

Office of the
Legislative Fiscal Analyst

FY 2003 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices and Criminal Justice

State Courts

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1.0 Courts

The Utah Court System consists of The Utah Supreme Court, the Utah Court of Appeals, the District Courts (trial courts of general jurisdiction), and the Juvenile Courts. Each of these court systems is state funded and operated. There is also a locally funded and operated system of limited jurisdiction courts, the Justice Courts. Justice Courts do, however, receive some administrative support from the state, and are required to operate in accordance with state standards and rules.

	Analyst FY 2003 Base	Analyst FY 2003 Changes	Analyst FY 2003 Total
Financing			
General Fund	92,528,200	(95,500)	92,432,700
Federal Funds	50,500		50,500
Dedicated Credits Revenue	1,302,900		1,302,900
GFR - Alternative Dispute Resolution	140,400		140,400
GFR - Children's Legal Defense	641,200		641,200
GFR - Court Reporter Technology	238,900		238,900
GFR - Court Trust Interest	250,100		250,100
GFR - Guardian Ad Litem Services	254,800		254,800
GFR - Non-Judicial Assessment	766,000		766,000
GFR - Online Court Assistance	35,000		35,000
GFR - State Court Complex	3,500,000		3,500,000
GFR - Substance Abuse Prevention	362,800		362,800
GFR - Tobacco Settlement	193,700		193,700
Transfers - Commission on Criminal a	1,374,500		1,374,500
Transfers - Human Services	154,800		154,800
Transfers - Youth Corrections	150,900		150,900
Beginning Nonlapsing	170,500		170,500
Closing Nonlapsing	(143,300)		(143,300)
Total	\$101,971,900	(\$95,500)	\$101,876,400
Programs			
Administration	77,565,600	651,500	78,217,100
Contracts and Leases	18,808,400	(588,900)	18,219,500
Grand Jury	800		800
Jury and Witness Fees	1,841,000	(157,000)	1,684,000
Total	\$101,971,900	(\$95,500)	\$101,876,400
FTE/Other			
Total FTE	1,265		1,265
Vehicles	160		160

2.0 Issues

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 2003 Budget Recommendation Overview

The *Analyst FY 2003 Base* budget recommendation includes the *Revised Estimate* from FY 2002 as approved by the Executive Appropriations Committee and the following items:

- Adjustment for FY 2002 one-time programs;
- Payroll cost of an extra day in FY 2003;
- Transfers of Market Comparability Adjustments; and,
- Net changes for Internal Service Fund rates.

FY 2003 changes reflect the incremental costs of across the board reductions and annualization of partial budget cuts approved for FY 2002.

The Subcommittee provided \$400,000 in one-time funding transfers to give the Courts additional time to achieve the FTE reduction through attrition instead of through layoffs and RIFs.

2.2 Contracts and Lease Increases

If additional funding becomes available the Analyst would recommend funding \$523,300 for existing lease increases and building maintenance cost adjustments. More than half of this funding is for a new court facility in American Fork. The rest is for increases in existing leases and maintenance costs.

2.3 Court Reduction and Realignment

The operations of the courts are primarily done through personnel. The “holdbacks” and budget reductions have required the courts to reduce the number of FTE. Early estimates were that between 59 and 72 FTE positions would need to be eliminated to obtain the required savings of more than \$2 million. Most of this can be done through attrition. If additional funding became available, the Analyst would recommend refunding a portion of these positions, specifically court clerks, support staff and probation support staff which process the filings and proceedings. This could help maintain customer service levels, and juvenile supervision levels.

2.4 Security

If additional funding becomes available the Analyst would recommend increasing the security budget by \$200,000. This would allow the Courts to provide perimeter security to courthouses that represent a serious security risk.

2.5 Drug Court Expansion

The Legislature provided \$193,000 in funding for Drug Court from Tobacco Settlement Funds in FY 2001. These funds replaced a federal grant which originally started the Drug Courts in FY 1997. The program has proven successful for both juveniles and adults. Part of the funding was reduced during the “holdbacks” and subsequent reductions. If additional funding becomes available the Analyst would recommend increased funding in the amount of \$248,300 to expand the current program. There would need to be a corresponding increase in the Department of Human Services budget if funding is approved.

2.6 Private Contractor Cost of Living Adjustment (COLA)

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. 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 has previously under funded the Jury, Witness and Interpreter fees line item for several years. The philosophy has been to under fund the request year and provide a supplemental to cover first, any deficit and then to address potential shortfalls in the current year. The line item did not run a deficit in FY 2001 and the shortfall of \$515,000 is from previous years. Because of the budget shortfall, the Analyst does not recommend additional funding this year.

2.8 Fees

The opportunity exists to raise civil court fees. Raising fees as little as one dollar can generate approximately \$260,000 while increasing them \$10.00 can generate approximately \$2.6 million in new General Fund Revenue. This requires a statutory change.

2.9 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.

It is the intent of the Legislature that in Fiscal Year 2003 the Judicial Council is authorized to create a Court Commissioner position to be shared by the Third District Juvenile Court and the Second District Juvenile Court.

3.0 Courts – Administration Line Item

The Utah Court system consists of State Courts, both 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 the administrative support for the Judicial Branch.

	Analyst FY 2003 Base	Analyst FY 2003 Changes	Analyst FY 2003 Total
Financing			
General Fund	72,512,500	651,500	73,164,000
Federal Funds	50,500		50,500
Dedicated Credits Revenue	1,068,300		1,068,300
GFR - Alternative Dispute Resolution	140,400		140,400
GFR - Children's Legal Defense	240,000		240,000
GFR - Court Reporter Technology	238,900		238,900
GFR - Court Trust Interest	250,100		250,100
GFR - Non-Judicial Assessment	766,000		766,000
GFR - Online Court Assistance	35,000		35,000
GFR - Substance Abuse Prevention	362,800		362,800
GFR - Tobacco Settlement	193,700		193,700
Transfers - Commission on Criminal and	1,374,500		1,374,500
Transfers - Human Services	154,800		154,800
Transfers - Youth Corrections	150,900		150,900
Beginning Nonlapsing	170,500		170,500
Closing Nonlapsing	(143,300)		(143,300)
Total	\$77,565,600	\$651,500	\$78,217,100
Programs			
Supreme Court	1,978,400	(900)	1,977,500
Law Library	505,600	200	505,800
Court of Appeals	2,712,500	(1,300)	2,711,200
District Courts	33,925,500	446,100	34,371,600
Juvenile Courts	26,922,600	295,700	27,218,300
Justice Courts	146,800	(1,700)	145,100
Courts Security	2,281,000		2,281,000
Administrative Office	3,004,700	(11,500)	2,993,200
Judicial Education	359,700	(26,700)	333,000
Data Processing	4,230,400	(27,600)	4,202,800
Total	\$77,565,600	\$651,500	\$78,217,100
FTE/Other			
Total FTE	1,198		1,198
Vehicles	155		155

Purpose This line item funds the main operations of the Judicial Branch.

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. The performance of an individual judge or justice is evaluated by: the Judicial Council and Presiding Judge evaluating administrative performance; the Appellate Courts evaluating legal performance; the Judicial Conduct Commission evaluating ethical conduct; and, retention decided by voters.

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. Various indicators will be presented in conjunction with specific court functions and budget presentations which follow.

Revenues The Analyst has included within the various Court budget reviews references to Court revenues. Court revenue for FY 2000 is as follows:

	FY 2000	FY 2001	FY 2002 Est
Filing Fees	\$3,938,241	\$3,977,623	\$4,017,400
Fines	10,386,651	10,490,517	10,595,422
Higher Ed.	10,748	10,855	10,964
35 % surcharge	927,390	936,664	946,031
85 % surcharge	3,973,973	4,013,713	4,053,850
Cap Projects	3,758,765	3,875,543	3,349,769
All Other	3,762,981	3,800,611	3,838,617
Totals	\$26,758,749	\$27,105,526	\$26,812,052
Percent Increase	-3.45%	1.30%	-1.08%

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, reducing the amount available to the General Fund.

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 2002).

Staffing Counts 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

Recommendation

The Analyst recommends a continuation budget for the Supreme Court in the amount of \$1,977,500.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,927,000	1,966,000	1,977,500	11,500
Closing Nonlapsing	33,300			
Total	<u>\$1,960,300</u>	<u>\$1,966,000</u>	<u>\$1,977,500</u>	<u>\$11,500</u>
Expenditures				
Personal Services	1,875,100	1,867,500	1,887,700	20,200
In-State Travel	400	1,400	1,400	
Out of State Travel	3,700	2,500	2,500	
Current Expense	80,500	94,600	85,900	(8,700)
DP Current Expense	600			
Total	<u>\$1,960,300</u>	<u>\$1,966,000</u>	<u>\$1,977,500</u>	<u>\$11,500</u>
FTE/Other				
Total FTE	27	27	27	

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, which consists of five justices, hears appeals from capital and first degree felony cases and all District Court civil cases, other than domestic relations 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	
FY 1995 –FY 2000	
Fiscal Year	Case Filings
1995	584
1996	554
1997	581
1998	598
1999	644
2000	660

Supreme Court Caseload Composition		
FY 2000		
Case Type	Filings	% of Total
Administrative Agency	26	4.00%
Bar Matters/Judicial Conduct	8	1.30%
Capital Felony	2	0.40%
Civil Appeals	303	45.90%
Criminal Appeals	80	12.20%
Extraordinary Writs/Habeas Corpus	27	4.20%
Interlocutory Appeals	77	11.60%
Other	4	0.60%
Post Conviction Relief	17	2.60%
Rule Making	23	3.60%
Writ of Certiorari	89	13.60%
Total	660	100%

Supreme Court Case Dispositions			
FY 1995 – FY 2000			
Fiscal Year	Supreme Court Dispositions	Pour Over Cases	Transfers
1995	602	182	48
1996	577	161	32
1997	591	183	25
1998	597	166	40
1999	592	153	32
2000	591	173	39

3.1.2 State Law Library

Recommendation The Analyst recommends a continuation budget in the amount of \$505,800

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	490,600	489,200	490,800	1,600
Dedicated Credits Revenue	14,800	25,000	25,000	
Beginning Nonlapsing	88,600	95,500	80,500	(15,000)
Closing Nonlapsing	(31,000)	(80,500)	(90,500)	(10,000)
Total	<u>\$563,000</u>	<u>\$529,200</u>	<u>\$505,800</u>	<u>(\$23,400)</u>
Expenditures				
Personal Services	167,300	168,000	173,000	5,000
In-State Travel		100	100	
Current Expense	395,700	361,100	332,700	(28,400)
Total	<u>\$563,000</u>	<u>\$529,200</u>	<u>\$505,800</u>	<u>(\$23,400)</u>
FTE/Other				
Total FTE	5	5	5	

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 Legislative General Counsel, State Attorney General, and Court Chief Justice serve as the Board of Control for the Library.

3.1.3 Court of Appeals

Recommendation The Analyst recommends a continuation budget for the Court of Appeals in the amount of \$2,711,200.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	2,700,400	2,761,100	2,711,200	(49,900)
General Fund, One-time		(37,800)		37,800
Transfers		7,100		(7,100)
Closing Nonlapsing	(18,100)			
Total	<u>\$2,682,300</u>	<u>\$2,730,400</u>	<u>\$2,711,200</u>	<u>(\$19,200)</u>
Expenditures				
Personal Services	2,521,700	2,592,100	2,573,100	(19,000)
In-State Travel	3,400	4,500	5,100	600
Out of State Travel	1,500	8,000	8,000	
Current Expense	138,900	126,000	125,000	(1,000)
DP Current Expense	11,200	(200)		200
Capital Outlay	5,600			
Total	<u>\$2,682,300</u>	<u>\$2,730,400</u>	<u>\$2,711,200</u>	<u>(\$19,200)</u>
FTE/Other				
Total FTE	36	36	35	(1)

Purpose The Court of Appeals is created by statute, with jurisdiction over 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 - 2000	
Fiscal Year	Number of Filings
1995	830
1996	814
1997	822
1998	701
1999	748
2000	768

Fiscal Year	Court of Appeals Dispositions	Transfers To Supreme Court
1995	898	40
1996	777	100
1997	775	95
1998	616	63
1999	761	59
2000	737	70

Court of Appeals Caseload Composition FY 2000		
Case Type	Filings	% of Total
Administrative Agency	44	5.80%
Civil Appeal	288	37.50%
Criminal Appeal	291	37.90%
Interlocutory Appeal	47	6.10%
Juvenile Appeal	50	6.50%
Extraordinary Writs	25	3.40%
Post conviction Relief	15	2.00%
Writ of Habeas Corpus	3	0.40%
Other	4	0.40%
Total	768	100%

3.1.4 District Courts

Recommendation

The Analyst recommends \$34,371,600 in funding for the District Courts. If additional funding becomes available the Analyst would suggest additional funding for the Drug Courts in the amount of \$248,300. If this were to occur there would have to be a corresponding increase in funding in the Department of Human Services.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	32,179,600	33,511,500	33,170,000	(341,500)
General Fund, One-time		(468,900)		468,900
Dedicated Credits Revenue	383,600	417,500	427,500	10,000
GFR - Alternative Dispute Resolution	144,400	144,400	140,400	(4,000)
GFR - Children's Legal Defense	244,400	244,400	240,000	(4,400)
GFR - Court Reporter Technology	250,000	250,000	238,900	(11,100)
Transfers		193,200		(193,200)
Transfers - Human Services	180,800	152,800	154,800	2,000
Beginning Nonlapsing	71,900	239,300		(239,300)
Closing Nonlapsing	(127,200)			
Lapsing Balance	(135,000)			
Total	\$33,192,500	\$34,684,200	\$34,371,600	(\$312,600)
Expenditures				
Personal Services	30,177,600	32,153,100	31,833,600	(319,500)
In-State Travel	160,000	178,100	182,400	4,300
Out of State Travel	16,400	13,000	15,000	2,000
Current Expense	2,624,800	2,267,100	2,267,100	
DP Current Expense	135,600	72,900	73,500	600
Capital Outlay	79,000			
Other Charges/Pass Thru	100			
Trust & Agency Disbursements	(1,000)			
Total	\$33,192,500	\$34,684,200	\$34,371,600	(\$312,600)
FTE/Other				
Total FTE	606	606	574	(32)
Vehicles	45	45	45	

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.

Recently, District Courts have been adopting specialized calendars to handle particularly resource intensive cases, or cases where collaboration with a treatment provider is important. Drug Courts and Domestic Violence Courts are two examples of this approach. The Legislature has appropriated funds specifically for these purposes. For example, the formula recently adopted by the Legislature is that 13 percent of the money allocated to Drug Courts would be allocated to the Courts to support their increased resource needs associated with the operation of a Drug Court, and the other 87 percent would be directed to the Department of Human Services for testing, treatment and case management.

District Courts are administered at the state level, but they are also geographically organized into eight judicial districts, and the day to day operations are administered at this level.

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. Contracts with individual counties are in need of adjustment to cover increased salary and operating costs.

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. The recommendation will need to be taken to Executive Appropriations Committee. A one percent adjustment to the contracts is approximately \$50,000.

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 1990 - 2000	
Fiscal Year	Number of Filings
1990	355,649
1991	359,356
1992	340,160
1993	327,134
1994	338,235
1995	360,674
1996	363,821
1997	341,696
1998	356,550
1999	358,928
2000	323,054

District Court Dispositions FY 1990 - 2000	
Fiscal Year	Number of Dispositions
1990	NA
1991	NA
1992	NA
1993	NA
1994	NA
1995	NA
1996	342,394
1997	331,557
1998	333,764
1999	333,769
2000	364,618

District Court Clearance Rates FY 1990-FY 2000	
Fiscal Year	Clearance Rates
1990	NA
1991	NA
1992	NA
1993	NA
1994	NA
1995	NA
1996	94%
1997	97%
1998	93%
1999	93%
2000	112%

3.1.5 Juvenile Courts

Recommendation The Analyst recommends \$27,218,300 for the Juvenile Courts.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	24,614,000	25,470,400	25,159,400	(311,000)
General Fund, One-time		(663,300)		663,300
Dedicated Credits Revenue	407,200	478,900	548,300	69,400
GFR - Court Trust Interest	1,265,700	100,000		(100,000)
GFR - Non-Judicial Assessment		753,000	766,000	13,000
GFR - Substance Abuse Prevention		348,800	362,800	14,000
GFR - Tobacco Settlement		193,700	193,700	
Transfers		216,300		(216,300)
Transfers - Youth Corrections	35,000	123,500	150,900	27,400
Beginning Nonlapsing	174,000	204,700	90,000	(114,700)
Closing Nonlapsing	(926,600)	(90,000)	(52,800)	37,200
Lapsing Balance	(29,900)			
Total	<u>\$25,539,400</u>	<u>\$27,136,000</u>	<u>\$27,218,300</u>	<u>\$82,300</u>
Expenditures				
Personal Services	22,141,400	23,327,900	23,462,800	134,900
In-State Travel	86,400	80,800	88,500	7,700
Out of State Travel	71,400	85,400	90,400	5,000
Current Expense	3,180,200	3,638,000	3,569,600	(68,400)
DP Current Expense	55,000	3,900	7,000	3,100
Capital Outlay	5,000			
Total	<u>\$25,539,400</u>	<u>\$27,136,000</u>	<u>\$27,218,300</u>	<u>\$82,300</u>
FTE/Other				
Total FTE	488	488	476	(12)
Vehicles	108	108	103	(5)

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** which conducts 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** focuses on 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:

Change in Juvenile Court Referrals			
FY 1999 - 2000			
Category	FY 1999	FY 2000	Change
Felony	4,550	4,320	(5.05%)
Misdemeanor	34,041	30,536	(10.29%)
Infraction	2,362	1,932	(18.20%)
Status	9,441	8,357	(11.48%)
Traffic	1,172	1,329	(13.39%)
Adult Contributing	273	256	(6.23%)
Dependency/Neglect/Abuse	2,784	3,488	(25.28%)
Total	54,623	50,218	(8.06%)

Juvenile Court Referrals FY 1990-2000	
Fiscal Year	Number of Referrals
1990	39,052
1991	43,658
1992	47,995
1993	51,156
1994	57,767
1995	59,721
1996	63,615
1997	61,694
1998	56,644
1999	54,633
2000	50,218

Juvenile Court Dispositions FY 1990-2000	
Fiscal Year	Number of Dispositions
1990	38,146
1991	43,340
1992	46,735
1993	50,378
1994	54,364
1995	60,177
1996	62,800
1997	62,574
1998	58,426
1999	56,414
2000	52,331

Juvenile Court Clearance Rates FY 1990 – FY 2000	
Fiscal Year	Clearance Rate
1990	98.00%
1991	99.00%
1992	97.00%
1993	98.00%
1994	94.00%
1995	101.00%
1996	99%
1997	101%
1998	103%
1999	103%
2000	104%

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 last year. This increase is particularly significant because while these types of cases only represent 7 percent of the referrals, they are taking 45 percent of the 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 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

Recommendation

The Analyst recommends a continuation budget for this program in the amount of \$145,100

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	166,100	170,400	145,100	(25,300)
General Fund, One-time		(10,000)		10,000
Transfers		1,400		(1,400)
Closing Nonlapsing	(11,400)			
Total	<u>\$154,700</u>	<u>\$161,800</u>	<u>\$145,100</u>	<u>(\$16,700)</u>
Expenditures				
Personal Services	91,400	94,500	95,900	1,400
In-State Travel	16,700	9,300	10,000	700
Out of State Travel	2,000	(500)		500
Current Expense	44,600	58,500	39,200	(19,300)
Total	<u>\$154,700</u>	<u>\$161,800</u>	<u>\$145,100</u>	<u>(\$16,700)</u>
FTE/Other				
Total FTE	1	1	1	

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.

3.1.7 Court Security

Recommendation The Analyst recommends a continuation budget for security in the amount of \$2,281,000.

	2001	2002	2003	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	2,216,000	2,281,000	2,281,000	
Closing Nonlapsing	(84,300)			
Total	<u>\$2,131,700</u>	<u>\$2,281,000</u>	<u>\$2,281,000</u>	<u>\$0</u>
Expenditures				
Current Expense	2,131,700	2,281,000	2,281,000	
Total	<u>\$2,131,700</u>	<u>\$2,281,000</u>	<u>\$2,281,000</u>	<u>\$0</u>
FTE/Other				

Purpose 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.

3.1.8 Administrative Office of the Courts

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 1,200 non-judicial staff and court and juvenile probation operations statewide.

Recommendation

The Analyst recommends a continuation budget for the Administrative Office of the Courts in the amount of \$2,993,200

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	3,143,100	2,811,900	2,743,100	(68,800)
General Fund, One-time		(1,858,000)		1,858,000
GFR - Court Trust Interest	292,500	673,000	250,100	(422,900)
Transfers		107,200		(107,200)
Beginning Nonlapsing	452,000	515,600		(515,600)
Closing Nonlapsing	(525,200)			
Lapsing Balance	(250,000)			
Total	<u>\$3,112,400</u>	<u>\$2,249,700</u>	<u>\$2,993,200</u>	<u>\$743,500</u>
Expenditures				
Personal Services	2,291,100	1,383,900	2,166,100	782,200
In-State Travel	43,100	9,000	58,000	49,000
Out of State Travel	32,100	18,000	29,100	11,100
Current Expense	717,700	863,900	740,000	(123,900)
DP Current Expense	10,600	(100)		100
Capital Outlay	17,800	(25,000)		25,000
Total	<u>\$3,112,400</u>	<u>\$2,249,700</u>	<u>\$2,993,200</u>	<u>\$743,500</u>
FTE/Other				
Total FTE	43	43	36	(7)
Vehicles	5	5	5	

Purpose

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

Recommendation The Analyst recommends a continuation budget for Judicial Education in the amount of \$333,000.

	2001	2002	2003	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	353,600	352,300	333,000	(19,300)
General Fund, One-time		60,900		(60,900)
Beginning Nonlapsing		116,000		(116,000)
Closing Nonlapsing	(13,200)			
Total	\$340,400	\$529,200	\$333,000	(\$196,200)
Expenditures				
Personal Services	246,500	259,600	260,500	900
In-State Travel	3,200			
Current Expense	90,100	269,700	72,500	(197,200)
DP Current Expense	600	(100)		100
Total	\$340,400	\$529,200	\$333,000	(\$196,200)
FTE/Other				
Total FTE	5	5	5	

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 1,200 court personnel.

3.1.10 – Information Technology

Recommendation The Analyst recommends \$4,202,800 for Information Technology.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	4,325,800	4,337,500	4,152,800	(184,700)
General Fund, One-time		(200,000)		200,000
Dedicated Credits Revenue	28,200	15,000	15,000	
GFR - Court Trust Interest		27,000		(27,000)
GFR - Online Court Assistance	35,000	35,000	35,000	
Beginning Nonlapsing	139,000	275,000		(275,000)
Closing Nonlapsing	104,900			
Lapsing Balance	(29,000)			
Total	\$4,603,900	\$4,489,500	\$4,202,800	(\$286,700)
Expenditures				
Personal Services	1,941,600	2,162,000	2,202,600	40,600
In-State Travel	3,300	17,600	19,000	1,400
Out of State Travel	20,600	11,200	12,000	800
Current Expense	747,000	776,200	595,500	(180,700)
DP Current Expense	1,432,200	1,228,400	1,131,600	(96,800)
DP Capital Outlay	180,100	43,100	91,100	48,000
Capital Outlay	279,100	251,000	151,000	(100,000)
Total	\$4,603,900	\$4,489,500	\$4,202,800	(\$286,700)
FTE/Other				
Total FTE	35	35	35	
Vehicles	2	2	2	

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.

3.2.11 Federal Grants

Recommendation The Analyst recommends \$1,477,600 to the Federal Grants Program.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund			100	100
Federal Funds		75,900	50,500	(25,400)
Dedicated Credits Revenue	47,300	66,500	52,500	(14,000)
Transfers - Commission on Crit	2,303,600	1,297,200	1,374,500	77,300
Transfers - Federal		104,800		(104,800)
Beginning Nonlapsing	22,600			
Closing Nonlapsing	152,700			
Total	<u>\$2,526,200</u>	<u>\$1,544,400</u>	<u>\$1,477,600</u>	<u>(\$66,800)</u>
Expenditures				
Personal Services	423,900	203,100	176,000	(27,100)
In-State Travel	5,400	4,300	4,300	
Out of State Travel	8,400	5,000	5,000	
Current Expense	253,000	412,000	393,100	(18,900)
DP Current Expense	1,414,800	517,000	517,000	
DP Capital Outlay	402,700	403,000	382,200	(20,800)
Capital Outlay	18,000			
Total	<u>\$2,526,200</u>	<u>\$1,544,400</u>	<u>\$1,477,600</u>	<u>(\$66,800)</u>
FTE/Other				
Total FTE	6	6	5	(1)

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.

Intent Language For this year, the Analyst notes that the courts project receiving approximately \$152,800 in federal Title IV-D funds for the state’s efforts in child support enforcement. The Courts propose using these funds to allow them to hire a domestic relations court commissioner in the Fourth Judicial District (Utah, Wasatch, Millard and Juab counties).

3.2 Contracts and Leases

Recommendation The Analyst recommends \$18,219,500 for Contracts and Leases. If additional funding becomes available the Analyst recommends funding of \$523,300 to cover contract and lease increases.

	2001	2002	2003	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	13,523,600	15,323,800	14,519,900	(803,900)
General Fund, One-time		(420,000)		420,000
Dedicated Credits Revenue	187,500	145,600	199,600	54,000
GFR - State Court Complex	3,500,000	3,500,000	3,500,000	
Beginning Nonlapsing	22,100	240,300		(240,300)
Closing Nonlapsing	(240,300)			
Total	<u>\$16,992,900</u>	<u>\$18,789,700</u>	<u>\$18,219,500</u>	<u>(\$570,200)</u>
Expenditures				
Personal Services	288,000	331,600	335,300	3,700
In-State Travel	7,500	3,400	3,400	
Out of State Travel	100	1,000	1,000	
Current Expense	15,803,100	18,139,300	17,805,700	(333,600)
Capital Outlay	567,600	314,400	74,100	(240,300)
Other Charges/Pass Thru	326,600			
Total	<u>\$16,992,900</u>	<u>\$18,789,700</u>	<u>\$18,219,500</u>	<u>(\$570,200)</u>
FTE/Other				
Total FTE	9	9	9	

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 for Executive Offices and Criminal Justice recommends to the Appropriations Subcommittee on Capital Facilities whether or not to authorize funding for the purchase or building of a new courthouse. This recommendation carries the acknowledgment that future lease and O&M payments are the responsibility of the Legislature through this 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

Recommendation The Analyst recommends a continuation budget in the amount of \$800.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	900	900	800	(100)
General Fund, One-time		(100)		100
Total	<u>\$900</u>	<u>\$800</u>	<u>\$800</u>	<u>\$0</u>
Expenditures				
In-State Travel	900	800	800	
Total	<u>\$900</u>	<u>\$800</u>	<u>\$800</u>	<u>\$0</u>
FTE/Other				

Purpose The 1990 Legislature enacted the Grand Jury Reform Act which 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 \$1,684,000 for Jury, Witness and Interpreters. If additional funding becomes available the Analyst recommend funding the shortfalls from previous years with \$515,600.

	2001	2002	2003	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	2,429,800	1,829,800	1,669,000	(160,800)
General Fund, One-time		(3,800)		3,800
Dedicated Credits Revenue	8,400	15,000	15,000	
Beginning Nonlapsing	(1,169,400)	(515,600)		515,600
Closing Nonlapsing	515,600			
Total	\$1,784,400	\$1,325,400	\$1,684,000	\$358,600
Expenditures				
Personal Services	200			
In-State Travel	22,900	19,400	22,000	2,600
Out of State Travel	23,800	22,500	23,000	500
Current Expense	141,000	147,500	147,400	(100)
DP Current Expense	200			
Other Charges/Pass Thru	1,596,300	1,136,000	1,491,600	355,600
Total	\$1,784,400	\$1,325,400	\$1,684,000	\$358,600
FTE/Other				

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 shortfalls are contained in the Courts' supplemental request.

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

Recommendation The Analyst recommends \$3,755,000.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	2,412,700	2,997,600	3,079,000	81,400
General Fund, One-time		(11,500)		11,500
Dedicated Credits Revenue	17,600	20,000	20,000	
GFR - Children's Legal Defense	400,000	399,100	401,200	2,100
GFR - Guardian Ad Litem Services	195,900	246,700	254,800	8,100
Transfers		84,000		(84,000)
Beginning Nonlapsing	12,400	1,200		(1,200)
Closing Nonlapsing	(1,200)			
Total	<u>\$3,037,400</u>	<u>\$3,737,100</u>	<u>\$3,755,000</u>	<u>\$17,900</u>
Expenditures				
Personal Services	2,710,100	3,333,700	3,400,700	67,000
In-State Travel	28,200	43,200	43,500	300
Out of State Travel	9,300	6,300	6,500	200
Current Expense	289,300	332,700	304,300	(28,400)
DP Current Expense	500			
Capital Outlay		21,200		(21,200)
Total	<u>\$3,037,400</u>	<u>\$3,737,100</u>	<u>\$3,755,000</u>	<u>\$17,900</u>
FTE/Other				
Total FTE	58	58	58	
Vehicles	5	5	5	

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, using trained volunteers to assist attorneys in fact-finding.

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

	1999	2000	2001	2002	2003
Financing	Actual	Actual	Actual	Estimated	Analyst
General Fund	82,736,000	85,123,850	90,483,200	94,303,400	92,432,700
General Fund, One-time				(3,612,500)	
Federal Funds	84,100	26,300		75,900	50,500
Dedicated Credits Revenue	1,200,500	753,500	1,094,600	1,183,500	1,302,900
GFR - Alternative Dispute Resolution	140,000	140,000	144,400	144,400	140,400
GFR - Children's Legal Defense	603,500	615,000	644,400	643,500	641,200
GFR - Court Reporter Technology	150,000	200,000	250,000	250,000	238,900
GFR - Court Trust Interest	238,500	590,000	1,558,200	800,000	250,100
GFR - Guardian Ad Litem Services	240,500	240,500	195,900	246,700	254,800
GFR - Non-Judicial Assessment	634,600	685,700		753,000	766,000
GFR - Online Court Assistance			35,000	35,000	35,000
GFR - State Court Complex	3,400,000	3,395,600	3,500,000	3,500,000	3,500,000
GFR - Substance Abuse Prevention	312,400	312,300		348,800	362,800
GFR - Tobacco Settlement				193,700	193,700
Transfers		74,800		609,200	
Transfers - Commission on Criminal and	828,800	1,028,100	2,303,600	1,297,200	1,374,500
Transfers - Federal	72,100	127,300		104,800	
Transfers - Human Services			180,800	152,800	154,800
Transfers - Youth Corrections			35,000	123,500	150,900
Beginning Nonlapsing	1,177,000	1,059,000	(186,800)	1,172,000	170,500
Closing Nonlapsing	(422,800)	186,700	(1,172,000)	(170,500)	(143,300)
Lapsing Balance	(95,700)	(378,800)	(443,900)		
Total	\$91,299,500	\$94,179,850	\$98,622,400	\$102,154,400	\$101,876,400
Programs					
Administration	71,492,000	73,440,050	76,806,800	78,301,400	78,217,100
Contracts and Leases	15,175,100	15,940,800	16,992,900	18,789,700	18,219,500
Grand Jury	1,000	1,000	900	800	800
Jury and Witness Fees	1,816,200	1,858,800	1,784,400	1,325,400	1,684,000
Guardian ad Litem	2,815,200	2,939,200	3,037,400	3,737,100	3,755,000
Total	\$91,299,500	\$94,179,850	\$98,622,400	\$102,154,400	\$101,876,400
Expenditures					
Personal Services	59,661,300	61,533,350	64,875,900	67,877,000	68,567,300
In-State Travel	515,000	484,900	381,400	371,900	438,500
Out of State Travel	176,300	215,900	189,300	172,400	192,500
Current Expense	25,032,300	26,909,800	26,637,600	29,767,600	28,759,000
DP Current Expense	3,066,900	4,076,000	3,061,300	1,821,800	1,729,100
DP Capital Outlay	66,400	495,900	582,800	446,100	473,300
Capital Outlay	692,100	464,000	972,100	561,600	225,100
Other Charges/Pass Thru	2,089,200		1,923,000	1,136,000	1,491,600
Trust & Agency Disbursements			(1,000)		
Total	\$91,299,500	\$94,179,850	\$98,622,400	\$102,154,400	\$101,876,400
FTE/Other					
Total FTE	1,229	1,276	1,318	1,248	1,265
Vehicles			165	165	160

4.2 Federal Funds

Program		FY 2001 Actual	FY 2002 Estimated	FY 2003 Analyst
Federal Grant Program	Federal	\$0	\$75,900	\$50,500
	Required State Match			
	Total	0	75,900	50,500
TOTAL	Federal	0	75,900	50,500
	Required State Match	0	0	0
	Total	\$0	\$75,900	\$50,500