

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
APPROPRIATIONS SUBCOMMITTEE  
Room 25 House Building  
January 25, 2012**

**Members Present:** Sen. Daniel Thatcher, Co-Chair  
Rep. Eric K. Hutchings, Co-Chair  
Sen. Peter C. Knudson  
Sen. Ben McAdams  
Sen. Howard A. Stephenson  
Sen. John L. Valentine  
Rep. Joel K. Briscoe  
Rep. Richard Greenwood  
Rep. Curtis Oda  
Rep. Paul Ray  
Rep. Jennifer M. Seelig  
Rep. Brad R. Wilson

**Members Excused:** President Michael G. Waddoups  
Rep. Christopher N. Herrod, House Vice Chair

**Staff Present:** Mr. Gary Syphus, Fiscal Analyst  
Ms. Jennifer Eyring, Committee Secretary

**Note:** A list of visitors and a copy of handouts are filed with the committee minutes.

Co-Chair Hutchings called the meeting to order at 8:16 a.m. He discussed the shortened meeting schedule and explained that budget briefs for each agency and other background information could be found in the committee binders. The "State Funds and FTE for the Executive Offices and Criminal Justice Appropriations Subcommittee" page provides historical information for FY 2005 through the proposed base budget for FY 2013. He noted the areas that indicated the percent change in budget and FTE levels from FY 2005 to FY 2012.

Mr. Gary Syphus, Fiscal Analyst, stated that the Executive Appropriations Committee has allocated to this committee the same base budget amount as the previous year. Information on federal funds associated with the committee was included in the binders and will be voted on during the first ten days of the session.

**Fees**

Mr. Syphus explained the Issue Brief concerning fees. He noted that the Department of Public Safety will be making some changes in the fee schedule to comply with statute. The vote to approve fees will be taken at a later meeting.

**Courts Budget Review**

Mr. Syphus gave an overview of the five Budget Briefs on the Courts' line items. He noted that Analyst recommendations are on the first page of each brief, and budget detail tables are on the back page.

- a) Administration Line Item  
The budget brief includes intent language concerning the salary of district court judges. The requested line item transfer of \$750,000 from the Contract and Leases line item to the Administrative line item was explained.
- b) Juror, Witness, Interpreter Line Item  
The state is responsible for the payment of jurors, witnesses and interpreter expenses. In recent years, this line item has run a deficit. The Analyst recommends that the committee approve funding for the running FY 2012 deficit and ongoing funding for FY 2013 anticipated expenditures.
- c) Contracts and leases Line Item  
The line item transfer discussed in the Administration line item brief was noted.
- d) Grand Jury Line Item  
Funds in this line item are used if a grand jury is called.
- e) Guardian ad Litem Line Item  
Budget requests include funding for additional staff and attorney salary parity increase to address the rate of turnover and to eliminate the difference in salary from other state attorneys.
- f) Courts Performance  
The issue brief includes detailed performance data for District and Juvenile Courts.

### **Guardian ad Litem (GAL)**

Rick Smith, Director, Office of Guardian ad Litem, answered questions from the committee concerning how and when attorneys are appointed. About 77 percent of cases are appointed according to statute in child welfare cases. The other 23 percent of cases are appointed at the discretion of the courts. Mr. Smith stated attorneys are given extensive training, follow statutory direction and GAL best practice guidelines. He said the increase in their budget came after a legislative performance audit showed that the attorney case load was about 317 child clients per attorney. The additional funds have lowered the case load to about 200 child clients per attorney, still above the recommended national level of 100 clients per attorney. To address the concern that GAL attorneys are not overused, District Court judges must give reasons for the appointment, specific goals for the GAL attorney to accomplish, and time lines to accomplish the goals. The GAL Oversight Committee has launched a study to find alternatives to reduce the use of GAL attorneys in the District Courts. One option is the use of private GAL programs. Handouts, including the 2011 Annual Report were provided to the committee.

Rep. Hutchings requested information how frequently each judge was appointing a Guardian ad Litem.

Sen. Stephenson requested that the GRAMA fee schedule found in the Fee Issue Brief be corrected to only show zero if the actual fee is zero.

### **Courts**

Dan Becker, Court Administrator, assisted by Ray Wahl, Juvenile Court Administrator, discussed the changes the Courts have made to keep operating costs within the reduced budget amounts of the past

years. Their goal was to improve access, provide better service, improve the use of available resources, reduce delay, and achieve better performance. To reach these goals, they produced a new business model, made improvements in case management to reduce delays, and worked to more productively use existing resources. He further explained the components of the new business model, Clerical Reorganization, Electronic Record, and Civil Discovery Reform. Under clerical reorganization, he highlighted the competency based model of advancement which provides opportunity for employees to take online training to become qualified for advancement. He felt it was effective because it rewards initiative and improves skills without the need to travel. Electronic records are used in thirteen applications, including filing, payments, documents, and transcripts. Implementation has improved access and saved time and money. Mr. Becker explained the need for discovery reform in civil cases. New rules implemented on November 1, 2011 aim to make the discovery process proportional to the needs of the case, reduce the time and expense of discovery, and enable parties claiming modest damages realistic access to the civil justice process.

The age of active pending cases was illustrated in a chart, showing improvement in every case type, notwithstanding more cases and fewer resources. He credited the improvement to better training, performance measures, and frequent meetings to discuss problems and obstacles. To utilize resources, the Courts are using judges and senior judges to cover areas with greater need. They have also implemented a program to provide interpreter services remotely, reducing time and travel needed. The Utah State Courts' Access and Fairness survey was conducted in June 2011. The results showed that in all areas surveyed, 90 percent or more of respondents rated the courts adequate or better on a five point scale. He felt it showed that they had improved service with less resources.

Mr. Becker stated that three things are needed to maintain service at the current funding level, a return to a normal rate of increase in court cases, continued implementation of electronic record projects, and maintaining existing level of staffing. He requested the committee keep the Courts at their current level of funding. He pointed out that Senator Urquhart is sponsoring a bill to define and expand the self help center. He reminded the committee of the accumulation of the Juror, Witness, and Interpreter Fee deficit over the last three fiscal years. He noted that there has been a reduction in costs in the past year.

In response to committee questions, Mr. Becker gave a more detailed discussion of digital court recordings, transcription costs, the performance survey, and the self help center. The self help center provides answers to questions people have concerning their case, such as where and what to file. About 8,000 people have been served at not cost to them. It has also benefitted the courts as people have been more prepared for their case.

Rep. Hutchings expressed appreciation for the performance data and transparency provided by the Courts.

### **Guardian ad Litem**

Lynne Skowronski, Citizen, spoke about her concerns with the Guardian ad Litem program. She expressed concern over the growing budget and expansion of the Guardian ad Litem Office in addition to the amount of money that is charged to parents whose children are served by a GAL attorney.

### **Federal Funds**

Mr. Syphus explained the three documents that deal with federal funds. The "State of Utah Federal Receipts Reporting" document provides each agency's contingency plan in the event that federal funds were reduced by 5 percent or 25 percent. It also reports on federal mandates that would have to be continued under reduced funding and what the impact would be to the public. The other documents are the Federal Funds issue briefs for FY 2012 and FY 2013. Approval of federal funds will be voted on in a later meeting. The federal funds information and other information provided in this meeting can be found on the Legislative website and can also be located by clicking on the corresponding agenda item.

**MOTION:** Rep. Greenwood moved to adjourn the meeting. The motion was approved unanimously with Rep. Ray, Rep. Seelig, and Sen. Valentine absent for the vote.

Rep. Hutchings adjourned the meeting at 10:53 a.m.

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Sen. Daniel W. Thatcher, Co-Chair

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Rep. Eric K. Hutchings, Co-Chair