



JOINT BUDGET COMMITTEE STAFF FY 2020-21 BUDGET BRIEFING SUMMARY

Colorado General Assembly
Joint Budget Committee

Judicial Department

The Judicial Department interprets and administers the law, resolves disputes, and supervises adult and juvenile offenders on probation. The Judicial Branch also includes seven independent agencies. The four largest agencies provide legal representation for children, juveniles, or indigent adult defendants in certain types of cases. The Independent Ethics Commission provides advice and guidance on ethics-related matters concerning public officers, members of the General Assembly, local government officials, and government employees. The Office of the Child Protection Ombudsman receives, investigates, and seeks resolution of complaints concerning child protection services and makes recommendations to improve such services. The Office Public Guardianship operates a pilot program in Denver that provides guardianship services for incapacitated and indigent adults who lack resources and family or friends who can serve as guardians. The Department's FY 2019-20 appropriation represents 2.6 percent of statewide operating appropriations and 5.1 percent of statewide General Fund appropriations.

FY 2019-20 APPROPRIATION AND FY 2020-21 REQUEST

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2019-20 APPROPRIATION:						
SB 19-207	828,240,408	605,277,326	168,839,189	49,698,893	4,425,000	4,799.4
Other Legislation	12,283,393	10,857,166	1,426,227	0	0	70.4
TOTAL	\$840,523,801	\$616,134,492	\$170,265,416	\$49,698,893	\$4,425,000	4,869.8
FY 2020-21 REQUESTED APPROPRIATION:						
FY 2019-20 Appropriation	\$840,523,801	616,134,492	\$170,265,416	\$49,698,893	\$4,425,000	4,869.8
JUD R1 Judicial budget adjustments	(500,000)	(500,000)	0	0	0	0.0
JUD R2 Magistrates	2,451,736	2,451,736	0	0	0	24.0
JUD R3 Additional probation officers	1,128,947	1,128,947	0	0	0	15.9
JUD R4 Contract management office	480,896	480,896	0	0	0	6.0
JUD R5 Language translators	287,798	287,798	0	0	0	1.0
JUD R6 Adult diversion program expansion	473,705	473,705	0	0	0	0.0
JUD R7 Class C and D county judge FTE adjustment	246,197	246,197	0	0	0	1.3
JUD R8 Behavioral health FTE	86,610	86,610	0	0	0	1.0
JUD R9 Courthouse capital	2,273,235	2,273,235	0	0	0	0.0
JUD R10 IT data center equipment replacement	3,304,029	3,304,029	0	0	0	0.0
JUD R11 Technical adjustments for S.B. 19-108 and S.B. 19-223	166,935	166,935	0	0	0	2.1
JUD R12 Offender treatment & services CF spending authority adjustment	850,102	0	760,000	90,102	0	0.0
JUD R13 Increase spending authority for Family-friendly Court Program grants	44,057	0	44,057	0	0	0.0

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
JUD R14 Carr Center lease adjustment/controlled maintenance request	(3,704,331)	(61,137)	(3,252,690)	(390,504)	0	0.0
JUD R15 Fleet vehicles	(2,622)	(2,622)	0	0	0	0.0
JUD R16 Technical adjustments	789,224	(46,631)	500,000	335,855	0	1.0
JUD (unnumbered request) Salary survey	1,652,028	1,502,423	149,605	0	0	0.0
OSPD R1 Staffing needs	5,482,908	5,482,908	0	0	0	54.7
OSPD R2 IT	754,745	754,745	0	0	0	2.7
OSPD R3 Social workers	551,940	551,940	0	0	0	8.2
OSPD R4 Mandated costs	431,712	431,712	0	0	0	0.0
OSPD R5 Leases	357,103	357,103	0	0	0	0.0
OSPD R6 Golden courtroom staffing	115,941	115,941	0	0	0	1.6
OADC R1 Caseload increase	4,202,859	4,202,859	0	0	0	0.0
OADC R2 Coordinator of adjunct services	122,049	122,049	0	0	0	1.0
OADC R3 Staff accountant	116,373	116,373	0	0	0	1.0
OADC R4 Programs analyst	117,653	117,653	0	0	0	1.0
OADC R5 Operating adjustments	57,545	57,545	0	0	0	0.0
OADC R6 COLA-based contractor hourly rate increase	2,383,172	2,383,172	0	0	0	0.0
OADC (unnumbered request) Salary increase for OADC executive director.	7,449	7,449	0	0	0	0.0
OCR R1 Caseload/workload adjustment	728,805	728,805	0	0	0	0.0
OCR R2 New staff attorney	171,858	171,858	0	0	0	1.0
OCR R3 Common compensation plan	53,230	53,230	0	0	0	0.0
OCR R4 Make deputy director and IS manager full time	61,776	61,776	0	0	0	0.4
OCR R5 Increase training	20,000	20,000	0	0	0	0.0
OCR R6 Title IV-E funding	1,481,902	0	0	1,481,902	0	0.0
OCR R7 Court-appointed counsel rate increase	1,145,367	1,145,367	0	0	0	0.0
ORPC R1 Increase in number of and costs per appointment	2,338,493	2,338,493	0	0	0	0.0
ORPC R2 Common compensation plan - attorneys	81,043	81,043	0	0	0	0.0
ORPC R3 Common compensation plan - other staff	55,575	55,575	0	0	0	0.0
ORPC R4 Title IV-E legal representation	4,528,038	0	0	4,528,038	0	0.0
ORPC R5 Social work pilot program continuation	318,240	318,240	0	0	0	0.0
ORPC R6 Social work coordinator	130,826	130,826	0	0	0	1.0
ORPC R7 Carrie Ann Lucas fellowship	173,522	173,522	0	0	0	1.0
ORPC R8 Contractor rate increase	999,670	999,670	0	0	0	0.0
ORPC R9 Operating expenses	27,968	27,968	0	0	0	0.0
ORPC R10 Training	46,000	28,000	18,000	0	0	0.0
OCPO R1 Salary increases	35,749	35,749	0	0	0	0.0
OCPO R2 External assistance with communication	42,000	42,000	0	0	0	0.0
CDAC R1 District attorney mandated costs	109,851	79,851	30,000	0	0	0.0
Annualize prior budget actions	11,929,945	11,375,572	554,373	0	0	13.0
Annualize prior legislation	2,398,996	2,535,884	(136,888)	0	0	37.2
Community provider rate	366,937	83,005	82,014	201,918	0	0.0
Non-prioritized requests	73,450	73,450	0	0	0	0.0
Centrally appropriated line items	(3,136,628)	(2,840,206)	(296,422)	0	0	0.0
TOTAL	\$889,428,960	\$660,340,291	\$168,717,465	\$55,946,204	\$4,425,000	5,045.9
INCREASE/(DECREASE)	\$48,905,159	\$44,205,799	(\$1,547,951)	\$6,247,311	\$0	176.1

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Percentage Change	5.8%	7.2%	(0.9%)	12.6%	0.0%	3.6%

In the preceding table:

- "JUD" indicates a request from the Chief Justice for the courts or for probation programs;
- "OSPD" indicates a request from the Office of the State Public Defender;
- "OADC" indicates a request from the Office of the Alternate Defense Counsel;
- "OCR" indicates a request from the Office of the Child's Representative;
- "ORPC" indicates a request from the Office of the Respondent Parents' Counsel;
- "OCPO" indicates a request from the Office of the Child Protection Ombudsman;
- "IEC" indicates a request from the Independent Ethics Commission;
- "OPG" indicates a request from the Office of Public Guardianship; and
- "CDAC" indicates a request from the Colorado District Attorneys' Council.

Requests from the Main Judicial Department (Courts and Probation)

JUD R1 JUDICIAL BUDGET ADJUSTMENTS: The Judicial Department requests that its General Fund appropriations be reduced by \$500,000 for FY 2020-21 and subsequent years, a reduction achieved by (1) reducing expenditures for its executive management training program by \$480,000 total funds, comprised of reductions of \$23,944 General Fund and \$456,056 cash fund from the Judicial Stabilization Cash Fund. It will then use the freed cash funds to replace \$456,056 of General Fund that is currently appropriated to the Trial Courts program. The combined General Fund reduction is \$480,000. In addition it will reduce its General Fund appropriation for Administration and Technology by \$20,000.

JUD R2 MAGISTRATES: The Judicial Department requests \$2,451,736 General Fund for 8.0 FTE new magistrates and 16.0 FTE support staff. The request adds judicial officers in the eight counties with the most critical need for county court judicial officers as shown in the following table. All of these counties are less than 85 percent fully staffed, based on the Department's court staffing model: In the second year, the cost is \$2,119,675 General Fund. This request is the subject of the third Issue.

JUD R3 ADDITIONAL PROBATION OFFICERS. The Judicial Department requests \$1,128,947 General Fund for 15.9 FTE for Probation Programs for additional probation officers, supervisors, and staff to achieve a statewide staffing level of 89.0 percent.

JUD R4 CONTRACT MANAGEMENT OFFICE: The Judicial Department requests \$480,896 General Fund to add 6.0 FTE who will assist in the procurement and management of judicial-department contracts statewide. The Department plans to assign 4.0 of these FTE to a newly created central contract management unit, while 1.0 FTE would serve as an additional purchasing agent and 1.0 FTE would serve as the Systems Administrator for a new procurement contract management and payment system that a software vendor is currently developing and customizing for the Department. The Department's current contracting and procurement process is decentralized, with most duties assigned to employees in the 22 judicial districts, who must balance their normal programmatic duties with their contract and procurement duties, which include coordinating background checks, verifying insurance requirements, renewing contracts, and maintaining contract records.

JUD R5 Language translators: The Judicial Department requests 1.0 FTE and \$287,798 General Fund for a court translator FTE for the Translation Department at the Department's main Denver office, which currently has 2.0 FTE translators. Of the total cost, \$71,964 is for the new employee and \$210,000 is for additional work by contract translators. Translators translate from English into other languages such things as Judicial Department forms, advisements, waivers, case management orders, handbooks, brochures, flyers, etc.

JUD R6 Adult diversion program expansion: The State Diversion Advisory Committee, acting through the Judicial Department, requests \$473,705 General Fund to increase funding for existing diversion programs across the state and to provide funding to expand a diversion program to an additional district. The program currently receives a \$400,000 General Fund appropriation. Since the passage of H.B. 13-1156, which created and funded the adult diversion grant program, the funding for diversion grants has remained constant at \$400,000 while the number of applications for funding has grown. This request would increase funding for existing programs and allow the expansion of the program to another district.

JUD R7 Class C and D county judge FTE adjustment: The Judicial Department requests \$246,197 General Fund and 1.3 FTE for the Trial Court Programs to fund increased payments to Class C and D county judges that have resulted from (1) caseload/workload growth and (2) a revision to the methodology used to compute the fractional appointments of county judges in small counties. Class C and D counties are the smallest counties in the state.

JUD R8 BEHAVIORAL HEALTH FTE: The Judicial Department requests \$86,610 General Fund and 1.0 FTE for a Court Programs Analyst II position to support the coordination of the Bridges Program throughout the state. This request is the subject of the second Issue.

JUD R9 COURTHOUSE CAPITAL: The Judicial Department requests \$2,273,235 General Fund to address required infrastructure and furnishing needs in county courthouses. Colorado counties provide and maintain courtrooms and other court facilities, while the State provides the furnishings, infrastructure, and court staffing. This request will pay for infrastructure and courthouse furnishings in expanded, remodeled, or new facilities, and for replacement or refurbishment of existing furniture that is no longer useable or will soon become unusable if not repaired. A courthouse capital appropriation appears in the Long Bill every year but the Department does not treat it as a base appropriation off which adjustments are to be made. For FY 2019-20, the General Fund portion of this appropriation equaled \$2,618,698, so this request is in fact a reduction compared with last year's request. As the following table shows, over half this request is the State's portion of the cost of furnishing the new courthouse in Huerfano County that will open in FY20-21. Note that county decisions to open and remodel courts, which are dependent upon county resources, drive this appropriation.

JUD R9 COURTHOUSE CAPITAL								
DISTRICT	LOCATION	PROJECT	ARCHITECT	AUDIO VISUAL	FURNISHING	TECHNOLOGY	NETWORK	TOTAL
2	Denver	Mobile shelving	\$0	0	\$26,500	\$0	\$0	\$26,500
3	Huerfano	New courthouse	235,246	385,531	1,018	303,894	298,666	1,224,355
18	Centennial	New courtroom and other remodel	0	45,000	478,050	15,095	9,570	547,715
19	Weld	Expand conference room	200	4,000	60,700	650	15,670	81,220
19	Weld	Two additional courtrooms	0	1,000	227,100	24,800	23,140	276,040
20	Boulder	Jail courtroom reconfiguration	0	16,000	85,800	0	15,605	117,405
Total			\$235,446	\$451,531	\$879,168	\$344,439	\$362,651	\$2,273,235

JUD R10 IT DATA CENTER EQUIPMENT REPLACEMENT: The Judicial Department requests \$3,304,029 General Fund in FY 2020-21 and \$1,995,079 General Fund in FY 2021-22 for the replacement of critical enterprise IT equipment that is housed in its primary production data center and its disaster recovery center. In FY 2020-21, the Department would replace its IBM iSeries servers and its NetApp storage array servers, while in FY 2021-22 it would replace its virtualized computer servers.

The Department indicates that its midrange iSeries servers are the foundation of its IT infrastructure. They are the primary database servers that store information for all Department case management and e-filing systems, as well as the Colorado Integrated Criminal Justice Information System (CICJIS), public access system, and numerous interagency data exchange systems. The servers were purchased in 2016 with a five year maintenance agreement and must be replaced in FY 2020-21. The Department notes that the industry standard for replacement equipment is every three to five years.

The Department also indicates that the FY 2020-21 replacement of midrange iSeries servers necessitates the upgrade of two NetApp primary storage array servers, which are also a critical component of the Department's infrastructure and are used to store documents for the Department's case management and e-filing systems and are used to replicate data between the Department's two data centers, minimizing downtime in the event of a data center outage. These storage array servers are also five years old.

The Department also states that in FY 2021-22 it must upgrade its virtualized computer servers which run the Department's IT infrastructure services and applications such as a statewide phone system, statewide authentication and access control, case management and e-filing systems, public and government access system, interagency data exchange systems, and back office systems.

According to the Judicial Department, if its servers are used into their sixth year, which is well above the industry standard, it will increase the Department's risk of hardware failures and service disruption.

JUD R11 TECHNICAL ADJUSTMENTS FOR S.B. 19-108 AND S.B. 19-223: The Judicial Department requests \$166,935 General Fund and 2.1 FTE to correct appropriation errors in S.B.19-108 and S.B.19-223. These are both requests that the Department could have submitted in January 2020 as budget amendments for FY 2020-21 and coupled them with supplemental requests for FY 2019-20. Instead, the FY 2020-21 portion of these requests is being submitted now with the FY 2019-20 supplementals coming in January.

SENATE BILL 19-108 (JUVENILE JUSTICE REFORM) ADJUSTMENT: This bill contains a \$68,598 General Fund, 0.8 FTE appropriated for FY 2019-20 to the *Probation Programs* line item within the Judicial Department. The amount was correct, but the appropriation should have been to the *Trial Court Program* line item. A correction to that FY 2019-20 appropriation will, staff presumes, be requested in January. With this request, the Judicial Department is requesting that the FY 2020-21 annualization of S.B. 19-108 be moved from the Judicial Department's *Probation Programs* line item to the *Trial Court Program* line item.

SENATE BILL 19-223 (ACTIONS RELATED TO COMPETENCY TO PROCEED) ADJUSTMENT: This bill contains an appropriation clause that is inconsistent with the final Legislative Council staff fiscal note. The difference is due to procedural considerations rather than legislative disagreement with the costs identified in the fiscal note. The bill was introduced in the House on April 25, 2019 and passed unamended through the House Judiciary Committee on April 26th. On April 27 the House Appropriations Committee voted unanimously to adopt an amendment that revised the appropriations clause so that it would be consistent with the revised Fiscal Note available on that date. Given the limited time left in the legislative session and the number of bills remaining on the Senate calendar, a return trip to the Senate to resolve differences between the houses could have jeopardize

passage. So when the bill came up for second reading in the House on April 29, bill sponsor Rep. Weissman moved that the House reject the Appropriations Committee Report to avoid a trip back to the Senate. The bill then passed House second and third reading unamended and was later signed into law.

Had the House Appropriations Committee amendment to S.B. 19-223 survived, the bill would have contained a FY 2019-20 appropriation to the Judicial Department that was \$173,645 General Fund and 2.1 FTE higher. With this request, the Judicial Department asks for an appropriation of the FY 2020-21 General Fund and FTE annualization of the FY 2019-20 appropriation that should have been in that bill.

JUD R12 OFFENDER TREATMENT & SERVICES CF SPENDING AUTHORITY ADJUSTMENT: The Judicial Department requests an appropriation \$850,102 total funds comprised of \$460,000 cash funds from the Alcohol and Drug Driving Safety Program Fund, \$300,000 cash funds from the Offender Treatment and Services Cash Fund and \$90,102 reappropriated funds for the Offender Treatment and Services appropriation. The \$460,000 cash funds increase will be transferred to Denver County where it will be used to treat probationers, but the transfer will be offset by a reduction of transfers to Denver from the Offender Treatment and Services Cash fund, which frees those Offender Treatment and Services dollars for use by Judicial's probation department. In addition \$300,000 of Correctional Treatment Cash Fund dollars will be used to develop a cloud-based procure to pay solution to automate and streamline the issuance, delivery and invoicing of probation services agreement and non-agreement orders through a single system The Correctional Treatment Board's FY21 spending plan also includes an additional \$90,102 to fund probation programs that are part of the local treatment board funding projects.

JUD R13 INCREASE SPENDING AUTHORITY FOR FAMILY-FRIENDLY COURT PROGRAM GRANTS: The Judicial Department requests a \$44,057 increase in cash fund appropriations for Family-friendly Court program grants from the Family-friendly Court Program Cash Fund. This increase will help the Department meet the need for court-related child care and for supervised visitation and exchange programs.

Background: The Family Friendly Court Program is funded with a \$1.00 surcharge on traffic violations. It makes grants to judicial districts to help them provide two types of services for people with children: (1) Provide quality child care in or near a courthouse or through vouchers for private childcare services for families attending court proceedings. (2) Provides a location when a parent can spend supervised parenting time with a child and where a child can be transferred from one parent to another. The programs also helps families connect with relevant community services, such as youth mentoring, crime and dropout prevention, employment counseling and training, financial management, legal counseling, and substance abuse programs.

JUD R14 CARR CENTER LEASE ADJUSTMENT/CONTROLLED MAINTENANCE REQUEST: This is a multipart request:

- The Judicial Department requests that (1) its annual cash fund deposit into the Justice Center Maintenance Fund (the "Maintenance Fund") be reduced by \$3,100,000 million (from \$4.6 million to \$1.5 million) and (2) controlled maintenance expenditures from the Maintenance Fund be reduced by \$500,000 from \$1,788,538 to \$1,288,538. The expenditure portion of the request exceeds projected controlled maintenance expenditures by \$437,175. The Department requests this additional spending authority as a precaution in case of an unexpected expenditure, such as the premature failure of an item that is on the controlled maintenance schedule but is not scheduled for replacement for several more years. In all likelihood this additional spending authority will expire unused, but its availability could avoid an interim supplemental for an emergency expenditure or a late-in-the session supplemental.

Background: Senate Bill 18-267 established the Justice Center Maintenance Fund to pay for future controlled maintenance and other maintenance needs of the Carr Justice Center. Appropriations to the Maintenance Fund come from the Justice Center Cash Fund, with appropriations set at a constant level that will pay for fluctuating future maintenance needs that are foreseen in an annual report submitted by the Judicial Department. The FY 2019-20 Long Bill made a large initial deposit (\$4.6 million) into the Maintenance Fund that is to be followed in subsequent years by lower payments. The FY 2019-20 Long Bill also includes a \$1.8 million appropriation from the Maintenance Fund to pay for FY 2019-20 controlled maintenance.

- The Judicial Department requests that its debt service payment on the Carr center be reduced by \$152,690 total funds, comprised of \$109,497 less General Fund, \$152,690 less cash funds, and \$109,497 more reappropriated funds.

Background: The Judicial Department makes regular debt service payments on the Certificates of Participation that financed the building of the Carr Center; these payments will equal \$21.7 million in FY 2020-21 and will last until FY 2045-46. Part of this payment comes from a declining federal subsidy available through the American Recovery and Reinvestment Act (ARRA), which appears as cash funds in the Long Bill, part is cash funds from other sources, a declining portion is General Fund, and part is reappropriated funds that originate as lease payments by the Department of Law and other state agencies that lease space in the Carr Center.

JUD R15 FLEET VEHICLES: The Judicial Department requests a net decrease of \$2,622 General Fund for vehicle expenses. It requests permission to acquire two leased vehicles through the State Fleet Management program, which will increase the Department's fleet from approximately 39 to 41 vehicles. The new vehicles will be used by employees who currently use personal vehicles for Department business and are compensated for that use at the rate of 51¢ per mile. The increased lease costs will be more than offset by reduced payments to employees; the additional vehicles will allow the Department to reduce its vehicle-related expenditures by an estimated \$2,622 General Fund.

JUD R16 TECHNICAL ADJUSTMENTS: The Judicial Department requests six adjustments that are designed to increase Long Bill transparency. On net, the changes reduce General Fund (GF) appropriations by \$46,631 but there is no real GF decrease because the relevant part of R16 asks that \$46,631 of GF appropriated to the Judicial Department and then transferred as reappropriated funds to the Department of Corrections (DOC) be replaced with a direct GF appropriation to the DOC. The \$500,000 cash funds increase shown for R16 adjusts the Long Bill's informational appropriation to the Office of Attorney Regulations Counsel. Other requested adjustments for R16 move appropriations from one Judicial line item to another in order to more accurately show where appropriations or FTE are used. The additional 1.0 FTE shown for R16 corrects an inaccurate FTE count in the Long Bill. The increase of reappropriated funds shown for F16 reflects increases that are in the Correctional Treatment Board's FY 2020-21 spending plan. This last change may be somewhat more that technical and will be discussed more thoroughly during figure setting.

JUD (UNNUMBERED REQUEST) SALARY SURVEY: The Judicial Department requests \$1,652,028 total funds (\$1,502,423 General Fund) to increase the pay of 1,100 employees in 21 of its job classes by an average 3.8%. The request reflects recommendations in the Department's annual salary survey, which is produced by Segal Waters, a third-party compensation consulting company that also produced the Department's FY 2019-20 Annual Compensation Report. The Segal Waters report found that among the Department's job classes, 21 have salary ranges that are more than three percent below comparable salaries elsewhere. The consultant recommended increases of 2 percent to 10 percent for these job classes. Based on this recommendation, the Judicial Department proposes to increase the salaries of all employees in each of these affected classes by the recommended percentage for the class and also move the salary range for the class upward by the recommended percentage. These salary increases are in

addition to the common policy 2 percent merit increases that the Judicial Department requests for all its employees. The merit increase is in place of the 2 percent salary survey increase being requested for Executive Branch agencies.

Requests from Office of the State Public Defender (OSPD)

OSPD R1 OSPD STAFFING NEEDS: The OSPD requests 54.7 FTE and \$5,482,909, General Fund for FY 2020-21, annualized to 59.6 FTE and \$5,467,628 for FY 2021-22 and subsequent years, to address staffing and funding requirements necessary to comply with constitutional, statutory and obligations for indigent defense. When fully staffed, the request includes 36.0 Deputy State Public Defenders, 12.0 Investigators, 9.0 Administrative Assistants and 2.6 Central Office.

OSPD R2 IT: The OSPD requests 2.7 FTE and \$754,745 General Fund for FY 2020-21, annualizing to 3.0 FTE and \$674,975 for FY 2021-22 and subsequent years, to address staffing and funding requirements necessary to support information technology (IT) needs for the Office:

- Impact of electronic discovery on OSPD infrastructure, \$426,470 annually;
- Integration with the Colorado District Attorney's Council (CDAC) eDiscovery system, \$81,390 onetime in FY 2020-21;
- IT Support, 2.7 FTE and \$204,633 in FY 2020-21 annualizing to 3.0 FTE and \$206,253 in FY 2021-22 and subsequent years;
- Security, \$42,252 in FY 2020-21 and on-going.

OSPD R3 SOCIAL WORKERS: The OSPD requests 8.2 FTE and \$551,940 General Fund for FY 2020-21, annualizing to 9.0 FTE and \$543,530 for FY 2021-22 and on-going. The request would fund 1.0 Supervising Social Worker and 8.0 Licensed Social Workers.

OSPD R4 MANDATED COSTS: The OSPD requests an additional \$431,712 General Fund for its Mandated Costs line item for FY 2020-21 and \$519,402 for FY 2021-22 and subsequent years.

Background: Mandated costs are costs associated with activities, events, and services that accompany court cases that are required in statute and/or the U.S. and Colorado Constitutions to ensure a fair and speedy trial, and to ensure the right to legal representation.

OSPD R5 LEASES: The OSPD requests \$431,712 General Fund for FY 2020-21, annualizing to \$519,402 for FY 2021-22 and subsequent years, for lease expense that are increasing due to Colorado's tighter office market.

OSPD R6 GOLDEN COURTROOM STAFFING: The OSPD requests 1.6 FTE and \$115,941 General Fund for FY 2020-21, annualizing to 1.6 FTE and \$103,541 for FY 2021-22 and subsequent years, to address staffing and funding needs for an additional criminal court in the 1st Judicial District. The request includes 1.0 trial attorney FTE, 0.3 investigator FTE and 0.3 administrative staff FTE. When S.B. 19-043 (the Judges bill) was enacted, it included additional funding for the OSPD to staff the criminal courts that were created. Based on information provided by main Judicial, the OSPD believed that the new judgeship in the 1st Judicial District would handle probate cases only, which would not require OSPD staff. The fiscal note for S.B. 19-043 stated that any changes the projected number of criminal courts could alter the OSPD's staffing needs. Shortly after S.B. 19-043 went into effect, the OSPD was notified by the Chief Judge in the 1st Judicial District that their new judge would handle a mixed docket that includes criminal cases. This request is to staff the criminal cases in that court.

Requests from Office of the Alternate Defense Counsel (OADC)

OADC R1 CASELOAD INCREASE: The OADC requests \$4,202,859 General Fund for the Agency's projected caseload increase for FY 2020-21, comprised of \$3,933,370 for its *Conflict-of-interest Contracts* line item and \$269,489 for its *Mandated Costs* line item. The agency projects that its caseload will rise by 10.5% from 27,072 cases in FY 2019-20 to 29,923 in FY 2020-21.

OADC R2 COORDINATOR OF ADJUNCT SERVICES: The OADC requests \$122,049 General Fund and 1.0 FTE to hire a Coordinator of Adjunct Services who will coordinate the work of the contract investigators, paralegals, legal researchers, social workers, and case assistants who work in conjunction with OADC contract attorneys to defend clients. These providers of adjunct services account for 30 percent of the hours billed by OADC contractors; contract attorneys account for the remaining 70 percent. This arrangement saves money by substituting lower priced adjunct time for work that would otherwise be done by higher priced attorneys. Identifying and recruiting providers of these support services takes time and effort, especially in rural areas, time that existing staff cannot spare without diminishing the other important work that they do, according to the OADC. In addition to building and maintaining a list of available contractors, the Adjunct Coordinator would make sure contract attorneys received the most qualified support person at the lowest hourly rate for any given task. Additional Coordinator duties would include maintaining the OADC's eLibrary, which attorneys draw upon as they prepare cases. The Coordinator would add new material, cull outdated items, and ensure the continuing usefulness of this support resource.

OADC R3 STAFF ACCOUNTANT: The OADC requests \$116,373 and 1.0 FTE to add a Staff Accountant, a position will assist with what the OADC describes as overburdened areas within the Financial Division. The position will assist the Billing Administrator with contractor invoice review, entry corrections, billing correspondence, state warrant reconciliations, and regular billing audits to ensure compliance with OADC payment directives; and assist the Chief Financial Officer with monthly year-end journal entries, CORE budget entries, payroll reconciliations, and OSA audit requests. The position will also help with operational functions within the Division including procurement card tracking, staff and contractor travel coordination, review, process, audit internal reimbursements, cash receipt processing, and office motor pool administration. Two current employees have been handling these function since 1996 and 2004 and the number of transactions they must process has grown by over 400 percent since 2004 due to caseload growth. The OADC worries that it will burn out its two longest tenured staff members unless they receive assistance.

OADC R4 PROGRAMS ANALYST: The OADC requests 1.0 FTE and \$117,653 General Fund to add a Programs Analyst and \$5,000 General Fund for an online analytics software program to be used by the programs analyst. The OADC says that it needs this individual to increase its ability to perform essential analysis of the available data for oversight, evaluations, and forecasting functions.

OADC R5 OPERATING ADJUSTMENTS: The OADC requests \$57,545 General Fund for operating expenses for FY 2020-21, comprised of

Two operating expense increases that will continue in future years:

- \$1,045 for land-line phones in the OADC's offices,
- \$6,500 for 50 Westlaw licenses, which are used by attorney contractors for legal research.

Two one-time, non-base building operating expense increases:

- \$40,000 to build out two additional offices within the Agency's current office space to house the additional FTE who will be added if requests R3 and R4 are approved.

- \$10,000 to integrate an online tool that helps contract attorneys identify, review, and rate experts for OADC cases into the Office's web-based billing system (CAAPS), which contractors also utilize.

OADC R6 COLA-BASED CONTRACTOR HOURLY RATE INCREASE: The OADC requests \$2,383,172 General Fund for a 5 percent rate increase for its contractors. This request is the subject of the first Issue.

OADC (unnumbered request) Salary Increase for the OADC executive director: (This request comes directly from the Office of the Alternative Defense Counsel Commission, which oversees the OADC). The Commission requests an additional General Fund appropriation of \$9,091 for a salary increase for the Executive Director of the OADC. [This sum equals a salary increase of $\$7,449 \times (1 + 10\% + 10.4\% + 1.45\% + 0.19\%)$ for PERA, Medicare, and Short Term Disability.] A Long Bill footnote currently sets the OADC Director's salary equal to the salary of a district court judge (\$173,248 annually for FY 2019-20). The same judicial-salary footnote also sets the salaries of the directors of the Office of the Child's Representative and the Office of the Respondent Parents' Counsel equal to that of a district court judge. However, the salary of the State Public Defender is set by the same footnote equal to that of an associate judge of the Court of Appeals (\$180,697 annually for FY 2019-20, \$184,311 annually for FY 2019-20 if judges receive the 2 percent raise that Main Judicial is requesting). The increase will have to be adjusted to take account of the salary survey increase that the JBC may approve for FY 2020-21.

Members of the Commission have met with JBC staff and, while comparing a list of the duties and responsibilities of the State Public Defender with the duties and responsibilities of the Executive Director of the OADC, have asserted that the work of the OADC Director is sufficiently broad and complex to make it the equivalent of the work of the State Public Defender. As a consequence, the Commission says, the two should be paid equally. The Commission acknowledges that the Office of the State Public Defender has 889 FTE compared to 16 in the Office of the Alternate Defense Counsel, but says that the selection, evaluation, renewal, and termination process for the 700 OADC contractors is as complex a management task as that faced by the State Public Defender. In addition, with the passage of S.B. 18-203, the OADC's responsibilities also include evaluation of attorney contractors who do public defense work for municipalities around the state if those municipalities decide to contract with the OADC for evaluation services. Furthermore, the work that OADC contractors do is the same as that done by attorneys in the Office of the State Public Defender, representing adults and juveniles who are charged with all types of crimes, ranging from death penalty cases to jailable traffic offenses.

Requests from Office of the Child's Representative (OCR)

OCR R1 CASELOAD/WORKLOAD ADJUSTMENT: The OCR requests an increase of \$728,805 General Fund for its Court Appointed Counsel (CAC) appropriation to pay for a projected increase in its caseload and workload.

OCR R2 NEW STAFF ATTORNEY: The OCR requests \$171,858 General Fund and 1.0 FTE for an additional Staff Attorney who will sustain and expand OCR's programming, litigation support, and oversight for contract attorneys. In response to the OCR's 2018 performance audit, the JBC added 2.0 non-attorney FTE to the OCR's staff last year. With this request the OCR seeks to add an additional attorney to its staff, which will increase its attorney count from 4 to 5 (a count that includes the Executive and Deputy Directors). This new attorney would take over some of the tasks currently performed by the Executive and Deputy Director, allowing them to focus more time on planning, coordinating, enhancing, and streamlining OCR's programs. The new staff attorney would also spearhead such projects as the expansion of OCR's litigation support opportunities and the development of supports for case types other than Dependency and Neglect. The new staff attorney would also take on some of the OCR's external committee commitments, allowing more in-depth participation in those committees.

OCR R3 COMMON COMPENSATION PLAN: The OCR requests an additional \$53,230 General Fund to increase the salaries and benefits of three of its employees who, it believes, are paid less than similar employees elsewhere within the Judicial Branch. The salaries of these employees are based on the common compensation plan that was approved by the JBC last year. In two cases, the OCR proposes to change the employee's job classification and increase the salary. In the third case it proposes to move the employee further up the salary range for the class. (*Background:* The common compensation plan was jointly submitted in November 2018 by the OADC, the OCR and the ORPC in response to a 2017 JBC request. As approved by the JBC, the plan establishes salary ranges for the three agencies that are based on salary ranges for comparable jobs in the main Judicial Department, the Executive Branch, and the Office of the State Public Defender.)

OCR R4 MAKE DEPUTY DIRECTOR AND IS MANAGER FULL TIME. The OCR requests \$61,776 General Fund and 0.4 FTE so that the FTE allocation and pay for its Deputy Director and its IS Manager can both be increased from 0.8 FTE to 1.0 FTE, thus converting both from part time to full time.

OCR R5 Increase training: The OCR requests \$20,000 General Fund for training of its contractors. The increase will provide sufficient funding for its training program and make up for a recent loss of federal training dollars (\$20,000 federal funds that primarily supported OCR's annual statewide conference for Guardians ad Litem). Federal and state law require Guardians ad Litem appointed in Dependency and Neglect proceeding to receive training appropriate to the role. The OCR considers adequate training to be a key factor in ensuring high quality representation.

OCR R6 TITLE IV-E FUNDING: The OCR requests authorization to spend up to \$1,481,902 of Reappropriated Title IV-E funds received from the Colorado Department of Human Services (DHS) pursuant to S.B. 19-258. Federal guidance has made clear that these funds must be used to expand and enhance existing attorney services. The OCR states that it "plans to use these dollars to expand and enhance its litigation and social service professional support programs. Through these additional funds, children will benefit from holistic representation by attorneys whose advocacy is informed by the expertise of social service professionals and enhanced by direct assistance from legal experts in topics such as sibling connections and placement, education law, housing, and public benefits." The OCR asks that the new appropriations be included as part of its existing *Operating Expenses* and *Court-appointed Counsel* line items.

Background:

- Title IV-E is the source of federal funding for foster care;
- The Department of Human Services (DHS) is the state's Title IV-E agency;
- S.B. 19-258 is a JBC bill that requires the DHS to claim Title IV-E administrative costs for independent legal representation of children and parents when the child is a candidate for Title IV-E foster care or is in foster care;
- A recent policy change by the U.S. Department of Health and Human Services enables the state to claim legal representation costs;
- Federal reimbursement is deposited in the *Title IV-E Administrative Cost Cash Fund* at DHS and reappropriated to the OCR and the ORPC.

OCR R7 COURT-APPOINTED COUNSEL RATE INCREASE: In conjunction with the OADC and the ORPC, the OCR requests \$1,145,367 to increase the hourly rate paid to its contract attorneys, social service professionals (SSPs), and paralegals by approximately 5 percent. This request is the subject of the first Issue.

Requests from the Office of the Respondent Parents' Counsel (ORPC)

ORPC R1 INCREASE IN NUMBER OF AND COSTS PER APPOINTMENT: The ORPC requests \$2,338,493 General Fund for increases in Court-Appointed Counsel (\$1,902,892) and Mandated Costs (\$435,601) appropriations to pay for projected increases in the number of appointments and costs per appointment.

ORPC R2 COMMON COMPENSATION PLAN—ATTORNEYS: The ORPC requests \$81,043 to increase the salary and benefits of four attorneys on its staff who, it believes, are paid less than similar attorney employees elsewhere within the Judicial Branch. These employees are within the class salary range for staff attorneys in the common compensation plan, but the Office believes they should move up within the range. The ORPC plans to submit a supplemental in January requesting that these increases be funded this year. (*Background:* The common compensation plan establishes salary ranges at the OADC, the OCR and the ORPC that are based on salary ranges for comparable jobs in the main Judicial Department, the Executive Branch, and the Office of the State Public Defender.)

ORPC R3 COMMON COMPENSATION PLAN—OTHER STAFF: The ORPC requests \$55,575 to increase the salary and benefits of four non-attorney staff members who, it believes, are paid less than similar employees elsewhere within the Judicial Branch. In three cases, the Office proposes to change the job classification of the employee and increase the salary. In the fourth case, the Office proposes to move the employee further up within the salary range the employee's job classification.

In addition the ORPC has submitted a letter from the Chairperson for the Office of the Respondent Parents' Counsel, which is appointed by the Chief Justice and has oversight of the ORPC. The letter urges the JBC to "approve establishing a salary range between a District Court Judge and a Court of Appeals Judge for the ORPC Executive Director, Melissa Thompson." The Letter is reproduced in Appendix I.

ORPC R4 TITLE IV-E LEGAL REPRESENTATION: The ORPC requests authorization to spend up to \$4,528,038 of Reappropriated Title IV-E funds received from the Colorado Department of Human Services (DHS) pursuant to S.B. 19-258, which is approximately 3 times the appropriation sought by the OCR. As noted earlier, federal guidance has made clear that these funds must be used to expand and enhance existing attorney services. The ORPC states that it will use this appropriation to "deliver evidence-based legal interventions to parents and to move the child welfare system so that removal of a child from his or her home is reserved for the most extreme circumstances. A hallmark of such a child welfare system is through allowing parents to have early access to high quality legal representation—with the optimal goal that parents have legal representation from the first moment a family faces child welfare intervention."

The ORPC asks that the new appropriations be presented as an informational appropriation on a new Long Bill line item titled "IV-E Legal Representation." The Office indicates that it will submit a FY 2019-20 supplemental request for this item.

ORPC R5 SOCIAL WORK PILOT PROGRAM CONTINUATION: The ORPC requests \$318,240 to fund the ongoing work of social workers who completed a multiyear Social Worker Pilot Program in three judicial districts. The ORPC asserts that national research has shown that an interdisciplinary model of parent representation in child welfare cases reduces the time that children spend in out of home care and speeds transitions to permanency. An initial assessment of the Social Worker Pilot Program shows similarly positive outcomes that support the continuation of an interdisciplinary model of representation for indigent parents.

ORPC R6 SOCIAL WORK COORDINATOR: The ORPC requests 1.0 FTE and \$130,826 General Fund increase to create the position of Social Worker Outreach Coordinator. The position will promote the ORPC's legislative mandate to improve the quality of appointed legal representation for parents in dependency and neglect proceedings by

providing respondent parent attorneys across Colorado with access to social work resources, high quality training, and pilot programs that enhance representation.

ORPC R7 CARRIE ANN LUCAS FELLOWSHIP: The ORPC requests 1.0 FTE and \$173,522 General Fund to create the Carrie Ann Lucas Fellowship, named after Carrie Ann Lucas,¹ a nationally known advocate for disabled parents who worked for the ORPC and died last February after living with a rare form of muscular dystrophy for three decades. Though Ms. Lucas had planned to go into ministry, she changed course and went to law school after struggling to adopt her disabled niece, a 9-year-old then in foster care. Running into resistance due to discrimination based on her own disability, Ms. Lucas successfully fought for adoption with the help of a court-appointed special advocate. The ORPC observes that parents with disabilities in child welfare cases lose their parental rights at higher rates than non-disabled parents and children with disabilities become legal orphans at higher rates than non-disabled children.

To honor Ms. Lucas' memory and to ensure that her work continues, the ORPC requests funding for the creation of the Carrie Ann Lucas Fellowship, which will be filled by the Carrie Ann Lucas Fellow, who will be selected by the ORPC. This Fellow will be a specialist in legal matters related to disabled parents and will

- Write and conduct research on related topics,
- Consult with attorneys who represent parents with disabilities or have children with disabilities,
- Help the ORPC recruit and train more attorneys to engage in parent representation, and
- Create and maintain a Carrie Ann Lucas portal on the ORPC website to house information about Ms. Lucas and her work as well as resources for parents with disabilities and those who represent them.

The Carrie Ann Lucas Fellow will be a permanent state employee who receives state benefits. The Fellow will be an attorney whose salary falls in the class range for ORPC staff attorneys. The ORPC has requested an appropriation sufficient to pay the Fellow a salary at the midpoint of the staff-attorney range (\$133,056) so it can hire an experienced attorney.

ORPC R8 CONTRACTOR RATE INCREASE: The ORPC requests \$1,115,181 General Fund, including \$1,048,491 for Court-Appointed Counsel and \$66,690 for Mandated Costs for a 5% increase of the hourly rates paid to contract attorneys, paralegals, investigators, family advocates, and social workers. The ORPC will update the estimate and consider the need to submit a budget amendment as more information becomes available. This request is the subject of the first issue.

ORPC R9 Operating expenses: The ORPC requests \$27,968 additional General Fund for increased operating expenses:

- Renewal at an increased price of the Office's 3-year contract with Westlaw. The ORPC provides Westlaw to its contract attorneys at no charge.
- Renewal at an increased price of the RTD EcoPasses that it provides to its employees, and
- Software licenses for Westlaw Drafting Assistant (used by contract attorneys), SPSS (for statistical analysis), DocuSign (for electronic signing of documents), SkillShare (for training ORPC staff), and Survey Monkey (for conducting internet surveys of ORPC contractors).

The ORPC will submit a FY 2019-20 Supplemental request related to these items.

¹ Numerous articles on Ms. Lucas are available online, including this NY Times obituary: <https://www.nytimes.com/2019/02/27/obituaries/carrie-ann-lucas-dead.html>.

ORPC R10 Training: The ORPC requests that its appropriation for training be increased by \$46,000 total funds, comprised of \$28,000 General Fund and \$18,000 cash funds. The General Fund increase is to offset the recent loss of grant funds and to pay for the training of an increasing numbers of attorneys and other professionals. The cash fund increase will allow the Office to expend the additional training fees it anticipates collecting. The Office anticipates that it will submit a supplemental request to increase cash fund spending authority in FY 2019-20.

Requests from Office of the Child Protection Ombudsman (OCPO)

OCPO R1 SALARY INCREASES: The OCPO requests \$35,749 General Fund to increase the salaries of six of the eight people it employs. With these increases, the OCPO hopes to improve recruitment and retention of employees. Though the OCPO is not part of the common compensation plan of the OADC, OCR, and ORPC, it sets salaries in a similar manner, identifying Judicial Department job classifications that are appropriate for its own employees and paying salaries within the Judicial Department range for that classification. The OCPO requests funding to move three of its employees up within the salary range for their existing job classification and, recognizing that the responsibilities and requirements of three other employees have grown, requests funding to pay those employees higher salaries corresponding to Judicial Department job classifications with greater responsibility and higher salary ranges.

OCPO R2 EXTERNAL ASSISTANCE WITH COMMUNICATION: The OCPO requests \$42,000 General Fund on an ongoing basis to engage a local communications firm that will help it connect with outside stakeholders and citizens and help make them aware of the CPO’s services, its findings, and the guidance it provides. The Agency points to the Legislature’s stated intent that it provide those involved in the State’s child-protection system with "a well-publicized, easily accessible, and transparent grievance process for voicing their concerns about the child protection system as well as being responsible for responding to those concerns in a timely and appropriate manner." (Section 19-3.3-101 (1)(e), C.R.S.) It also points to its statutory responsibilities “to help educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe,” and “to promote best practices and effective programs relating to a publicly funded child protection system” (Section 19-3.3-101 (2)(c) and (d), C.R.S.).

The communications firm that the OCPO intends to engage has developed a strategic plan that will promote the Office to stakeholders and citizens in a low cost but effective fashion that takes advantage of social media, videos, e-newsletters and a training toolkit for professionals and mandatory reports, and other ideas. The OCPO notes that this plan costs about a third as much as a full-time public relations employee.

Requests from the Colorado District Attorneys' Council

CDAC R1 DISTRICT ATTORNEY MANDATED COSTS: The Colorado District Attorney’s Council requests the following increase for *District Attorney Mandated Costs*, a line item that reimburses district attorneys for part of the mandated costs they incur during prosecution. [For more information see Appendix C, Judicial request for information #3.]

DISTRICT ATTORNEYS' MANDATED COSTS REQUEST			
	GENERAL FUND	CASH FUNDS	TOTAL FUNDS
2019-20 Appropriation	\$2,491,686	\$170,000	\$2,661,686
Requested increase	<u>79,851</u>	<u>30,000</u>	<u>109,851</u>
2020-21 Request	\$2,571,537	\$200,000	\$2,771,537
<i>Percent change</i>	<i>3.2%</i>	<i>17.6%</i>	<i>4.1%</i>

Other Judicial Branch Changes

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes the following adjustments for annualization of prior year budget actions:

ANNUALIZE PRIOR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2019-20 Merit pay	\$10,845,222	\$10,291,305	\$553,917	\$0	\$0	0.0
FY 2019-20 Salary survey	5,734,170	5,712,825	21,345	0	0	0.0
FY 19-20 JUD R2 Add probation officers and supporting staff	1,195,454	1,195,454	0	0	0	12.5
FY 19-20 OSPD R2 Refinance Denver criminal court grant	15,496	15,496	0	0	0	0.3
FY 19-20 ORPC R2 Staff attorney	6,012	6,012	0	0	0	0.0
FY 19-20 ORPC R4 Programs Analyst	3,733	3,733	0	0	0	0.0
FY 19-20 OSPD R4 IT security	3,686	3,686	0	0	0	0.1
FY 19-20 ORPC R3 Administrative Specialist	3,064	3,064	0	0	0	0.0
FY 19-20 JUD R4 Audio visual technical staff and administrative support	2,258	2,258	0	0	0	0.0
FY 19-20 ORPC R5 Compensation plan alignment	166	166	0	0	0	0.0
FY 19-20 JUD R10 and BA5 Courthouse capital	(4,135,390)	(4,135,390)	0	0	0	0.0
FY 19-20 JUD Salary Survey	(1,142,149)	(1,121,260)	(20,889)	0	0	0.0
FY 17-18 ORPC BA2 Social Worker Pilot Program	(302,640)	(302,640)	0	0	0	0.0
FY 19-20 OADC R3 Operating expense increase	(106,500)	(106,500)	0	0	0	0.0
FY 19-20 OCR R2 Two programs and compliance analyst positions	(90,598)	(90,598)	0	0	0	0.0
FY 19-20 JUD R5 Distance learning specialists	(60,677)	(60,677)	0	0	0	0.0
FY 19-20 OCR R4 Increase Operating Appropriation	(22,857)	(22,857)	0	0	0	0.0
FY 19-20 JUD R7 Centralized Legal Research Team	(13,374)	(13,374)	0	0	0	0.0
FY 19-20 OADC R2 Social worker outreach coordinator	(3,473)	(3,473)	0	0	0	0.0
FY 19-20 OSPD R3 Arapahoe courtroom staffing	(1,658)	(1,658)	0	0	0	0.1
TOTAL	\$11,929,945	\$11,375,572	\$554,373	\$0	\$0	13.0

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes the following adjustments for annualization of prior year legislation:

ANNUALIZE PRIOR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 18-200 PERA	\$1,830,971	\$1,742,676	\$88,295	\$0	\$0	0.0
SB 19-043 Increase number of district court judges	500,159	500,159	0	0	0	27.2
HB 19-1263 Offense level for controlled substance possession	433,809	433,809	0	0	0	7.2
HB 19-1229 Preservation of abandoned estate documents	153,377	153,377	0	0	0	0.3
HB 19-1177 Extreme risk protection orders	119,392	119,392	0	0	0	0.0
SB 19-108 Juvenile justice reform	275	275	0	0	0	0.0
HB 19-1310 Interest on orders of restitution	(220,480)	0	(220,480)	0	0	0.0
SB 19-223 Competency to proceed	(182,027)	(182,027)	0	0	0	0.6
HB 19-1045 Office of Public Guardianship	(163,589)	(163,589)	0	0	0	1.5
SB 19-030 Remediating improper guilty pleas	(65,926)	(65,926)	0	0	0	0.3
HB 19-1275 Criminal record sealing	(4,428)	275	(4,703)	0	0	0.0
HB 19-1316 Modernize marriage laws for minors	(2,250)	(2,250)	0	0	0	0.0
SB 18- 203 Conflict free representation in municipal courts	(287)	(287)	0	0	0	0.1
TOTAL	\$2,398,996	\$2,535,884	(\$136,888)	\$0	\$0	37.2

COMMUNITY PROVIDER RATE: The request includes \$366,937 total funds (\$83,005 General Fund) for a one percent community provider rate increase.

NON-PRIORITIZED DECISION ITEMS: The request includes \$73,450 General Fund for the non-prioritized request “OIT Budget Packet.”

CENTRALLY APPROPRIATED LINE ITEMS: The request includes the following adjustments to central appropriations:

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Health, life, and dental	\$3,278,608	\$3,258,271	\$20,337	\$0	\$0	0.0
Salary survey for judges	1,501,939	1,501,939	0	0	0	0.0
SAED adjustment	1,239,835	1,266,726	(26,891)	0	0	0.0
AED adjustment	1,061,681	1,088,572	(26,891)	0	0	0.0
CORE adjustment	659,607	659,607	0	0	0	0.0
Payments to OIT adjustment	636,870	636,870	0	0	0	0.0
Short-term disability adjustment	13,469	13,977	(508)	0	0	0.0
Merit pay adjustment	(4,614,459)	(4,420,758)	(193,701)	0	0	0.0
Salary survey adjustment	(4,508,081)	(4,508,081)	0	0	0	0.0
PERA Direct Distribution	(2,069,199)	(2,000,431)	(68,768)	0	0	0.0
Payment to risk management / property funds adjustment	(190,300)	(190,300)	0	0	0	0.0
Legal services adjustment	(72,360)	(72,360)	0	0	0	0.0
Workers’ compensation adjustment	(59,487)	(59,487)	0	0	0	0.0
Vehicle lease payments adjustment	(14,751)	(14,751)	0	0	0	0.0
TOTAL	(\$3,136,628)	(\$2,840,206)	(\$296,422)	\$0	\$0	0.0

SUMMARY OF ISSUES PRESENTED TO THE JOINT BUDGET COMMITTEE

CONTRACTOR RATE INCREASES: The Office of the Alternate Defense Council, the Office of the Child’s Representative, and the Office of the Respondent Parents Council, request a 5 percent increase for the rates that they pay to the attorneys who represent the clients that these agencies serve. They request a similar increase for the paralegals, investigators, social workers and other contractors who support the work of these attorneys. In combination the three requests total \$4,528,209 General Fund. In support of this request, the agencies point to recent salary increases awarded to state employees, the higher billing rates charged by private-sector attorneys, and the higher rates the federal government pays to contract attorneys.

S.B. 18-249 AND S.B. 18-251: During the 2018 session, the General Assembly enacted two bills, S.B. 18-249 and S.B. 18-251, that were designed to help people with mental health problems who become involved in the criminal justice system. The programs those bills created may require some adjustments. The pilot Mental Health Criminal Justice Diversion Grant Program established by S.B. 18-249 has too few participants for a valid assessment of program effectiveness by the time the pilot's final report is due in 2021. To increase program enrollment, the pilot should expand to at least one more jurisdiction without increasing appropriations, which requires statutory change. The Bridges Program established by S.B. 18-251 is having trouble hiring contract Court Liaisons and may need to hire state employees to act as Liaisons. In addition, the Judicial Department has requested an additional staff person for the program.

JUDICIAL OFFICER STAFFING: The Judicial Department has requested \$2,451,736 General Fund for 8.0 FTE new county court magistrates and 16.0 FTE support staff. The request responds to the substantial increase in workload that county courts have recently experienced. The increase became apparent when a 2010 workload study for county court judges was updated in 2018. There may be another surprise staffing shortfall next year when the District Court workload study is updated.

FOR MORE INFORMATION

JBC STAFF ANALYST: Steve Allen
(303) 866-4961
Steve.Allen@state.co.us

TO READ THE ENTIRE BRIEFING: http://leg.colorado.gov/sites/default/files/fy2020-21_judbrf.pdf