the Correctional Treatment Cash Fund (CTCF). Specifically, three funding sources were consolidated into the CTCF:

- *Drug offender surcharge fee revenue* is from a surcharge assessed on offenders based on the class of criminal drug conviction. This surcharge previously supported programs and services in the Corrections, Human Services, Judicial, and Public Safety Departments.
- *Senate Bill 03-318* reduced the penalties for use and possession of certain controlled substances, and expanded the types of drug offenders who could be eligible for probation. This act contained a provision that would have revoked those sentencing changes unless at least \$2.2 million in estimated cost-avoidance was achieved. Since FY 2007-08, the General Assembly has annually appropriated \$2.2 million General Fund for community-based substance abuse services as required by this act.
- *House Bill 10-1352* made a number of changes to offenses related to controlled substances. The act directed the General Assembly to annually appropriate the General Fund savings generated by the act to the Drug Offender Surcharge Fund for allocation to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders. This funding has been allocated to treat offenders on parole, on probation and diversion, in community corrections, and in local jails.

House Bill 12-1310 continued to require the General Assembly to annually appropriate at least \$2,200,000 General Fund related to the estimated savings that resulted from the enactment of S.B. 03-318. In addition, H.B. 12-1310 continued to require the General Assembly to annually appropriate a certain amount of General Fund related to the estimated savings that resulted from the enactment of H.B. 10-1352; beginning in FY 2012-13, the act requires an annual appropriation of at least \$9.5 million General Fund for this purpose. Thus, the General Assembly was required to appropriate at least \$11.7 million General Fund to the CTCF in FY 2013-14.

Prior to H.B. 12-1310, moneys in the Drug Offender Surcharge Fund were authorized to be appropriated "to cover the costs associated with substance abuse assessment, testing, education, and treatment". Pursuant to H.B. 12-1310, moneys from the CTCF may be used for the following purposes:



- Alcohol and drug screening, assessment, and evaluation;
- Alcohol and drug testing;
- Substance abuse education and training;
- An annual statewide conference regarding substance abuse treatment;
- Treatment for assessed substance abuse and co-occurring disorders;
- Recovery support services; and
- Administrative support to the Correctional Treatment Board.

Moneys from the CTCF may be used to serve adults and juveniles who are:

- serving a diversion sentence;
- serving a probation sentence (including Denver county);
- on parole;
- sentenced or transitioned to a community corrections program; or
- serving a sentence in a county jail, on a work-release program supervised by the county jail, or receiving after-care treatment following release from jail if the offender participated in a jail treatment program.

Prior to the creation of the CTCF, the General Assembly annually appropriated \$702,114 from the Drug Offender Surcharge Fund to support 11.5 FTE probation officer staff, along with associated funding for centrally appropriated employee benefits. House Bill 12-1310 replaced all appropriations from the Drug Offender Surcharge Fund with appropriations from the CTCF. Subsequently, consistent with the proposal from the Correctional Treatment Board, the FY 2013-14 Long Bill continues to appropriate \$702,114 from the CTCF to support probation officer staff salaries, along with funding from the CTCF to support associated centrally appropriated employee benefits.

Department Request

This request is intended to ensure that appropriations from the CTCF are consistent with legislative intent and to maximize the amount from the CTCF that is available for the treatment of offenders. The Department requests a series of adjustments to redirect appropriations from the CTCF to treatment and services; these adjustments are summarized in the following table and described below:

<b>Department Supplemental Request, by Line Item</b>				
	<b>General Fund</b>	<b>Cash Funds</b>	<b>Reappropriated Funds</b>	<b>Total Funds</b>
Probation Programs	\$702,114	(\$702,114)	\$0	\$0
Offender Treatment and Services	0	702,114	(702,114)	0
Appropriation to the CTCF	<u>(702,114)</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$702,114)</b>	<b>\$0</b>

- *Probation Programs:* Eliminate the \$702,114 cash funds appropriation from the CTCF (from drug offender surcharge revenues) that supports probation officer salaries, and replace it with a General Fund appropriation. The Department states that the use of moneys in the CTCF "was not provided for in the legislation".
- *Offender Treatment and Services:* Increase the cash funds appropriation from the CTCF (from drug offender surcharge revenues) by \$702,114, and decrease the appropriation from the CTCF (from General Fund moneys that are credited to the CTCF) by \$702,114.
- *Appropriation to the CTCF:* Reduce the General Fund appropriation to the CTCF by \$702,114.

#### Staff Recommendation

Staff recommends denying this request for several reasons. First, as described in the background section above, current law requires the General Assembly to appropriate at least \$11,700,000 General Fund to the CTCF in FY 2013-14. Thus, the requested reduction to the existing \$11,700,000 General Fund appropriation to the CTCF is not consistent with current law.

Second, the General Assembly previously appropriated moneys from the Drug Offender Surcharge Fund to support probation officers to cover costs associated with substance abuse assessment and testing activities, as statutorily authorized. Following the passage of H.B. 12-1310, the General Assembly has continued to appropriate moneys from the CTCF for this purpose. Staff believes that these appropriations are consistent with the authorized use of moneys in the CTCF to cover alcohol and drug screening, assessment, and evaluation activities. Staff thus disagrees with the Department's assertion that the use of moneys in the CTCF for probation officers "was not provided for in the legislation".

Third, staff does not believe that this request meets supplemental criteria. There is not any new data related to this issue that was not available when the FY 2013-14 appropriation was made.

If the Committee is interested in recommending a policy change to reduce or eliminate appropriations from the CTCF that support staff in order to redirect funding for the direct provision of treatment services for offenders, staff provides the following for the Committee's consideration:

- Unless the Committee intends to reduce funding supporting probation officers or other staff supported by the CTCF, additional General Fund would be required to implement this policy change. For FY 2013-14, a total of \$993,877 General Fund would be required to eliminate appropriations from the CTCF that support state employees. This amount includes: \$702,114 for 11.5 FTE probation officers; \$91,078 for administrative support for the Correctional Treatment Board (1.0 FTE), \$110,054 in associated benefits for these 12.5 FTE in the Judicial Department, and \$90,631 that supports 1.0 FTE in the Division of Criminal Justice. The latter position provides interagency substance abuse assessments training, as well as cognitive behavioral training and mental health first aid training.

- Such changes to appropriations should be implemented in FY 2014-15 and/or subsequent fiscal years, rather than through a mid-year adjustment in FY 2013-14. This would allow the redirected funds to be taken into consideration as part of the allocation of funds among agencies and programs in the same fiscal year.

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**SUPPLEMENTAL REQUEST, JUD PRIORITY #6**  
**REDUCTION AND TRANSFER TO OCR – ATTORNEY FEES**

	Request	Recommendation
<b>Total</b>	<b><u>(\$45,000)</u></b>	<b><u>(\$45,000)</u></b>
FTE	0.0	0.0
General Fund	(45,000)	(45,000)
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

<p><b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b>                  [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]</p>	<b>YES</b>
<p>JBC staff and the Department agree that this request is the result of new data.</p>	

**Department Request:** The Department requests the transfer of \$45,000 General Fund to the Office of the Child's Representative (OCR) to cover the cost of providing counsel for children who are subject to dependency and neglect actions. This request includes a \$45,000 reduction in the appropriation to the State Court Administrator's Office for Court Costs, Jury Costs, and Court-Appointed Counsel Costs, and a corresponding \$45,000 increase in the appropriation to the OCR for Court Appointed Counsel [see OCR supplemental request #2]. Approval of both requests results in a net \$0 change in appropriations.

**Staff Recommendation:** Staff recommends that the Committee approve the request.

## **Staff Analysis:**

### Department Request

The State Court Administrator's Office has historically administered appointments of legal counsel for children who are subject to dependency and neglect proceedings. These cases have primarily involved children facing the possibility of contempt charges. In early 2013, the State Court Administrator's Office and the OCR agreed that these types of appointments should be handled by the OCR due to its expertise in the representation of children in dependency and neglect actions. In addition, it is anticipated that the recent Colorado Supreme Court decision in *L.A.N. v. L.M.B.*<sup>2</sup> will increase the number of such appointments when courts exercise discretion to appoint counsel for children who are deemed to be their own psychotherapist-patient privilege holders. Chief Justice Directive 04-06, "Court Appointments through the Office of the Child's Representative", was amended in March 2013 to reflect the OCR's expanded responsibilities.

The two agencies cooperated in executing a transfer of funds at the end of FY 2012-13 to cover the costs for these appointments from March through June 2013. This request would adjust annual appropriations beginning in FY 2013-14 to include the funding for these types of appointments in OCR's budget. The requested transfer of \$45,000 General Fund is based on actual expenditures for these types of cases in FY 2010-11 and FY 2011-12.

### Staff Recommendation

Staff recommends approving the request so that appropriations that support these types of counsel appointments are consistent with the amended Chief Justice Directive.

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## **SUPPLEMENTAL REQUEST, JUD PRIORITY #7** **COURT-APPOINTED COUNSEL COSTS**

*This request was withdrawn 1/9/14*

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<sup>2</sup> In *L.A.N. v. L.M.B.*, 2013 CO6, the court held that the *guardian ad litem* (GAL) in a dependency and neglect proceeding is in the best position to exercise the child's psychotherapist-patient privilege in such proceedings when the child or parent are unavailable to do so. In these cases, the GAL must be extremely vigilant to ensure that children's privacy interests are protected in a manner that promotes both effective therapy and informed judicial decisions that serve the best interests of children. In addition, if the court determines that a child is of sufficient age and maturity to exercise their own privilege, the court may appoint counsel (separate from the GAL), to advise the child and protect the child's interest with regard to privileged information.

**SUPPLEMENTAL REQUEST, OFFICE OF THE STATE PUBLIC DEFENDER (OSPD) PRIORITY #1  
ATTORNEY REGISTRATION FEES**

	Request	Recommendation
<b>Total</b>	<b><u>\$19,332</u></b>	<b><u>\$19,332</u></b>
FTE	0.0	0.0
General Fund	19,332	19,332
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of new data.	

**Department Request:** The Department requests \$19,332 General Fund to cover an increase in attorney registration fee rates.

**Staff Recommendation:** Staff recommends that the Committee approve the request.

**Staff Analysis:** Similar to the Department of Law, the General Assembly annually appropriates moneys to the OSPD to cover the cost of annual attorney registration fees. The Colorado Supreme Court recently approved increases in annual attorney registration fees. Rates for attorney registration fees vary depending on the length of time the attorney has been practicing. Effective January 1, 2014, attorneys who have been practicing less than three years will be charged an annual registration fee of \$190 (an increase of \$10); attorneys who have been practicing for more than three years will be charged an annual registration fee of \$325 (an increase of \$100). The OSPD requests \$19,332 to cover the annual registration fees for 477 attorneys. The following table, prepared by the OSPD, details the calculation of the request.

Group, Based on the Number of Years Attorney Has Been Practicing	Number of Attorneys	Percent of Attorneys	Fee	Total Cost
# of Attorneys Hired PRIOR to Jan 01, 2011	275	58	\$325	\$89,375
# of Attorneys Hired AFTER Jan 01, 2011	202	42	\$190	38,380
Total	<b>477</b>	<b>100%</b>		<b>127,755</b>
<i>MINUS</i> FY 2013-14 Appropriation, Attorney Registration				108,423
Unmet Need				<b>\$19,332</b>

Staff recommends approving the request to provide sufficient funding to cover the annual registration fee for all OSPD attorneys in FY 2013-14.

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**SUPPLEMENTAL REQUEST, OFFICE OF THE ALTERNATE DEFENSE COUNSEL (OADC) PRIORITY #1  
CASELOAD INCREASES**

	Request	Recommendation
<b>Total</b>	<b><u>\$3,041,461</u></b>	<b><u>\$3,041,461</u></b>
FTE	0.0	0.0
General Fund	3,041,461	3,041,461
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of new data.	

**Department Request:** The OADC requests \$3,041,461 General Fund to cover caseload increases.

**Staff Recommendation:** Staff recommends that the Committee approve the request.

**Staff Analysis:**

OADC Request

The OADC provides legal representation for indigent defendants in criminal and juvenile delinquency cases in which the Office of the State Public Defender (OSPD) is precluded from doing so because of an ethical conflict of interest. The OADC provides legal representation by contracting with licensed attorneys and investigators. Such contracts must provide for reasonable compensation (based on either a fixed fee or hourly rates) and reimbursement for expenses necessarily incurred (*e.g.*, expert witnesses, investigators, legal assistants, and interpreters).

The OADC requests a total of \$3,041,461 General Fund for FY 2013-14 to cover caseload increases, including \$2,821,158 for conflict of interest contracts and \$220,303 for mandated costs. As indicated in the OADC's November 1, 2013 budget request, the OADC is requesting a mid-year increase in the FY 2013-14 appropriation for this purpose, and no further increase in FY 2014-15 related to caseload (although there is a separate request submitted related to contractor rates).

Court Appointed Counsel

The OADC's current caseload projections are largely based on the first six months of data for FY 2013-14. The following two tables provide a comparison of initial and updated court appointed counsel projections. As indicated in Table 1, the most significant increases have occurred in appointments for lower level felony cases, juvenile cases, and special proceedings/other cases<sup>3</sup>. As indicated in Table 2, the OADC's projection of the average cost per case has not changed significantly.

<b>OADC Table 1: OADC Caseload (Annual number of cases paid)</b>			
<b>Case Type</b>	<b>FY 2013-14 (initial projections)</b>	<b>FY 2013-14 (updated projections)</b>	<b>Change</b>
<b>Trial Case Types:</b>			
<u>Felony:</u>			
Felony 1 - Death Penalty	2	2	0
Felony 1 - Other	108	118	10
Felony 2 and 3	2,326	2,671	345
Felony 4, 5, and 6	<u>4,182</u>	<u>4,718</u>	<u>536</u>
Subtotal: Felony	6,618	7,509	891
Juvenile	1,248	1,507	259
Misdemeanor/ DUI/ Traffic	2,618	2,708	90
Other	<u>0</u>	<u>0</u>	<u>0</u>
<b>Subtotal: Trial Cases</b>	<b>10,484</b>	<b>11,724</b>	<b>1,240</b>
Appeals	706	708	2
Post-Conviction	452	460	8
Special Proceedings/ Other	1,052	1,587	535
<b>Total Cases</b>	<b>12,694</b>	<b>14,479</b>	<b>1,785</b>

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<sup>3</sup> The "special proceedings/other" category includes: probation violations or revocations, extradition cases, and restitution cases. The OADC indicates that the increase in this category primarily reflects a change in coding. Previously, contractors would typically bill for these types of cases under the initial trial court appointment. The OADC has directed contractors to instead reopen the case as a new special proceeding case when there is a probation violation or revocation.

<b>OADC Table 2: OADC Conflict of Interest Contract Expenditures</b>			
<b>Description</b>	<b>FY 2013-14 (initial projections)</b>	<b>FY 2013-14 (updated projections)</b>	<b>Change</b>
Total Cases Paid	12,694	14,479	1,785
Average Cost/Case	\$1,594	\$1,592	(\$2)
<b>Total</b>	<b>\$20,234,616</b>	<b>\$23,055,774</b>	<b>\$2,821,158</b>

In order to provide more of a historical context for the request, the two tables on the following page provide caseload and expenditure data for the last seven fiscal years, along with the OADC's updated projections for FY 2013-14. After three fiscal years of a relatively flat or declining caseloads, the caseload increased by 6.0 percent in FY 2011-12 and by another 5.6 percent in FY 2012-13. Based on a comparison of the first two quarters of FY 2013-14 to the first two quarters of FY 2012-13, the OADC is projecting a further 8.9 percent caseload increase in FY 2013-14.

The requested dollar amount is based on actual billings for the first two quarters of FY 2013-14, compared to billings for the same period in FY 2012-13. As indicated in Table 4 on the next page, the OADC's request reflects a \$96 (6.4 percent) increase in the average cost per case when compared to FY 2012-13. However, when compared to the average cost per case for the preceding four-year period from FY 2008-09 through FY 2011-12 (\$1,601), the projected average cost per case of \$1,592 for FY 2013-14 appears to be reasonable.



*JBC Staff Supplemental Recommendations: FY 2013-14*  
*Staff Working Document – Does Not Represent Committee Decision*

OADC Table 3: Conflict of Interest Contracts: Caseload (Annual number of cases paid)								FY 13-14 (updated projection)
Case Type	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	
<b>Trial Case Types:</b>								
<i>Felony:</i>								
Felony 1 - Death Penalty	5	4	4	4	3	2	2	2
Felony 1 - Other	128	150	145	145	126	111	104	118
Felony 2 and 3	2,904	2,642	2,532	2,604	2,409	2,323	2,533	2,671
Felony 4, 5, and 6	<u>5,124</u>	<u>4,372</u>	<u>4,028</u>	<u>3,894</u>	<u>3,754</u>	<u>4,064</u>	<u>4,512</u>	<u>4,718</u>
Subtotal: Felony	8,161	7,168	6,709	6,647	6,292	6,500	7,151	7,509
<i>annual percent change</i>	3.2%	-12.2%	-6.4%	-0.9%	-5.3%	3.3%	10.0%	5.0%
Juvenile	1,621	1,528	1,803	1,808	1,542	1,496	1,235	1,507
Misdemeanor/ DUI/ Traffic	1,278	1,257	1,654	1,884	1,934	2,406	2,512	2,708
Other	<u>6</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>
<b>Subtotal: Trial Cases</b>	<b>11,066</b>	<b>9,955</b>	<b>10,168</b>	<b>10,341</b>	<b>9,769</b>	<b>10,403</b>	<b>10,898</b>	<b>11,724</b>
<i>annual percent change</i>	5.7%	-10.0%	2.1%	1.7%	-5.5%	6.5%	4.8%	7.6%
Appeals	654	708	765	725	717	691	697	708
Post-Conviction	514	523	492	489	429	471	461	460
Special Proceedings/ Other	855	896	1,049	1,040	963	1,020	1,234	1,587
<b>Total Cases</b>	<b>13,089</b>	<b>12,082</b>	<b>12,474</b>	<b>12,595</b>	<b>11,878</b>	<b>12,585</b>	<b>13,290</b>	<b>14,479</b>
<i>annual percent change</i>	6.3%	-7.7%	3.2%	1.0%	-5.7%	6.0%	5.6%	8.9%

OADC Table 4: Conflict of Interest Contracts: Expenditures								FY 13-14 (updated projection)
Description	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	
Total Cases Paid	13,089	12,082	12,474	12,595	11,878	12,585	13,290	14,479
<i>annual percent change</i>	6.3%	-7.7%	3.2%	1.0%	-5.7%	6.0%	5.6%	8.9%
Average Cost/Case*	\$1,238	\$1,484	\$1,659	\$1,648	\$1,527	\$1,571	\$1,496	\$1,592
<i>annual percent change</i>	14.8%	19.9%	11.8%	-0.6%	-7.4%	2.9%	-4.8%	6.4%
<b>Total</b>	<b>\$16,201,867</b>	<b>\$17,925,541</b>	<b>\$20,692,161</b>	<b>\$20,760,634</b>	<b>\$18,132,047</b>	<b>\$19,767,979</b>	<b>\$19,882,661</b>	<b>\$23,055,774</b>
<i>annual percent change</i>	22.0%	10.6%	15.4%	0.3%	-12.7%	9.0%	0.6%	16.0%
* Please note that the average costs per case in FY 2006-07, FY 2007-08, and FY 2008-09 reflect approved increases in hourly rates.								
The FY 2014-15 request includes increases in hourly rates.								

*JBC Staff Supplemental Recommendations: FY 2013-14*  
*Staff Working Document – Does Not Represent Committee Decision*

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Mandated Costs

The request includes a \$220,303 increase for mandated costs. For the OADC, these costs primarily include the following:

- expert witnesses (\$691,889 or 39.2 percent of mandated costs in FY 2012-13);
- reimbursement of district attorney offices for discovery costs/ electronic replication grand jury proceedings (\$648,392 or 36.7 percent);
- transcripts (\$305,227 or 17.3 percent);
- expert witness travel reimbursement (\$67,216 or 3.8 percent);
- PERA contributions for contractors with PERA benefits (\$30,820 or 1.7 percent); and
- interpreters - out of court (\$21,058 or 1.2 percent).

The revised projections for mandated costs for FY 2013-14 represent a 2.0 percent increase in total mandated costs compared to actual expenditures for FY 2012-13. However, the projected average cost per case is 6.3 percent less than the average paid in FY 2012-13 (\$124 compared to \$133).

Staff Recommendation

Staff recommends approving the request. The OADC's caseload is more variable than that of the OSPD as it is affected by the number of cases involving multiple defendants, as well as the number of cases involving an ethical conflict of interest for the OSPD. The OADC's annual appropriations for these two line items are based on projected expenditures, and then adjusted mid-year when warranted based on actual appointment and expenditure data. The following Table 5 details the appropriations and actual expenditures for these two line items for the last six fiscal years.

Description	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Initial appropriation	\$20,879,309	\$22,331,368	\$22,756,306	\$23,620,477	\$22,282,009	\$21,581,562
Mid-year adjustment	0	(49,064)	0	(2,280,711)	(873,555)	0
Final appropriation	20,879,309	22,282,304	22,756,306	21,339,766	21,408,454	21,581,562
Expenditures	19,475,382	22,282,009	22,274,216	19,561,921	21,237,924	21,647,263
Fiscal year-end reversion/transfer	(1,403,927)	(295)	(482,090)	(1,777,845)	(170,530)	65,701

As detailed in Table 5, above, the mid-year adjustments for these two line items have ranged from \$0 to a decrease of \$2,280,711 in the last six fiscal years. Even after these mid-year adjustments to these two line items, the OADC reverted or transferred moneys at the end of each fiscal year from FY 2007-08 through FY 2011-12; these reversions and transfers ranged from \$295 to \$1,777,845. In FY 2012-13, there were no mid-year adjustments made to the appropriations, and the OADC required transfers totaling \$65,701 to cover expenditures.

Based on the history of mid-year adjustments and fiscal year-end reversions/transfers and shortfalls, as well as fiscal year-to-date caseload and billing information, the request appears reasonable.

**SUPPLEMENTAL REQUEST, OADC PRIORITY #2  
COURT APPOINTED COUNSEL SYSTEM UPDATES**

	Request	Recommendation
<b>Total</b>	<b><u>\$117,730</u></b>	<b><u>\$117,730</u></b>
FTE	0.0	0.0
General Fund	117,730	117,730
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of an unforeseen contingency.	

**Department Request:** The OADC requests \$117,730 General Fund to overhaul its court appointed counsel information system.

**Staff Recommendation:** Staff recommends that the Committee approve the request.

**Staff Analysis:**

OADC Request

The OADC requests a one-time appropriation of \$117,730 General Fund, including \$94,000 for personal services and \$23,730 for operating expenses, to overhaul its court appointed counsel (CAC) information system. The OADC is making this request now to ensure that the billing system is capable of functioning with the new COFRS system (CORE). The updated system will also improve the system’s security, functionality, and efficiency.

The CAC system was originally developed and became fully functional in 2000. Although the system has had minor updates since 2000, it was developed using a platform and software that is now considered antiquated. The system has become difficult to maintain, is not compatible with the latest operating systems, and is vulnerable to security attacks. The OADC plans to work with the vendor that originally developed the CAC system to design, test, and fully implement a new CAC system. The process is anticipated to take 12 to 18 months. Once the new system is fully functional all contractors will be required to bill online using the new system. The new system will provide more functionality for the OADC and its contractors, including improved reporting tools.

**Staff Recommendation**

Staff recommends approving the request. The OADC relies on the CAC system to oversee its contractors and the billing/payment process. The OADC also relies on the system for financial reporting and analyses related to budgeting. This is an appropriate time to update the CAC system given the implementation of CORE.

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**SUPPLEMENTAL REQUEST, OFFICE OF THE CHILD'S REPRESENTATIVE (OCR) PRIORITY #1  
COURT APPOINTED COUNSEL CASELOAD/WORKLOAD INCREASE**

	Request	Recommendation
<b>Total</b>	<b><u>\$842,013</u></b>	<b><u>\$842,013</u></b>
FTE	0.0	0.0
General Fund	842,013	842,013
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of new data.	

**Department Request:** The OCR requests \$842,013 General Fund to cover projected increases in the number of OCR appointments, as well as increases in the number of contractor hours required per appointment.

**Staff Recommendation:** Staff recommends that the Committee approve the request.

**Staff Analysis:**

OCR Request

The OCR is responsible for ensuring the provision of uniform, high-quality legal representation and non-legal advocacy to children involved in judicial proceedings. The OCR provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters<sup>4</sup>.

The OCR requests \$842,013 General Fund for FY 2013-14 to cover projected increases in the number of OCR appointments, as well as increases in the number of contractor hours required per appointment. As indicated in the OCR's November 1, 2013 budget request, the OCR is requesting an additional \$168,032 General Fund increase in FY 2014-15 related to caseload and average payments (there was also a separate request submitted related to contractor rates).

The OCR's current caseload projections are based on actual expenditures for FY 2012-13 and the first quarter of FY 2013-14, as well as the OCR's assessment of its ability to work with judicial districts to manage discretionary appointments in the juvenile delinquency, domestic relations, truancy, and paternity case categories. The following Table 1 provides a comparison of initial and updated court appointed counsel caseload projections. As indicated in Table 1, the OCR is now projecting higher caseloads for juvenile delinquency, truancy, and domestic relations cases.

<b>OCR Table 1: Annual Number of Appointments Paid</b>			
Case Type	FY 2013-14 (initial projections)*	FY 2013-14 (updated projections)	Change
Dependency & Neglect	8,012	8,012	0
Juvenile Delinquency	3,906	4,300	394
Domestic Relations	626	690	64
Truancy	418	670	252
Paternity	195	185	-10
Probate	78	60	-18
All Other Case Types	<u>205</u>	<u>200</u>	<u>-5</u>
<b>Total</b>	<b>13,440</b>	<b>14,117</b>	<b>677</b>
* "Initial" projections are those that were included in JBC staff's March 5, 2013 figure setting document (page 127); these projections were provided by OCR based on actual payments through January 30, 2013.			

<sup>4</sup> Pursuant to Section 19-1-111, C.R.S., the court is required to appoint a GAL for a child in all dependency and neglect cases (including a child who is a victim of abuse or neglect, or who is affected by an adoption proceeding or paternity action), and the court may appoint a GAL for a child involved in: (a) a delinquency proceeding (if no parent appears at hearings, the court finds a conflict of interest exists between the child and the parent, or the court finds it in the best interests of the child); and (b) truancy proceedings. The court may appoint a GAL for a minor involved in certain probate or trust matters, mental health proceedings, or an involuntary commitment due to alcohol or drug abuse, or for a pregnant minor who elects not to allow parental notification concerning an abortion (see Chief Justice Directive 04-06). Finally, the court may appoint an attorney to serve as a child's legal representative or a child and family investigator in a parental responsibility case [Section 14-10-116 (1), C.R.S.].

The OCR believes that ongoing initiatives to keep dependency and neglect (D&N) cases out of court are resulting in an increase in OCR appointments in other case types (e.g., truancy, juvenile delinquency, and domestic relations cases). This belief is based on anecdotal information from judicial officers, attorneys, and other stakeholders, and the OCR's determination that the increased number of appointments in these categories do not relate to an increase in case filings.

In order to provide more of a historical context for the request, the tables on the following two pages provide caseload and expenditure data for the last seven fiscal years, along with the OCR's updated projections for FY 2013-14. With respect to juvenile delinquency cases, following three years of caseload declines the number of OCR juvenile appointments increased by 7.1 percent in FY 2012-13; the OCR anticipates another 4.4 percent increase in FY 2013-14. Similarly, the number of truancy appointments began increasing in FY 2010-11 following two years of caseload declines. In FY 2012-13 alone, the number of truancy appointments increased by 271 (63.6 percent). The OCR is anticipating a small decrease in truancy appointments in the current fiscal year. Overall, the OCR now projects a 2.5 percent caseload increase in FY 2013-14.

In addition to the higher projected caseload, the OCR is also projecting that the average cost per case will be slightly higher than anticipated last March (\$1,194 compared to \$1,191). This increase is due to a higher than anticipated average number of hours required for D&N cases.

Five recent Colorado and U.S. Supreme Court decisions increased the responsibilities of *guardians ad litem* (GALs) and raised several unresolved legal questions. For example, in *L.A.N. v. L.M.B.*, the court held that the GAL in a D&N proceeding is in the best position to exercise the child's psychotherapist-patient privilege in such proceedings when the child or parent are unavailable to do so. In these cases, the GAL must ensure that children's privacy interests are protected in a manner that promotes both effective therapy and informed judicial decisions that serve the best interests of children. This translates into increased contact with the therapist, consultation with children, negotiations with parties regarding permitted exchanges of information and/or limited waivers, and litigation on behalf of children's privacy and best interests. In addition, if the court determines that a child is of sufficient age and maturity to exercise their own privilege, the court may appoint counsel (separate from the GAL), to advise the child and protect the child's interest with regard to privileged information. It was determined that the OCR will assume payment and oversight for these types of appointments.

In addition, a number of initiatives in Colorado have resulted in increased work for GALs, including: (1) permanency roundtables, a child-directed process focused on establishing supportive permanent connections for children likely to age out of foster care into adulthood; (2) implementation of procedures pursuant to S.B. 11-120 and S.B. 13-047 to protect children in foster care from the ramifications of identity theft; (3) Colorado's IV-E waiver; and (4) local best practice courts. It is the responsibility of the GAL to remain informed of all programs and services in order to advocate for individualized and appropriate services for the child and family. Further, as county departments of social services continue to attempt to serve children and families outside the formal court process, those cases that are ultimately filed as a D&N following these types of services are simply more complicated and demanding.

*JBC Staff Supplemental Recommendations: FY 2013-14  
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<b>OCR Table 2 Court Appointed Counsel: Annual Number of Appointments Paid</b>								<b>FY 13-14 (updated projection)</b>
<b>Case Type</b>	<b>FY 06-07</b>	<b>FY 07-08</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	<b>FY 10-11</b>	<b>FY 11-12</b>	<b>FY 12-13</b>	
Dependency & Neglect	8,012	8,269	8,906	9,038	8,594	7,817	7,890	8,012
<i>annual percent change</i>		3.2%	7.7%	1.5%	-4.9%	-9.0%	0.9%	1.5%
Juvenile Delinquency	3,594	3,874	4,423	4,299	3,903	3,846	4,118	4,300
<i>annual percent change</i>		7.8%	14.2%	-2.8%	-9.2%	-1.5%	7.1%	4.4%
Domestic Relations	624	606	760	690	450	494	631	690
<i>annual percent change</i>		-2.9%	25.4%	-9.2%	-34.8%	9.8%	27.7%	9.4%
Truancy	458	514	475	406	416	426	697	670
<i>annual percent change</i>		12.2%	-7.6%	-14.5%	2.5%	2.4%	63.6%	-3.9%
Paternity	126	108	138	198	146	159	187	185
<i>annual percent change</i>		-14.3%	27.8%	43.5%	-26.3%	8.9%	17.6%	-1.1%
Probate	105	73	71	64	79	61	62	60
<i>annual percent change</i>		-30.5%	-2.7%	-9.9%	23.4%	-22.8%	1.6%	-3.2%
All Other Case Types	44	56	70	99	68	184	193	200
<b>Total</b>	<b>12,963</b>	<b>13,500</b>	<b>14,843</b>	<b>14,794</b>	<b>13,656</b>	<b>12,987</b>	<b>13,778</b>	<b>14,117</b>
<i>annual percent change</i>		4.1%	9.9%	-0.3%	-7.7%	-4.9%	6.1%	2.5%

*JBC Staff Supplemental Recommendations: FY 2013-14*  
*Staff Working Document – Does Not Represent Committee Decision*

<b>OCR Table 3 Court Appointed Counsel: Annual Costs Per Case Type</b>								<b>FY 13-14 (updated projection)</b>
<b>Case Type</b>	<b>FY 06-07</b>	<b>FY 07-08</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	<b>FY 10-11</b>	<b>FY 11-12</b>	<b>FY 12-13</b>	
Dependency & Neglect	\$971	\$1,083	\$1,300	\$1,418	\$1,565	\$1,536	\$1,627	\$1,673
<i>annual percent change</i>		11.6%	20.0%	9.1%	10.4%	-1.9%	5.9%	2.8%
Juvenile Delinquency	\$557	\$656	\$628	\$512	\$474	\$502	\$533	\$560
<i>annual percent change</i>		17.9%	-4.3%	-18.5%	-7.3%	5.8%	6.0%	5.2%
Domestic Relations	\$842	\$901	\$1,055	\$583	\$784	\$826	\$759	\$795
<i>annual percent change</i>		7.0%	17.1%	-44.8%	34.5%	5.4%	-8.1%	4.8%
Truancy	\$330	\$330	\$467	\$437	\$372	\$313	\$316	\$315
<i>annual percent change</i>		0.0%	41.4%	-6.5%	-14.8%	-16.0%	1.0%	-0.4%
Paternity	\$583	\$633	\$725	\$658	\$741	\$918	\$674	\$626
<i>annual percent change</i>		8.5%	14.5%	-9.1%	12.5%	24.0%	-26.6%	-7.0%
Probate	\$565	\$1,231	\$1,117	\$637	\$628	\$486	\$496	\$526
<i>annual percent change</i>		118.0%	-9.3%	-43.0%	-1.4%	-22.6%	2.0%	6.2%
All Other Case Types	\$648	\$998	\$664	\$869	\$828	\$713	\$679	\$670
<b>All cases</b>	<b>\$819</b>	<b>\$921</b>	<b>\$1,051</b>	<b>\$1,072</b>	<b>\$1,173</b>	<b>\$1,138</b>	<b>\$1,162</b>	<b>\$1,194</b>
<i>annual percent change</i>		12.4%	14.2%	1.9%	9.5%	-3.0%	2.1%	2.7%
* Please note that the average costs per case in FY 2006-07, FY 2007-08, and FY 2008-09 reflect approved increases in hourly rates.								
The average cost per case for FY 2014-15 includes a requested increase in hourly rates.								



*JBC Staff Supplemental Recommendations: FY 2013-14*  
*Staff Working Document – Does Not Represent Committee Decision*

**Staff Recommendation**

Staff recommends approving the request. The OCR's annual appropriations for this line item are based on projected expenditures, and then adjusted mid-year when warranted based on appointment and expenditure data. The following Table 4 details the appropriations and actual expenditures for this line item for the last six fiscal years.

<b>OCR Table 4 Court Appointed Counsel - Appropriations vs. Actual Expenditures</b>						
<b>Case Type</b>	<b>FY 07-08</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	<b>FY 10-11</b>	<b>FY 11-12</b>	<b>FY 12-13</b>
Initial appropriation	\$11,514,954	\$13,160,939	\$15,409,893	\$16,273,656	\$16,531,560	\$16,021,900
Mid-year adjustment	821,954	2,570,272	0	0	(1,000,662)	0
Final appropriation	12,336,908	15,731,211	15,409,893	16,273,656	15,530,898	16,021,900
Expenditures	12,428,206	15,607,291	15,853,316	16,021,900	14,783,066	16,015,956
Fiscal year-end (reversion/transfer)/ shortfall	91,298	(123,920)	443,423	(251,756)	(747,832)	(5,944)

As detailed in the table above, the mid-year adjustments for this line item have ranged from a decrease of \$1,000,662 to an increase of \$2,570,272 in the last six fiscal years. Despite these mid-year adjustments, the OCR appropriation fell short of expenditures in FY 2007-08 and FY 2009-10, and reverted or transferred moneys at the end of the remaining fiscal years. Based on the history of mid-year adjustments and fiscal year-end reversions/transfers and shortfalls, as well as fiscal year-to-date caseload and billing information, the request appears reasonable.

**SUPPLEMENTAL REQUEST, OCR PRIORITY #2**  
**COUNSEL FOR CHILDREN TRANSFER**

	<b>Request</b>	<b>Recommendation</b>
<b>Total</b>	<b><u>\$45,000</u></b>	<b><u>\$45,000</u></b>
FTE	0.0	0.0
General Fund	45,000	45,000
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of new data.	

**Department Request:** As described above for courts/probation supplemental request #6, the Department requests the transfer of \$45,000 General Fund to the OCR to cover the cost of providing counsel for children who are subject to dependency and neglect actions. This request includes a \$45,000 reduction in the appropriation to the State Court Administrator's Office for

Court Costs, Jury Costs, and Court-Appointed Counsel Costs, and a corresponding \$45,000 increase in the appropriation to the OCR for Court Appointed Counsel. Approval of both requests results in a net \$0 change in appropriations.

**Staff Recommendation:** Staff recommends that the Committee approve the request.

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**SUPPLEMENTAL REQUEST, OCR PRIORITY #3**  
**OPERATING – PURCHASE SERVER**

	Request	Recommendation
<b>Total</b>	<b><u>\$28,960</u></b>	<b><u>\$28,960</u></b>
FTE	0.0	0.0
General Fund	28,960	28,960
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of an unforeseen contingency.	

**Department Request:** The OCR requests a one-time appropriation of \$28,960 General Fund to purchase three servers.

**Staff Recommendation:** Staff recommends that the Committee approve the request.

**Staff Analysis:**

OCR Request

The OCR requests a one-time appropriation of \$28,960 General Fund to purchase three servers. One server would replace an existing server in the Denver office that was purchased in 2005 (at a cost of \$8,240). The other two servers would replace servers that are currently hosted through an outside vendor (at a cost of \$20,720).

The OCR's billing and case management system (the Colorado Attorney Reimbursement Electronic System or CARES) is an online system that allows attorneys to maintain a comprehensive electronic file for each child they serve. Attorneys can record details about placement, visits with children, contacts with other parties and professionals, outcomes of court appearances, school and treatment provider information, and duration of placements. CARES significantly improved the OCR's ability to perform systemic monitoring of attorney performance and its progress toward meeting its performance goals.

Initially, this system was provided through a contract with KidsVoice, a non-profit legal entity providing *guardian ad litem* services in Pennsylvania. In March of 2013 the OCR acquired the source code to the system when KidsVoice ceased operations. In cooperation with KidsVoice, the OCR was able to extend an agreement with an outside vendor to continue providing cloud-based data services to support CARES. The OCR has used existing resources to cover the associated costs of \$1,415 per month.

Subsequently, the OCR has worked with consultants and solicited proposals from outside vendors to evaluate the feasibility of purchasing servers that would be housed by the OCR. Based on the proposals received, an independent evaluation of the proposals, and state pricing agreements with vendors, the OCR requests \$20,720 General Fund to purchase two servers to house CARES data. The request includes funding for installation, software updates, and ongoing maintenance. The servers would be housed in the Carr Center data center.

Staff Recommendation

Staff recommends approving the request. The OCR and its contractors are reliant on the CARES system, so it is important that the system remains updated and adequately supported. The OCR has determined that it will be more cost-effective to purchase and house its own servers than to continue paying an outside vendor for cloud-based services. The costs of the servers will be recouped within 15 months, and the OCR estimates that it will save over \$65,000 over the course of five years.

**Statewide Common Policy Supplemental Requests**

These requests are not prioritized and are not analyzed in this packet. The JBC will act on these items later when it makes decisions regarding common policies.

<b>Department's Portion of Statewide Supplemental Request</b>	<b>Total</b>	<b>General Fund</b>	<b>Cash Funds</b>	<b>Reapprop. Funds</b>	<b>Federal Funds</b>	<b>FTE</b>
Statewide vehicle lease payment true-up – Courts/probation	(\$9,131)	(\$9,131)	\$0	\$0	\$0	0.0
Statewide vehicle lease payment true-up – OSPD	<u>60,879</u>	<u>60,879</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
<b>Department's Total Statewide Supplemental Requests</b>	<b>\$51,748</b>	<b>\$51,748</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

**Staff Recommendation:** The staff recommendation for these requests is pending Committee approval of common policy supplementals. Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee approves this common policy supplemental. If staff believes there is reason to deviate from the common policy, staff will appear before the Committee later to present the relevant analysis.

*JBC Staff Supplemental Recommendations - FY 2013-14*  
*Staff Working Document - Does Not Represent Committee Decision*

**Appendix A: Number Pages**

	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
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<b>JUDICIAL DEPARTMENT</b>					
Michael Bender, Chief Justice					

**JUD Priority 1: Exonerated persons - legal fees**

**(2) COURTS ADMINISTRATION**

**(C) Centrally Administered Programs**

Compensation for Exonerated Persons	<u>0</u>	<u>100,000</u>	<u>7,801</u>	<u>7,801</u>	<u>107,801</u>
General Fund	0	100,000	7,801	7,801	107,801

<b>Total for JUD Priority 1: Exonerated persons - legal fees</b>	0	100,000	7,801	7,801	107,801
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	0	100,000	7,801	7,801	107,801

***JBC Staff Supplemental Recommendations - FY 2013-14***  
***Staff Working Document - Does Not Represent Committee Decision***

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	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
<b>JUD Priority 2: Restorative justice - CF spending authority</b>					
<b>(2) COURTS ADMINISTRATION</b>					
<b>(C) Centrally Administered Programs</b>					
Restorative Justice Programs	0	0	187,000	187,000	187,000
FTE	0.0	0.0	0.0	0.0	0.0
Cash Funds	0	0	187,000	187,000	187,000
<b>Total for JUD Priority 2: Restorative justice - CF spending authority</b>	0	0	187,000	187,000	187,000
FTE	0.0	0.0	0.0	0.0	0.0
Cash Funds	0	0	187,000	187,000	187,000

**JBC Staff Supplemental Recommendations - FY 2013-14**  
**Staff Working Document - Does Not Represent Committee Decision**

	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
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**JUD Priority 3: Adult diversion - travel expenses**

**(2) COURTS ADMINISTRATION**

**(A) Administration and Technology**

General Courts Administration	<u>17,304,716</u>	<u>20,096,461</u>	<u>3,000</u>	<u>3,000</u>	<u>20,099,461</u>
FTE	181.2	208.5	0.0	0.0	208.5
General Fund	11,338,692	12,274,637	3,000	3,000	12,277,637
Cash Funds	3,843,414	5,905,565	0	0	5,905,565
Reappropriated Funds	2,122,610	1,916,259	0	0	1,916,259

**(2) COURTS ADMINISTRATION**

**(C) Centrally Administered Programs**

District Attorney Adult Pretrial Diversion Programs	<u>0</u>	<u>390,223</u>	<u>0</u>	<u>(3,000)</u>	<u>387,223</u>
General Fund	0	390,223	0	(3,000)	387,223

<b>Total for JUD Priority 3: Adult diversion - travel expenses</b>	17,304,716	20,486,684	3,000	0	20,486,684
FTE	<u>181.2</u>	<u>208.5</u>	<u>0.0</u>	<u>0.0</u>	<u>208.5</u>
General Fund	11,338,692	12,664,860	3,000	0	12,664,860
Cash Funds	3,843,414	5,905,565	0	0	5,905,565
Reappropriated Funds	2,122,610	1,916,259	0	0	1,916,259

**JBC Staff Supplemental Recommendations - FY 2013-14**  
**Staff Working Document - Does Not Represent Committee Decision**

	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
<b>JUD Priority 4: Increased CF and grant spending authority</b>					
<b>(1) SUPREME COURT/COURT OF APPEALS</b>					
Appellate Court Programs	<u>11,575,350</u>	<u>11,581,239</u>	<u>10,000</u>	<u>0</u>	<u>11,581,239</u>
FTE	139.8	140.0	0.0	0.0	140.0
General Fund	10,238,791	10,248,849	0	0	10,248,849
Cash Funds	1,336,559	1,332,390	10,000	0	1,332,390
<b>(2) COURTS ADMINISTRATION</b>					
<b>(A) Administration and Technology</b>					
General Courts Administration	<u>17,304,716</u>	<u>20,096,461</u>	<u>0</u>	<u>0</u>	<u>20,096,461</u>
FTE	181.2	208.5	2.0	0.0	208.5
General Fund	11,338,692	12,274,637	0	0	12,274,637
Cash Funds	3,843,414	5,905,565	0	0	5,905,565
Reappropriated Funds	2,122,610	1,916,259	0	0	1,916,259
<b>(4) PROBATION AND RELATED SERVICES</b>					
Offender Treatment and Services	<u>21,316,138</u>	<u>26,672,355</u>	<u>140,000</u>	<u>140,000</u>	<u>26,812,355</u>
General Fund	212,286	667,197	0	0	667,197
Cash Funds	10,814,379	13,525,312	140,000	140,000	13,665,312
Reappropriated Funds	10,289,473	12,479,846	0	0	12,479,846

***JBC Staff Supplemental Recommendations - FY 2013-14***  
***Staff Working Document - Does Not Represent Committee Decision***

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	<b>FY 2012-13 Actual</b>	<b>FY 2013-14 Appropriation</b>	<b>FY 2013-14 Requested Change</b>	<b>FY 2013-14 Rec'd Change</b>	<b>FY 2013-14 Total W/ Rec'd Change</b>
<b>Total for JUD Priority 4: Increased CF and grant spending authority</b>	50,196,204	58,350,055	150,000	140,000	58,490,055
<i>FTE</i>	<u>321 .0</u>	<u>348.5</u>	<u>2 .0</u>	<u>0 .0</u>	<u>348.5</u>
General Fund	21,789,769	23,190,683	0	0	23,190,683
Cash Funds	15,994,352	20,763,267	150,000	140,000	20,903,267
Reappropriated Funds	12,412,083	14,396,105	0	0	14,396,105



**JBC Staff Supplemental Recommendations - FY 2013-14**  
**Staff Working Document - Does Not Represent Committee Decision**

	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
<b>JUD Priority 5: Probation and related services clean-up</b>					
<b>(4) PROBATION AND RELATED SERVICES</b>					
Probation Programs	<u>74,924,839</u>	<u>76,135,472</u>	<u>0</u>	<u>0</u>	<u>76,135,472</u>
FTE	1,108.8	1,152.7	0.0	0.0	1,152.7
General Fund	64,373,160	65,583,793	702,114	0	65,583,793
Cash Funds	10,551,679	10,551,679	(702,114)	0	10,551,679
Offender Treatment and Services	<u>21,316,138</u>	<u>26,672,355</u>	<u>0</u>	<u>0</u>	<u>26,672,355</u>
General Fund	212,286	667,197	0	0	667,197
Cash Funds	10,814,379	13,525,312	702,114	0	13,525,312
Reappropriated Funds	10,289,473	12,479,846	(702,114)	0	12,479,846
Appropriation to the Correctional Treatment Cash Fund	<u>9,856,200</u>	<u>11,700,000</u>	<u>(702,114)</u>	<u>0</u>	<u>11,700,000</u>
General Fund	9,856,200	11,700,000	(702,114)	0	11,700,000
<b>Total for JUD Priority 5: Probation and related services clean-up</b>	<b>106,097,177</b>	<b>114,507,827</b>	<b>(702,114)</b>	<b>0</b>	<b>114,507,827</b>
<b>FTE</b>	<b><u>1,108.8</u></b>	<b><u>1,152.7</u></b>	<b><u>0.0</u></b>	<b><u>0.0</u></b>	<b><u>1,152.7</u></b>
General Fund	74,441,646	77,950,990	0	0	77,950,990
Cash Funds	21,366,058	24,076,991	0	0	24,076,991
Reappropriated Funds	10,289,473	12,479,846	(702,114)	0	12,479,846

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	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
<b>JUD Priority 6: Reduction and transfer to OCR - attorney fees</b>					
<b>(3) TRIAL COURTS</b>					
Court Costs, Jury Costs, and Court-appointed Counsel					
Counsel	<u>15,521,673</u>	<u>15,985,692</u>	<u>(45,000)</u>	<u>(45,000)</u>	<u>15,940,692</u>
General Fund	15,036,673	15,500,692	(45,000)	(45,000)	15,455,692
Cash Funds	485,000	485,000	0	0	485,000
<b>Total for JUD Priority 6: Reduction and transfer to OCR - attorney fees</b>	15,521,673	15,985,692	(45,000)	(45,000)	15,940,692
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	15,036,673	15,500,692	(45,000)	(45,000)	15,455,692
Cash Funds	485,000	485,000	0	0	485,000

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	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
<b>JUD Priority 7: Court-appointed counsel costs</b>					
<b>(3) TRIAL COURTS</b>					
Court Costs, Jury Costs, and Court-appointed Counsel					
Counsel	<u>15,521,673</u>	<u>15,985,692</u>	<u>0</u>	<u>0</u>	<u>15,985,692</u>
General Fund	15,036,673	15,500,692	0	0	15,500,692
Cash Funds	485,000	485,000	0	0	485,000
<b>Total for JUD Priority 7: Court-appointed counsel costs</b>	15,521,673	15,985,692	0	0	15,985,692
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	15,036,673	15,500,692	0	0	15,500,692
Cash Funds	485,000	485,000	0	0	485,000

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	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
<b>OSPD Priority 1: Attorney registration fees</b>					
<b>(5) OFFICE OF THE STATE PUBLIC DEFENDER</b>					
Attorney Registration	<u>84,605</u>	<u>108,423</u>	<u>19,332</u>	<u>19,332</u>	<u>127,755</u>
General Fund	84,605	108,423	19,332	19,332	127,755
<b>Total for OSPD Priority 1: Attorney registration fees</b>	84,605	108,423	19,332	19,332	127,755
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	84,605	108,423	19,332	19,332	127,755

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	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
<b>OADC Priority 1: Caseload increase</b>					
<b>(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL</b>					
Conflict of Interest Contracts	<u>19,882,661</u>	<u>20,234,616</u>	<u>2,821,158</u>	<u>2,821,158</u>	<u>23,055,774</u>
General Fund	19,882,661	20,234,616	2,821,158	2,821,158	23,055,774
Mandated Costs	<u>1,764,604</u>	<u>1,580,114</u>	<u>220,303</u>	<u>220,303</u>	<u>1,800,417</u>
General Fund	1,764,604	1,580,114	220,303	220,303	1,800,417
<b>Total for OADC Priority 1: Caseload increase</b>	21,647,265	21,814,730	3,041,461	3,041,461	24,856,191
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	21,647,265	21,814,730	3,041,461	3,041,461	24,856,191

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	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
<b>OADC Priority 2: Court appointed counsel system updates</b>					
<b>(6) OFFICE OF THE ALTERNATE DEFENSE COUNSEL</b>					
Personal Services	<u>750,382</u>	<u>805,230</u>	<u>94,000</u>	<u>94,000</u>	<u>899,230</u>
FTE	7.5	8.4	0.0	0.0	8.4
General Fund	750,382	805,230	94,000	94,000	899,230
Operating Expenses	<u>66,201</u>	<u>69,210</u>	<u>23,730</u>	<u>23,730</u>	<u>92,940</u>
General Fund	66,201	69,210	23,730	23,730	92,940
<b>Total for OADC Priority 2: Court appointed counsel system updates</b>	816,583	874,440	117,730	117,730	992,170
<i>FTE</i>	<u>7.5</u>	<u>8.4</u>	<u>0.0</u>	<u>0.0</u>	<u>8.4</u>
General Fund	816,583	874,440	117,730	117,730	992,170

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	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
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**OCR Priority 1: Court appointed counsel caseload/workload increase**

**(7) OFFICE OF THE CHILD'S REPRESENTATIVE**

Court Appointed Counsel	<u>16,015,965</u>	<u>16,011,128</u>	<u>842,013</u>	<u>842,013</u>	<u>16,853,141</u>
General Fund	16,015,965	16,011,128	842,013	842,013	16,853,141

<b>Total for OCR Priority 1: Court appointed counsel caseload/workload increase</b>	16,015,965	16,011,128	842,013	842,013	16,853,141
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	16,015,965	16,011,128	842,013	842,013	16,853,141

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	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
<b>OCR Priority 2: Counsel for children transfer</b>					
<b>(7) OFFICE OF THE CHILD'S REPRESENTATIVE</b>					
Court Appointed Counsel	<u>16,015,965</u>	<u>16,011,128</u>	<u>45,000</u>	<u>45,000</u>	<u>16,056,128</u>
General Fund	16,015,965	16,011,128	45,000	45,000	16,056,128
<b>Total for OCR Priority 2: Counsel for children transfer</b>					
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	16,015,965	16,011,128	45,000	45,000	16,056,128



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	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2013-14 Requested Change	FY 2013-14 Rec'd Change	FY 2013-14 Total W/ Rec'd Change
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**OCR Priority 3: Operating - server purchase**

**(7) OFFICE OF THE CHILD'S REPRESENTATIVE**

Operating Expenses	<u>190,722</u>	<u>159,929</u>	<u>28,960</u>	<u>28,960</u>	<u>188,889</u>
General Fund	190,722	159,929	28,960	28,960	188,889

<b>Total for OCR Priority 3: Operating - server purchase</b>	190,722	159,929	28,960	28,960	188,889
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	190,722	159,929	28,960	28,960	188,889

<b>Totals Excluding Pending Items</b>					
<b>JUDICIAL</b>					
<b>TOTALS for ALL Departmental line items</b>	494,975,385	552,453,960	3,695,183	4,384,297	556,838,257
<i>FTE</i>	<u>4,070.3</u>	<u>4,358.7</u>	<u>2.0</u>	<u>0.0</u>	<u>4,358.7</u>
General Fund	351,297,190	383,079,450	4,060,297	4,057,297	387,136,747
Cash Funds	122,437,095	139,134,949	337,000	327,000	139,461,949
Reappropriated Funds	16,198,193	25,814,561	(702,114)	0	25,814,561
Federal Funds	5,042,907	4,425,000	0	0	4,425,000