

Office of the
Legislative Fiscal Analyst

FY 2004 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices and Criminal Justice

State Courts

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1.0 Courts

The State Constitution establishes the Judicial Branch as an independent “department” of government, co-equal with the Executive and Legislative Branches.

The Utah Court System consists of The Utah Supreme Court, the Utah Court of Appeals, eight District Courts (trial courts of general jurisdiction), and eight Juvenile Courts. Local governments may augment the state system through Justice Courts which are locally funded and operated limited jurisdiction courts. Justice Courts may receive administrative support from the state and are required to operate in accordance with state standards and rules.

	Analyst FY 2004 Base	Analyst FY 2004 Changes	Analyst FY 2004 Total
Financing			
General Fund	90,682,300	(3,921,700)	86,760,600
General Fund Restricted	6,274,300	622,200	6,896,500
Federal Funds	97,900		97,900
Dedicated Credits	1,330,800		1,330,800
Transfers	1,955,000		1,955,000
Beginning Balance	(150,100)		(150,100)
Closing Balance	193,900		193,900
Total	<u>\$100,384,100</u>	<u>(\$3,299,500)</u>	<u>\$97,084,600</u>
Programs			
Administration	76,643,500	(3,105,500)	73,538,000
Grand Jury	800		800
Contracts and Leases	18,480,400		18,480,400
Jury and Witness Fees	1,597,900	(67,700)	1,530,200
Guardian ad Litem	3,661,500	(126,300)	3,535,200
Total	<u>\$100,384,100</u>	<u>(\$3,299,500)</u>	<u>\$97,084,600</u>
FTE/Other			
Total FTE	1,215	(22)	1,193

Impact of Budget Reductions

Actions taken since FY 2002 reduced General Fund for the Courts by \$4.6 million and overall budgets by nearly \$3.5 million. The impact of such cuts leave the Courts with a recommended General Fund level slightly higher than that of FY 200 and an overall budget approximately the size of the FY 2001 appropriation. Over the past year and a half the Courts eliminated approximately 94 positions including 17 direct lay-offs.

2.0 Key Issues: State Courts

The following section summarizes the key issues for the Courts. Included are items that the Subcommittee members may want to place on a prioritized list to be taken to the Executive Appropriations Committee. Any new funding recommendations are contingent on funds becoming available.

2.1 FY 2004 Budget Recommendation Overview

The *Analyst FY 2004 Base* budget recommendation is a continuation of the FY 2003 base budget minus the reductions from the Special Sessions. The one exception is there were no FY 2003 ongoing reductions or one-time additions originally appropriated during the Sixth Special Session. The Governor vetoed all appropriations affecting the Courts from the Sixth Special Session. The impact of this legislative action without the veto would have been \$3,848,200 in ongoing reductions beginning in FY 2003 and \$950,000 in one-time restorations to offset the initial impact. The FY 2004 base budget is the same as the FY 2003 adjusted budget.

2.2 Contracts and Lease Increases

If additional funding becomes available the Analyst would recommend funding of \$534,000 for mandated cost increases related to existing facility lease increases and building maintenance cost adjustments. Without the availability of new General Fund, funding is available from a General Fund Restricted – Court Complex Account. Revenue is generated for this account by fines and fees. A balance is currently available to meet this increased funding requirement. This is a recommendation that would need to be taken to the Executive Appropriations Committee.

2.3 Digital Audio and Video Equipment

The State Courts are requesting an increase in the General Fund Restricted – Court Trust Interest Account to purchase digital audio and video equipment to more efficiently operate the court system in light of the budget and personnel reductions. Most of the reductions have resulted in fewer personnel. The additional technology should assist in offsetting the negative impact of fewer court clerks. The request is for \$100,000 per year for two years. Funds are available in a General Fund Restricted Account.

Gen. Fund Restricted-Court Reporter Technology Account \$100,000

2.4 Guardian ad Litem Court Appointed Special Advocate (CASA) Coordinators

Revenue for the Guardian ad Litem comes from the Crime Victims Reparation Fund and from the special “Invest in Children” license plate program. Additional revenue from the license plate program could be used to fund a ½ time CASA coordinator in St. George and provide benefits to a part-time position in Cedar City. CASA is primarily a volunteer program to assist the Guardian ad Litem Office by gathering relevant information about the child and family involved in court litigation. Coordinators provide volunteer recruitment, training and coordination.

Gen. Fund Restricted-Guardian ad Litem Services Account \$41,600

2.5 Security

The State Courts contract with local sheriffs to provide perimeter security for Court facilities. If additional funding becomes available the Analyst would recommend increasing the security budget by \$200,000. This would allow the Courts to provide greater perimeter security to courthouses that represent a serious security risk. Some facilities have only one security person on duty at any given time, and 19 facilities have no perimeter security. The requirements of Court Security are established by statute and expanded through Rule 3-414 of the Rules of Judicial Administration.

2.6 Private Contractor Cost of Living Adjustment (COLA)

The Courts contract with several counties to provide clerks in a number of courthouses. These are primarily at leased facilities. No provision is made to provide a cost of living adjustment to these employees. The Analyst recommends that these “contracted employees” be given the same consideration as county and other contracted employees that receive COLAs through Human Services and other State Agencies. The recommendation will need to be taken to Executive Appropriations Committee. A one percent adjustment to the contracts is approximately \$50,000.

2.7 Jury, Witness and Interpreter Fees

The Legislature traditionally funds the Jury, Witness and Interpreter fees line item through supplemental appropriations. The philosophy has been to partially fund the request year and provide a supplemental to cover any deficit. The line item did not run a deficit in FY 2001 and reduced its overall deficit in FY 2002 to \$373,600. Because of the budget shortfall, the Analyst does not recommend additional funding this year.

2.8 Court Bailiff Security Fee

Bailiff services are currently funded with a General Fund appropriation of \$2.2 million. In place of the General Fund appropriation a new security fee in civil cases and a dedicated credit increase in criminal fines could be attached to court case filings in all state courts. This fee would be collected in the same manner as all other statutorily established fees and fines to be deposited in a restricted account. The new fee may afford the Legislature an opportunity to fund the program internally and redirect the state funds to other priorities. Based on historical rates of collection, a \$12 fee will generate in excess of \$2.2 million per year (\$500,000 in the current year) if applied to all case filings.

2.9 Courts Reduction and Realignment

Courts monitors FTE counts and workload to determine if they need to move personnel between districts to enhance operations. Budget reductions eliminated 94 FTE positions to obtain savings of more than \$6 million. This has been accomplished primarily by personnel shifts and attrition. Seventeen personnel have been laid-off through Reduction-in-Force (RIF) actions. Additional funding reductions may require additional RIFs.

2.10 Fees

Civil court fees provide an ongoing source of revenue for Court operations. Enacting a statutory increase of one dollar can generate approximately \$260,000 in new General Fund Revenue. An adjustment was made by the 2002 Legislature raising over \$2 million for the General Fund.

2.11 Intent Language

The Analyst recommends the following intent language:

It is the intent of the Legislature that the funds for each line item of the Judicial Council be nonlapsing.

This will help in the management of the budgets and enable nonlapsing balances to be used to offset potential program shortfalls in the future.

3.0 Courts – Administration Line Item

The Utah Court system consists of State Courts (Appellate and Trial Courts) and Justice Courts funded and operated by local government under standards established by the Utah Judicial Council. The Judicial Council, through the Administrative Office of the Courts, provides administrative support for the Judicial Branch.

	Analyst FY 2004 Base	Analyst FY 2004 Changes	Analyst FY 2004 Total
Financing			
General Fund	71,336,600	(3,105,500)	68,231,100
Federal Funds	97,900		97,900
Dedicated Credits Revenue	1,106,200		1,106,200
GFR - Alternative Dispute Resolution	140,000		140,000
GFR - Children's Legal Defense	235,300		235,300
GFR - Court Trust Interest	250,000		250,000
GFR - DNA Specimen	86,800		86,800
GFR - Non-Judicial Assessment	520,900		520,900
GFR - Online Court Assistance	35,000		35,000
GFR - Substance Abuse Prevention	392,300		392,300
GFR - Tobacco Settlement	193,700		193,700
GFR - Transcriptions	250,000		250,000
Transfers	365,300		365,300
Transfers - Commission on Criminal and	1,589,700		1,589,700
Beginning Nonlapsing	223,500		223,500
Closing Nonlapsing	(179,700)		(179,700)
Total	\$76,643,500	(\$3,105,500)	\$73,538,000
Programs			
Supreme Court	1,967,100	(73,500)	1,893,600
Law Library	474,000		474,000
Court of Appeals	2,724,200	(52,400)	2,671,800
District Courts	32,977,000	(1,012,600)	31,964,400
Juvenile Courts	27,014,800	(758,400)	26,256,400
Justice Courts	151,600		151,600
Courts Security	2,261,000	(550,000)	1,711,000
Administrative Office	2,963,200	(658,600)	2,304,600
Judicial Education	317,200		317,200
Data Processing	4,055,600		4,055,600
Grants Program	1,737,800		1,737,800
Total	\$76,643,500	(\$3,105,500)	\$73,538,000
FTE/Other			
Total FTE	1,153	(22)	1,131

Performance Measures

The performance of the Courts should be assessed by:

- 1) the work of the individual justices and judges of the state in resolving disputes brought to their courts; and,
- 2) the administrative operations of the Court System.

Individual judicial performance measures focus on administrative, legal and ethical performance. Each measure is overseen by a different entity:

- *Administrative* - Judicial Council and Presiding Judge;
- *Legal* - Appellate Courts;
- *Ethical* - Judicial Conduct Commission.

The performance of the administrative operations of the Court System as a whole is best examined by assessing goals and indicators for components of the system, e.g., the extent to which the number of cases filed in the District Courts in a year compares to the number disposed in the same period.

Revenues

The Analyst has included within the various Court budget reviews references to Court revenues. Court revenue for FY 2002 is as follows:

	FY 2000	FY 2001	FY 2002
Filing Fees	\$3,943,696	\$4,123,416	\$4,509,226
Fines	10,385,485	9,356,038	9,851,703
Higher Ed.	10,748	14,538	23,379
35 % surcharge	927,390	812,662	811,772
85 % surcharge	3,973,973	3,917,523	3,523,521
Cap Projects	3,758,765	3,701,186	3,791,845
All Other	3,758,685	3,766,575	3,728,658
Totals	\$26,758,742	\$27,105,526	\$26,240,104
Percent Increase	(3.45%)	1.30%	(3.19%)

While the Court System is not intended to serve as a revenue producing entity, court assessed fees, fines, and surcharges do result in the generation of considerable funds. Previous legislative actions have resulted in the application of a portion of such fines, fees, and surcharges being applied in specific areas, creating free revenue for appropriation in other areas.

Judicial Salaries

The Executive and Judicial Compensation Commission was created in 1969 to recommend comprehensive plans for the Executive Offices and Judiciary. The Commission's work is aided by an analysis of judicial salaries prepared by the Citizens' Committee on Judicial Compensation. The salaries for the various judgeships and the State Court Administrator are set relative to the salary of a District Court Judge, which is currently \$103,700 (FY 2003).

Statutory Change impacts workload

Each year there are a number of bills introduced and passed that impact court operations. Typically the fiscal notes for those bills estimate the impact on the Courts, and more specifically the clerks of the Courts, and include funds to cover the increased workload costs.

3.1 Main Courts Line Item - Administration

3.1.1 Supreme Court

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,968,400	1,962,100	1,893,600	(68,500)
Beginning Nonlapsing		3,300		(3,300)
Closing Nonlapsing	(29,900)			
Total	<u>\$1,938,500</u>	<u>\$1,965,400</u>	<u>\$1,893,600</u>	<u>(\$71,800)</u>
Expenditures				
Personal Services	1,859,000	1,876,800	1,808,300	(68,500)
In-State Travel	300	1,300	900	(400)
Out of State Travel	3,600	2,500	2,500	
Current Expense	72,600	84,800	81,900	(2,900)
DP Current Expense	3,000			
Total	<u>\$1,938,500</u>	<u>\$1,965,400</u>	<u>\$1,893,600</u>	<u>(\$71,800)</u>
FTE/Other				
Total FTE	27.0	27.0	27.0	0.0

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

The Utah Constitution (Article VIII, Sections 1 through 4) establishes the Supreme Court as the highest state court and, as such, the court of last resort in Utah. The Court consists of five justices that hear appeals from capital and first degree felony cases and District Court civil cases. The Supreme Court also has jurisdiction over judgements of the Court of Appeals, proceedings of the Judicial Conduct Commission, lawyer discipline and constitutional and election questions.

Performance Measures

The following charts reflect the composition of the Supreme Court workload filings and disposition trends.

Supreme Court Case Filings			
Fiscal Year	FY 1995 –FY 2002		
	Case Filings	FTE	Filings per FTE
1995	584		
1996	554		
1997	581		
1998	598		
1999	644	21.57	29.86
2000	660	21.21	31.12
2001	604	21.56	28.01
2002	530	21.94	24.16

Supreme Court Caseload Composition FY 2002		
<u>Case Type</u>	<u>Filings</u>	<u>% of Total</u>
Administrative Agency	10	1.89%
Admission to the Bar	2	0.38%
Capital Felony	0	0.00%
Certified from Court of Appeals	4	0.75%
Civil Appeals	247	46.60%
Criminal Appeals	72	13.58%
Bar Discipline	5	0.94%
Elections	1	0.19%
Federal Certification	1	0.19%
Interlocutory Appeals	72	13.58%
Judicial Discipline	4	0.75%
Extraordinary Writs	20	3.77%
Post Conviction Relief	0	0.00%
Writ of Certiorari	77	14.53%
Rule 17 Appt Special Counsel	1	0.19%
Rule Making	14	2.64%
Total	530	100%

Supreme Court Case Dispositions FY 1995 – FY 2002			
<u>Fiscal Year</u>	<u>Supreme Court Dispositions</u>	<u>Pour Over Cases</u>	<u>Transfers</u>
1995	602	182	48
1996	577	161	32
1997	591	183	25
1998	597	166	40
1999	592	152	33
2000	591	162	47
2001	580	166	24
2002	548	147	22

The Supreme Court is the "court of last resort" in Utah. The court consists of five justices who serve ten-year renewable terms. The justices elect a chief justice by majority vote to serve for four years and an associate chief justice to serve for two years.

The Supreme Court has original jurisdiction to answer questions of state law certified from Federal Courts and to issue extraordinary writs. The Court has appellate jurisdiction to hear first degree and capital felony convictions from the District Court and civil judgments other than domestic cases. It also reviews formal administrative proceedings of the Public Service Commission, Tax Commission, School and Institutional Trust Lands Board of Trustees, Board of Oil, Gas, and Mining, and the State Engineer. The Supreme Court also has jurisdiction over judgments of the Court of Appeals by writ of certiorari, proceedings of the Judicial Conduct Commission, and both constitutional and election questions.

3.1.2 State Law Library

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	497,200	458,500	459,000	500
Dedicated Credits Revenue	17,200	25,000	25,000	
Beginning Nonlapsing	70,500	80,800	90,800	10,000
Closing Nonlapsing	(51,800)	(90,800)	(100,800)	(10,000)
Total	\$533,100	\$473,500	\$474,000	\$500
Expenditures				
Personal Services	166,400	142,400	142,900	500
In-State Travel		100	100	
Out of State Travel			331,000	331,000
Current Expense	366,700	331,000		(331,000)
Total	\$533,100	\$473,500	\$474,000	\$500
FTE/Other				
Total FTE	4.0	4.0	4.0	0.0

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

The State Law Library is a statutorily created entity under UCA § 9-7-301. The library is located in the Scott M. Matheson Courthouse and is open to the public. The Chief Justice, Legislative General Counsel, and the State Attorney General serve as the Board of Control for the Library.

3.1.3 Court of Appeals

	2002	2003	2004	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	2,749,000	2,717,200	2,671,800	(45,400)
Beginning Nonlapsing		6,000		(6,000)
Closing Nonlapsing	(71,200)			
Total	\$2,677,800	\$2,723,200	\$2,671,800	(\$51,400)
Expenditures				
Personal Services	2,532,600	2,586,000	2,540,600	(45,400)
In-State Travel	3,000	5,900	4,600	(1,300)
Out of State Travel	3,800	7,000	7,000	
Current Expense	126,400	124,300	119,600	(4,700)
DP Current Expense	12,000			
Total	\$2,677,800	\$2,723,200	\$2,671,800	(\$51,400)
FTE/Other				
Total FTE	35.8	35.8	35.8	0.0

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

The Court of Appeals is created by statute to hear appeals of the Juvenile Court, District Court criminal cases less than a first-degree felony, District Court civil cases involving domestic relations matters, final orders and decrees of most administrative agencies, and cases transferred from the Supreme Court. The courts seven judges sit on three judge panels.

Performance Measures

The following charts reflect the composition of the Court of Appeals workload filings and disposition trends.

Court of Appeals Case Filings			
FY 1995 – 2002			
<u>Fiscal Year</u>	<u>Number of Filings</u>	<u>FTE</u>	<u>Filings per FTE</u>
1995	830		
1996	814		
1997	822		
1998	701		
1999	748	27.11	27.59
2000	768	25.89	29.66
2001	796	27.49	28.96
2002	735	28.08	26.18

<u>Fiscal Year</u>	<u>Court of Appeals Dispositions</u>	<u>Transfers To Supreme Court</u>
1995	898	40
1996	777	100
1997	775	95
1998	616	63
1999	761	59
2000	737	70
2001	755	66
2002	743	61

Court of Appeals Caseload Composition FY 2002		
<u>Case Type</u>	<u>Filings</u>	<u>% of Total</u>
Administrative Agency	67	9.12%
Civil Appeal	247	33.61%
Criminal Appeal	280	38.10%
Interlocutory Appeal	52	7.07%
Juvenile Appeal	58	7.89%
Misc. Petition	1	0.14%
Extraordinary Writs	26	3.54%
Post conviction Relief	1	0.14%
Writ of Habeas Corpus	1	0.14%
Writ of Certiorari	2	0.27%
Total	735	100%

3.1.4 District Courts

Recommendation

If additional funding becomes available the Analyst would suggest additional funding for the Drug Courts. Funding for Drug Courts in the budget requires a corresponding increase in funding in the Department of Human Services.

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	32,028,900	31,563,200	30,747,500	(815,700)
General Fund, One-time		8,500		(8,500)
Dedicated Credits Revenue	381,400	413,400	414,600	1,200
GFR - Alternative Dispute Resolution	144,400	140,400	140,000	(400)
GFR - Children's Legal Defense	244,600	240,000	235,300	(4,700)
GFR - Transcriptions	250,000	250,000	250,000	
Transfers	158,100	164,800	168,100	3,300
Beginning Nonlapsing	1,075,200	180,300	8,900	(171,400)
Closing Nonlapsing	(778,900)	(8,900)		8,900
Lapsing Balance	(100,000)			
Total	\$33,403,700	\$32,951,700	\$31,964,400	(\$987,300)
Expenditures				
Personal Services	30,798,000	30,495,800	29,674,200	(821,600)
In-State Travel	140,200	175,700	157,100	(18,600)
Out of State Travel	22,700	16,500	16,500	
Current Expense	2,307,800	2,246,200	2,099,100	(147,100)
DP Current Expense	69,600	17,500	17,500	
Capital Outlay	65,400			
Total	\$33,403,700	\$32,951,700	\$31,964,400	(\$987,300)
FTE/Other				
Total FTE	531.2	531.2	520.2	(11.0)

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

District Courts are the general jurisdiction trial court for Utah. Each county has at least one District Court location, and there are currently 70 authorized District Court judgeships. These courts have original jurisdiction in all civil and criminal matters, except those cases set-aside for the Justice Courts. All criminal felonies are heard in District Courts, as are domestic (divorce and related) cases. District Courts are administered at the state level and geographically organized into eight districts for day to day management.

District Courts adopt specialized calendars to handle resource intensive cases or cases where collaboration with an outside treatment provider is important. Drug Courts and Domestic Violence Courts are two examples of this approach for which the Legislature appropriated funds to multiple agencies. The formula recently adopted by the Legislature allocates 13 percent of Drug Court funds to the Courts for administration of the case and 87 percent to the Department of Human Services for testing, treatment and case management.

Contract Providers

In eleven rural locations throughout the state, clerk of court functions are performed under contract with the county. These are county seat locations where court must be held by statute, but where the volume of work is relatively low. In these locations the County Clerks' Office also serves as the clerk of court office, because the work can be performed more economically by contracting with the county, rather than operating a state office.

The Courts contract with a several counties to provide clerks in a number of courthouses. These are primarily at leased facilities. No provision is made to provide a cost of living adjustment to these employees. The Analyst recommends that these "contracted employees" be given the same consideration as county and other contracted employees that receive COLAs through Human Services and other State Agencies. Any additional funding recommendation will need to be taken to Executive Appropriations Committee. A one percent adjustment to the contracts is approximately \$50,000.

Digital Audio and Video Equipment

The State Courts have been effective in using technology to improve the efficiency of operations with the Utah State Court System. Several systems provide online services and have reduced the need for some court clerk positions. Over the years, this has been helpful in limiting rising court costs. This can be especially valuable at a time when budgets and personnel have been reduced significantly.

The State Courts are requesting an increase in the General Fund Restricted – Court Trust Interest Account to purchase digital audio and video equipment to more efficiently operate the court system in light of the budget and personnel reductions. The additional technology should assist in offsetting the negative impact of fewer court clerks. The Courts request is for \$100,000 per year for two years. Funds are available in a General Fund Restricted – Court Reporter Technology Account.

Performance Measures

The number and location of District Courts is set by statute. While most of the court locations are fully state funded and staffed, a handful of locations are so small as to be more efficiently run by contracting with the appropriate local government for non-judicial staff. These locations are referred to as contract sites, and the costs of operating these courts are reimbursed by contract with the Administrative Office of the Courts.

Numerically, about half of the filings in District Courts are civil, and half are criminal. While the number of overall filings has been on a general increase over time, perhaps more important are the shifts among the types of cases filed. For example, a traffic filing has less of an impact on the workload of a District Court than does the filing of a divorce proceeding or a complex tort claim. The following charts depict the basic performance measure of any court, case dispositions.

District Court Filings			
FY 1993 – 2002			
<u>Fiscal Year</u>	<u>Number of Filings</u>	<u>FTE</u>	<u>Filings per FTE</u>
1993	327,134		
1994	338,235		
1995	360,674		
1996	363,821		
1997	341,696		
1998	356,550		
1999	358,928	560.60	640.26
2000	323,054	545.41	592.31
2001	298,606	563.96	529.48
2002	294,552	555.70	530.06

District Court Dispositions	
FY 1996 – 2002	
<u>Fiscal Year</u>	<u>Number of Dispositions</u>
1996	342,394
1997	331,557
1998	333,764
1999	333,769
2000	364,618
2001	300,664
2002	288,364

District Court Clearance Rates	
FY 1996-FY 2002	
<u>Fiscal Year</u>	<u>Clearance Rates</u>
1996	94%
1997	97%
1998	93%
1999	94.42%
2000	116.26%
2001	99.95%
2002	99.78

3.1.5 Juvenile Courts

	2002	2003	2004	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	24,742,600	25,021,200	24,354,200	(667,000)
General Fund, One-time		239,500		(239,500)
Dedicated Credits Revenue	357,900	438,000	466,400	28,400
GFR - DNA Specimen		86,500	86,800	300
GFR - Non-Judicial Assessment	753,000	766,000	520,900	(245,100)
GFR - Substance Abuse Prevention	348,800	369,900	392,300	22,400
GFR - Tobacco Settlement	193,700	193,700	193,700	
Transfers	107,000	159,300	197,200	37,900
Beginning Nonlapsing	611,700	426,500	123,800	(302,700)
Closing Nonlapsing	(957,200)	(123,800)	(78,900)	44,900
Lapsing Balance	(152,200)			
Total	\$26,005,300	\$27,576,800	\$26,256,400	(\$1,320,400)
Expenditures				
Personal Services	22,770,500	23,604,600	22,658,300	(946,300)
In-State Travel	62,100	96,900	91,300	(5,600)
Out of State Travel	59,700	91,900	81,600	(10,300)
Current Expense	3,092,500	3,783,200	3,425,000	(358,200)
DP Current Expense	16,100	200	200	
DP Capital Outlay	4,300			
Other Charges/Pass Thru	100			
Total	\$26,005,300	\$27,576,800	\$26,256,400	(\$1,320,400)
FTE/Other				
Total FTE	470.2	470.2	459.2	(11.0)

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

The Juvenile Court is a court of record of equal status with the District Court that has jurisdiction over delinquency and dependency matters for youth referred to the court who are under the age of 18. The court has limited jurisdiction over adults who are charged with contributing to the delinquency of a minor.

The purpose of the court, as outlined in UCA §78-3a-102 is to:

1. Promote public safety and accountability by imposing appropriate sanctions
2. Promote guidance and control of a minor, preferably in their own home
3. Order rehabilitation or treatment for youth who come before the court
4. Control and order placement of those youth who are beyond parental or adult control
5. Adjudicate matters that relate to abused, neglected or dependent children
6. Remove a minor from parental custody only when the minor’s safety or welfare, or the public safety, can not be safeguarded and
7. Act in the best interest of the minor and preserve and strengthen family ties where possible.

Twenty- five judges, organized into eight districts handle the 50,000 referrals to Juvenile Court.

Probation, the service arm of the Juvenile Court in delinquency matters, is organized into two functional areas:

1. **Intake** - a preliminary inquiry to determine how a matter should be handled. The probation officer has the authority to handle minor offenses by making a non-judicial adjustment of the case. This can involve such consequences as requiring community service, paying restitution to the victim, or being referred to short term counseling.

If the matter is more serious, a petition is filed with the court, and an appearance before a judge is required. Very serious matters can be referred directly to the District Court.

2. **Probation** - the supervision of a youth ordered to that status. Generally, when a youth is under probation status, they continue to live in the home. Supervision includes monitoring daily activities, school performance, and assuring compliance with orders of the court. Conditions of probation can include individual and family counseling, participation in parenting classes, drug testing, extra tutoring in school matters, substance treatment, community service and restitution repayment.

Staff to complete the duties of the court include clerks, deputy probation officers and probation officers.

Performance Measures

Performance measures for the Juvenile Courts follow:

Juvenile Court Referrals			
FY 1993-2002			
<u>Fiscal Year</u>	<u>Number of Referrals</u>	<u>FTE</u>	<u>Referrals per FTE</u>
1993	51,156		
1994	57,767		
1995	59,721		
1996	63,615		
1997	61,694		
1998	56,644		
1999	54,633	288.84	189.15
2000	50,218	285.87	175.67
2001	50,795	287.95	176.40
2002	46,971	287.23	163.53

Juvenile Court Dispositions FY 1993-2002	
<u>Fiscal Year</u>	<u>Number of Dispositions</u>
1993	50,378
1994	54,364
1995	60,177
1996	62,800
1997	62,574
1998	58,426
1999	56,414
2000	52,331
2001	53,123
2002	54,754

Juvenile Court Clearance Rates FY 1990 – FY 2002	
<u>Fiscal Year</u>	<u>Clearance Rate</u>
1993	98%
1994	94%
1995	101%
1996	99%
1997	101%
1998	103%
1999	103%
2000	104%
2001	102%
2002	101%

As is noted in the charts, delinquency referrals to the Juvenile Court have gone down in most areas. However, dependency, neglect, and abuse cases have increased by 25 percent this year. These cases represent only seven percent of referrals but take 45 percent of judges’ time on average statewide.

Juvenile Court has been using Child Welfare and Victim Offender Mediation for several years now. Not only has this program been cost effective because it has saved valuable judicial time but mediation has made progress in resolving issues in cases 73 percent of time.

Truancy Mediation is actively being used in Jordan School District and is expanding to other parts of the state. This mediation focuses on the root causes of truancy.

In 1999, Juvenile Court collected over \$1.3 million in restitution; 92 percent of what was ordered. Youth offenders completed over 675,000 hours of community service; 95 percent of what was ordered.

The Juvenile Sentencing Guidelines have been fully implemented. The new category in the guidelines called **State Supervision** was implemented and a recent study found that there were higher contacts and more structured and intensive programming for youth who fell in this category.

There are two kinds of Drug Courts operating in Juvenile Court; **Dependency Drug Courts and Delinquency Drug Courts**. These courts provide great promise to break the cycle of drug abuse with parents of children and delinquent youth referred to the Juvenile Court on drug charges.

3.1.6 Justice Courts

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	170,200	151,300	151,600	300
Closing Nonlapsing	(22,500)			
Total	<u>\$147,700</u>	<u>\$151,300</u>	<u>\$151,600</u>	<u>\$300</u>
Expenditures				
Personal Services	95,000	96,000	96,300	300
In-State Travel	10,600	10,000	10,000	
Current Expense	42,100	45,300	45,300	
Total	<u>\$147,700</u>	<u>\$151,300</u>	<u>\$151,600</u>	<u>\$300</u>
FTE/Other				
Total FTE	1.0	1.0	1.0	0.0

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

There are 120 judges serving 139 Justice Court locations throughout Utah. Justice Court Judges are locally selected, then trained at the Administrative Office of the Courts, and certified to hold office by the Judicial Council. The jurisdiction of both County and Municipal Justice Courts is over small claims cases, class B and C misdemeanors, infractions and local ordinances. Their caseload is made up mostly by traffic cases, but some courts also handle a high percentage of more typical criminal offenses.

While Justice Courts are locally funded and operated, the state has some administrative responsibility for them as part of the Utah judiciary, and this has primarily manifested itself in education, operational standards oversight, and, recently, audit functions.

The state sponsors at least 30 hours per year of continuing judicial education for Justice Court Judges, including a mandatory annual spring training conference. Twenty (20) hours of training is provided annually for Justice Court clerks. The Judicial Council also promulgates operational standards and requirements, in addition to those requirements that are statutory, and the Council certifies the courts every four years for compliance with those standards.

In 2000, the Legislature instituted an audit role for the state in the Justice Courts. One FTE auditor was added to the Administrative Office of the Courts to perform internal audits of the programmatic and fiscal operations of the Justice Courts. The results of these audits are shared with the local governmental entities, and with the other court clerks and judges at their annual conferences.

Background

Justice Courts are established by counties and municipalities and have the authority to deal with class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice Court jurisdictions are determined by the boundaries of local government entities such as cities or counties, which hire the judges.

There are two types of Justice Court judges: county judges who are initially appointed by a county commission and then stand for retention election every four years, and municipal judges who are appointed by city officials for a 4-year term. Some are both county and municipal judges. Some judges hear cases daily, and others have limited court hours each week. Justice Court judges need not be attorneys, although they receive extensive and continuing legal training. All Justice Court judges must attend 30 hours of continuing judicial education each year to remain certified. One hundred twenty-eight Justice Court judges serve in 147 county and municipal courts. [Click here to find the justice courts in your area.](#)

The Justice Court shares jurisdiction with the Juvenile Court over sixteen and seventeen year old minors who are charged with certain traffic offenses. The Juvenile court handles automobile homicide, alcohol or drug related traffic offenses, reckless driving, fleeing an officer, and driving on a suspended license.

Four person juries hear jury trials in the Justice Courts. City attorneys prosecute cases involving municipal ordinance violations and state law in municipal courts; county attorneys prosecute cases involving violations of county ordinances and state law in the county courts. Litigants and defendants often act without an attorney (*pro se*) in Justice Courts.

Any person not satisfied with a judgment rendered in a Justice Court is entitled to a trial *de novo* (new trial) in the District Court. Any Justice Court judge may be appointed by the presiding District judge to conduct preliminary examinations and arraignments for felony cases under some circumstances. Justice Courts may also have a Small Claims Department, which has jurisdiction over claims under \$5,000.

3.1.7 Court Security

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	2,281,000	2,261,000	1,711,000	(550,000)
General Fund, One-time		163,000		(163,000)
Closing Nonlapsing	(12,200)			
Total	<u>\$2,268,800</u>	<u>\$2,424,000</u>	<u>\$1,711,000</u>	<u>(\$713,000)</u>
Expenditures				
Current Expense	2,268,800	2,261,000	1,711,000	(550,000)
Capital Outlay		163,000		(163,000)
Total	<u>\$2,268,800</u>	<u>\$2,424,000</u>	<u>\$1,711,000</u>	<u>(\$713,000)</u>
FTE/Other				

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

Rule 3-414 of Rules of Judicial Administration requires that the State contracts with local government entities to provide bailiff and security services to the courts. If additional funding became available, the Analyst recommends additional resources to strengthen the security at court facilities.

Evaluate Security Contracts

The Analyst recommends that the Court Administrator evaluate current court security contracts at the various locations throughout the State. The level of security seems to vary significantly between facilities. It is true that the level of activity also varies and must be taken into consideration. Shifts within and between districts may be able to improve security overall without a need for an increase in funding and without sacrificing security at major sites. With statutory changes and a few rule changes, there may be some aspects of court security that could be privatized.

Court Bailiff Security Fee

Bailiff services are currently funded with a general fund appropriation of \$2.2 million. With appropriated funds, the Administrative Office of the Courts enters into individual contracts on an annual basis with county sheriffs. The amount of the contract is limited to the amount appropriated, therefore, the funding of bailiff services is akin to a specific pass through to county government.

In place of the General Fund appropriations, a new security fee in civil cases and dedicated increase in criminal fines could be attached to every court case filings in all state courts. This fee would be collected in the same manner as all other statutorily established fees and fines. Collected monies would be deposited in a restricted account, from which the Legislature would appropriate funds to the counties via the Administrative Office of the Courts for bailiff services.

State courts are projected to have 291,288 filings in FY 2003. Assuming approximately level filings in FY 2004, a \$12 fee will generate in excess of \$2.2 million if applied to all case filings in FY 2004, providing sufficient funds to move the total cost of bailiff services from general funding to fee supported funding.

3.1.8 Administrative Office of the Courts

	2002	2003	2004	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	2,625,700	2,882,900	2,054,600	(828,300)
GFR - Court Trust Interest	800,000	250,100	250,000	(100)
Beginning Nonlapsing	(758,200)	625,600		(625,600)
Closing Nonlapsing	511,400			
Lapsing Balance	(100,000)			
Total	\$3,078,900	\$3,758,600	\$2,304,600	(\$1,454,000)
Expenditures				
Personal Services	2,306,300	2,910,100	1,438,100	(1,472,000)
In-State Travel	33,000	56,400	47,600	(8,800)
Out of State Travel	33,500	30,000	30,000	
Current Expense	697,600	762,100	788,900	26,800
DP Current Expense	4,200			
DP Capital Outlay	4,300			
Total	\$3,078,900	\$3,758,600	\$2,304,600	(\$1,454,000)
FTE/Other				
Total FTE	36.6	36.6	36.6	0.0

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

The Administrative Office of the Courts (AOC) provides all support functions for the Judicial Branch under the policy direction of the Utah Judicial Council. The AOC includes all those subsidiary and support functions required to operate a corporate entity with a budget of almost \$100 million. As a separate branch of state government the courts operate under the direction of the constitutionally established Judicial Council. Under the Council's direction the State Court Administrator manages and directs the work of approximately 1,100 non-judicial staff and court and juvenile probation operations statewide.

The Administrative Office of the Courts has broad statutory authority, powers, duties, and responsibilities. The AOC is directly responsible to the Judicial Council for the efficient and effective operation of the courts administrative functions, service delivery, program management, judicial and staff education, automation systems, and Appellate and Trial Court administration. As an official representative of the Courts, the State Court Administrator attends and actively participates in a variety of intergovernmental activities including the Utah Commission on Criminal and Juvenile Justice, Utah Tomorrow, FACT Council, and the Utah Information Technology Commission.

3.1.9 Judicial Education

	2002	2003	2004	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	350,200	311,700	317,200	5,500
Beginning Nonlapsing	116,000	9,000		(9,000)
Closing Nonlapsing	(114,200)			
Total	\$352,000	\$320,700	\$317,200	(\$3,500)
Expenditures				
Personal Services	211,100	231,600	232,300	700
In-State Travel	3,800			
Out of State Travel	400			
Current Expense	136,100	89,100	84,900	(4,200)
DP Current Expense	600			
Total	\$352,000	\$320,700	\$317,200	(\$3,500)
FTE/Other				
Total FTE	4.0	4.0	4.0	0.0

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

By statute, under Section 78-3024(1)(1), the State Court Administrator is charged with the responsibility of providing education and training opportunities to judicial and non-judicial personnel of the court system. The continuing education program has functions under the management of the State Court Administrator’s Office.

The Judicial Council established Rule 3-403 covering Judicial Education. This rule requires 30 hours of in-service training for Judges and Commissioners, and 20 hours of training for other staff members. Education staff is responsible for training over 1,100 court personnel.

3.1.10 – Information Technology

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	4,171,300	4,007,500	3,870,600	(136,900)
Dedicated Credits Revenue	39,400	15,000	150,000	135,000
GFR - Online Court Assistance	35,000	35,000	35,000	
Beginning Nonlapsing	275,000	104,400		(104,400)
Closing Nonlapsing	93,800			
Lapsing Balance	(15,000)			
Total	\$4,599,500	\$4,161,900	\$4,055,600	(\$106,300)
Expenditures				
Personal Services	2,167,600	2,140,000	2,147,700	7,700
In-State Travel	3,500	18,100	15,300	(2,800)
Out of State Travel	13,100	12,000	12,000	
Current Expense	749,800	698,800	651,800	(47,000)
DP Current Expense	1,412,500	1,102,700	1,102,700	
DP Capital Outlay	28,500	155,300	91,100	(64,200)
Capital Outlay	224,500	35,000	35,000	
Total	\$4,599,500	\$4,161,900	\$4,055,600	(\$106,300)
FTE/Other				
Total FTE	34.0	34.0	34.0	0.0

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

The Courts maintain and operate statewide, uniform automated systems necessary for processing cases and maintaining official records for the Appellate Courts, District Court, and Juvenile Court. These systems contain approximately five million records. In addition to the 1,200 internal court system users, there are approximately 640 external entities also dependent on timely access to accurate court records, accounting for thousands of individual users.

In addition to the three primary case management systems for the Appellate and Trial Courts, Information Technology also supports an electronic data warehouse, courtroom audio and video recording systems, Internet applications such as the On line Court Assistance Program for self-represented litigants, and a court web page (<http://courtlink.utcourts.gov>), records imaging, and an Interactive Voice Response System for self service case status checks and fine payment. A major re-write of the juvenile justice information system, which serves the Juvenile Court, juvenile probation, and the Division of Youth Corrections, is underway with federal grant funding.

The State Courts are requesting an increase in the General Fund Restricted – Court Trust Interest Account to purchase digital audio and video equipment to more efficiently operate in light of the budget and personnel reductions. The request is for \$100,000.

3.2.11 Federal Grants

	2002	2003	2004	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
Federal Funds	97,300	97,900	97,900	
Dedicated Credits Revenue	41,800	50,100	50,200	100
Transfers - Commission on Criminal and Closing Nonlapsing	1,583,800 (3,200)	1,588,700	1,589,700	1,000
Total	\$1,719,700	\$1,736,700	\$1,737,800	\$1,100
Expenditures				
Personal Services	307,400	389,000	390,100	1,100
In-State Travel	5,400	5,500	5,500	
Out of State Travel	12,900	11,200	11,200	
Current Expense	492,400	448,600	448,600	
DP Current Expense	775,900	755,400	755,400	
DP Capital Outlay	125,700	127,000	127,000	
Total	\$1,719,700	\$1,736,700	\$1,737,800	\$1,100
FTE/Other				
Total FTE	10.4	10.4	9.4	(1.0)

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

This budget is designed to identify and monitor any federal grants used by the courts. In the past, many of these grants have been related to specific programs or projects undertaken by the courts with federal assistance.

3.2.12 Contracts and Leases

Recommendation The Analyst recommends \$18,480,400 for Contracts and Leases. If additional funding becomes available the Analyst recommends funding of \$534,000 to cover contract and lease increases.

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	14,903,800	14,640,800	14,158,600	(482,200)
Dedicated Credits Revenue	187,500	199,600	199,600	
GFR - State Court Complex	3,500,000	3,500,000	4,122,200	622,200
Beginning Nonlapsing	240,300	263,400		(263,400)
Closing Nonlapsing	(263,400)			
Total	\$18,568,200	\$18,603,800	\$18,480,400	(\$123,400)
Expenditures				
Personal Services	278,200	304,300	304,300	
In-State Travel	8,600	3,400	3,400	
Out of State Travel	5,200	1,000	1,000	
Current Expense	17,137,800	18,031,700	18,171,700	140,000
DP Current Expense	1,900			
Capital Outlay	674,700			
Other Charges/Pass Thru	461,800	263,400		(263,400)
Total	\$18,568,200	\$18,603,800	\$18,480,400	(\$123,400)
FTE/Other				
Total FTE	8.0	8.0	8.0	0.0

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose This budget appears as a separate line item in the court's budget. Expenses included under contracts and leases include such items as:

- ▶ rent/lease payments
- ▶ janitorial services
- ▶ utilities costs
- ▶ perimeter/building security
- ▶ county contract sites

Lease and O&M expenses are generally established prior to the Governor's Office and the Legislature authorizing the building of a new facility, or the approval of a new or expanded lease. The Appropriations Subcommittee on Capital Facilities recommends funds construction of new facilities and provides advance notice to the Appropriations Subcommittee for Executive Offices and Criminal Justice. This recommendation carries the acknowledgment that future lease and O&M payments are the responsibility of the agency but that the Legislature will hear requests for state funding through the EOJC Appropriations Subcommittee.

A listing of leased facilities and there square footage has been attached as an addendum to this document.

Security

Security for the Courts is provided by local sheriffs throughout the state. State law indicates that the sheriff is to provide bailiff (in-court) security and perimeter security for the District Courts and that the state will reimburse the counties their actual personnel costs. Contracts are initiated each year for those services.

There is a separate statute for the Juvenile Court (UCA § 17-22-2) which states that the local sheriff will provide court security. There is nothing in that provision for reimbursement for those services to the counties. Funding for the District Courts has not been adequate to fully fund or reimburse the expenses for security services. The sheriffs are also frustrated that reimbursement is not provided for the state Juvenile Courts.

Recommendation

If additional funding becomes available the Analyst would recommend \$200,000 for perimeter security.

Intent Language

The Analyst recommends the following intent language:

It is the intent of the Legislature that these funds be nonlapsing.

3.3 Grand Jury

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
Financing				
General Fund	800	800	800	
Total	<u>\$800</u>	<u>\$800</u>	<u>\$800</u>	<u>\$0</u>
Expenditures				
In-State Travel	600	700	700	
Current Expense	200	100	100	
Total	<u>\$800</u>	<u>\$800</u>	<u>\$800</u>	<u>\$0</u>
FTE/Other				

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

The 1990 Legislature enacted the Grand Jury Reform Act that effectively created a separate budget item for this purpose. The budget exists as a vehicle to pay Grand Jury expenses if one is called. At the same time the act called for a Grand Jury Prosecution budget. These have been combined for presentation on a year-to-year basis.

Intent Language

The Analyst recommends the following intent language:

It is the intent of the Legislature that these funds be nonlapsing

3.4 Jury, Witness, and Interpreter

Recommendation

The Analyst recommends funding of \$1,530,200 for Jury, Witness and Interpreters. If additional funding becomes available the Analyst recommends funding the shortfalls from previous years with \$315,600. This addition is a very low priority since the line item has authority to carryover a deficit.

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,829,900	1,592,900	1,525,200	(67,700)
Dedicated Credits Revenue	3,200	5,000	5,000	
Beginning Nonlapsing	(519,400)	(373,600)	(373,600)	
Closing Nonlapsing	373,600	373,600	373,600	
Total	<u>\$1,687,300</u>	<u>\$1,597,900</u>	<u>\$1,530,200</u>	<u>(\$67,700)</u>
Expenditures				
In-State Travel	24,000	1,000	1,000	
Out of State Travel	23,100	200	200	
Current Expense	142,600	128,800	128,800	
Other Charges/Pass Thru	1,497,600	1,467,900	1,400,200	(67,700)
Total	<u>\$1,687,300</u>	<u>\$1,597,900</u>	<u>\$1,530,200</u>	<u>(\$67,700)</u>
FTE/Other				

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

Under UCA § 21-5-1.5 the state is responsible for the payment of the costs of jurors and witnesses called by the Courts, and interpreter expenses. This line item had been in deficit for successive years, until the 2000 Legislature appropriated additional funds for the base budget beginning in FY 2001. Unaddressed was the need for supplemental funding for FY 1999 and 2000. Under UCA § 21-5-1.5, such shortfalls are referred to the Board of Examiners to be certified as a claim against the state. These shortfall requests are contained in the Courts' supplemental request.

The Board of Examiners met in November and approved the request for additional funding to pay off the deficit. The Analyst recommendation is to not fund the deficit and use any surplus at the end of each year to reduce the deficit. This has been reduced approximately \$150,000 in the last two years.

Intent Language

The Analyst recommends the following intent language:

It is the intent of the Legislature that these funds be nonlapsing.

3.5 Guardian Ad Litem

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	3,070,100	2,971,200	2,844,900	(126,300)
Dedicated Credits Revenue	200	20,000	20,000	
GFR - Children's Legal Defense	399,100	405,300	405,300	
GFR - Guardian Ad Litem Services	246,700	257,200	265,000	7,800
Beginning Nonlapsing	1,200	129,700		(129,700)
Closing Nonlapsing	(129,700)			
Total	\$3,587,600	\$3,783,400	\$3,535,200	(\$248,200)
Expenditures				
Personal Services	3,202,500	3,217,200	3,098,700	(118,500)
In-State Travel	44,100	43,500	43,500	
Out of State Travel	5,200	6,500	6,500	
Current Expense	321,800	496,200	366,500	(129,700)
DP Current Expense	14,000	20,000	20,000	
Total	\$3,587,600	\$3,783,400	\$3,535,200	(\$248,200)
FTE/Other				
Total FTE	53.6	53.6	53.6	0.0

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Purpose

The Guardian ad Litem program is a separate line item within the Courts' budget. The program provides state funded attorneys to directly represent the best interests of minors, either when there is an allegation of abuse, neglect or dependency in the Juvenile Court, or when there are allegations of abuse that arise in the District Court during a divorce proceeding or criminal cases where the victim is a child. There are Guardian ad Litem offices in all eight districts. The office includes a Court Appointed Special Advocate system (CASA), using trained volunteers to assist attorneys in fact-finding.

Additional Funding for CASA Coordinators

Revenue is generated through the special "Invest in Children" license plate. The additional revenue could be used to fund a 1/2 time coordinator in St. George and provide benefits to a part-time position in Cedar City. This could give additional support to the Guardian ad Litem Offices in these locations. (CASA is primarily a volunteer program to assist the Guardian ad Litem Office by gathering relevant information about the child and family involved in court litigation.) The CASA coordinator recruits, trains, and retains volunteers in their district. They manage the monthly reporting and serve as a link between the volunteer and the Guardian ad Litem.

CASA Background Information

CASA volunteers go through 32 hours of training before they take any cases. They are subject to a criminal background check and a SAFE (Division of Child and Family Services) check.

Performance Measures

A large portion of the work done by the Guardian ad Litem Office is done by volunteers through the CASA Program. Much of the data is collected on a calendar year basis. It still gives a sense of the breadth and scope of this activity.

CASA Volunteers	
<u>Activity</u>	<u>Number Serving/Served</u>
New Children Served	296
CASA Volunteers Trained	215
Number of Volunteer Hours	10,019.25

Intent Language

The Analyst recommends the following intent language:

It is the intent of the Legislature that these funds be nonlapsing.

4.0 Additional Information: Courts

4.1 Funding History

	2000	2001	2002	2003	2004
Financing	Actual	Actual	Actual	Estimated*	Analyst
General Fund	85,123,850	90,483,200	91,389,100	90,542,300	86,760,600
General Fund, One-time				411,000	
General Fund Restricted	6,179,100	6,327,900	6,915,300	6,494,100	6,896,500
Federal Funds	26,300		97,300	97,900	97,900
Dedicated Credits	753,500	1,094,600	1,028,600	1,166,100	1,330,800
Transfers	1,230,200	2,519,400	1,848,900	1,912,800	1,955,000
Beginning Balance	1,059,000	(186,800)	1,112,300	1,455,400	(150,100)
Closing Balance	186,700	(1,172,000)	(1,455,400)	150,100	193,900
Lapsing Balance	(378,800)	(443,900)	(367,200)		
Total	\$94,179,850	\$98,622,400	\$100,568,900	\$102,229,700	\$97,084,600
Programs					
Administration	73,440,050	76,806,800	76,725,000	78,243,800	73,538,000
Grand Jury	1,000	900	800	800	800
Contracts and Leases	15,940,800	16,992,900	18,568,200	18,603,800	18,480,400
Jury and Witness Fees	1,858,800	1,784,400	1,687,300	1,597,900	1,530,200
Guardian ad Litem	2,939,200	3,037,400	3,587,600	3,783,400	3,535,200
Total	\$94,179,850	\$98,622,400	\$100,568,900	\$102,229,700	\$97,084,600
Expenditures					
Personal Services	61,533,350	64,875,900	66,694,600	67,993,800	64,531,800
In-State Travel	484,900	381,400	339,200	418,500	381,000
Out of State Travel	215,900	189,300	183,200	178,800	499,500
Current Expense	26,909,800	26,637,600	27,955,200	29,531,200	28,123,200
DP Current Expense	4,076,000	3,061,300	2,309,800	1,895,800	1,895,800
DP Capital Outlay	495,900	582,800	162,800	282,300	218,100
Capital Outlay	464,000	972,100	964,600	198,000	35,000
Other Charges/Pass Thru		1,923,000	1,959,500	1,731,300	1,400,200
Trust & Agency Disbursements		(1,000)			
Total	\$94,179,850	\$98,622,400	\$100,568,900	\$102,229,700	\$97,084,600
FTE/Other					
Total FTE	1,276	1,318	1,216	1,216	1,193
Vehicles		165			

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.